Chapter 482

1957 REPLACEMENT PART

Operators' and Chauffeurs' Licenses

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DEFINITIONS; GENERAL PROVISIONS

482.010 "Canceled," "chauffeur," "department," "farm tractor," "highway" and "motor vehicle" defined. As used in this chapter, except where the context clearly indicates a different meaning:

(1) "Canceled" means that a license or permit is declared void and terminated for one of the grounds enumerated in ORS 482.520. A new license may be obtained only as permitted by law.

(2) "Chauffeur":

(a) Means every person who is employed by another for the principal purpose of driving a motor vehicle, and every person who drives a motor vehicle carrying persons or property for compensation; but

(b) Does not include students operating vehicles, commonly known and used as private passenger vehicles, which are not operated for compensation except in the transportation of students to or from school.

(3) "Department" means the Department of Motor Vehicles.

(4) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.

(5) "Highway":

(a) Means every way or place of whatever nature open as a matter of right to the use of the public for purposes of vehicular travel; but

(b) Does not include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

(6) "Motor vehicle" means every vehicle which is self-propelled. [Amended by 1955 c.287 §27]

482.020 "Nonresident," "operator," "owner" and "renewal" defined. As used in this chapter, except where the context clearly indicates a different meaning:

(1) "Nonresident" means a person who is not a resident of this state, is not engaged in any gainful employment in this state and has not taken any action to indicate the acquiring of residence in this state.

(2) "Operator" means every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

(3) "Owner" means:

(a) Except as provided in paragraphs (b) and (c) of this subsection, a person who holds legal title to a vehicle.

(b) A mortgagor who is entitled to possession of a vehicle.

(c) A lessee or conditional vendee where the vehicle is the subject of an agreement for the conditional sale or lease, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee.

(4) "Renewal" means the renewal of a license for a registration period immediately following a registration period for which the applicant therefor was issued a similar license and any application filed within six months after the discharge of the applicant from the Armed Forces of the United States if the applicant was licensed under this chapter at the time of his entry into the Armed Forces. [Amended by 1953 c.70 §2]

482.030 "Revocation," "school bus," "suspension" and "vehicle" defined. As used in this chapter, except where the context clearly indicates a different meaning:

(1) "Revocation" means that the licensee's privilege to drive a vehicle is terminated. A new license may be obtained only as permitted by law.

(2) "School bus":

(a) Means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school; but

(b) Does not include vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of students to or from school.

(3) "Suspension" means that the licensee's privilege to drive a vehicle is withdrawn temporarily.

(4) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

482.040 License required to operate motor vehicle. No person, except those expressly exempted under ORS 482.050, 482.060, 482.160, 482.170 and subsection (3) of ORS 482.270, shall drive any motor vehicle upon a highway in this state unless upon application he has been licensed as an

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operator or chauffeur under the provisions of this chapter.

482.050 Nonresident's use of home state license. A nonresident, except one who is under the minimum age prescribed by this chapter for an operator's license, who has duly been licensed either as an operator or chauffeur under a law requiring the licensing of operators or chauffeurs in his home state or country and who has in his immediate possession either a valid operator's or chauffeur's license issued to him in his home state or country, shall be permitted, without examination or license under this chapter, to drive a motor vehicle upon the highways of this state.

482.060 Exemptions from license. The following persons are exempt from license under this chapter:

(1) Any person in the Armed Forces of the United States when furnished with a driver's permit and while operating an official motor vehicle in such service.

(2) Any person while driving or operating a road roller or road machinery not required to be registered and licensed under the laws of this state, or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highway.

(3) Any person while operating a motor vehicle for the purpose of demonstrating his driving ability to an authorized examiner of operators and chauffeurs, when such examiner is occupying a seat beside the driver of the motor vehicle.

482.070 to 482.100 [Reserved for expansion]

PERSONS ELIGIBLE FOR LICENSES; SPECIAL PERMITS AND INSTRUCTION PERMITS

482.110 Age of eligibility. Except as provided in ORS 482.160, an operator's license shall not be issued to any person under the age of 16 years, and no chauffeur's license shall be issued to any person under the age of 18 years.

482.120 Ineligibility of drunkards, dope addicts and insane persons. (1) The department shall not issue an operator's or chauffeur's license to any person who the department has determined is an habitual drunkard or is addicted to the use of narcotic drugs.

(2) No operator's or chauffeur's license shall be issued to any applicant who has previously been determined to be insane or feeble-minded. However, if such applicant has, at the time of his application, been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that he is competent, the department may issue the license applied for if the department is satisfied that such person is competent to operate a motor vehicle with safety to persons and property.

482.130 Ineligibility of persons with physical or mental disorders, or illiterate. The department shall not issue an operator's or chauffeur's license to any person when in the opinion of the department such person is afflicted with or subject to any condition which brings about momentary or prolonged lapses of consciousness or control, which is or may become chronic, or when such person is suffering from a physical or mental disability or disease serving to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways. Nor shall a license be issued to any person who is unable to understand highway signs warning, regulating or directing traffic.

482.140 Reporting of epileptics. (1) All persons authorized by the State of Oregon to diagnose and treat epilepsy or any similar disorder shall report immediately to the local health officer in writing, the full name, sex, date of birth and address of every person diagnosed as having epilepsy or similar disorder characterized by momentary or prolonged lapses of consciousness or control which is, or may become, chronic. Nothing contained in this section shall authorize persons who are required to make such reports to the local health officer to certify that any applicant for an operator's or chauffeur's license is free from epilepsy or such disorders.

(2) Local health officers shall in turn forward such reports at the close of each week to the State Health Officer who shall, on or before the fifteenth day of each month, forward to the department a copy of each such report or a written list of the information contained in all such reports received during the preceding calendar month. All reports required under this subsection shall be confidential in nature and shall be used by the department solely to determine the

qualifications of persons to operate motor vehicles upon the highways of the state.

482.150 Person ineligible for lack of examination or proof of financial responsibility. (1) No operator's or chauffeur's license or permit to operate motor vehicles shall be issued to any person who is required by this chapter to take an examination, unless such person has successfully passed such examination.

(2) The department shall not issue an operator's or chauffeur's license to any person who is required under ORS chapter 486 to furnish proof of financial responsibility and who has not furnished such proof.

482.160 Special permits for persons under age. (1) Any person over the age of 14 years may make application to the department for a special permit to operate motor vehicles over the highways of this state as a means of transportation to or from any school, college or other educational institution. Upon receipt of an application complying with subsection (1) of ORS 482.220, and the required fee, the department may, in such form as it may determine, issue a special permit to such person, if satisfied that such person has had sufficient experience in the operation of motor vehicles to enable him to operate the same without endangering the safety of the public, and if such person has passed satisfactorily an examination equivalent to that required by law for an operator's license.

(2) The department may grant to a person over 14 years of age a special temporary permit to operate a motor vehicle over certain designated routes when satisfied from the facts, set forth in an application complying with subsection (2) of ORS 482.220, that an emergency exists, and when the applicant has passed an examination equivalent to that required by law for an operator's license.

(3) If it is determined that any person has operated a motor vehicle over any other highway or for any other purpose than designated in the application for a special permit under this section, the department shall forthwith cancel the special permit, and such person shall not thereafter be entitled to apply for or receive any new license until he becomes of age for an operator's license.

482.170 Instruction or beginner's permit. (1) Any person not less than 15 years of age who, except for his age or lack of experience in the operation of motor vehicles, would otherwise be qualified to obtain an operator's license under this chapter, may apply to the department for an instruction permit. The department, upon receipt of such application accompanied by a fee of 50 cents, shall issue a permit which entitles the applicant to drive a motor vehicle, except a motorcycle, upon the highways for a period of one year when:

(a) He has the permit in his immediate possession; and

(b) He is accompanied by a licensed operator or chauffeur not less than 18 years of age occupying a seat beside him.

(2) When a person has filed an application and fee for a special permit in accordance with ORS 482.160, 482.210 and 482.220, and except for his lack of experience in the operation of motor vehicles he would be qualified to obtain such permit, the department may issue to him without extra charge, a special permit entitling him to drive a motor vehicle upon the highways for a period of 60 days when:

(a) He has the permit in his immediate possession; and

(b) He is accompanied by a licensed operator or chauffeur not less than 18 years of age occupying a seat beside him. [Amended by 1957 c.458 §1]

482.180 Qualifications for chauffeur's license. Any person licensed as a chauffeur must also be licensed as an operator, and before being granted a chauffeur's license must have had at least six months' experience as an operator.

482.190 and 482.200 [Reserved for expansion]

LICENSING PROCEDURE; FEES

482.210 Contents of application. (1) Every application for an operator's or chauffeur's license shall be made upon a form furnished by the department.

(2) Every application shall state:

(a) The name, age, sex, residence address and definite postoffice address other than general delivery of the applicant;

(b) Whether or not the applicant has heretofore been licensed as an operator or chauffeur;

(c) If the applicant has been previously licensed, when and by what state; whether or not such license is currently suspended or revoked and, if so, the date and reason for such suspension or revocation; and

(d) Such additional information as the department deems necessary to establish that the applicant is qualified to be licensed as an operator or chauffeur.

482.220 Additional requirements for obtaining special licenses while under 16. (1) The application mentioned in subsection (1) of ORS 482.160 shall certify, in addition to the information required by ORS 482.210, that the applicant has no other available means of transportation by which he would be enabled to continue his education, and shall specify the road or highway over which he desires to operate motor vehicles. It shall also contain any other information required by the department, and shall be indorsed by the sheriff and the county judge of the county in which the applicant resides, and by the principal of the school he attends.

(2) The application for the special permit mentioned in subsection (2) of ORS 482.160 shall be approved by the county judge and sheriff of the county in which the applicant resides, and by the chief of police of every incorporated city in or through which permission is sought to drive, before it is filed with the department.

482.230 When consent of parent, guardian or employer is required. The department shall not grant the application of any person under the age of 18 years for an instruction permit, operator's license or a special permit to operate motor vehicles, unless the application is signed by a parent or guardian having the custody of such person. If such person has no father, mother or guardian, an operator's license shall not be granted to him unless his application is signed by his employer.

482.240 Special requirements for persons with mental or physical disorders. (1) If any applicant for an operator's or chauffeur's license or instruction or special permit to operate a motor vehicle appears to be afflicted with or suffering from any physical or mental disability or disease which might affect his operation of a motor vehicle, the department may require such applicant to demonstrate personally that, notwithstanding such disability or disease, he is a proper person to operate a motor vehicle. The department may also require a certificate of such applicant's condition signed by the State Health Officer; however, if the affliction apparently involves only visual deficiencies, the department may require a certificate from a proper authority licensed by this state to conduct such examinations.

(2) When an examination is required as a prerequisite to the furnishing of a certificate by the State Health Officer, the examination shall be made by the county health officer or his authorized representative of the county in which the applicant resides, or by the State Health Officer or his authorized representative. If it is impracticable to have such an examination made by one of these officers or representatives, the examination may be made by a doctor designated by the State Health Officer. The officer or doctor who conducts the examination shall immediately make a written report of the findings and recommendations upon such examination to the State Health Officer. If the State Health Officer desires additional information, he may require the applicant to authorize a doctor who is familiar with his case to forward to the health officer a certificate or case report, or require the applicant to appear before a designated specialist for further examination. The applicant may cause a written report concerning his affliction or disability to be forwarded to the State Health Officer by a doctor of his choice, and such report shall be given due consideration by such official, together with other data pertaining to the applicant's affliction or disability.

482.250 Fees; additional fees for Motor Vehicle Accident Fund and Student Driver Training Fund. (1) The fee to be charged for the issuance of an original operator's license shall be as specified in the following schedule based on the length of the period between the date the license was issued and the expiration date of the license, and shall be paid at the time the application for license is presented:

(a) Less than 18 months, 50 cents.

(b) 18 to 29 months, $1.

(c) 30 to 35 months, $1.50.

(2) Application for a chauffeur's license shall be accompanied with a fee of $1.

(3) Application for one of the special permits provided for in ORS 482.160 shall be accompanied with a fee of $1.

(4) Application for renewal of an operator's license or chauffeur's license shall be accompanied with a fee of $1.

(5) Before any person is eligible to secure, and before there may be issued to him, a motor vehicle operator's license or a renewal of such license (not including a

chauffeur's license), he shall pay to the department, for the use and benefit of the Motor Vehicle Accident Fund, the sum of 50 cents, in addition to the fee charged for such license or renewal of license. All money collected under this subsection shall be paid over each month, by the department, to the State Industrial Accident Commission. Money collected under this subsection shall not be deemed or considered as in lieu, or a part, of any fee required to be paid for a license or permit to operate a motor vehicle.

(6) Before any person may be issued an operator's or chauffeur's license, or renewal thereof, as provided in ORS 482.270 and 482.420, he shall pay the Department of Motor Vehicles the sum of $1 in addition to the fee charged for such license or renewal. The sums so collected by the Department of Motor Vehicles shall be paid over to the State Treasurer for deposit in the Student Driver Training Fund and are continuously appropriated to the Superintendent of Public Instruction for reimbursing school districts, as provided in ORS 343.730, and, to the extent of not more than $25,000 in any one biennium, for the expenses of administering this subsection and ORS 343.710 to 343.740. [Subsection (6) enacted as 1957 c.206 §5]

482.260 Examination required for license; re-examination. (1) Except as provided in subsection (2) of this section, the department shall examine every applicant for an operator's or chauffeur's license before issuing any such license. The examination shall include:

(a) A test of the applicant's eyesight, his ability to understand highway signs regulating, warning and directing traffic, and his knowledge of the traffic laws of this state;

(b) An actual demonstration of his ability to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property; and

(c) Such further examination as may be necessary to determine whether any facts exist which would bar the issuance of a license under ORS 482.110 to 482.150, or to determine the applicant's fitness to operate a motor vehicle safely on the highways, which examination shall be limited to an investigation of only those facts directly pertaining to the ability of the applicant to operate a motor vehicle with safety, and those facts declared to be prerequisite to the issuance of a license under this chapter.

(2) The department may waive the examination of any person applying for the renewal of an operator's or chauffeur's license issued under the laws of this state, except when the department has reason to believe that an applicant for an operator's license is not qualified to hold an operator's license under this chapter, or when an applicant for the renewal of a chauffeur's license has not previously been examined.

(3) The department may require any licensed motor vehicle operator to appear for an examination whenever the department has reason to believe that the operator might not be qualified to hold an operator's license under this chapter. The failure of an operator to appear within a reasonable length of time after being notified so to do shall be sufficient reason for the suspension of his license.

482.270 Issuance and form of licenses; temporary permits. (1) The department shall issue operator's and chauffeur's licenses to all qualified persons.

(2) Every license shall bear the distinguishing number assigned to the licensee and shall contain the name, age, residence address and a brief description of the licensee for the purpose of identification, and a space for his signature.

(3) The department may issue a temporary driver's permit to an applicant for an operator's or chauffeur's license permitting him to operate a motor vehicle while the department is determining all facts relative to the applicant's right to receive a license. The permit must be in the applicant's immediate possession while operating a motor vehicle. It shall be valid for a period of 30 days from the date issued, except that it shall become invalid when the applicant's license has been issued or, for good cause, has been refused. The department may, for sufficient cause, extend the term of the permit for not to exceed an additional 30 days.

482.280 Placing restrictions on licenses. (1) The department, upon or after issuing an operator's or chauffeur's license, may, whenever good cause appears, impose restrictions suitable to the licensee's driving ability with respect to the type of motor vehicle, or special mechanical control devices required on a motor vehicle which the licensee may operate, or such other restrictions applicable to the licensee as the department may determine to be appropriate to insure the

safe operation of a motor vehicle by the licensee.

(2) The department may issue a special restricted license or may set forth such restrictions upon the usual license form. A person to whom such license has been issued shall not operate a motor vehicle in any manner in violation of the restrictions imposed.

(3) The department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the license, but the licensee shall be entitled to the hearings provided for in ORS 482.450 and 482.490.

482.290 Issuance of duplicate license when name changed or original lost or destroyed. (1) If an instruction permit, a special permit or an operator's or chauffeur's license issued under this chapter is lost, destroyed or mutilated, the person to whom it was issued may obtain a duplicate or substitute upon furnishing proof satisfactory to the department of the loss, destruction or mutilation and upon payment of a fee of 25 cents.

(2) If the name of an operator or chauffeur licensed under this chapter is lawfully changed, by marriage or otherwise, he immediately shall notify the department thereof, upon an approved form furnished by the department for that purpose. Upon receiving such notification, accompanied by a fee of 25 cents, the department shall issue a new license bearing the changed name as set forth in the notification, and bearing the same distinguishing number as originally assigned to the licensee.

482.300 Licensee required to sign and possess license. (1) Every person licensed as an operator or a chauffeur shall write his usual signature with pen and ink in the space provided for that purpose on the license certificate issued to him, immediately upon receipt of such certificate. The license is not valid until the certificate is so signed.

(2) The licensee shall have such license in his immediate possession at all times when driving a motor vehicle, and shall display it upon the demand of a justice of the peace, a peace officer, or a field deputy or inspector of the department. It is a defense to any charge under this subsection that the person so charged produce in court an operator's or chauffeur's license that had been issued to him and was valid at the time of his arrest. [Amended by 1955 c.287 §28]

482.310 Appointment and duties of examiners. The department may appoint competent persons for the purpose of examining applicants for operators' and chauffeurs' licenses, and fix their compensation. Persons so designated or appointed shall conduct examinations of applicants for operators' and chauffeurs' licenses and make a written report of findings and recommendations upon such examination to the department.

482.320 Duty to file, index and record applications and licenses. The department shall file every application for an operator's or chauffeur's license and index it by name and number. The department shall maintain suitable records of all licenses issued, all applications for licenses denied, and all licenses which have been suspended or revoked.

482.330 Disposition of fees collected by department. Except as provided in subsections (5) and (6) of ORS 482.250, all moneys received by the department under the provisions of this chapter shall be deposited in the State Treasury, along with moneys received under ORS chapter 481, and shall be disposed of as provided in ORS 481.540.

482.340 to 482.400 [Reserved for expansion]

RENEWAL, REVOCATION, SUSPENSION AND CANCELATION OF LICENSES

482.410 Duration of operators' and chauffeurs' licenses. (1) Each original operator's license issued to a person born in a year ending in an odd number shall expire on the anniversary of the licensee's birthday in the first odd-numbered calendar year after such issuance. Each original operator's license issued to a person born in a year ending with an even number shall expire on the anniversary of the licensee's birthday in the first even-numbered calendar year after such issuance. However, if the license issued would expire in less than 12 months from the date of its issue, the expiration date of the license shall be extended for an additional period of two years.

(2) Chauffeurs' licenses shall expire on December 31 of each year.

482.420 Renewal of operators' and chauffeurs' licenses. (1) Operators' licenses shall be renewed for a period of two years from the specified expiration date of the immediately preceding license, regardless of

when the renewal is issued. An operator's license renewal may, at the option of the holder, be used on or after the date of issuance; however, if a license renewal is issued to a person before the expiration of the license being renewed, the older license shall be invalid and shall immediately be forwarded or delivered to the department.

(2) Chauffeurs' licenses shall be renewed annually. A chauffeur's license issued for the succeeding period may, at the option of the holder, be used on and after December 15 of the current year.

482.430 Conviction of crime as grounds for mandatory revocation or suspension. (1) The department forthwith shall revoke any person's permit or license to operate motor vehicles upon receiving a record of the conviction of such person of any of the following offenses:

(a) Manslaughter or negligent homicide resulting from the operation of a motor vehicle.

(b) Perjury or the making of a false affidavit to the department under this chapter or any other law of this state requiring the registration of motor vehicles or regulating their operation on highways.

(c) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used.

(d) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding 12 months.

(e) A conviction of a driver of a motor vehicle involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.

(2) The department forthwith shall suspend any person's permit or license to operate motor vehicles upon receiving a record of the conviction of such person of driving while under the influence of intoxicating liquor or narcotic drug. The period of suspension shall be:

(a) First conviction, 90 days.

(b) Second conviction, one year.

(c) Third or subsequent conviction, three years. [Amended by 1955 c.291 §1; 1957 c.417 §1]

482.440 Effect of offense by person who is unlicensed or whose license has been revoked or suspended. (1) The department, upon receiving a record of the conviction of any person upon any charge involving the operation of a motor vehicle while the person's permit, license or right to apply for a license is:

(a) Suspended, immediately shall extend the period of such suspension for an additional period of one year.

(b) Revoked, immediately shall extend the period during which such person is not entitled to apply for a new license for an additional period of one year.

(2) Whenever the department has reason to suspend or revoke the license or permit of a person who is a resident of this state but who has not been issued a current Oregon license or permit to operate motor vehicles, the department shall suspend or revoke the right of such person to apply for a license or permit to operate motor vehicles in this state.

482.445 Reinstatement of license suspended under ORS 482.440. (1) The department may reinstate the privilege to operate a motor vehicle of any person whose license to operate a motor vehicle has been suspended for an additional year under paragraph (a) of subsection (1) of ORS 482.440, if such licensee submits to the department:

(a) His written request for reinstatement of his privilege showing good cause why the reinstatement should be granted;

(b) Proof of his future responsibility as defined in subsection (7) of ORS 486.011 and compliance with any applicable law relating to security deposit;

(c) A statement by the court which convicted him of the offense for which the period of suspension was extended under paragraph (a) of subsection (1) of ORS 482.440 recommending reinstatement of his privilege.

(2) If the department determines to reinstate a person's privilege under subsection (1) of this section, the department shall issue to him a special license. The special license may bear restrictions and limitations on the method or manner by which the licensee may operate a motor vehicle, on the time at which the licensee may operate a motor vehicle and any other reasonable restrictions or limitations relating to the operation of a motor vehicle that the department deems proper or necessary. No person to whom a special license is issued shall operate a motor vehicle in violation of the restrictions or limitations imposed.

(3) The department may, upon receiving satisfactory evidence of any violation of the restriction of a special license issued under subsection (2) of this section, suspend or revoke the special license, but the licensee is entitled to the hearings provided under ORS 482.450 and 482.490. [1957 c.715 §2]

482.450 Permissive suspension or revocation of licenses. (1) The department immediately may suspend the license of any person without hearing and without receiving a record of the conviction of such person of crime, when the department has reason to believe that such person:

(a) Has committed any offense for the conviction of which mandatory revocation is provided in subsection (1) of ORS 482.430.

(b) Has, by incompetent, reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or serious property damage.

(c) Is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for him to drive a motor vehicle upon the highways.

(d) Is an habitual incompetent, reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws of this state.

(2) Whenever the department suspends the license of any person for any reason set forth in subsection (1) of this section, the department immediately shall notify the licensee and afford him an opportunity of a hearing before a representative of the department in the county wherein the licensee resides. Upon such hearing, the department either shall rescind the order of suspension, or, good cause appearing therefor, may suspend the license of such person for a further period or revoke the license.

482.460 Procedure when driver convicted in one state and licensed in another. (1) The department may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

(2) The department may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

482.470 Length of suspension; surrender and return of license. (1) Except as provided in subsection (2) of ORS 482.430 and in ORS 482.440, the department shall not suspend a license for a period of more than one year.

(2) When the operator's or chauffeur's license of any person has been suspended, the department shall not issue an operator's or chauffeur's license to him prior to the expiration of the suspension period, except as otherwise provided in this chapter.

(3) When any license is suspended or revoked it shall be surrendered to and retained by the department. Upon the conviction of any operator or chauffeur for any violation of a statute or municipal ordinance which by this chapter is cause for suspension or revocation of license or when the suspension of the license of a convicted person is recommended by the court under ORS 482.480, the court in which the conviction was had shall take up the operator's or chauffeur's license and immediately forward it to the department. At the end of the period of suspension upon a license so surrendered, it shall be returned to the licensee upon request being made to the department by the licensee. However, the department may require the licensee to furnish evidence to the effect that he is qualified to continue as an operator or chauffeur under this chapter, before returning the license. [Amended by 1957 c.170 §1]

482.480 Suspension or reinstatement upon recommendation of the convicting court. (1) Every court having jurisdiction over offenses committed under this chapter or any other statute of this state, or municipal ordinance, regulating the operation of motor vehicles on highways or streets, shall forward to the department within 24 hours, a record of the conviction of any person in such court for a violation of any such laws, except petty offenses of the nature described in ORS 483.322, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted. The department shall consider and act upon the recommendation in such manner as to it may seem best. If a license, permit or right to

apply for a license is suspended under this section and the convicting court subsequently recommends its reinstatement, the department may act upon such recommendation in such manner as to the department may seem best.

(2) For the purposes of this chapter, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court shall be equivalent to a conviction.

482.490 Judicial review of the denial, suspension or revocation of a license. Any person denied a license or whose license has been suspended or revoked by the department, except where such suspension or revocation is mandatory under this chapter, shall have the right to file a petition within 30 days thereafter for a hearing in the matter in the circuit court of the county wherein he resides. Such court shall set the matter for hearing upon 10 days' written notice to the department, and shall take testimony, examine into the facts of the case and determine whether the petitioner is entitled to a license or is subject to suspension or revocation of license under this chapter. [Amended by 1953 c.39 §2]

482.500 Reinstatement of revoked licenses. (1) Except as provided in subsection (2) of this section, any person whose permit, license or right to apply for a license is revoked under this chapter is not entitled to apply for or receive any new license until the expiration of one year from the date:

(a) Of the conviction upon which the revocation was based, if no appeal was taken.

(b) When his conviction was sustained by the appellate court, if an appeal was taken.

(2) The department may, before the expiration of one year, issue a new license or permit to any person otherwise entitled thereto, when with reference to the conviction upon which the revocation was based, the judge before whom the conviction was had so recommends in writing, or the Governor has pardoned such person of the crime.

(3) The department shall not issue an operator's or chauffeur's license to any person whose license, either as an operator or chauffeur, has been revoked under this chapter, until such time when the department is authorized under the laws of this state to issue such person a new license.

482.510 Restrictions on reinstated license; reinstatement pending appeal. (1) When a person becomes eligible for reinstatement as a motor vehicle operator, under ORS 482.480 or 482.500, the department may issue to him a special license bearing such restrictions as may be recommended by the convicting magistrate. Any person holding such a restricted license shall be subject to ORS 482.280.

(2) Whenever the suspension or revocation of the license, permit or right to apply for a license of any person is based upon a conviction for a law violation, and the department thereafter is notified in writing by the judge before whom the conviction was had that such person has taken an appeal from the conviction, the department immediately shall rescind the suspension or revocation.

482.520 Grounds for cancelation of license. (1) The department may cancel any instruction permit, special permit or operator's or chauffeur's license upon determining that the licensee was not entitled to it under the provisions of this chapter, or has committed any of the following acts:

(a) Failed to give the required or correct information in his application.

(b) Committed fraud in making such application.

(c) Fraudulently altered his license or permit.

(d) Permitted misuse of license or permit in violation of subsection (2) of ORS 482.610.

(2) Upon cancelation the licensee shall surrender the canceled permit or license to the department.

482.530 Suspension or revocation of nonresident's privilege. The department may suspend or revoke the right of any nonresident to operate a motor vehicle in this state for any cause for which the license of a resident operator or chauffeur may be suspended or revoked.

482.540 to 482.600 [Reserved for expansion]

PROHIBITIONS; JURISDICTION OF COURTS

482.610 Misuse of license; fraud in securing license. No person shall commit any of the following acts with respect to an operator's or chauffeur's license, instruction permit or special permit:

(1) Display or cause or permit to be displayed or have in his possession any such license or permit, knowing it to be fictitious or to have been canceled, revoked, suspended or fraudulently altered.

(2) Lend to, or knowingly permit the use of, by any other person, any such license or permit issued to the person so lending or permitting its use.

(3) Display or represent as one's own, any such license or permit not issued to the person so displaying it.

(4) Fail or refuse to surrender to the department, upon demand, any such license or permit which has been suspended, canceled or revoked.

(5) Use a false or fictitious name or give a false or fictitious address in any application for any such license or permit, or any renewal or duplicate thereof, or knowingly give a false age, or make a false statement, or knowingly conceal a material fact or otherwise commit a fraud in any such application.

482.620 Causing or permitting illegal driving. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or in violation of any of the provisions of this chapter.

482.630 Minors prohibited from driving school and passenger busses. (1) No person under the age of 18 years shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school.

(2) No person under the age of 21 years shall drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

482.640 Employment of unlicensed chauffeur. No person shall employ any chauffeur to operate a motor vehicle who is not licensed as provided in this chapter.

482.650 Driving while license revoked or suspended. No person whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked, as provided in this chapter, shall drive any motor vehicle in this state while such license, right or privilege remains suspended or revoked. A license, permit or registration certificate issued by any other jurisdiction shall not constitute authorization for a person to operate a motor vehicle in this state during the period of such suspension or revocation.

482.660 Courts and officials having jurisdiction of violations of this chapter; conviction indorsed on license. (1) All circuit courts, police judges or recorders of any city or town or justices of the peace or district judges of the county shall have concurrent jurisdiction of all violations of this chapter committed within their respective city, town, county or district.

(2) The court before whom a conviction is had for violation of ORS 483.102 to 483.114, 483.228, 483.230, 483.302, 483.306 to 483.310, 483.318, 483.326, 483.602, 483.604, 483.616 or 483.992, shall endorse upon the operator's license of the person so convicted the date and particulars of the conviction. No person shall destroy or erase the endorsement.

482.670 to 482.980 [Reserved for expansion]

PENALTIES

482.990 Penalties. (1) Except as otherwise provided in this section or elsewhere in the laws of this state, a violation of this chapter is a misdemeanor and is punishable, upon conviction, by a fine of not more than $500 or by imprisonment for not more than six months, or both.

(2) Violation of ORS 482.650 is punishable, upon conviction, by imprisonment in the county or municipal jail for not less than two days nor more than six months, and there may be imposed in addition thereto a fine of not more than $500.

(3) Any person who makes any false affidavit or knowingly swears or affirms falsely to any matter or thing required by this chapter to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punished as provided in ORS 162.120.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel