Chapter 482

1974 REPLACEMENT PART

Operators' and Chauffeurs' Licenses

DEFINITIONS; GENERAL PROVISIONS

482.010 "Canceled," "chauffeur," "division," "farm tractor," "highway," "motor vehicle" and "license" defined
482.020 "Nonresident," "operator," "owner" and "renewal" defined
482.030 "Revocation," "school bus," "suspension" and "vehicle" defined
482.035 "Snowmobile" defined
482.040 License required to operate motor vehicle; surrender of prior valid licenses
482.050 Nonresident's use of home state license
482.060 Exemptions from license
482.070 Applicability of chapter to member of Armed Forces or spouse; exemption period; suspension and revocation of license

PERSONS ELIGIBLE FOR LICENSES; SPECIAL PERMITS AND LICENSES

482.110 Age of eligibility
482.120 Ineligibility of drunkards, dope addicts and mentally ill or retarded persons
482.130 Ineligibility of persons with physical or mental disorders, or illiterate
482.141 Reports of persons suffering from chronic nervous disorders required; forms; forwarding information to division; reports confidential
482.150 Ineligibility for lack of examination, for failure to prove financial responsibility or for acts in other states
482.160 Special permits for persons under age
482.170 Instruction or beginner's permit
482.180 Qualifications for chauffeur's license
482.190 "Motorcycle" defined
482.192 License with indorsement required to operate motorcycle
482.194 Indorsement procedure; examination required
482.196 Effect of indorsement; revocation procedure
482.198 Prohibition against furnishing motorcycle unless license indorsement displayed

LICENSING PROCEDURE; FEES

482.210 Contents of application
482.220 Additional requirements for obtaining special licenses while under 16
482.230 When consent of parent, guardian or employer is required; cancellation of license if consent withdrawn
482.240 Special requirements for persons with mental or physical disorders
482.250 Fees; additional fees for Motor Vehicle Accident Fund and Student Driver Training Fund
482.260 Examination required for license; reexamination
482.270 Issuance and form of licenses; temporary permits
482.280 Placing restrictions on licenses
482.290 Issuance of duplicate license when name or residence changed or original lost or destroyed
482.300 Licensee required to sign and possess license
482.310 Appointment and duties of examiners
482.320 Duty to file, index and record applications and licenses

RENEWAL, REVOCATION, SUSPENSION AND CANCELLATION OF LICENSES

482.410 Duration of operators' and chauffeurs' licenses
482.420 Renewal of operators' and combined driver-chauffeurs' licenses
482.430 Conviction of crime as grounds for mandatory revocation or suspension
482.440 Effect of offense by person who is unlicensed or whose license has been revoked or suspended
482.450 Permissive suspension or revocation of licenses
482.460 Procedure when driver convicted in one state and licensed in another
482.470 Length of suspension; surrender and return of license; temporary permits
482.475 Reinstatement of chauffeur's privilege; issuance and revocation of occupational license
482.477 Reinstatement of suspended license for occupational purposes only
482.478 Conditions of reinstatement of occupational license; revocation of reinstated license
482.480 Suspension or reinstatement upon recommendation of the convicting court
482.490 Judicial review of the denial, suspension or revocation of a license
482.500 Reinstatement of revoked licenses
482.505 Fee for reinstatement of suspended or revoked license; use of fees collected
482.510 Restrictions on reinstated license; reinstatement pending appeal
482.520 Grounds for cancellation of license
482.530 Suspension or revocation of nonresident's privilege
482.540 Suspension for refusing breath test; notice of suspension
482.550 Hearing on suspension under ORS 482.540
482.560 Appeal from suspension for refusing breath test
482.570 Notice of suspension, revocation or cancellation
482.580 Proof of suspension order

PROHIBITIONS

482.610 Misuse of license; fraud in securing license
482.620 Causing or permitting illegal driving
482.630 Minors prohibited from driving school and passenger busses
482.640 Employment of unlicensed chauffeur
482.650 Driving while license revoked or suspended

DRIVER LICENSE COMPACT

482.810 Definitions for ORS 482.810 to 482.840
482.820 Driver License Compact
482.830 Designation of offenses under law of this state similar to offenses described in compact
482.840 Expenses of Administrator of Motor Vehicles Division as compact administrator

MISCELLANEOUS

(Driver Improvement Program)

482.850 Driver improvement program to reduce convictions and accidents; stay of orders suspending driving privileges; fee for program

(Identification Cards)

482.900 Division authorized to issue identification cards
482.905 Form and contents of identification card
482.910 Expiration date
482.915 Renewal
482.920 Fee
482.925 Cardholder required to notify division of change of name or residence; issuance of new cards
482.930 Replacement of lost or damaged cards; fee for duplicate card
482.935 Effect of cancellation of card; prohibited acts with card

PENALTIES

482.990 Penalties

CROSS REFERENCES

Juvenile court, handling of motor vehicle offenses by, 419.537 to 419.541
Operator's license as security in traffic offense proceeding, 484.130
Program for persons convicted of driving under influence of alcohol; crimes committed while intoxicated, 430.850 to 430.880
Suspension of licenses under financial responsibility law, 486.211 to 486.291
Traffic control on properties under State Board of Higher Education, 352.360
Traffic offense proceedings generally, Ch. 484
Transfer from Secretary of State to Motor Vehicles Division of functions under this chapter, 481.915 (3)

482.050

Nonresident's privilege to use highways, 481.095
Suspension of nonresident's operating privilege under financial responsibility law, 486.216, 486.251

482.250

Motor Vehicle Accident Fund, created, 445.030

482.430, 482.450

Designation of offenses of this state similar to offenses described in Driver License Compact, 482.830
Habitual offenders, barring from operating vehicle, 484.725
Penalty for driving with specified percent by weight of alcohol in blood, 483.999
Suspension of licenses for violation of weight regulations, 483.998
Suspension of licenses under financial responsibility law, 486.211 to 486.291

482.460

Procedure where nonresident driver's license revoked under financial responsibility law, 486.216

482.470

Duration of suspension under financial responsibility law, 486.291
Return of license suspended under financial responsibility law, 486.256

482.480

Suspension of license for failure to appear for court hearing, 484.210
Taking up license by court, 482.470

482.530

Suspension of nonresident's operating privilege under financial responsibility law, 486.216, 486.251

482.550

Sobriety tests, admissibility and evidentiary effect of, 483.634 to 483.646, 483.648

482.630

Regulations governing qualifications of school bus drivers, 485.050

482.650

Impounding vehicle operated by driver convicted under 482.650, 484.222

482.840

Travel and other expenses of state officers and employes, 292.210 to 292.298

DEFINITIONS; GENERAL PROVISIONS

482.010 "Canceled," "chauffeur," "division," "farm tractor," "highway," "motor vehicle" and "license" 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) "Division" means the Motor Vehicles Division of the Department of Transportation.

(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.

(7) "License" means any operator's or chauffeur's license or any other license or permit to operate a motor vehicle issued under the laws of this state including:

(a) Any temporary license or instruction permit.

(b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license.

(c) Any nonresident's operating privilege.

[Amended by 1955 c.287 §27;1963 c.97 §1]

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.

(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 the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

(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; 1963 c.97 §2; 1963 c.484 §6; 1965 c.343 §16]

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.

482.035 "Snowmobile" defined. As used in this chapter, except where the context otherwise requires, "snowmobile" means a self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, that is steered wholly or in part by skis or sled-type runners and is not otherwise registered in this state.
[1969 c.598 §5; 1971 c.618 §11]

482.040 License required to operate motor vehicle; surrender of prior valid licenses. (1) No person, except those expressly exempted under ORS 482.050, 482.060, 482.070, 482.160, 482.170 and subsection (3) of 482.270, shall drive any motor vehicle upon a highway in this state unless upon application he has been licensed as an operator or chauffeur under the provisions of this chapter.

(2) No person shall receive an operator's license unless and until he surrenders to the division all valid operators' licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the division to the issuing department together with information that licensee is now licensed in new jurisdiction. No person shall be permitted to have more than one valid operator's license at any time.
[Amended by 1961 c.286 §1; 1965 c.38 §3]

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.

(4) Any person while operating a snowmobile except as provided by ORS 483.725.
[Amended by 1969 c.598 §6; 1971 c.618 §12]

482.070 Applicability of chapter to member of Armed Forces or spouse; exemption period; suspension and revocation of license. (1) The provisions of this chapter relative to obtaining and possessing an operator's license from the division do not apply to:

(a) The spouse of a member of the Armed Forces of the United States on active duty who is accompanying such member on assignment in this state, if the spouse has in his immediate possession a valid operator's license issued to him by another state.

(b) A member of the Armed Forces on active duty, if such person has in his immediate possession a valid operator's license issued to him by his state of domicile or by the Armed Forces of the United States in a foreign country. However, the exemption based on an Armed Forces license applies only for a period of 45 days from the time the licensee returns to the United States.

(2) The privilege of persons named in subsection (1) of this section to drive in this state is subject to suspension and revocation the same as any license under this chapter.
[1965 c.38 §2]

PERSONS ELIGIBLE FOR LICENSES; SPECIAL PERMITS AND LICENSES

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 mentally ill or retarded persons. (1) The division shall not issue an operator's or chauffeur's license to any person who the division 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 committed or admitted to a state institution under ORS 426.005 to 426.200 and 426.210 to 426.360 or ORS chapter 427 and been determined to be mentally ill or mentally retarded. 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 mentally ill or mentally retarded upon a certificate of the superintendent that he is competent, the division may issue the license applied for if the division is satisfied that such person is competent to operate a motor vehicle with safety to persons and property.

(3) It shall be the duty of the superintendent of the hospital for the mentally ill or mentally retarded to notify the division as to released licensed operators who, in his opinion, should not drive because of their mental condition. Thereupon, the division shall suspend the license of such released person until such time as the licensee can produce a judicial decree of competency, or a certificate from the superintendent of the hospital that he is competent.

[Amended by 1963 c.97 §3]

482.130 Ineligibility of persons with physical or mental disorders, or illiterate. The division shall not issue an operator's or chauffeur's license to any person when in the opinion of the division 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 [Repealed by 1971 c.195 §2 (482.141 enacted in lieu of 482.140)]

482.141 Reports of persons suffering from chronic nervous disorders required; forms; forwarding information to division; reports confidential. (1) All persons authorized by the State of Oregon to diagnose and treat disorders of the nervous system shall report immediately to the Health Division every person over the age of 14 years diagnosed as having a disorder characterized by momentary or prolonged lapses of consciousness or control that is, or may become, chronic.

(2) Reports required under this section shall be upon forms prescribed or provided by the Health Division, which shall publish names of the disorders to be reported. Each report shall include the person's name, address, date of birth, sex, and the name of the disorder.

(3) On or before the 15th day of each month the State Health Officer shall forward to the division a copy of each report or a list of the information in all reports received in the preceding calendar month as required by subsection (1) of this section. The reports are confidential and shall be used by the division only to determine the qualifications of persons to operate motor vehicles upon the highways.

[1971 c.195 §3 (482.141 enacted in lieu of 482.140)]

482.150 Ineligibility for lack of examination, for failure to prove financial responsibility or for acts in other states. (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 division 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.

(3) With respect to an applicant not subject to ORS 482.820, no operator's or chauffeur's license or permit to drive shall be issued to any person whose license or privilege to drive is currently under suspension or revocation in any other state upon grounds which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

[Amended by 1961 c.286 §2; 1963 c.484 §7]

482.160 Special permits for persons under age. (1) Any person over the age of 14 years may make application to the division 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 division 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 division 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 division 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 division for an instruction permit. The division, upon receipt of such application accompanied by a fee of $3, 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 division 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; 1971 c.169 §3; 1973 c.156 §2]

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 "Motorcycle" defined. "Motorcycle," as used in ORS 482.190 to 482.198, has the meaning given that word by ORS 483.014.

[1965 c.547 §2]

482.192 License with indorsement required to operate motorcycle. No person shall operate a motorcycle upon a highway in this state:

(1) Unless he has a valid license as an operator or chauffeur as provided in this chapter;

(2) Unless upon application he has obtained an indorsement on such license as provided in ORS 482.190 to 482.196; and

(3) Unless he has paid a fee of $3.50 upon receipt of such indorsement as provided in subsection (2) of this section.

[1965 c.547 §3; 1973 c.156 §3]

482.194 Indorsement procedure; examination required. (1) The division shall upon qualification under ORS 482.190 to 482.196 indorse an operator's or operator-chauffeur's license authorizing the licensee to operate a motorcycle.

(2) Before an indorsement to operate a motorcycle is made on a license, the division shall have examined every applicant as provided in ORS 482.260 and determined such applicant to be qualified to operate a four-wheeled motor vehicle. In addition each applicant shall have been examined for and determined qualified to operate a motorcycle in such manner as not to jeopardize the safety of persons or property.

[1965 c.547 §§4, 5]

482.196 Effect of indorsement; revocation procedure. (1) Except as provided in ORS 482.190 to 482.198, a license indorsement to operate a motorcycle shall be considered a part of the operator's or operator-chauffeur's license on which it is indorsed and subject to any provisions of the statutes of this state applicable to such licenses.

(2) Whenever the division has reason to believe an individual licensed by indorsement to operate a motorcycle is not competent to

operate such a vehicle, it may revoke the indorsement.

(a) Upon revocation of the indorsement the indorsed license shall be surrendered to the division.

(b) Upon surrender of the indorsed license, the division shall issue a license without indorsement for the unexpired period of the license.

(3) The licensee whose license indorsement is revoked under subsection (2) of this section is entitled to the hearings provided under ORS 482.450 and 482.490.
[1965 c.547 §6]

482.198 Prohibition against furnishing motorcycle unless license indorsement displayed. No person shall rent, lease or otherwise furnish a motorcycle owned by him or under his control to any person who has not first displayed to him an operator's or operator-chauffeur's license which has been issued to that person and indorsed as provided in ORS 482.190 to 482.196.
[1965 c.547 §7]

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 division.

(2) Every application shall state:

(a) The name, age, sex, residence address and definite post-office 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 division deems necessary to establish that the applicant is qualified to be licensed as an operator or chauffeur.
[Amended by 1961 c.286 §3]

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 division, 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 division.

482.230 When consent of parent, guardian or employer is required; cancellation of license if consent withdrawn. (1) The division 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.

(2) Any person who has signed the application of a person under the age of 18 years may thereafter file with the division a written request that the license of the person so granted be canceled. Thereupon, the division shall cancel the license of the person if he is under the age of 18 years.
[Amended by 1963 c.97 §4]

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 or any licensed motor vehicle operator 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 division may require such applicant or operator to demonstrate personally that, notwithstanding such disability or disease, he is a proper person to operate a motor vehicle. The division may also require a certificate of such applicant's or operator's condition signed by the State Health Officer; however, if the affliction apparently involves only visual deficiencies, the division 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 or operator 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 or operator 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 or operator to appear before a designated specialist for further examination. The applicant or operator 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 or operator's affliction or disability.

[Amended by 1963 c.97 §5]

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, $1.50.

(b) 18 to 29 months, $2.50.

(c) 30 to 35 months, $3.50.

(2) The fee to be charged for the issuance of an original chauffeur's license shall be as specified in the following schedule based upon 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, $2.

(b) 18 to 29 months, $4.

(c) 30 to 35 months, $6.

(3) Application for a renewal of chauffeur's license shall be accompanied with a fee of $2.50.

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

(5) Application for renewal of an operator's license shall be accompanied with a fee of $2.

(6) 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 Motor Vehicles Division of the Department of Transportation, for the use and benefit of the Motor Vehicle Accident Fund, the sum of $1, in addition to the fee charged for such license or renewal of license. All money collected under this subsection, after deduction for expenses of collection and transfer as provided in this subsection, shall be paid over each month, by the Motor Vehicles Division, to the State Accident Insurance Fund. Of the money collected, $2,500 per year shall be deducted for current expenses of collection and transfer and, until expenses of collection and transfer incurred before July 1, 1967, are paid, $2,000 per year shall be deducted for such previously incurred expenses. 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.

(7) Before any person may be issued an operator's license or renewal thereof (not including a chauffeur's license), as provided in ORS 482.270 and 482.420, he shall pay the Motor Vehicles Division the sum of 50 cents per year in addition to the fee charged for such license or renewal. The sums so collected by the Motor Vehicles Division 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 $15,000 in any biennium, to the Motor Vehicles Division for the expenses of administering this subsection and subsection (3) of ORS 343.740; and, to the extent of not more than $75,000 in any biennium, to the Superintendent of Public Instruction for the expenses of administering ORS 343.710, 343.720, 343.730, subsection (2) of ORS 343.740 and ORS 343.750.

[Subsection (7) enacted as 1957 c.206 §5; 1959 c.421 §1; 1961 c.245 §3; 1961 c.672 §1; 1963 c.97 §6; 1965 c.376 §5; 1967 c.507 §7; 1967 c.554 §§1, 2, 3, 4; 1973 c.156 §4; 1973 c.724 §6]

482.260 Examination required for license; reexamination. (1) Except as provided in subsection (2) of this section, the division 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 including the rights of blind pedestrians provided by ORS 483.214;

(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 division 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 division 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 division may require any licensed motor vehicle operator to appear for an examination whenever the division 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, or his failure to satisfactorily complete the required examination, shall be sufficient reason for the suspension of his license.

[Amended by 1963 c.97 §9; 1963 c.596 §3]

482.270 Issuance and form of licenses; temporary permits. (1) The division shall issue operator's and chauffeur's licenses to all qualified persons and may issue a combined driver-chauffeur's license to persons qualified for both such licenses.

(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 division 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 division 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 division may, for sufficient cause, extend the term of the permit for not to exceed an additional 30 days.

[Amended by 1963 c.97 §10]

482.280 Placing restrictions on licenses. (1) The division, 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 division may determine to be appropriate to insure the safe operation of a motor vehicle by the licensee.

(2) The division 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 division 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 or residence 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 division of the loss, destruction or mutilation and upon payment of a fee of $2.

Upon receiving the notice and fee, the division shall issue a license bearing the same distinguishing number as the old license.

(2) Persons licensed as operators or chauffeurs under this chapter shall notify the division of any change of residence from that noted on their license as issued by the division or any change of name from that noted on their license as issued by the division, including a change of name by marriage. Notice shall be given in writing within 30 days after the date of the change. The notice shall indicate the old and new residence address or the former and new name and the number of the license then held. Upon receiving the notice, the division shall issue a license indicating the new name or residence address but bearing the same distinguishing number as the old license.

(3) Whenever a license is issued under this section, the older license shall be invalid and shall be surrendered to the division or destroyed.

[Amended by 1961 c.286 §4; 1971 c.169 §4; 1973 c.156 §5]

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 division. 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 division 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 division.

482.320 Duty to file, index and record applications and licenses. (1) The division shall file every application for an operator's or chauffeur's license and index it by name and number. The division shall maintain suitable records of all licenses issued, all applications for licenses denied, and all licenses which have been suspended or revoked.

(2) The division may charge a reasonable fee for furnishing to the public the information so filed and recorded.

[Amended by 1963 c.162 §4]

482.330 [Amended by 1963 c.97 §7; repealed by 1967 c.175 §6]

RENEWAL, REVOCATION, SUSPENSION AND CANCELLATION 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) Each original chauffeur'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 chauffeur'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, a combined driver-chauffeur's license, if issued, shall expire on the expiration date shown on the driver's license.

[Amended by 1961 c.245 §1; 1963 c.97 §11]

482.420 Renewal of operators' and combined driver-chauffeurs' licenses. Operators' and combined driver-chauffeurs' 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 or combined driver-chauffeur'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 division.
[Amended by 1961 c.245 §2; 1963 c.97 §12]

482.430 Conviction of crime as grounds for mandatory revocation or suspension. (1) The division 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 criminally negligent homicide resulting from the operation of a motor vehicle.

(b) Perjury or the making of a false affidavit to the division 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 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 division forthwith shall suspend any person's permit or license to operate motor vehicles upon receiving a record of the conviction of such person for the following offenses:

(a) Driving while under the influence of intoxicating liquor, dangerous drugs or narcotic drugs.

(b) Fleeing or attempting to elude a traffic or police officer.

(3) The period of suspension shall be:

(a) First conviction within a 10-year period, 30 days.

(b) Second conviction within a 10-year period, one year.

(c) Third or subsequent conviction within a 10-year period, three years.
[Amended by 1955 c.291 §1; 1957 c.417 §1; 1963 c.510 §3; 1969 c.696 §2; 1969 c.697 §1; 1971 c.743 §392; 1973 c.798 §3]

482.440 Effect of offense by person who is unlicensed or whose license has been revoked or suspended. Whenever the division has reason under any laws of this state to suspend or revoke the license or permit of any person who has not been issued a current Oregon license or permit to operate motor vehicles or whose license is due to expire during a suspension period, the division shall suspend or revoke the right of such person to apply for a license or permit to operate motor vehicles in this state.
[Amended by 1963 c.97 §13; 1971 c.156 §1]

Note: 1971 c.156 §3 provides:

Sec. 3. When necessary to give full effect to this Act, the division may reinstate the license or permit to operate motor vehicles of any person whose license has been suspended or revoked for additional years as provided by subsection (1) of ORS 482.440 as in effect prior to this amendment.

482.445 [1957 c.715 §2; repealed by 1971 c.156 §2]

482.450 Permissive suspension or revocation of licenses. (1) The division 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 division 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 a 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 division suspends the license of any person for any reason set forth in subsection (1) of this section, the division immediately shall notify the licensee and afford him an opportunity of a hearing before a representative of the division in the county wherein the licensee resides. The hearing shall be conducted as a contested case in accordance with ORS 183.310 to 183.500. Upon such hearing, the division either shall rescind the order of suspension, or, good cause appearing therefor, may continue, modify or extend the suspension of such license or revoke such license.
[Amended by 1963 c.97 §14; 1971 c.734 §73]

482.460 Procedure when driver convicted in one state and licensed in another. Except as otherwise provided in ORS 482.820:

(1) The division 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 division 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.

[Amended by 1963 c.484 §8]

482.470 Length of suspension; surrender and return of license; temporary permit. (1) Except as provided in subsection (3) of ORS 482.430 and in ORS 482.440, the division 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 division 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 division. 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 division. When necessary to give full effect to this section, the court shall issue a temporary operator's permit, on a form provided by the division, to the convicted person which shall be valid until midnight of the day of the conviction. 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 division by the licensee. However, the division 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; 1973 c.480 §1]

482.475 Reinstatement of chauffeur's privilege; issuance and revocation of occupational license. (1) Except when a suspension of a chauffeur's license is based on a major traffic offense, the division shall reinstate the privilege to operate a motor vehicle of any person whose license to operate a motor vehicle as a chauffeur has been suspended, if such person submits to the division a written application for an occupational license and shows:

(a) That he is a chauffeur by occupation or employment;

(b) That he is not incompetent to drive nor a habitual incompetent, reckless or negligent driver within the meaning of paragraphs (c) and (d) of subsection (1) of ORS 482.450; and

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

(2) If the division finds that the person meets the requirements of subsection (1) of this section, the division shall issue the person an occupational license, valid for the duration of the suspension unless sooner suspended under subsection (3) of this section. The occupational license shall restrict the licensee to operation of a motor vehicle only as a chauffeur during specified times. The license may bear other reasonable restrictions or limitations relating to the operation of a motor vehicle that the division deems proper or necessary.

(3) The division may, upon receiving satisfactory evidence of any violation of the restriction of an occupational license issued under subsection (2) of this section, suspend or revoke the occupational license; but the licensee is entitled to the hearings provided under ORS 482.450 and 482.490.

(4) As used in this section, "major traffic offense" means a major traffic offense as defined by ORS 484.010.

[1965 c.281 §2]

482.477 Reinstatement of suspended license for occupational purposes only. (1) When a person whose license to operate a motor vehicle has been suspended as provided by paragraph (a) of subsection (3) of ORS 482.430 for a first conviction for driving while under the influence of intoxicating liquor, dangerous drugs or narcotic drugs, the division may reinstate the license of the person, if he is otherwise entitled thereto, for occupational purposes only, when with

reference to the best interests of the public as well as of the defendant the judge before whom the person was convicted recommends such reinstatement in writing to the division. When necessary to give full effect to this section, the division shall issue an occupational license under the provisions of ORS 482.475, even though the person may have been convicted of a major traffic offense as defined by ORS 484.010.

(2) If a person has his license suspended for driving while under the influence of intoxicating liquor, dangerous drugs or narcotic drugs, as provided by paragraph (b) or (c) of subsection (3) of ORS 482.430, the division may reinstate his license, pursuant to ORS 482.478, if he is otherwise entitled thereto, if:

(a) After an examination by the Mental Health Division or its designee he was determined to be a problem drinker or drug-dependent person;

(b) He enrolled in a program for rehabilitation for alcoholism or drug dependence approved by the Mental Health Division;

(c) The Mental Health Division recommends, on the basis of his progress in the rehabilitation program, such reinstatement in writing to the division;

(d) The judge before whom he was convicted recommends, with reference to the best interest of the public as well as of the defendant, such reinstatement in writing to the division;

(e) He files with the division proof of his future responsibility as required by ORS chapter 486; and

(f) He is not incompetent to drive nor a habitual incompetent, reckless or negligent driver within the meaning of paragraphs (c) and (d) of subsection (1) of ORS 482.450.

(3) As used in this section, "problem drinker" means a person who habitually or periodically uses alcoholic beverages to the extent that his health or that of others is substantially impaired or endangered or his social or economic function is substantially disrupted.

(4) As used in this section, "drug-dependent person" means one who has lost the ability to control the use of narcotic, dangerous or other drugs with abuse potential, or who uses such drugs to the extent that his health or that of others is substantially impaired or endangered or his social or economic function is substantially disrupted. A drug-dependent person may be physically dependent, a condition in which the body requires a continuing supply of a drug to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of a drug.

[1967 c.608 §2; 1973 c.798 §4]

482.478 Conditions of reinstatement of occupational license; revocation of reinstated license. (1) A license reinstated as authorized by subsection (2) of ORS 482.477 shall be issued for a term of one year, subject to the conditions:

(a) That the licensee maintains a good driving record during the term of the license; and

(b) That the licensee completes the rehabilitation program referred to by paragraph (b) of subsection (2) of ORS 482.477; and

(c) That the licensee during the term of the license complies with any additional conditions placed on the license pursuant to the rules of the division.

(2) The division forthwith shall revoke a license issued under subsection (1) of this section:

(a) Upon receiving a record of the conviction of the licensee for a major traffic offense, as defined by ORS 484.010.

(b) If the licensee fails to complete the rehabilitation program referred to by paragraph (b) of subsection (2) of ORS 482.477.

(3) The division may by rule establish additional conditions for licenses issued under subsection (1) of this section to assist the division in carrying out its responsibilities under this section.

[1973 c.798 §7]

Note: 482.478 was not added to and made a part of ORS chapter 482 by legislative action.

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 division 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 483.364, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted. After conviction or bail forfeiture the court may recommend such suspension if the person fails to

pay a fine imposed or comply with any other term of the judgment or probation. The division 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 division may act upon such recommendation in such manner as to the division 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.

(3) For the purposes of this chapter, a determination by a juvenile court that a child within its jurisdiction has violated a law or ordinance regulating the operation of motor vehicles shall be the equivalent to a conviction. A recommendation by a juvenile court that a child's operator's license or permit be suspended on any ground set forth in ORS 419.541 shall be the equivalent of a recommendation of suspension by a court having jurisdiction over offenses against a law or ordinance relating to the operation of motor vehicles as provided in subsection (1) of this section.
[Amended by 1959 c.432 §79; 1971 c.541 §1]

482.490 Judicial review of the denial, suspension or revocation of a license. Judicial review of orders denying, suspending or revoking a license, except where such suspension or revocation is mandatory, shall be as provided in ORS 183.310 to 183.500.
[Amended by 1953 c.39 §2; 1963 c.97 §15; 1971 c.734 §74]

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 division 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 division 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 division is authorized under the laws of this state to issue such person a new license.

482.505 Fee for reinstatement of suspended or revoked license; use of fees collected. The division shall charge a fee of $8 for reinstatement of any license that has been suspended or revoked. No reinstatement shall be made until the fee is paid to the division. The fees so collected shall be applied by the division to the cost of preparing and serving notices of suspension or revocation.
[1971 c.428 §3; 1973 c.156 §6; 1973 c.643 §2]

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 division 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 division 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 division immediately shall rescind the suspension or revocation. If the conviction is affirmed on appeal, or if appeal is dismissed or is not perfected within the statutory period, the division shall suspend or revoke the license, permit or right to apply for a license, the suspension or revocation of which was rescinded because of appeal.
[Amended by 1959 c.303 §1]

482.520 Grounds for cancellation of license. (1) The division 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 cancellation the licensee shall surrender the canceled permit or license to the division.

482.530 Suspension or revocation of nonresident's privilege. The division may suspend or revoke the privilege 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.
[Amended by 1963 c.97 §16]

482.540 Suspension for refusing breath test; notice of suspension. (1) Upon receipt of the report of a police officer as required in subsection (2) of ORS 483.634, and in accordance with subsection (2) of this section and subsection (1) of ORS 482.550, the division shall suspend the reported person's license, permit or privilege to drive a motor vehicle in this state for a period of 90 days.

(2) Upon receipt of the report of the police officer, the division shall notify the reported person by mail of the intention to suspend and allow said person a 20-day period after the date of mailing said notice to request in writing a hearing before a representative of the division as provided in this section. If no request is filed within the 20-day period, the division shall thereupon suspend the license, permit or privilege of the person to drive a motor vehicle.

(3) Notice of intention to suspend or notice of an order of suspension is presumed to have been received upon the expiration of five days after it is deposited in the United States mail with postage prepaid, addressed to the person at his last address as shown by his application for original, renewal or duplicate license, which mailing may be proved by the certificate of any officer or employe of the division over 18 years of age specifying the time and place of giving notice.
[1965 c.574 §11 (1), (2), (5); 1973 c.827 §57]

482.550 Hearing on suspension under ORS 482.540. (1) If a request for a hearing is filed, the hearing shall be before a representative of the division in the county where the alleged offense occurred unless there is an agreement between the person and the division that the hearing be conducted elsewhere. In connection with such hearing, the division or its authorized representative may administer oaths and shall issue subpenas for the attendance of witnesses requested by the person or the division and the production of relevant documents. The hearing shall be recorded by whatever means may be determined by the division and shall include testimony and exhibits, if any. The record of the proceeding shall not be transcribed unless requested by a party to the proceeding. Upon an affirmative finding on each matter listed in subsection (2) of this section, the division shall issue an order suspending the license, privilege or permit of the person to drive a motor vehicle, effective as provided in ORS 482.560. Otherwise, no suspension shall be ordered.

(2) The scope of the hearing shall be limited to:

(a) Whether the person at the time he was requested to submit to a test was under arrest for driving a motor vehicle while under the influence of intoxicating liquor in violation of subsection (2) of ORS 483.992 or of a municipal ordinance;

(b) Whether the police officer had reasonable grounds to believe, at the time the request was made, that the person refusing to submit to the test had been driving under the influence of intoxicating liquor in violation of subsection (2) of ORS 483.992 or of a municipal ordinance;

(c) Whether the person refused to submit to a test;

(d) Whether such person was informed of the consequences, under ORS 482.540 to 482.560, of his refusal to submit to the test; and

(e) Whether such person was informed of his rights as provided in ORS 483.638.
[1965 c.574 §11 (3), (4); 1969 c.579 §1]

482.560 Appeal from suspension for refusing breath test. (1) If, after a hearing as provided by ORS 482.540 and 482.550, an order of suspension is issued, the person shall have the right, within 30 days after he receives notice of the order of suspension, to appeal the matter by filing a petition in the circuit court for the county where he resides. The court upon receipt of the petition shall set the matter for trial upon 10 days' notice to the division and to the appellant. The trial in the circuit court shall be de novo and the appellant shall have the right to a jury as provided in criminal actions.

(2) No order of suspension issued in accordance with subsection (1) of ORS 482.550 shall take effect until the time to appeal has expired. If an appeal is filed, the order of suspension shall take effect when affirmed on appeal or when the appeal is dismissed.
[1965 c.574 §12]

482.570 Notice of suspension, revocation or cancellation. When the division, as authorized or required, suspends, revokes or cancels a license or the right to apply for a license to operate motor vehicles, it shall give notice of such action to the person whose license or right is affected. Service of the notice is accomplished either by mailing the notice by certified mail, return receipt requested, or at the option of the division, by personal service in the same manner as a summons is served in an action at law. When notice sent by certified mail is returned, the receipt unsigned, service of notice shall be accomplished by personal service in the same manner as a summons is served in an action at law. Refusal of the service by the person whose license or right is suspended is prima facie evidence of receipt of the notice.
[1965 c.321 §2; 1971 c.428 §1; 1973 c.643 §1]

482.580 Proof of suspension order. Notwithstanding the provisions of subsection (1) of ORS 43.330, proof of the order of suspension may be made by submitting to the court a copy of the order of suspension certified as a correct transcript thereof by an officer or an employe of the division.
[1965 c.321 §3]

PROHIBITIONS

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 division, 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. Except for circumstances in which an injury or immediate threat of injury to human or animal life necessitates vehicular travel, no person whose operator's or chauffeur's license, or whose right or privilege to operate a motor vehicle, or whose right to apply for a license to operate a motor vehicle in this state has been suspended or revoked, under any provision of law, shall drive any motor vehicle in this state during the period stated in the division's order of suspension or revocation. 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.
[Amended by 1959 c.506 §1; 1973 c.798 §5]

482.660 [Repealed by 1959 c.664 §30]

DRIVER LICENSE COMPACT

482.810 Definitions for ORS 482.810 to 482.840. As used in ORS 482.810 to 482.840 unless the context requires otherwise:

(1) "Compact" means the Driver License Compact.

(2) "Compact administrator" means the Administrator of the Motor Vehicles Division of the Department of Transportation or his deputy.

(3) "Executive head," with reference to this state, means the Governor.

(4) "Licensing authority," with reference to this state, means the Motor Vehicles Division of the Department of Transportation.

[1963 c.484 §2]

482.820 Driver License Compact. The Driver License Compact hereby is enacted into law and entered into on behalf of this state with all other states legally joining therein in a form substantially as follows:

DRIVER LICENSE COMPACT

ARTICLE I

Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV

Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

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

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any

other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII

Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The

provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1963 c.484 §3]

482.830 Designation of offenses under law of this state similar to offenses described in compact. (1) In accordance with subdivision (c) of Article IV of the Driver License Compact, the following offenses or violations provided by Oregon Law hereby are designated as offenses or violations of a substantially similar nature as the respective denominations and descriptions of conduct appearing in subdivision (a) of Article IV of the compact:

(a) ORS 482.430 (1) (a) — Article IV (a) (1).

(b) ORS 482.430 (2) — Article IV (a) (2).

(c) ORS 482.430 (1) (c) — Article IV (a) (3).

(d) ORS 482.430 (1) (e) — Article IV (a) (4).

(2) Offenses or violations other than those referred to in subsection (1) of this section reported to the department pursuant to Article III of the compact shall be given effect within the purpose of Article IV (b) of the compact as the other laws of this state provide.

[1963 c.484 §4]

482.840 Expenses of Administrator of Motor Vehicles Division as compact administrator. The compact administrator shall not be entitled to any additional compensation on account of his service as administrator, but shall be entitled to expenses incurred in connection with such service, payable the same as expenses in connection with his services as head of the licensing authority.

[1963 c.484 §5]

MISCELLANEOUS

(Driver Improvement Program)

482.850 Driver improvement program to reduce convictions and accidents; stay of orders suspending driving privileges; fee for program. (1) The Motor Vehicles Division is authorized to establish, by administrative rule, a program for the improvement of drivers licensed under this chapter. The program shall have as its goal the reduction of traffic convictions and especially accidents. The program may include, but shall not be limited to letters, interviews and classroom instruction.

(2) The division, in pursuit of the goal specified in subsection (1) of this section, may stay suspension of driving privileges as required by subsection (2) of ORS 482.430, or stay the suspension that would otherwise have been imposed under provisions of ORS 482.450.

(3) The division is authorized to charge a reasonable fee to participants in the driver improvement program to cover costs of administration.

[1973 c.335 §§2, 3, 4]

(Identification Cards)

482.900 Division authorized to issue identification cards. The division shall issue an identification card to any person who furnishes such bona fide documentary evidence of his age and identity as the division may require. Every original application for an identification card must be signed and verified by the applicant before a representative of the division.

[1973 c.389 §2]

482.905 Form and contents of identification card. Every identification card shall be issued upon the standard license form as described in subsection (2) of ORS 482.270 and shall bear a statement to the effect that the identification card is not a license to operate a motor vehicle and is to be used for identification purposes only.

[1973 c.389 §3]

482.910 Expiration date. Each original identification card shall expire on a date consistent with the expiration dates of licenses as set forth in subsection (1) of ORS 482.410.

[1973 c.389 §4]

482.915 Renewal. Identification cards shall be renewed under the terms of licenses as set forth in subsection (4) of ORS 482.020 and in ORS 482.420.
[1973 c.389 §5]

482.920 Fee. (1) The fee for an original identification card shall be the same as the fee for an original license as set forth in subsection (1) of ORS 482.250.

(2) The fee for a renewal identification card shall be the same as the fee for a renewal license as set forth in subsection (5) of ORS 482.250.

(3) In no event shall the issuance of an identification card be subject to any fees in addition to those specifically authorized in subsections (1) and (2) of this section.
[1973 c.389 §6]

482.925 Cardholder required to notify division of change of name or residence; issuance of new cards. A person to whom an identification card has been issued shall notify the division in writing within 30 days after any change of residence address or change of name from that shown on his identification card if the card is to remain valid. Notification shall include both old and new address or name. The division shall thereupon issue a new identification card containing the new address or name but bearing the same distinguishing number as the old identification card.
[1973 c.389 §7]

482.930 Replacement of lost or damaged cards; fee for duplicate card. In the event an identification card issued under ORS 482.900 to 482.935 is lost, destroyed or mutilated, the person to whom it was issued may obtain a duplicate identification card from the division upon furnishing proof satisfactory to the division of such fact. The fee for a duplicate identification card shall be $2.
[1973 c.389 §8]

482.935 Effect of cancellation of card; prohibited acts with card. (1) Cancellation of an identification card means that the identification card is terminated and must be surrendered to the division. An identification card may be canceled for any of the same reasons that a license may be canceled under the provisions of subsection (1) of ORS 482.520.

(2) No person shall commit any act with respect to an identification card that is prohibited with respect to a license by ORS 482.610.
[1973 c.389 §9]

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:

(a) Upon a first conviction, by imprisonment in the county or municipal jail for not less than two days nor more than one year, and in the discretion of the court a fine of not more than $1,000.

(b) Upon a second conviction within a five-year period, by imprisonment in the county or municipal jail for not less than 10 days nor more than one year, and there may be imposed in addition thereto a fine of not more than $1,500.

(c) Upon a third or subsequent conviction within a five-year period, by imprisonment in the county or municipal jail for not less than 30 days nor more than one year, and there may be imposed in addition thereto a fine of not more than $2,000.

(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 162.065.

(4) A person commits the crime of unlawfully publishing operator's and chauffeur's license forms if he produces in any way or causes to be produced, without the authority of the division, facsimilies of the blank forms upon which the division issues licenses under this chapter. Unlawfully publishing operator's and chauffeur's license forms is a Class A misdemeanor.
[Amended by 1967 c.579 §1; 1971 c.743 §393; 1973 c.410 §2; 1973 c.798 §6; 1974 s.s. c.44 §1]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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 June 1, 1974.

Thomas G. Clifford
Legislative Counsel