

Chapter 482

1979 REPLACEMENT PART

Operators' and Chauffeurs' Licenses

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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.

(d) Any indorsement of a license or any limited license that allows a person to operate a motor vehicle. [Amended by 1955 c.287 §27; 1963 c.97 §1; 1979 c.871 §14]

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 who is in actual physical control of a motor vehicle.

(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:

(a) The issuance of a license for a licensing period following, within one year, a licensing period for which the applicant therefor was issued a similar license; or

(b) The issuance of a license upon any application filed within six months after 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; 1975 c.682 §1]

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:

(a) Moved exclusively by human power; or

(b) Used exclusively upon stationary rails or tracks. [Amended by 1979 c.871 §15]

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; signature required to validate license; possession and display of license.

(1) (a) 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.

(b) 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.

(c) A person who violates this subsection commits a Class B traffic infraction.

(2) (a) 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 issued to him, immediately upon receipt of such license. The license is not valid until it is so signed.

(b) 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.

(c) A person who violates this subsection commits a Class D traffic infraction.

(3) (a) No person shall drive any motor vehicle on the highways in the state when the person's operator's or chauffeur's license has expired and not been renewed.

(b) A person who violates this subsection commits a Class D traffic infraction. [Amended by 1961 c.286 §1; 1965 c.38 §3; 1977 c.882 §2]

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. However, a license issued by another jurisdiction shall not constitute authorization for a person to operate a motor vehicle in this state during a period of suspension or revocation of an operator's or chauffeur's license issued by this state or of the right to apply for an operator's or chauffeur's license issued by this state. [Amended by 1977 c.882 §3]

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.

(5) Any person while operating a golf cart

pursuant to ORS 487.910. "Golf cart" has the meaning given that term by ORS 487.910.

[Amended by 1969 c.598 §6; 1971 c.618 §12; 1975 c.271 §2]

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, drug 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 controlled substances.

(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 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 the applicant 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 the opinion of the superintendent, 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 the person is competent.

[Amended by 1963 c.97 §3; 1979 c.744 §37]

482.130 Ineligibility of persons with physical or mental disorders, or illiterate; exception. (1) 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:

(a) Afflicted with or subject to any condition which brings about momentary or prolonged lapses of consciousness or control, which is or may become chronic;

(b) Suffering from a physical or mental disability or disease serving to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways; or

(c) Unable to understand highway signs warning, regulating or directing traffic.

(2) Notwithstanding the provisions of subsection (1) of this section, the division shall issue an operator's license to a person described in this subsection for the operation of a motor vehicle described in paragraph (h) of subsection (2) of ORS 481.075 if the division finds that the person's disability does not prevent the person from exercising reasonable and ordinary control over such a vehicle when operated as authorized by ORS 487.525. This subsection applies to any person who:

(a) Is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheelchair;

(b) Because of paralysis or loss of function of the person's legs is not able to cross curbs;

(c) Is missing one or both legs; or

(d) Has a permanently impaired or unsteady gait that makes it impossible or impractical to walk as a means of transportation.

[Amended by 1977 c.885 §3; 1979 c.128 §1]

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 (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 the person's 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 \$5, shall issue a permit which entitles the applicant to drive a motor vehicle, except a moped or motorcycle, upon the highways for a period of one year when:

(a) The person has the permit in the person's immediate possession; and

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

(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 the person's lack of experience in the operation of motor vehicles the person would be qualified to obtain such permit, the division may issue to the person, without extra charge, a special permit entitling the person to drive a motor vehicle upon the highways for a period of 60 days when:

(a) The person has the permit in the person's immediate possession; and

(b) The person is accompanied by a licensed operator or chauffeur not less than 18 years of age occupying a seat beside the person. [Amended by 1957 c.458 §1; 1971 c.169 §3; 1973 c.156 §2; 1979 c.471 §1; 1979 c.871 §16a]

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 "Moped" and "motorcycle" defined. As used in ORS 482.190 to 482.198:

(1) "Moped" has the meaning given that word by ORS 481.002.

(2) "Motorcycle" has the meaning given that word by ORS 481.002. [1965 c.547 §2; 1977 c.882 §4; 1979 c.871 §19]

482.192 License with indorsement required to operate motorcycle; requirements for operation of moped. (1) Except as provided in ORS 482.283, no person shall operate a motorcycle upon a highway in this state:

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

(b) Unless upon application the person has obtained an indorsement on such license as provided in ORS 482.190 to 482.196, with the exception of licensees operating motor vehicles as defined in subsection (2) of ORS 487.730; and

(c) Unless the person has paid a fee of \$7 upon receipt of such indorsement as provided in paragraph (b) of this subsection.

(2) No person shall operate a moped upon a highway in this state unless the person has:

(a) A limited license to operate a moped issued under ORS 482.287;

(b) A valid license as an operator or chauffeur indorsed to operate a motorcycle under ORS 482.190 to 482.196; or

(c) Any other valid license as an operator or chauffeur issued under this chapter.

(3) A person who violates any provision of this section commits a Class B traffic infraction. [1965 c.547 §3; 1973 c.156 §3; 1977 c.169 §1; 1977 c.882 §5; 1979 c.471 §2; 1979 c.809 §12c; 1979 c.871 §20a]

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 moped or motorcycle.

(2) Before an indorsement to operate a moped or 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 moped or motorcycle in such manner as not to jeopardize the safety of persons or property. [1965 c.547 §§4, 5; 1979 c.871 §21]

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 or moped to unqualified person. (1) No person shall rent, lease or otherwise furnish a moped or motorcycle owned by or under control of the person to any other person who has not first displayed:

(a) For motorcycles, an operator's or operator-chauffeur's license which has been issued to that other person and indorsed under ORS 482.190 to 482.196; or

(b) For mopeds, a special license issued under ORS 482.287 or an operator's or operator-chauffeur's license issued under this chapter.

(2) A person who violates this section commits a Class B traffic infraction. [1965 c.547 §7; 1975 c.451 §212; 1979 c.871 §23]

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 or disabilities. (1) If any applicant for a license or any person holding a license has a history of any physical or mental disability or disease that may impair operation of a motor vehicle by that applicant or operator, the division may require the applicant or operator to demonstrate personally that, notwithstanding the disability or disease, the applicant or operator is qualified to safely operate a motor vehicle.

(2) If the division reasonably believes, notwithstanding the demonstration required under subsection (1) of this section, that the applicant's or operator's disability or disease may impair operation of a motor vehicle by the applicant or operator, the division may require, as a condition of licensure, a certificate of the applicant's or operator's condition signed by the applicant's or operator's physician and approved by the Deputy Assistant Director for Health. If the affliction apparently involves only visual deficiencies, the division may require a certificate from a licensed optometrist or a licensed physician who spe-

cializes in diagnosis and treatment of diseases and conditions of the eye.

(3) When the Deputy Assistant Director for Health determines that an examination in addition to that conducted by the applicant's or operator's physician under subsection (2) of this section is required before approval of the certificate, the examination shall be made by a physician designated by the Deputy Assistant Director for Health. The physician who conducts the examination shall immediately make a written report of the findings and recommendations upon such examination to the Deputy Assistant Director for Health.

(4) The division may require reexamination of a licensee under subsection (3) of this section. The frequency of such reexaminations shall be established by the Deputy Assistant Director for Health after reviewing the recommendations of the licensee's physician.

(5) If an applicant is a disabled person as defined in ORS 487.915 and is applying for a license to operate a motor vehicle described in paragraph (h) of subsection (2) of ORS 481.075, the division may require the applicant to demonstrate that, notwithstanding the disability, the applicant is qualified to safely operate the vehicle in the manner authorized by ORS 487.525. [Amended by 1963 c.97 §5; 1977 c.885 §4; 1979 c.853 §1]

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 or a renewal shall be \$5. The fee shall be paid at the time the application for issuance or renewal of the license is presented.

(2) The fee for issuance of an original chauffeur's license or a renewal shall be \$5. The fee shall be paid at the time the application for issuance or renewal of the license is presented.

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

(4) 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 \$2, 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 Corporation. Of the money collected, \$2,500 per year shall be deducted for current expenses of collection and transfer. 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.

(5) 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 \$2 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 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; 1975 c.682 §2]

482.260 Examination required for license; reexamination. (1) Except as provided in subsections (2) and (3) of this section, the division shall examine every applicant for an operator's or chauffeur's license before issuing either license. The examination shall include:

(a) A test of the applicant's eyesight;

(b) An examination of his knowledge and understanding of the traffic laws of this state, including the rights of blind pedestrians, the meaning of official traffic signs and signals, safe driving practices including proper operating procedure in emergency situations, vehicle safety equipment and its use, and factors which cause accidents, including pedestrians and bicyclists, but in no event shall the examination cover any subject which is not presented in the publications of the Motor Vehicles

Division intended for the instruction of applicants for operator's and chauffeur's licenses;

(c) An actual demonstration of his ability to operate a motor vehicle without endangering the safety of persons or property; and

(d) Further examination as may be necessary to determine:

(A) Whether any facts exist which would bar issuing a license under ORS 482.110 to 482.150; or

(B) Whether the applicant is fit to operate a motor vehicle safely on the highways.

(2) The division may waive the examination of any person applying for the renewal of an operator's or operator-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 an operator-chauffeur's license has not previously been examined.

(3) The division may waive the drive test required in paragraph (c) of subsection (1) of this section, for a person applying for an Oregon driver's license when the applicant has in his possession a valid operator's or operator-chauffeur's license issued to him by another jurisdiction.

(4) 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 or of his right to apply for an operator's license.

(5) An examination under paragraph (d) of subsection (1) of this section shall be an investigation only of facts relating directly to the ability of the applicant to operate a motor vehicle safely and other facts that are specifically required under this chapter to show the fitness of the applicant for a license. [Amended by 1963 c.97 §9; 1963 c.596 §3; 1975 c.79 §1]

482.270 Issuance and form of licenses; temporary permits. (1) The division shall issue immediately upon payment of required fees operator's and chauffeur's li-

censes to all qualified persons and may issue a combined operator-chauffeur's license to persons qualified for both licenses.

(2) Every license shall bear the distinguishing number assigned to the licensee and shall contain the name, date of birth, residence address, a brief description of the licensee for the purpose of identification, and a space for his signature. Except as provided in subsection (3) of this section every operator's and every combined operator-chauffeur's license shall bear a full-faced color photograph of the licensee of a size approved by the division, taken at the time of application for the original license and of all subsequent renewals of the license.

(3) The administrator of the division, by administrative rule, may for good cause, including but not limited to religious preferences, provide for issuance of a valid operator's or combined operator-chauffeur's license without a photograph.

(4) 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.

(5) Upon request of the licensee the division will include on the license the fact that the licensee is an anatomical donor.

(6) A license issued to any person under the age of 21 years shall bear a photograph of the licensee with a background color which is readily distinguishable from the background color on licenses issued to persons 21 years of age or over. If a person is issued a license while under 21 years of age, and the person reaches the age of 21 years before the license expires, the division shall issue to him, upon application and payment of the duplicate license fee specified in ORS 482.290, a license bearing a photograph of the licensee with a background color for licensees 21 years of age or over.

(7) Upon order of the juvenile court, the

division shall include on the license the fact that the licensee is an emancipated minor.

[Amended by 1963 c.97 §10; 1975 c.126 §1; 1975 c.682 §3; 1977 c.244 §1; 1977 c.525 §8]

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.

(4) A person who violates any provision of this section commits a Class B traffic infraction. [Amended by 1977 c.882 §6]

482.283 Restricted license for operation of three-wheeled motorcycle by disabled person. (1) The division may issue a special restricted license under ORS 482.280 to a disabled person, as defined in ORS 487.915, for the operation of a three-wheeled motorcycle that is specially designed for operation by the disabled person.

(2) In order to obtain a license described under this section, a disabled person shall not be required to demonstrate ability to drive any vehicle other than the vehicle for which the special restricted license is sought.

(3) In addition to any other restrictions placed on the license by the division, a license issued under this section and ORS 482.280 shall be restricted to use for the specially designed vehicle.

(4) A disabled person who is issued a license under this section is not required to obtain a motorcycle indorsement under ORS 482.192 to 482.196. [1979 c.809 §11]

482.287 Limited license to operate moped; qualifications; fee. (1) A person may make application to the division to be issued a limited license to operate a moped over the highways of this state. A limited license issued under this section does not permit its holder to operate any motor vehicle other than a moped.

(2) The division shall issue a limited license under this section to any person who qualifies for the license under this chapter. In testing an applicant's qualifications for a limited license under this chapter, the division may limit the demonstration of ability required by ORS 482.260 to an off-street demonstration by the applicant.

(3) The fee for an original or renewed limited license under this section is \$5. [1979 c.871 §18]

482.290 Issuance of duplicate license when name or residence changed or original lost or destroyed. (1) If an operator's or combined operator-chauffeur's license issued under this chapter is lost, destroyed or mutilated, the person to whom it was issued may make application to the division and be issued a duplicate license upon furnishing proof satisfactory to the division of the loss, destruction or mutilation and upon payment of a fee of \$3. Upon receiving the application and fee, the division shall issue a license bearing the same distinguishing number as the old license.

(2) If an instruction permit or a special permit issued under this chapter is lost, destroyed or mutilated, a duplicate permit shall be issued upon application and payment of a fee of \$2.

(3) Persons licensed as operators or combined operator-chauffeurs under this chapter shall notify the division of any change of residence from that noted on their license as issued by the division. Notice shall be given by mail or in person within 30 days after the date of the change. The notice shall be written and shall indicate the old and new residence address and the number of the license held. Upon receiving the notice, the division shall note the change of address on its records. If the licensee appears in person at a division office, the division may issue a new license bearing a full-face color photograph and the same distinguishing number as the old license upon receipt of the old license or it may note the new address on the old license in a man-

ner to be determined by the division. If a new license is issued the fee shall be \$3.

(4) Persons licensed as operators or combined operator-chauffeurs under this chapter shall notify the division of 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 person within 30 days after the change. The notice shall be written and shall indicate the former and new name and the number of the license held. Upon receiving the notice, and old license, the division shall note the change of name on its records. Upon payment of a \$3 fee, the division may issue a new license bearing a full-face color photograph and the same distinguishing number as was shown on the old license.

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

(6) A person who fails to comply with subsection (3) or (4) of this section commits a Class D traffic infraction. [Amended by 1961 c.286 §4; 1971 c.169 §4; 1973 c.156 §5; 1975 c.451 §213; 1975 c.682 §4a; 1979 c.471 §3]

482.300 [Amended by 1955 c.287 §28; 1975 c.451 §214; repealed by 1977 c.882 §75]

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

482.405 Notice of pending expiration of license; exceptions; effect of failure to notify; records. (1) Before the expiration of any operator's or a combined operator-chauffeur's license issued under the provisions of this chapter, the division shall notify the person to whom the license was issued of the approaching expiration. Within 60 days of the expiration date, the notice shall be mailed to the person to whom the license was issued at the address shown in the driver's license file.

(2) The division shall not be required to notify the person of an approaching expiration if the person's license has been suspended, canceled or revoked or if the person has failed to notify the division of a change of address as required by ORS 482.290.

(3) Failure to receive a notice of expiration from the division is not a defense to a charge of driving with an expired operator's or combined operator-chauffeur's license. However, the court may dismiss the charge if the person renews the license before the scheduled court appearance.

(4) The division is not required to maintain records of the preparation and mailing of the notices required by this section. [1977 c.459 §4]

482.410 Duration of operators' and chauffeurs' licenses. 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 second 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 second even-numbered calendar year after such issuance. However, if the license issued would expire in less than three years from the date of its issue, the expiration date of the license shall be extended for an additional period of two years. A combined operator-chauffeur's license, if issued, shall expire on the expiration date shown on the operator's license.

[Amended by 1961 c.245 §1; 1963 c.97 §11; 1975 c.682 §5]

482.420 Renewal of operators' and combined operator-chauffeurs' licenses. Operators' and combined operator-chauffeurs' licenses shall be renewed for a period of four

years from the specified expiration date of the immediately preceding license. An operator's or combined operator-chauffeur's license renewal may 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; 1975 c.682 §6]

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 upon two charges of reckless driving all within the preceding 24 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) Fleeing or attempting to elude a police officer.

(b) Reckless driving.

(3) The division forthwith shall suspend any person's permit or license to operate motor vehicles upon receiving a record of the conviction of the person for driving under the influence of intoxicants when the conviction is the second or subsequent conviction within a five-year period. The period of suspension shall be one year for a second conviction and three years for the third or subsequent conviction within a five-year period.

(4) The period of suspension under subsection (2) of this section shall be:

(a) First conviction within a five-year period, 90 days.

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

(c) Third or subsequent conviction within a five-year period, three years.

(5) If a defendant is before the court for sentencing upon conviction for any offense that is grounds for mandatory revocation or suspension under this section and the defendant has a driver's license or permit, the judge shall take possession of the license or permit and immediately send it and notice of the conviction to the division. Any suspension or revocation of the defendant's license or permit or right to apply shall become effective on the date on which the court takes possession of the license or permit or on the date otherwise ordered by the court. [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; 1975 c.451 §144; 1977 c.882 §7]

482.435 Effect of unvacated forfeiture of bail for purposes of revoking or suspending license. As used in ORS chapters 484, 486 and this chapter, for the purposes of determining whether grounds exist for revoking or suspending a person's operator's or chauffeur's license or for prosecuting the person for a Class A misdemeanor under ORS 484.365, an unvacated forfeiture of bail equals a conviction. [1977 c.882 §1b]

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]

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, criminally negligent 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 criminally 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; 1975 c.451 §145]

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 non-resident 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 subsections (3) and (4) 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, 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; 1977 c.882 §8]

482.475 Reinstatement of operator's or chauffeur's privilege; issuance and revocation of occupational license. (1) The division shall reinstate the privilege to operate a motor vehicle of any person whose license to operate a motor vehicle has been suspended, if such person submits to the division a written application for an occupational license and shows:

(a) That his being able to operate a motor vehicle is a requisite of his occupation or employment or that he is a chauffeur by occupation or employment;

(b) That he is not incompetent to drive nor a habitual incompetent, reckless or criminally 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.

(d) In addition to all the other requirements of this section, when the suspension is based upon a conviction of ORS 487.550 or 487.555 the defendant must submit a recommendation from the judge before whom he was convicted.

(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 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 restrictions 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. [1965 c.281 §2; 1975 c.451 §214a; 1977 c.882 §9]

482.477 Reinstatement of license of problem drinker or drug-dependent person. (1) If a person's license is suspended for driving while under the influence of intoxicants, as provided by subsection (3) of ORS 482.430, the division may reinstate the license, pursuant to ORS 482.478, if the person is otherwise entitled thereto, if:

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

(b) The person 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 the person's progress in the rehabilitation program, such reinstatement in writing to the division;

(d) The judge before whom the person 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) The person files with the division proof of future responsibility as required by ORS chapter 486; and

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

(2) Notwithstanding subsection (1) of this section, a person whose license has been suspended as provided by subsection (3) of ORS 482.430 may have the license reinstated pursuant to ORS 482.478:

(a) When the Mental Health Division determines that the person is not a problem drinker or drug-dependent person; and

(b) If the judge before whom the person was convicted recommends the reinstatement in writing to the division.

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

(4) As used in this section, "drug-dependent person" means a person who has lost the ability to control the use of controlled substances or other substances with abuse potential, or who uses such substances to the extent that the person's health or that of others is substantially impaired or endangered or the person's 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 or controlled substance to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of a drug or controlled substance. [1967 c.608 §2; 1973 c.798 §4; 1975 c.451 §214b; 1977 c.882 §10; 1979 c.471 §4; 1979 c.506 §1; 1979 c.744 §38a]

482.478 Conditions of reinstatement of occupational license; revocation of reinstated license. (1) A license reinstated as authorized by subsection (1) 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 (1) 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 (1) 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; 1975 c.451 §214c]

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 487.580, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted. 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, 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; 1975 c.451 §145a; 1977 c.882 §11]

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; waiver. (1) The division shall charge a fee of \$25 for reinstatement of any license that has been suspended or revoked. Except as provided in subsection (2) of this section, 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 and to the cost of administering the driver improvement program authorized by ORS 482.850.

(2) The division may waive the reinstatement fee if:

(a) The suspension occurred under provisions of subsection (4) of ORS 482.260 or paragraph (c) of subsection (1) of 482.450; or

(b) The division committed an error in issuing the suspension or revocation; or

(c) The suspension or revocation was the result of an error committed by an insurance company in canceling a certificate of insurance filed with the division under ORS chapter 486. [1971 c.428 §3; 1973 c.156 §6; 1973 c.643 §2; 1977 c.392 §1]

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; reissuance restricted. (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 the application.

(b) Committed fraud in making such application.

(c) Fraudulently altered the 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.

(3) The division shall not issue, within one year from the date of the cancellation, any permit, special permit or license to a person whose permit, special permit or license is canceled under this section. [Amended by 1979 c.194 §1]

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 487.805, 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 120 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 shall be served as provided in ORS 482.570. [1965 c.574 §11 (1), (2), (5); 1973 c.827 §57; 1975 c.451 §146]

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 subpoenas 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 proceedings 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 intoxicants in violation of ORS 487.540 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 intoxicants in violation of ORS 487.540 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 487.810. [1965 c.574 §11 (3), (4); 1969 c.579 §1; 1975 c.451 §147]

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. The notice shall state the nature and reason for the action and, in the case of a suspension, whether it was ordered by a court. Service of the notice is accomplished either by mailing the notice by certified mail restricted delivery, return receipt requested, to the person's address as shown by division records, or, by personal service in the same manner as a summons is served in an action at law. [1965 c.321 §2; 1971 c.428 §1; 1973 c.643 §1; 1975 c.451 §148; 1977 c.882 §12]

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; use of false name to police officer. No person shall commit any of the following acts:

(1) Display or cause or permit to be displayed or possess any operator's or chauffeur's license, instruction permit or special 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 operator's or chauffeur's license, instruction permit or special permit issued to the person so lending or permitting its use.

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

(4) Fail or refuse to surrender to the division, upon demand, any operator's or chauffeur's license, instruction permit or special permit which has been suspended, canceled or revoked.

(5) Use a false or fictitious name, give a false or fictitious document to establish age or identity or give a false or fictitious address in any application for any operator's or chauffeur's license, instruction permit or special 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.

(6) Knowingly use a false or fictitious name, knowingly give a false or fictitious address or knowingly give a false date of birth to any police officer for any violation of the motor vehicle laws.

(7) A person who violates any provision of this section commits a Class A misdemeanor.

[Amended by 1975 c.451 §215; 1977 c.882 §13; 1979 c.194 §2]

482.620 [Repealed by 1975 c.451 §291]

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.

(3) A person who violates this section commits a Class B traffic infraction. [Amended by 1975 c.451 §216]

482.640 Employment of unlicensed chauffeur. (1) No person shall employ any chauffeur to operate a motor vehicle who is not licensed as provided in this chapter.

(2) A person who violates this section commits a Class B traffic infraction. [Amended by 1975 c.451 §217]

482.650 [Amended by 1959 c.506 §1; 1973 c.798 §5; repealed by 1975 c.451 §291]

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 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:

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 a controlled substance, or under the influence of any other drug or substance 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; 1979 c.744 §39]

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. Upon order of the juvenile court, the division shall include on the card the fact that the licensee is an emancipated minor. [1973 c.389 §3; 1977 c.525 §9]

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. The fee for an original identification card or a renewal thereof shall be the same as the fee for a license as set forth in subsection (1) of ORS 482.250. In no event shall the issuance or renewal of an identification card be subject to any fee in addition to that set forth in subsection (1) of ORS 482.250. [1973 c.389 §6; 1975 c.682 §11]

482.925 Cardholder required to notify division of change of name or residence; issuance of new cards. (1) A person to whom an identification card has been issued shall

notify the division in writing or in person within 30 days after any change of residence address from that shown on the identification card if the card is to remain valid. Notification shall include the old and new address and the number of the identification card. If the notice is received in writing through the mail, the division shall note the change of address on its records. If the person to whom the identification card was issued appears in person at a division office, the division may issue a new identification card containing the new address but bearing the same distinguishing number as the old identification card upon receipt of the old identification card or it may note the new address on the old identification card in a manner to be determined by the division. If a new identification card is issued the fee shall be \$3.

(2) A person to whom an identification card has been issued shall notify the division in person within 30 days after any change of name from that shown on the identification card as issued by the division, including a change of name by marriage, if the card is to remain valid. Notification shall include the former and new name and the number of the identification card. Upon receiving the notice, and the old identification card, the division shall note the change of name on its records and shall issue a new identification card upon payment of a fee of \$3.

(3) A person who violates this section commits a Class D traffic infraction. [1973 c.389 §7; 1975 c.451 §218; 1979 c.313 §5]

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 \$3. [1973 c.389 §8; 1979 c.313 §6]

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.

(3) A person who violates subsection (2) of this section commits a Class A misdemeanor. [1973 c.389 §9; 1975 c.451 §219; 1979 c.313 §7]

(Voter Registration)

482.950 Availability of voter registration card at division field offices; procedures for issuance. (1) A voter registration card described in ORS 247.002, 247.005, 247.012 to 247.035, 247.121 and 247.171 to 247.991 shall be available to any person at any field office of the Motor Vehicles Division of the Department of Transportation where license or renewal applications are distributed or received.

(2) Any person at least 18 years of age who attempts to apply for an Oregon license or renewal at any field office of the Motor Vehicles Division of the Department of Transportation where license or renewal applications are distributed or received shall be given a voter registration card described in ORS 247.002, 247.005, 247.012 to 247.035, 247.121 and 247.171 to 247.991. [1977 c.163 §2, 3; 1979 c.190 §426; 1979 c.507 §2]

PENALTIES

482.990 Penalties. (1) 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, commits a Class A misdemeanor.

(2) No person, without the authority of the division, shall advertise for the production of, produce in any way or cause to be produced any facsimiles of the blank forms upon which the division issues licenses under this chapter. Violation of this subsection is a Class A misdemeanor.

(3) Any person who manufactures, produces, sells, offers for sale or transfers to any other person any document purporting to be either a certificate of birth, certificate of baptism, or a driver's license from some other state, knowing or having reason to know that the document may be used to represent that person as another person to obtain a driver's license or an identification document issued by a government agency, commits 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; 1975 c.451 §220; 1979 c.194 §3]

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,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel

