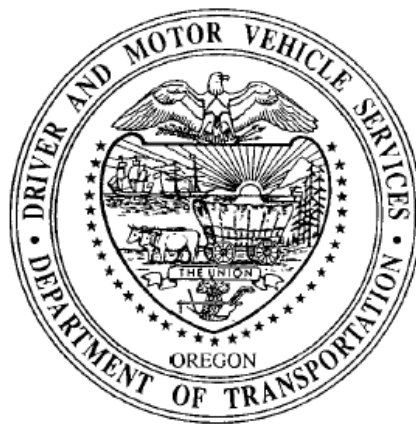


Department of Transportation Sanctions on Convictions Reference Guide



DRIVER AND MOTOR VEHICLE SERVICES

For a list of ALL suspension, revocation and cancellation types (related and not related to convictions or court orders), see the Tables section of the Guide to Oregon Driving Records at www.odot.state.or.us/forms/dmv/6665.pdf.

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**DEPARTMENT OF TRANSPORTATION
SANCTIONS ON CONVICTIONS
REFERENCE GUIDE**

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I. LIST OF OFFENSES AND STATUTES WITH SANCTIONS IMPOSED BY THE COURT

INFORMATION LISTED BY OREGON REVISED STATUTE (ORS)

CLICK ON SECTION LINK TO GO TO SECTION.

ORS	Offense Description	Section
161.525	Felony involving a motor vehicle*	4.5
163.115	Murder with motor vehicle as dangerous weapon*	4.3
163.118, 163.125	Manslaughter*	4.3
163.145	Criminally negligent homicide involving motor vehicle*	4.3
163.149	Aggravated vehicular homicide*	4.3
163.160	Assault in the 4 th degree, involving motor vehicle*	5.1
163.165	Assault in the 3 rd degree, involving motor vehicle*	
163.175	Assault in the 2 nd degree, involving motor vehicle*	
163.185	Assault in the 1 st degree, involving motor vehicle*	4.3
163.196	Aggravated Driving While Suspended or Revoked*	4.3
163.195	Reckless endangering another involving a motor vehicle*	5.
164.245	Criminal trespass in the 2 nd degree*	5.1
471.430	Purchase or possession of liquor by a person under 21; entry on licensed premises by a person under 21	7.2
806.040	Judgments for which financial responsibility requirements are established	5.1
809.310	Cancellation or suspension of driving privileges*	5.1
811.109	Speeding	5.
811.135	Careless Driving	5.
811.140	Reckless Driving*	5.
811.175	Violation driving while suspended or revoked	2.1, 6.2, 15.1
811.182	Criminal driving while suspended	2.1, 6.2, 15.1
811.231(1)	Reckless endangerment of highway workers	5.1
811.455	Failure to stop for railroad sign	6.1
811.460	Failure to follow rail crossing procedures for high risk vehicles	6.1
811.462	Failure of operator of commercial motor vehicle to slow and check railroad tracks	6.1
811.475	Obstructing railroad crossing	6.1

ORS	Offense Description	Section
811.540	Fleeing or attempt to elude police officer*	5.
811.700	Failure to perform duties of driver when property is damaged*	5.
811.705	Failure to perform duties of driver to injured persons*	4.4, 6.2
813.010	Driving under the influence of intoxicants*	2.1, 4.2, 5.1, 15.1
813.050	Out of service orders for operators of commercial motor vehicles	6.6 to 6.9
818.040	Violation of posted weight limits	3.1
163.190	Menacing <i>involving a motor vehicle</i>	5.
163.345 163.354 163.365	Criminal mischief <i>involving motor vehicle</i>	5.
	Felony conviction with controlled substances and a commercial motor vehicle	6.3
	2 nd serious traffic offense	6.4
	3 rd serious traffic offense	6.5
	Traffic fine, failure to pay	5.
	Traffic citation hearing, failure to appear at	5.
	Traffic citation, guilty but insane	5.1
	Out-of-service restriction, failure to obey	6.6, 6.8
	Out-of-service restriction with hazardous waste, failure to obey	6.7, 6.9
	Juveniles	7
	Perjury or false affidavit to the Department of Transportation*	5.1

* If the court should fail to forward sanction notice to DMV or if DMV cannot process the sanction notice received from the court, DMV can and will impose a suspension or revocation upon receipt of the conviction abstract or judgment of conviction. *All other suspension or revocations require notice from the court.*

II. LIST OF STATUTES UNDER WHICH AUTHORITY A LICENSE IS SURRENDERED
(SEE Section 10 and Appendix C)

ORS 165.805	ORS 809.240	ORS 809.409	ORS 811.109
ORS 471.430	ORS 809.260	ORS 809.411	ORS 811.135
ORS 809.120	ORS 809.270	ORS 809.510	ORS 813.400
ORS 809.235	ORS 809.275	ORS 809.545	ORS 818.040

1. DEFINITIONS & GENERAL GUIDELINES

Department = Department of Transportation

Court = Trial Department

NOTE: The court may sanction a nonresident for any cause for which the driving privileges of a resident of this state may be suspended or revoked (809.230).

NOTE: If the convicted person is not currently licensed (including commercially) or does not hold a permit, or if the person's privileges would expire within the suspension period, and the court would order the license or permit suspended or revoked, the court shall suspend or revoke the right to apply for the license or permit (809.360(4)).

NOTE: The juvenile court has the same authority to order suspension or revocation of the driving privileges of juveniles in its jurisdiction, and to take other actions in relation to the juvenile's driving privileges, as other courts have over adult offenders who commit the same act that is grounds for suspension or revocation (809.412).

NOTE: If a person is convicted of an offense committed under the vehicle code or any other statute of this state, or a municipal ordinance, the **record of conviction** (containing the date of the offense, any arrest and conviction) **must be forwarded** to the Department **within twenty-four hours of the time the defendant was sentenced** by the court (810.370(2)).

Exceptions, listed in ORS 810.370(3), are set out in **Appendix B**.

2. OFFENSE CONVICTIONS - SUSPENSION OF VEHICLE REGISTRATION

**2.1 Driving while license suspended or revoked in violation of ORS [811.175](#) or [811.182](#); or
2nd or subsequent charge of driving under the influence of intoxicants in violation of ORS [813.010](#) ([809.010](#))**

- the court shall suspend vehicle registration of convicted person
- or*
- the court shall suspend vehicle registration of vehicle convicted person operated at the time of the person's arrest
 - * may only suspend registration of vehicle convicted person does not own *if* satisfied by *clear and convincing evidence* that the owner knew or had good reason to know the convicted person did not have a valid driver's license and knowingly consented *or* was operating the vehicle under the influence of intoxicants
- the court shall suspend registration for **120 days or less** effective from the conviction date
- the court shall issue copy of court order to Department per ORS [809.020](#)

Forms: 735-6128 Court Order to Suspend Vehicle Registration

3. OFFENSE CONVICTIONS - SUSPENSION OF VEHICLE REGISTRATION *OR* DRIVING PRIVILEGES

3.1 Weight violation ORS 818.040 (809.120)

- the court may recommend the Department suspend for **90 days or less**, effective from the date of conviction, the convicted person's:
 - * license
 - * registration *if* vehicle required to be registered by the Department
- on the 2nd or subsequent violation within one year after the first conviction
 - * court may recommend to Department to suspend for **30-90 days** effective from the date of conviction
- the court *shall* secure the license, permit or plates recommended suspended
- the court shall immediately forward the license, permit or plates to the Department with suspension order per ORS 809.275

Form: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-6128 Court Order to Suspend Vehicle Registration

Seize the license, permit and/or registration plates

4. OFFENSE CONVICTIONS - REVOCATION OF DRIVING PRIVILEGES

4.1 Any degree of Murder *and* person intentionally used a motor vehicle as a dangerous weapon resulting in death, Aggravated Vehicular Homicide, Manslaughter in the first or second degree, Criminally Negligent Homicide, or Assault in the first degree resulting from the operation of a motor vehicle (809.235(1)(a))

- the court shall **permanently revoke** driving privileges effective from the date of conviction
- the convicted person may apply to circuit court for an order restoring driving privileges 10 years or more after person is released on parole or post-prison supervision for the crime and any other crimes arising out of the same criminal episode; or if probation is revoked, 10 years or more after the date probation is revoked; or 10 years from the date of the most recent conviction involving a motor vehicle if during the revocation period the person is convicted of a criminal offense involving a motor vehicle
 - * District Attorney shall be named and served as Respondent
 - * court shall hold a hearing, considerations enumerated in ORS 809.235(3)(a)-(e)

NOTE: The Department cannot permanently revoke driving privileges for the above convictions. If the court fails to impose the permanent revocation, the Department will impose sanctions per 809.409(2) upon receipt of the conviction (see Section 4.3 below)

Form: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

4.2 Felony driving while under the influence of intoxicants (DUII) in violation of ORS 813.010 or 3rd or subsequent conviction for misdemeanor driving while under the influence of intoxicants (809.235(1)(b))

- the court shall **permanently revoke** driving privileges effective from the date of conviction
- the convicted person may apply to circuit court for an order restoring driving privileges 10 years or more after person is released on parole or post-prison supervision for the crime and any other crimes arising out of the same criminal episode; or if probation is revoked, 10 years or more after the date probation is revoked; or 10 years from the date of the most recent conviction involving a motor vehicle if during the revocation period the person is convicted of a criminal offense involving a motor vehicle
 - * District Attorney shall be named and served as Respondent
 - * court shall hold a hearing, considerations enumerated in ORS 809.235(3)(a)-(e)

NOTE: The Department *cannot* permanently revoke driving privileges for DUII convictions. If the court fails to impose the permanent revocation, the Department will impose sanctions per ORS 813.010 upon receipt of the conviction (see Section 5.1 below)

Form: 735-6116 Notice of Suspension or Revocation
and

a copy of the citation conviction abstract *or* judgment of conviction

4.3 Murder, Manslaughter, Aggravated Vehicular Homicide, Aggravated Driving While Suspended or Revoked, Criminally Negligent Homicide or Assault 1 resulting from the operation of motor vehicle (809.409(2))

- the court shall revoke driving privileges for **10 years** effective from the date of conviction *only* if the court did not impose a permanent revocation per ORS 809.235 (see Section 4.1 above) *and* the conviction **sentence does NOT include incarceration**
- if the court did not impose a permanent revocation per ORS 809.235 *and* the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department
 - * the Department mails the revocation notice to the defendant 5 days prior to taking effect
 - * the convicted person must provide proof to DMV of release date and DMV will end the revocation **10 years** from the date released from incarceration (does not need to petition the court)

Forms: 735-6116 Notice of Suspension or Revocation (if sentencing does not include incarceration)

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit.

4.4 Fail to perform duties driver under ORS 811.705 if a person was injured or killed as a result (809.409(3))

- the court shall revoke driving privileges for **1 year** effective from the date of conviction if a person was injured as a result of the accident
- the court shall revoke driving privileges for **3 years** effective from the date of conviction if a person was seriously injured as defined in ORS 161.015 only if the conviction **sentence does NOT include incarceration**
- the court shall revoke driving privileges for **5 years** effective from the date of conviction only if the conviction **sentence does NOT include incarceration**
- if the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department
 - * the Department mails the revocation notice to the defendant 5 days prior to taking effect
 - * the convicted person must provide proof to DMV of release date and DMV will end the revocation **3 years** (if a person is seriously injured) **or 5 years** (if a person is killed) from the date released from incarceration

Form: 735-6116 Notice of Suspension or Revocation (if sentencing does not include incarceration)

and

a copy of the citation conviction abstract *or* judgment of conviction

- **735-318 Temporary Driver's Permit**, if applicable

Seize the license or permit

4.5 Felony with a material element involving a motor vehicle (809.409(4))

- the court shall revoke driving privileges for **1 year** effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5. OFFENSE CONVICTIONS - SUSPENSION OR RESTRICTION OF DRIVING PRIVILEGES

5.1 Driving under the influence of intoxicants (813.010)

- the court shall suspend driving privileges for **1 or 3 years** according to Schedule II (see **Appendix A**) for a first or second conviction effective from the date of conviction (for a third or subsequent conviction, see Section 4.2)

NOTE: Does not apply to (permanent revocation) sanctions imposed by the court under **809.235**, see Section 4.2.

Forms: 735-6116 Notice of Suspension or Revocation
and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.2 Failure to pay fine or obey court order re: any traffic offense (809.210)

- does *not apply* to a:
 - * a parking offense, *or*
 - * a pedestrian offense, *or*
 - * a bicycling offense
- court may issue notice to Department to suspend driving privileges until defendant complies with court requirements
 - * the Department mails the suspension notice to the defendant 60 days prior to taking effect
- court may also order defendant's privileges restricted
 - * if the court so orders, the court shall immediately notify Dept of restriction *or* removal of restriction
 - * restriction remains until court orders removed
 - * restrictions may include any restriction, condition or requirement
- Department requires court clearance in order to reinstate within 20 years from the date the traffic offense occurred.
- the Department *cannot* suspend driving privileges without a court order (Form 735-6115)

Form: 735-6115 Notice of Court Action Against Driver License

5.3 Failure to appear on cite for traffic offense or violation of ORS 471.430 (809.220)

- does *not apply* to a:
 - * parking offense, *or*
 - * pedestrian offense, *or*
 - * bicycling offense

- court shall issue notice to the Department to suspend driving privileges if a person fails to appear at hearing for a **traffic violation**, a **traffic crime** or violation of ORS 471.430
 - * the Department mails the suspension notice to the defendant 60 days prior to taking effect

- Department requires court clearance in order to reinstate within 10 years from the date the offense occurred.
 - * court shall provide a 2nd notice (court clearance) to the Department to terminate suspension if:
 - the base fine amount is paid, *or*
 - the court finds defendant not guilty or dismisses case, *or*
 - the court determines suspension should be terminated for good cause.

Form: 735-6115 Notice of Court Action Against Driver License

5.4 Any degree of recklessly endangering another person, menacing or criminal mischief resulting from the operation of a motor vehicle (809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see **Appendix A**) effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.5 Reckless driving ORS 811.140 (809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see [Appendix A](#)) effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.6 Careless driving ORS 811.135 (809.280)

- the court shall suspend driving privileges for **1 year** if the commission of the offense contributed to the serious physical injury or death of a vulnerable user of a public way *and* the person did not successfully complete the requirements described in ORS [811.135\(3\)\(a\)](#)

Forms: 735-6115D Notice of Suspension

(Careless Driving • Minor in Possession through Misrepresentation of Age)

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.7 Speeding conviction ORS 811.109 (809.280)

- the court may suspend driving privileges for **30 days or less** if the person exceeded the speed limit or designated speed by more than 30 miles per hour *and* the person has received at least one prior conviction under ORS [811.100](#) or [811.111](#) within 12 months of the offense date
- the court shall suspend driving privileges for **30-90 days** if the person exceeded the speed limit or designated speed *and* the person was driving 100 miles per hour or more

Forms: 735-6115C Notice of Suspension

(Speeding • Controlled Substance Offense (Any Age))

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit.

5.8 Failure to perform duties of a driver when property is damaged ORS 811.700

(809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see [Appendix A](#)) effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.9 Fleeing or attempting to elude police officer ORS [811.540](#) (809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see [Appendix A](#)) effective from the date of conviction

- a court recommendation is required if the driver applies for a hardship permit

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.10 Reckless endangerment of highway workers ORS [811.231\(1\)](#) (809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see [Appendix A](#)) effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.11 Criminal trespass that involved operation of a motor vehicle ORS 164.245 (809.411)

- the court shall suspend driving privileges for **6 months** effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.12 Offenses described in ORS 809.310 (see 809.411, 809.415)

- the court shall suspend driving privileges for **1 year** effective from the date of conviction for any of the following acts in violation of the cited statute:

* **807.430** or **807.530** - failed to give the required or correct information in the application for driving privileges or for an identification card

* **807.520** - committed false swearing in making application for the driving privileges

* **807.580** - used an invalid license or identification card

* **807.430** or **807.590** - permitted misuse of license, permit or identification card

* **807.430** or **807.600** - used the license, permit or identification of another

* **807.500** - produced identification cards, licenses, permits, forms or camera cards

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.13 Assault in the 2nd, 3rd, or 4th degree resulting from operation of motor vehicle (809.411)

5.14.1 - 2nd Degree

- the court shall revoke driving privileges for **8 years** from the date of conviction only if the conviction **sentence does not include incarceration**
- if the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department
 - * the Department mails the suspension notice to the defendant 5 days prior to taking effect
 - * the convicted person must provide proof to DMV of release date and DMV will end the revocation **8 years** from the date released from incarceration

5.14.2 - 3rd Degree

- the court shall revoke driving privileges for **5 years** from the date of conviction only if the conviction **sentence does NOT include incarceration**
- if the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department
 - * the Department mails the suspension notice to the defendant 5 days prior to taking effect
 - * the convicted person must provide proof to DMV of release date and DMV will end the revocation **5 years** from the date released from incarceration

5.14.3 - 4th Degree

- the court shall revoke driving privileges for **1 year** from the date of conviction only if the conviction **sentence does NOT include incarceration**
- if the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department
 - * the Department mails the suspension notice to the defendant 5 days prior to taking effect
 - * the convicted person must provide proof to DMV of release date and DMV will end the suspension **1 year** from the date released from incarceration

Forms: 735-6116 Notice of Suspension or Revocation (if sentencing includes incarceration)

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.14 Judgment under ORS 806.040 unsettled 60 days or more after entry of judgment (809.415)

- the court may notify the department of an unsettled judgment under ORS 806.040
 - * the Department mails the suspension notice to the defendant 30 days prior to taking effect
- the court shall provide a 2nd notice (court clearance) to the Department to terminate suspension if, within 7 years from rendered date, the defendant satisfies the judgment in accordance with ORS 809.130 and 809.470:
 - * in full, *or*
 - * by an order allowing payments, *or*
 - * by bankruptcy proceedings, *or*
 - * information has been provided that the insurer is obligated to pay the judgment and no court has issued a judgment that says the insurer does not have to pay

Form: 735-6702 Notice of Judgment Status

5.15 Person charged with traffic offense found guilty but insane *and* committed to Psychiatric Security Review Board (809.419)

- the court shall notify the Department of guilty finding and commitment
- Department shall immediately suspend the person's license
- suspension until person establishes eligibility under ORS 807.090

Forms: A copy of any final judgment of conviction. This is a duty imposed on judges and court clerks in ORS 810.375(1)(d).

6. SUSPENSION OF COMMERCIAL DRIVING PRIVILEGES

Suspension of Commercial Driving Privileges (CDP) under **ORS 809.510 to 809.585** is **separate and is in addition to any other suspension or revocation** required under the vehicle code for the same offense. DMV will impose all required suspensions or revocations of commercial driving privileges under ORS **809.510 to 809.535** upon receipt of the conviction abstract or judgment of conviction.

It is imperative for the court to note, on *any* conviction:

- if the offense occurred in a Commercial Motor Vehicle (CMV);
- if the driver held a Commercial Driving Privilege (CDP) at the time of the offense;
- if the vehicle was transporting hazardous materials; and
- if the vehicle is designed to transport 16 or more passengers, including the driver.

ORS **807.018** states a person holds commercial driving privileges for the purposes of the Oregon Vehicle Code if:

- the person has an unexpired commercial learner driver permit; or
- the person's most recently issued driver license or was a commercial driver license issued by the Department of Transportation or the licensing agency of another jurisdiction, without regard to whether:
 - * the commercial driver license has expired; or
 - * the commercial driving privileges are suspended, canceled or revoked.

6.1 Railroad Crossing offenses listed in **811.455, 811.460, 811.475, 811.462 (809.535)**

- the court shall send notice of a conviction to the Department
- the Department shall suspend privileges for:
 - * **60 days** for a first conviction
 - the Department mails the suspension notice to the defendant 30 days prior to taking effect
 - * **120 days** for a second offense *and* the conviction is within 3 years of the separate offense
 - the Department mails the suspension notice to the defendant 30 days prior to taking effect
 - * **1 year** for a third offense *and* 2 or more occur w/in 3-year period
 - the Department mails the suspension notice to the defendant 30 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.2 Failure to perform the duties of driver while operating commercial motor vehicle or while holding CDP and operating a non-commercial motor vehicle (811.700 or 811.705);

or

Conviction of a crime punishable as a felony involving the operation of a commercial motor vehicle or a non-commercial motor vehicle when holding a CDP (other than the felony described in Section 6.3);

or

Conviction for operation of a commercial motor vehicle while, as a result of prior violations committed while operating a commercial motor vehicle, the CDP had been suspended or revoked (811.175 or 811.182);

or

Conviction of any degree of murder, manslaughter or criminally negligent homicide involving the operation of a commercial motor vehicle or assault in the first degree involving the operation of a commercial motor vehicle (809.510(1)(d))

- the court shall send notice of a conviction to the Department

- the Department shall suspend privileges for:

* **1 year** if CDP has not been previously suspended under subsection ORS 809.510 or ORS 809.411(2) and the person was *not driving* a commercial motor vehicle containing hazardous waste

- the Department mails the suspension notice to the defendant
5 days prior to taking effect

* **3 years** if commercial license has not been previously suspended under subsection ORS 809.510 or ORS 809.411(2) and the person was *driving* a commercial motor vehicle containing hazardous waste

- the Department mails the suspension notice to the defendant
5 days prior to taking effect

* **Lifetime** if commercial license has previously been suspended under subsection ORS 809.510 or ORS 809.411(2)

- the Department mails the suspension notice to the defendant
5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.3 Conviction of a crime punishable as a felony that involves manufacturing, distributing or dispensing controlled substance (using the meaning given that term in ORS 475.005(6)) and in which a commercial motor vehicle or non-commercial motor vehicle operated by a CDP holder was used (809.520(1))

- the court shall send notice of a conviction to the Department
- the Department shall suspend privileges for **lifetime** of the person
 - * the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.4 2nd conviction of a serious traffic offense as defined in OAR 735-063-0360 within three years if the convictions arose out of separate incidents (809.525(1))

- the court shall send notice of a conviction to the Department
- the Department shall suspend privileges for **60 days**
 - * the Department mails the suspension notice to the defendant 30 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.5 3rd or subsequent conviction of a serious traffic offense as defined in OAR 735-063-0360 within three years if the convictions arose out of separate incidents (809.525(2))

- the court shall send notice of a conviction to the Department
- the Department shall suspend privileges for **120 days**
 - * the Department mails the suspension notice to the defendant 30 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.6 First notice the person violated an out-of-service order issued under ORS 813.050 or knowingly violated any out-of-service order or notice (809.530(1))

- the court shall send notice of a conviction to the Department

* the notice shall include the record of conviction and the record of determination by a State or Federal agency with jurisdiction to make such determinations that the person violated an out-of-service order issued under ORS 813.050

- the Department shall suspend privileges for **180 days**

* the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.7 First notice the person violated an out-of-service order while transporting hazardous material required to be placarded or operating a vehicle designed to transport 16 or more persons, including the driver (809.530(2))

- the court shall send notice of a conviction to the Department

* the notice shall include the record of conviction and the record of determination by a state or federal agency with jurisdiction to make such determination that the person violated an out-of-service order issued under ORS 813.050

- the Department shall suspend privileges for **1 year**

* the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.8 2nd or subsequent notice within 10 years indicating that the person violated an out-of-service order issued under ORS 813.050 or knowingly violated any out-of-service order or notice (809.530(3))

- the court shall send notice of a conviction to the Department

* the notice shall include the record of conviction and record of determination by a state or federal agency with jurisdiction to make such determinations that the person violated an out-of-service order issued under ORS 813.050

- the Department shall suspend privileges for **3 years**

* the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.9 2nd or subsequent notice within 10 years indicating that the person violated an out-of-service order while transporting hazardous material required to be placarded or operating a vehicle designed to transport 16 or more persons, including the driver, regardless of the load or type of vehicle involved in the 1st notice (809.530(4))

- the court shall send notice of a conviction to the Department

* the notice shall include the record of conviction and record of determination by a state or federal agency with jurisdiction to make such determination that the person violated an out-of-service order issued under ORS 813.050

- the Department shall suspend privileges for **5 years**

* the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

7. CONVICTED JUVENILES

7.1 Person between 13-17 years of age at the time of the offense determined by the Juvenile Court to have committed (809.260(1) and (2))

- an offense involving the delivery, manufacture or possession of controlled substance, or any offense described in ORS 475B.341, 475B.346 or 745B.349

* the court may suspend driving privileges if it is the persons

- second or subsequent adjudication; or
- first adjudication and the person has previously entered into a formal accountability agreement under ORS 419C.230; or
- first adjudication and the offense involved the operation of a motor vehicle

* the Department determines the ending date of the suspension per ORS 809.280(7)

- 1 year or until the juvenile turns 17 years old, whichever is longer, if it is the juvenile's 1st order
- 1 year or until the juvenile turns 18 years old, whichever is longer, if it is the juvenile's 2nd or subsequent order

* court may review and withdraw order at any time, except

- If it's the 1st order issued to the juvenile, court cannot withdraw the order within 90 days
- If it's the 2nd or subsequent order issued to the juvenile, court cannot withdraw the order within 1 year
- If the conviction involves controlled substances, court cannot withdraw the order within 6 months, regardless of the number of orders issued to the juvenile

**Form: 735-6115A Notice of Suspension
(Underage Alcohol, Controlled Substance, Marijuana Item, Cannabis)**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

7.2 Person between 13-20 years of age at the time of the offense convicted of, or determined by a Court to have committed (809.260(3) and (4))

- an offense involving the possession, use or abuse of alcohol or cannabis

- * the court may suspend driving privileges if it is the persons
 - second or subsequent conviction or adjudication; or
 - first conviction or adjudication and the person has previously entered into a formal accountability agreement under ORS 419C.230; or
 - first conviction or adjudication and the offense involved the operation of a motor vehicle

* the Department determines the ending date of the suspension per [809.280\(7\)](#)

- 1 year or until the juvenile turns 17 years old, whichever is longer, if it is the juvenile's 1st order
- 1 year or until the juvenile turns 18 years old, whichever is longer, if it is the juvenile's 2nd or subsequent order

* court may review and withdraw order at any time, except

- if it's the 1st order issued to the defendant, court cannot withdraw the order within 90 days
- if it's the 2nd or subsequent order issued to the defendant, court cannot withdraw the order within 1 year

Note: If the defendant is 18-20 years of age, DMV will suspend for 1 year because the "until 17" or "until 18" options do not apply.

**Form: 735-6115A Notice of Suspension
(Underage Alcohol, Controlled Substance, Marijuana Item, Cannabis)**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

7.3 Misrepresentation of Age by Minor (165.805)

- the court may suspend privileges not to exceed one year if it is the persons
 - * second offense or subsequent conviction or adjudication; or
 - *first conviction or adjudication and the person has previously entered into a formal accountability agreement under ORS 419C.230; or
 - *first conviction or adjudication and the offense involved the operation of a motor vehicle

- the court, upon petition of the driver, may withdraw the order at any time the court deems appropriate

**Form: 735-6115A Notice of Suspension
(Underage Alcohol, Controlled Substance, Marijuana Item, Cannabis)**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

8. SUSPENSION OR RESTRICTION OF DRIVING PRIVILEGES AS ENFORCEMENT OF COURT ORDERED PARTICIPATION IN A REHABILITATIVE PROGRAM

8.1 Persons convicted of traffic offenses may be required to successfully complete a driver improvement course or program (809.270)

- court may enforce by ordering license suspension or driving privilege restriction until program is completed *or* if defendant fails to complete the program
- authority is *in addition to* any fine or imprisonment authorized by law
- court shall advise the Department in writing if
 - * restrictions are or suspension is imposed
 - * restrictions are removed or license is reinstated
- restrictions and suspensions remain in effect until ordered removed by the court,
 - * unless the court ordered privileges restored upon successful program completion
- court shall take possession of license or permit of the convicted person

Form: 735-6115B Notice of Suspension of Driving Privileges for Completion of/Failure to Complete a Driver Improvement Course

Seize the license or permit

9. CIVIL JUDGMENT - REVOCATION *OR* SUSPENSION OF VEHICLE REGISTRATION *OR* DRIVING PRIVILEGES

9.1 Unsettled Judgment described by ORS 809.470

This section applies to judgments based upon causes of action arising out of a motor vehicle accident for damages of the following types (ORS 806.040):

- * damages, including damages for care and loss of services, because of bodily injury to or death of any person
- * damages because of injury to or destruction of property, including the loss of use thereof

Court notifies Department of:

9.1.1 Unsettled Judgment

An Unsettled Judgment *if*

- * judgment described in ORS 806.040 is rendered against a person,
- * after 60 days the person has not settled the judgment per ORS 809.470,
and
- * judgment creditor (or attorney) makes a written request to forward a certificate to the Department that states the judgment is unsettled

9.1.2 Settled Judgment

A Settled Judgment only if notice was sent of an unsettled judgment and *if*

- * judgment is settled in the manner required under ORS 809.470,
- * judgment debtor (or attorney) makes a written request to forward a certificate to the Department that states judgment is settled

Form: 735-6702 Notice of Judgment Status

10. COURT POSSESSION OF SUSPENDED OR REVOKED LICENSE

10.1 Person convicted under ORS 809.409, 809.411, 809.510 to 809.545 or 813.400 (809.240)

- court shall order mandatory suspension or revocation, *and*
- court shall take possession of license or permit per ORS 809.275
- court shall issue temporary permit under ORS 807.320 when necessary:
 - * permit shall allow the person to drive for specific purposes specifically granted under the permit and is valid until midnight of the day of conviction

10.2 Court orders a suspension or revocation under ORS 165.805, 471.430, 809.120, 809.235, 809.240, 809.260, 809.270, 811.109 or 811.135 (809.275)

- court shall take possession of license or permit, and
- court shall immediately forward the license or permit *and* a copy of the suspension or revocation order (or other information satisfactory to the Department and to the State Court Administrator) to the Department

11. FAILURE TO RETURN SUSPENDED, REVOKED OR CANCELLED LICENSE OR REGISTRATION

11.1 Person fails to return suspended license or registration ([809.080](#), [809.500](#))

- Department may request peace officer to retrieve license or registration plates or card
- failure is a Class C misdemeanor

11.2 Person fails to return cancelled registration or title ([809.110](#))

- failure is a Class A misdemeanor

12. RESCISSION OF SUSPENSION OR REVOCATION UPON APPEAL OF UNDERLYING CONVICTION (809.460)

- 12.1 The court may direct the Department to rescind the suspension or revocation if:**
- the person appealed underlying conviction, *and*
 - the person requests in writing that the court direct Department to rescind pending outcome of appeal
- 12.2 Department shall rescind suspension upon receipt of court order**
- 12.3 Department shall place a notation (APLD) on the conviction entry on the driver record to indicate the conviction is appealed**
- 12.4 Court shall notify Department if:**
- the conviction is affirmed on appeal, *or*
 - the appeal is dismissed, *or*
 - the appeal is not perfected
 - upon receipt of notice, Department shall update conviction entry and reimpose sanction
- 12.5 If license is commercial**
- Department shall not rescind suspension under ORS [809.510](#) to [809.545](#) of commercial driving privileges pending appeal

13. DIVERSION AGREEMENT (813.230)

13.1 The court may grant a Diversion Agreement to person charged with driving while under the influence of intoxicants if the defendant meets the criteria in ORS 813.215

- the court shall notify the Department within 48 hours of granting a diversion agreement
- the Department shall note the Diversion on the persons driver record

Note: ORS 813.215 prohibits Diversion to a person who holds commercial driving privileges *at the time of offense*, whether the offense was in a commercial motor vehicle or in a non-commercial motor vehicle.

Form: DUII Diversion Form 2: ORDER RE: DUII DIVERSION

13.2 The court shall require as a condition of a DUII Diversion Agreement that an approved ignition interlock device (IID) be installed in any vehicle operated by the person during the period of the agreement when the person has driving privileges if (ORS 813.602)

- the person submitted to a breath or blood test and the test disclosed a blood alcohol content (BAC) of 0.08 percent or more; or
 - the person refused to submit to a BAC test of the persons breath or blood; or
 - the person submitted to a BAC test and the test disclosed a BAC of more than 0.00 but less than 0.08 and the test disclosed the presence of cannabis, a controlled substance or an inhalant.
-
- the court shall notify the Department of the IID requirement as a condition of a diversion agreement
-
- the Department shall note the court-ordered IID requirement on the persons driver record

Note: In addition to any action taken under ORS 813.255 (Termination of Diversion Agreement), violation of the IID condition imposed is a Class A traffic violation.

Note: Do **not** notify DMV of an IID requirement resulting from a DUII **conviction**. DMV automatically imposes the IID requirement and penalties for noncompliance if the person is **convicted** of DUII.

Form: DUII Diversion Form 2: Order RE: DUII Diversion

13.3 The court may vacate a defendant's requirement to install and use an ignition interlock device (IID) ordered under ORS 813.602(3) (ORS 813.645)

- A defendant may apply by motion to the court for an order vacating the requirement to install and use an ignition interlock device if the defendant:
 - * complied with the IID requirement for at least six consecutive months and provides a certificate to the court from the IID provider stating the device has not recorded a negative report; and
 - * entered into and is in compliance with any treatment ordered as a condition of diversion.

- If motion is granted, the court shall notify the Department of the order to vacate.

Form: [DUII Diversion Form 10](#): Motion to Vacate use of IID as Condition of Diversion Agreement, and Declaration in Support

Note: The district attorney or city prosecutor shall be served a copy of the motion at the time the motion is filed with the court. The district attorney or city prosecutor may contest the motion.

14. HARDSHIP PERMIT (809.380(2))

14.1 Hardship permits are permitted under ORS 807.240 when privileges are suspended or revoked under ORS 809.600 as a habitual offender

- the Department issues hardship permits only for employment, seeking employment, alcohol/drug/gambling treatment, medical treatment required on a regular basis, and necessary services
- the Department cannot issue the permit to a CDL holder
- the Department cannot issue the permit to operate a commercial motor vehicle
- if the person is subject to a wait time before a hardship permit may be issued, the Department cannot issue a permit until the wait time is served
- list of qualifications is found in ORS 807.240(3)
- if issued, the permit is valid for a period of time equal or less than the period of suspension
- violation of permit restrictions or conditions results in a DWS Violation, Misdemeanor or Felony charge depending on the underlying suspension
- the Department may revoke such permit

Form: 735-6044 Requirements for Hardship Permit Application

15. VEHICLE IMPOUNDMENT AND IMMOBILIZATION (809.700)

15.1 Driving while suspended in violation of ORS 811.175 or 811.182 or 2nd or subsequent charge of Driving while under the Influence of Intoxicants in violation of ORS 813.010

- The court may order vehicle impounded or immobilized for 1 year or less
 - * if the vehicle is owned by the convicted person *or*
 - * the vehicle was operated by the convicted person at the time of arrest
 - * the vehicle must be registered in Oregon

- the arresting law enforcement agency shall impound or immobilize the vehicle *if* the convicted person resides in the jurisdiction of the agency. *Otherwise,*
 - * the Sheriff in the county where the convicted person resides shall impound or immobilize the vehicle

- The vehicle shall be immobilized at the convicted person's residence or where the vehicle is legally stored

- the convicted person is liable for the expense related to impounding or immobilizing the vehicle

- a vehicle that does not belong to the convicted person may be impounded or immobilized if the court determines, by a *preponderance of the evidence*, that the owner knew or had good reason to know:
 - * the convicted person had no valid drivers license *or*
 - * the convicted person was operating the vehicle under the influence of intoxicants

Forms: Nothing needs to be sent to the Department. Prepare an order for the Sheriff's office.

- APPENDIX A -
SCHEDULE OF SUSPENSION OR REVOCATION PERIODS

Schedule of Suspension or Revocation Periods (809.428)

NOTE: These schedules apply to ORS 809.411, 813.400

Schedule 1

- 90 days first offense or not offense described below
- 1 year: 2nd offense & within 5 years conviction separate offense
- 3 years: 3rd or subsequent offense & within 5 years 2 or more convictions separate offenses

Schedule 2

- 1 year: 1st offense or not offense described below
- 3 years: 2nd offense & within 5 years conviction separate offense
- 3 years: 3rd offense & within 5 years conviction separate offense

- APPENDIX B -
EXCEPTIONS TO REQUIREMENT TO FORWARD COPY OF CONVICTION TO THE
DEPARTMENT (ORS 810.370(3))

A court is not required to forward a record of conviction for violation of any offense under any of the following sections:

- 810.090 - bicycle racing
- 811.555 - illegal stopping, standing or parking
- 811.570 - improperly positioning parallel parked vehicle
- 811.580 - parking on state highway for vending purposes
- 814.020 to 814.080 - pedestrian fail to obey / failure to yield
- 814.120 - unlawful use of white cane
- 814.230 - moped operator or rider clinging to other vehicle
- 814.410 to 814.480 - most bicycle offenses
- 815.155 - violation of emblem requirements
- 815.160 - unlawful use of metal object or tires
- 815.170 - operation without pneumatic tires
- 818.020 - violation maximum weight limits
- 818.040 - violation of posted weight limits
- 818.060 - violation of administratively imposed weight or size limits
- 818.090 - violation of maximum size limits
- 818.110 - exceeding maximum size limits
- 818.130 - violation of posted limits on use
- 818.160 - violating towing safety requirements
- 818.300 - operating with sifting or leaking load
- 818.320 - dragging objects on highway
- 818.340 - operating in violation of variance permit
- 818.350 - failure to carry and display variance permit
- 818.400 - failure to comply with commercial vehicle enforcement requirements
- 820.400 - unlawful operation of implement of husbandry
- 822.220 - authorization to obstruct traffic; failure to take precautions

- APPENDIX C -

**LIST OF OFFENSES FOR WHICH THE COURT SHALL TAKE POSSESSION
OF A LICENSE OR PERMIT UPON CONVICTION**

(ORS 165.805, 471.430, 809.120, 809.235, 809.240, 809.260, 809.265, 809.270, 811.109, 811.135)

A court shall take possession of license or permit *and* forward the license or permit to the Department upon imposing a mandatory suspension, revocation, or cancellation for any of the following offenses:

161.525	Felony involving a motor vehicle
163.095	Murder involving a motor vehicle
163.118 163.125	Manslaughter
163.145	Criminally negligent homicide involving a motor vehicle
163.149	Aggravated vehicular homicide
163.160 163.165 163.175 163.185	Assault in the 1 st , 2 nd , 3 rd , or 4 th degree, involving a motor vehicle
163.196	Aggravated driving while suspended or revoked
163.190	Menacing involving a motor vehicle
163.195	Reckless endangering another involving a motor vehicle
164.245	Criminal trespass in the 2 nd degree
164.345 164.354 164.365	Criminal mischief involving motor vehicle
809.310	Cancellation or suspension of driving privileges (perjury or false affidavit to Department, permit misuse of license/permit/ID, unlawful use of license/permit/ID, unlawful production of ID cards/licenses/permit/ forms/camera cards)
811.140	Reckless Driving
811.231	Reckless endangerment of highway worker
811.540	Fleeing or attempt to elude police officer
811.700	Failure to perform duties of driver when property is damaged
811.705	Failure to perform duties of driver to injured persons
813.010	Driving under the influence of intoxicants
818.040	Violation of posted weight limits
Commercial Motor Vehicle/Commercial Driving Privilege (CDP) Holder Offenses	
Driving while suspended/revoked (involving commercial motor vehicle <i>and</i> underlying suspension involved commercial motor vehicle)	
Felony conviction with controlled substances involving commercial motor vehicle	
2 nd serious traffic offense (involving commercial motor vehicle or CDP holder)	
3 rd serious traffic offense (involving commercial motor vehicle or CDP holder)	
Out-of-service restrictions, failure to obey	
Out-of-service restrictions with hazardous waste, failure to obey	

