

**735-070-0054**

**Police Reports for Implied Consent Suspension Under ORS 813.100, 813.120, 813.132 and 813.410**

(1) A police report required by ORS 813.100 must be submitted to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) on forms approved and distributed by the department.

(2) For the Driver Suspensions Unit to suspend a person's non-commercial Class C driving privileges, commercial driver license, or both or right to apply for driving privileges or a commercial driver license under ORS 813.410 for failure of a breath test or for refusal of a breath, blood or urine test, the implied consent form(s) must:

(a) Be received by DMV on or before the 30th day after the date of arrest; and

(b) Contain the following information:

(A) Specify all of the following that apply:

(i) The person failed a breath test;

(ii) The person refused a breath test;

(iii) The person refused a blood test;

(iv) The person refused a urine test;

(v) The person was operating a commercial motor vehicle;

(vi) The person was operating a vehicle transporting hazardous materials.

(B) A date of arrest; and

(C) The reporting officer's signature below the statement, "I affirm by my signature that the foregoing events occurred." The officer's signature will be considered acceptable if located anywhere on the line of the form directly below the statement.

(3) For the Driver Suspensions Unit to suspend a person's non-commercial Class C driving privileges, commercial driver license, or both or right to apply for driving privileges or a commercial driver license under ORS 813.410 for failure of a blood test, the police report form must be received by DMV on or before the 45th day after the date of arrest and must indicate that the person failed a blood test and whether the person was operating a commercial motor vehicle, as well as the information required in paragraphs (2)(b)(B) and (C) of this rule.

(4) If an implied consent suspension has been posted pursuant to this rule and a timely hearing request has not been submitted as provided for in ORS 813.410(3), the driver may have the implied consent suspension withdrawn only by:

(a) Having the police agency or district attorney's office follow procedures outlined in OAR 735-070-0055;

(b) Obtaining and prevailing at a hearing under ORS 813.440; or

(c) The Driver Suspension Unit, when it withdraws the suspension pursuant to ORS 813.460 and OAR 735-070-0060.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 813.100 & 813.120.

Stats. Implemented: ORS 813.100, 813.120, 813.130 & 813.404 - 813.460