

# Oregon Suspension/Revocation/Cancellation Guide

## Implied Consent (IC) (ORS 813.100)

TYPE	LENGTH	HARDSHIP WAIT
<b>Breath/Blood/Urine Test Refusal</b>	1 year	90 days
<b>Breath/Blood/Urine Test Refusal – Increased</b>	3 years	1 year
<b>BAC Failure</b>	90 days	30 days
<b>BAC Failure – Increased</b>	1 year	1 year
<b>Urine Test Refusal</b> (Consecutive suspension)	1 years	180 days
<b>Urine Test Refusal – Increased</b> (Consecutive suspension)	3 years	2 years

- Suspension lengths are increased if any of the following occurred in Oregon or any other jurisdiction within 5 years prior to current arrest: DUII conviction; participation in a diversion or similar alcohol or drug program; or a suspension of driving privileges under the Implied Consent Law.
- A suspension for refusing to take a urine test shall be consecutive to any other suspension imposed under the Motorist Implied Consent law and the wait time for a hardship permit shall double. (ORS 813.152)
- A court may impose a fine of at least \$500 and up to \$1,000 if the person refuses to submit to a breath test. This is separate from any other court fine resulting from the DUII arrest.

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*A person may be suspended for the same offense under the IC laws and the DUII laws. IC actions are DMV administrative suspensions separate from any suspension or revocation imposed by a court on the DUII conviction for the same offense.*
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- Wait times for a hardship permit begin when the suspension begins.
- Any wait time served on a DUII/IC suspension resulting from the same offense will be credited to the wait time for the corresponding DUII/IC suspension.

## DUII (ORS 813.010)

CONVICTION	MANDATORY	TYPE	LENGTH	HARDSHIP WAIT	
<b>DUII-</b>	<b>1<sup>st</sup> Conviction</b>	Yes	Suspension	1 yr	* 0 days
	<b>2<sup>nd</sup> w/in 5 yrs</b>	Yes	Suspension	3 yrs	90 days
	<b>3<sup>rd</sup> or Felony DUII</b> ORS 813.400(2), 809.235	Yes	Revocation	**Permanent	Not Eligible
<b>DUII by Controlled Substance or Inhalant</b> ORS 809.265	Discretionary	Suspension	6 months	Not Eligible	

- \* There is a 30 day wait time if the person has been convicted of a separate traffic crime within the previous year.  
 \*\* A person may petition the court to restore driving privileges after 10 years from the suspension or revocation effective date. (ORS 809.235)

## CRIMINAL CONVICTIONS

CONVICTION	MANDATORY	TYPE	LENGTH	HARDSHIP WAIT
<b>Assault Resulting from the Operation of a Motor Vehicle</b>				
<b>First Degree</b> ORS 163.185, 809.409(2)	Yes	Revocation	8 years	Not Eligible
<b>Second Degree</b> ORS 163.175, 809.411(10)(b)	Yes	Suspension	8 years	4 year
<b>Third Degree</b> ORS 163.165, 809.411(10)(c)	Yes	Suspension	5 years	2 year
<b>Fourth Degree</b> ORS 163.160, 809.411(10)(d)	Yes	Suspension	1 year	6 months
<b>Attempt to Elude Police</b> ORS 8111.540, 809.411(5)	Yes	Suspension	Schedule 1	0 days
<b>Criminal Mischief Resulting from Op of MV</b> ORS 164.345, 164.354, 164.365, 809.411(2)	Yes	Suspension	Schedule 1	0 days
<b>Criminal Trespass II w/MV</b> ORS 164.245, 809.411(8)	Yes	Suspension	6 months	0 days
<b>DWS/DWR (Felony)</b> ORS 809.409(5)	Yes	Revocation	1 year	Not Eligible
<b>DUII</b> ORS 813.010	See DUII section above			
<b>Failure to Perform Duties of a Driver – Injury/Fatal</b> ORS 811.705, 809.409(3)	Yes	Revocation	Injury-1yr Fatal-5yrs	Not Eligible
<b>Failure to Perform Duties of a Driver – Property</b> ORS 811.700, 809.411(4)	Yes	Suspension	Schedule 1	0 days

**CRIMINAL CONVICTIONS** (Continued from page 1)

<b>CRIMINAL CONVICTIONS</b> (Continued from page 1)					
<b>CONVICTION</b>	<b>MANDATORY</b>	<b>TYPE</b>	<b>LENGTH</b>	<b>HARDSHIP WAIT</b>	
<b>False Affidavit to DOT re: registration/operation MV laws</b> ORS 809.409(4)	Yes	Revocation	1 year	Not Eligible	
<b>False App for DL or ID</b> ORS 807.430, 807.530, 809.310(3)(a)	Yes	Suspension /Cancel	1 year	Not Eligible	
<b>False Info to Police Officer Enforcing MV Laws</b> ORS 807.620, 809.410(3)(h)	Yes	Suspension /Cancel	1 year	Not Eligible	
<b>False Swearing to Receive DL</b> ORS 807.520, 809.310(3)(b)	Yes	Suspension /Cancel	1 year	Not Eligible	
<b>Fleeing Police Officer</b> ORS 811.540, 809.411(5)	Yes	Suspension	Schedule 1	0 days	
<b>Hit and Run</b>	See Failure to Perform Duties of a Driver on page 1				
<b>HOMICIDE</b>	<b>Aggravated Vehicular Homicide</b> ORS 163.149, 809.409(2)	Yes	Revocation	8 years	Not Eligible
	<b>Criminally Negligent Homicide Resulting from Op of MV</b> ORS 163.145, 809.409(2)	Yes	Revocation	8 years	Not Eligible
	<b>Manslaughter 1<sup>st</sup> Degree w/MV used as a dangerous weapon</b> ORS 163.118, 809.235(1)(a)	Yes	Revocation	Permanent	Not Eligible
	<b>Manslaughter (any Degree)</b> 809.409(2)	Yes	Revocation	8 years	Not Eligible
	<b>Murder (any Degree) w/MV used as a dangerous weapon</b> ORS 809.235(1)(a)	Yes	Revocation	Permanent	Not Eligible
	<b>Murder (any Degree) Resulting from Op of MV</b> ORS 809.409(2)	Yes	Revocation	8 years	Not Eligible
<b>Menacing Resulting from Operation of MV</b> (ORS 163.190, 809.411(2))	Yes	Suspension	Schedule 1	0 days	
<b>Minor in Possession by Misrepresentation of Age</b> ORS 471.430(5), ORS 809.280(9)	Yes	Suspension	Not >1 yr	0 days	
<b>Misrepresentation of Age to Purchase/Consume Alcohol</b> ORS 165.805(3), ORS 809.280(9)	Yes	Suspension	Not >1 yr	0 days	
<b>Permit Misuse of DL or ID</b> ORS 807.430, 807.590, 809.310(3)(d)	Yes	Suspension	1 year	Not Eligible	
<b>Reckless Driving</b> ORS 811.140, 809.411(3)	Yes	Suspension	Schedule 1	0 days	
<b>Reckless Endangering Resulting from Op of MV</b> ORS 163.195, 809.411(2)	Yes	Suspension	Schedule 1	0 days	
<b>Reckless Endangerment of Highway Workers</b> ORS 811.231, 809.411(6)	Yes	Suspension	Schedule 1	0 days	
<b>Perjury to DOT re: laws on registration/operation of MV</b> ORS 809.409(4)	Yes	Revocation	1 year	Not eligible	
<b>Theft (1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Degree) of Gasoline</b> ORS 164.043, 164.045, 164.055, 809.411(7)	Yes	Suspension	6 months	0 days	
<b>Transfer of Docs for the Purpose of Misrepresentation</b> ORS 807.510, 809.310(3)(g)	Yes	Suspension /Cancel	1 year	Not eligible	
<b>Unlawfully Producing ID/DL/Permits, Etc.</b> ORS 807.500, 809.310(3)(f)	Yes	Suspension /Cancel	1 year	Not Eligible	
<b>Using DL or ID of Another</b> ORS 807.430, 807.600, 809.310(3)(e)	Yes	Suspension	1 year	Not Eligible	
<b>Using Invalid DL or ID</b> ORS 807.430, 807.580, 809.310(3)(c)	Yes	Suspension	1 year	Not Eligible	
<b>Unlawful Use of MV (Felony)</b> ORS 809.409(5)	Yes	Revocation	1 year	Not Eligible	
<b>Vehicular Assault of Bicyclist/Pedestrian</b> ORS 811.060, 809.411(10)(d)	Yes	Suspension	1 year	6 months	
<b>OTHER</b>	<b>Any Offense Involving manufacturing, possession or delivery of controlled substance</b> ORS 809.265	Discretionary	Suspension	6 months	Not Eligible
	<b>Any Felony w/Material Element Involving Op of Motor Vehicle</b> ORS 809.409(5)	Yes	Revocation	1 year	Not Eligible
	<b>Guilty Except for Insanity of Traffic Offense and Committed to PSRB</b> ORS 809.419(6)	Yes	Suspension	Until Eligible ORS 807.090	Not Eligible

## JUVENILE

CAUSE	MANDATORY	TYPE	LENGTH	HARDSHIP WAIT
<b>Any Offense Involving</b> (ORS 809.260): <ul style="list-style-type: none"> <li>• <b>Alcohol</b> - Possession, Use or Abuse (13-20 years of age)</li> <li>• <b>Controlled Substance</b> - Unlawful Possession, Manufacture, or Distribution (13-17 years of age)</li> <li>• <b>Possession of Weapon in a Public Building or School</b> (13-17 years of age)</li> </ul> <p>The order denying driving privileges remains in effect for: (809.280(7))</p> <ul style="list-style-type: none"> <li>• 1 year or until the juvenile turns 17 years old, whichever is longer, if it is the juvenile's 1<sup>st</sup> order</li> <li>• 1 year or until the juvenile turns 18 years old, whichever is longer, if it is the juvenile's 2<sup>nd</sup> or subsequent order</li> </ul> <p><b>Note:</b> If the person is 18-20 years of age, suspension is for 1 year because the "until 17" or "until 18" options do not apply</p> <p>On all above actions, the court may reinstate privileges after 90 days (180 days if controlled substance offense) for 1<sup>st</sup> conviction; 1 yr on 2<sup>nd</sup> or subsequent conviction (ORS 809.260)</p>	Yes	Suspension	See below	Not Eligible
<b>Failure to Appear on MIP</b> ORS 809.220, 419C.472	Yes	Suspension	Indefinite (not >10 yrs)	Not Eligible
<b>MIP by Misrepresentation of Age</b> ORS 471.430(5), ORS 809.280(9)	Yes	Suspension	Not >1 year	0 days
<b>Misrepresentation of Age to Purchase/Consume Alcohol</b> ORS 165.805(3), ORS 809.280(9)	Yes	Suspension	Not >1 year	0 days
<b>Withdrawal from School</b> ORS 809.423(3)	Discretionary	Suspension	Until enrolled or 18 yrs old	Not Eligible
<b>Withdrawal of Parent/Guardian Approval</b> ORS 809.320	Yes	Cancel	Until approval or 18 yrs old	Not Eligible
<b>School Administration Suspension</b> ORS 339.254, 809.320	Discretionary	Suspension	Not > 1 yr or Until 21 yrs old	0 days
<b>Tobacco Purchase/Possession by Misrep of Age</b> (2 <sup>nd</sup> or subsequent offense) ORS 167.401, 809.432(2)	Yes	Suspension	Not > 1 year	0 days

## DRIVER IMPROVEMENT PROGRAMS

CAUSE	TYPE	LENGTH	HARDSHIP	
<b>Adult Driver Improvement Program:</b> ORS 809.480, OAR 735-072-0027	Three convictions, three accidents, or a combination that totals three, in an 18-month period.	Restriction	30 days	No
	Four convictions, or four accidents, or a combination that totals four, in a 24-month period.	Suspension	30 days	Yes
<b>Provisional (under 18 yrs) Driver Improvement Program:</b> ORS 809.480, OAR 735-072-0023	Two convictions, two accidents, or a combination that totals two.	Restriction	90 days	No
	Three convictions, or three accidents, or a combination that totals three.	Suspension	Six months	Yes
	A conviction for a traffic crime, such as DUII, Reckless driving, etc.	Suspension	One year	Yes
<b>Habitual Incompetent, Reckless, or Criminally Negligent Driver/Serious Violation of MV Laws</b> ORS 809.421(1)		Suspension	---	
<b>Habitual Offender Program:</b> ORS 809.600, 809.610, 809.640, 809.650(2), 807.270	Two convictions or a combination that totals two, within a 5-year period for DUII; Criminal DWS/DWR; Reckless driving; Failure to perform duties of a driver; Flee/Attempt to elude; Vehicular homicide; or Murder, manslaughter, negligent homicide, assault, reckless endangering, menacing or criminal mischief resulting from operation of a MV.	Restriction	---	No
	Nineteen convictions within a five-year period.	Restriction	---	No

**DRIVER IMPROVEMENT PROGRAMS (Continued from page 3)**

CAUSE		TYPE	LENGTH	HARDSHIP
<b>Habitual Offender</b> (continued)	Three convictions or a combination that totals three, within a 5-year period for DUII; Criminal DWS/DWR; Reckless driving; Failure to perform duties of a driver; Flee/Attempt to elude; Vehicular homicide; or Murder, manslaughter, negligent homicide, assault, reckless endangering, menacing or criminal mischief resulting from operation of a MV.	Revocation	5 Years	No, but is eligible for a Probationary Permit
	Twenty convictions within a five-year period.	Revocation	5 Years	No, but is eligible for a Probationary Permit

**NON-CRIMINAL CAUSES**

CAUSE		TYPE	LENGTH	HARDSHIP
<b>Accident – Cause or Contribute to Death by Operating a MV – DMV Determined Immediate Endangerment</b> ORS 809.417(3)		Suspension	1 year	No
<b>Accident – Cause or Contribute to Death by Operating a MV</b> ORS 809.417(3)		Suspension	1 year	Yes
<b>Accident Report – Fail to File</b> ORS 809.417(1)		Suspension	Indefinite (Not > 5 yrs)	Yes
<b>Careless Driving w/Serious Injury/Death to Vulnerable User</b> ORS 811.135(3), 809.280(13)		Suspension	1 year	Yes
<b>Driver Improvement Course –Court Order to Complete</b> ORS 809.270		Suspension	Indefinite	Yes
<b>Failure to Appear for Major Traffic/Other Traffic Offense</b> ORS 809.220, ORS 809.280(5)		Suspension	Indefinite (Not >10 yrs)	No
<b>Failure to Install/Use Ignition Interlock</b> ORS 813.602(6)		Suspension	Indefinite (Not > 2 yrs)	Yes
<b>Failure to Make Future Responsibility Filing</b> ORS 809.415(2)		Suspension	Indefinite (Not > 3 yrs)	No
<b>Failure to Obtain Medical Clearance</b> ORS 809.419(2), 807.070, 807.090		Suspension	Indefinite	No
<b>Failure to Pay Child Support</b> ORS 25.750, 25.780		Suspension	Indefinite	No
<b>Failure to Pay Traffic Offense Fine</b> ORS 809.210		Suspension	Indefinite (Not >10 yrs)	No
<b>Failure to Appear or Satisfactorily Complete Required Exam</b> ORS 809.419(1)		Suspension	Indefinite	No
<b>False Certification of Financial Responsibility</b> ORS 809.415(2)		Suspension	Indefinite (Not > 3 yrs)	No
<b>Court Notice of Mental Condition</b> ORS 809.419(6), 810.375		Suspension	Indefinite	No
<b>Hospital Notice of Mental Condition</b> ORS 809.419(5), 807.700		Suspension	Indefinite	No
<b>Implied Consent Violation</b>		See Implied Consent Section on Page 1		
<b>Incompetence to Drive MV Because of Mental/Physical Condition</b> ORS 809.419(3), 807.060(5)		Suspension	Indefinite	No
<b>Motor Vehicle Registration – Court Order</b> (ORS 809.010) Suspension does not impact driving privileges – only vehicle registration		Vehicle Suspension	Up to 120 days	No
<b>Tampering of Ignition Interlock Device</b> ORS 813.602(6)		Suspension	Indefinite (Not > 2 yrs)	Yes
<b>Uninsured Accident</b> ORS 809.417(2)		Suspension	1 year	Yes
<b>Unsettled Judgment</b> ORS 809.415(1), ORS 809.580(4)		Suspension	Indefinite (Not > 7 yrs)	Yes
<b>Violation of Driving Restrictions</b> ORS 809.421(3)		Suspension	Not > 1 yr	No
<b>Incompetence to Operate Motorcycle</b> ORS 809.419(4)		Revocation	Indefinite	No
<b>Speeding:</b> ORS 811.109(4)(5), 809.280	Speeding over 30 mph and has a previous speeding conviction within 12 months.	Suspension	Up to 30 days	Yes
	Speeding over 100 mph.	Suspension	30-90 days	Yes

**COMMERCIAL DRIVER LICENSE**

<b>CAUSE</b>	<b>TYPE</b>	<b>LENGTH</b>	<b>HARDSHIP</b>	
<b>Implied Consent:</b> While operating a commercial motor vehicle (>.04% BAC) ORS 813.410(2), 813.404	<b>Breath/Blood/Urine Test Refusal</b>	Suspension	3 years	No
	<b>Breath/Blood/Urine Test Refusal – Transporting Hazardous Material</b>	Suspension	5 years	No
	<b>Breath/Blood/Urine Test Refusal – Increased</b>	Suspension	Lifetime	No
	<b>BAC Failure</b>	Suspension	1 year	No
	<b>BAC Failure – Transporting Hazardous Material</b>	Suspension	3 years	No
	<b>BAC Failure – Increased</b>	Suspension	Lifetime	No
<b>DUII:</b> While operating a commercial motor vehicle. ORS 813.403, 813.404	<b>1<sup>st</sup> conviction</b>	Suspension	1 year	No
	<b>1<sup>st</sup> conviction – Transporting Hazardous Material</b>	Suspension	3 years	No
	<b>2<sup>nd</sup> or subsequent conviction</b>	Suspension	Lifetime	No
<b>Driving CMV While Suspended/Revoked for CMV Violations</b> ORS 809.413(4)	Suspension	1 year	No	
<b>Driving CMV While Suspended/Revoked for CMV Violations – Transporting Hazardous Material</b> ORS 809.413(4)	Suspension	3 years	No	
<b>Failure to File a Tax Return or Pay a Tax</b> ORS 305.385	Suspension	Indefinite	No	
<b>Failure to Pay Child Support</b> ORS 25.750, 25.780	Suspension	Indefinite	No	
<b>Failure to Perform Duties of a Driver</b> ORS 809.413(1), 811.700, 811.705	Suspension	1 year	No	
<b>Failure to Perform Duties of a Driver – Transporting Hazardous Material</b> ORS 809.413(1), 811.700, 811.705	Suspension	3 years	No	
<b>Felony Involving Op of MV</b> ORS 809.413(2)	Suspension	1 year	No	
<b>Felony Involving Op of MV – Transporting Hazardous Material</b> ORS 809.413(2)	Suspension	3 years	No	
<b>Hit &amp; Run – Injury/Property</b> ORS 809.413(1)	See Failure to Perform Duties above			
<b>Imminent Hazard</b> ORS 809.413(8)	Suspension	Not>1 year	No	
<b>Murder/Manslaughter/Criminally Negligent Homicide or Assault Conviction while in CMV –</b> ORS 809.413(5)	Suspension	1 year	No	
<b>Murder/Manslaughter/Criminally Negligent Homicide or Assault Conviction while in CMV – Hazardous Material –</b> ORS 809.413(5)	Suspension	3 years	No	
<b>Out-of-Service Order Violation</b> ORS 809.413(7)	Suspension	90 days or three years	No	
<b>Out-of-Service Order Violation – Transporting Hazardous Material</b> ORS 809.413(7)	Suspension	1 year or 5 years	No	
<b>Railroad Related Violation</b> ORS 809.407, 811.455, 811.460, 811.475, 811.462	Suspension	60 days, 120 days or 1 year	No	
<b>Serious Traffic Violation</b> 2 <sup>nd</sup> in 3 yrs, 3 <sup>rd</sup> in 3 yrs ORS 809.413(6)	Suspension	60 days or 120 Days	No	
<b>Use of Commercial MV in felony involving Manufacture/Distribution of Controlled Substance</b> ORS 809.413(3), ORS 809.404(3)	Suspension	Lifetime	No	
<b>Violation of Posted Weight Limits</b> ORS 809.120(1)	Suspension	Not>90 days	No	
<b>Two or more below circumstances in any combination (ORS 809.404(2):</b> <ul style="list-style-type: none"> <li>• DUII Conviction in MV or CMV</li> <li>• Breath Test Refusal in MV or CMV</li> <li>• Implied Consent Suspension (&gt;.04% in CMV)</li> <li>• Failure to Perform Duties of a Driver in MV or CMV</li> <li>• Felony Conviction in MV or CMV</li> <li>• DWS/DWR Conviction in MV while suspended or revoked for CMV Violation</li> <li>• Murder/Manslaughter/Criminally Negligent Homicide or Assault Conviction while in CMV</li> </ul>	Suspension	Lifetime	No	

## MISCELLANEOUS INFORMATION

### Out-of-Jurisdiction

DMV may suspend driving privileges and/or commercial driver license if driver is suspended or revoked out-of-state or based on an out-of-state conviction. ORS 809.400, 809.413

### Suspension Schedule (ORS 809.428)

	Schedule I	Schedule II
1 <sup>st</sup> Offense	90 days	1 year
2 <sup>nd</sup> Offense	1 year	3 years
3 <sup>rd</sup> or subsequent w/in 5 years	3 years	3 years

### Hardship Wait Times

Oregon Revised Statutes 813.520 and 807.252