

# Oregon Suspension/Revocation/Cancellation Guide

*If eligible for a hardship permit, "Yes" will be noted in the "HARDSHIP?" column along with the wait time a person must serve before DMV can issue a permit. Wait times begin on the suspension effective date or incarceration release date.*

## Implied Consent (IC) (ORS 813.100)

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

- Suspension lengths increase 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. (ORS 813.430)
- 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 813.132)
- A court may impose a presumptive fine of \$650 if the person refuses to submit to a breath or urine test. This is separate from any other court fine resulting from the DUII arrest. (ORS 813.095)

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.

- DMV will credit any wait time served on a DUII/IC suspension resulting from the same offense to the wait time for the corresponding DUII/IC suspension.

## DUII

(ORS 813.010)

CONVICTION	ORDERED BY	TYPE	LENGTH	HARDSHIP?
<b>DUII- 1<sup>st</sup> Conviction</b> ORS 813.400, 809.428	Court or DMV Form 735-6116	Suspension	1 year	*Yes
<b>2<sup>nd</sup> w/in 5 yrs</b> ORS 813.400, 809.428	Court or DMV Form 735-6116	Suspension	3 years	No
<b>3<sup>rd</sup> or Felony DUII</b> ORS 813.400(2), 809.235	Court Form 735-6116	Revocation	**Permanent	No

\* There is a 30 day wait time if the person has been convicted of a separate traffic crime within the previous year.

\*\*Person may petition the court to restore driving privileges after minimum 10 years from the revocation effective date.

## CRIMINAL CONVICTIONS

CONVICTION	ORDERED BY	TYPE	LENGTH	HARDSHIP?
<b>Aggravated Driving While Suspended or Revoked (DWS/DWR)</b> ORS 163.196, 809.409(2)	Court or DMV Form 735-6116	Revocation	Not<10 years	No
<b>Assault</b> Resulting from the Operation of a Motor Vehicle				
<b>First Degree</b> ORS 163.185, 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
<b>Second Degree</b> ORS 163.175, 809.411(9)(b)	Court or DMV Form 735-6116	Suspension	Not<8 yrs	Yes (4 years)
<b>Third Degree</b> ORS 163.165, 809.411(9)(c)	Court or DMV Form 735-6116	Suspension	Not<5 yrs	Yes (2 years)
<b>Fourth Degree</b> ORS 163.160, 809.411(9)(d)	Court or DMV Form 735-6116	Suspension	Not<1 year	Yes (6 months)
<b>Attempt to Elude Police</b> ORS 811.540, 809.411(5)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
<b>Criminal Mischief Resulting from Op of MV</b> ORS 164.345, 164.354, 164.365, 809.411(2)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
<b>Criminal Trespass II w/MV</b> ORS 164.245, 809.411(7)	Court or DMV Form 735-6116	Suspension	6 months	Yes
<b>DWS/DWR (Felony)</b> ORS 809.409(4), 811.182	See OTHER on page 2			
<b>DUII</b> ORS 813.010	See DUII section above			

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

<b>CONVICTION</b>	<b>ORDERED BY</b>	<b>TYPE</b>	<b>LENGTH</b>	<b>HARDSHIP?</b>
<b>Failure to Perform Duties of a Driver – Injury/Serious Injury/Fatal</b> ORS 811.705, 809.409(3)	Court or DMV Form 735-6116	Revocation	Injury→ 1 yr Serious-not<3 yrs Fatal-not<5 yrs	No
<b>Failure to Perform Duties of a Driver– Property Damage</b> ORS 811.700, 809.411(4)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
<b>False App for DL or ID</b> ORS 807.430, 807.530, 809.310(3)(a)	Court or DMV Form 735-6116	Suspension /Cancel	1 year	No
<b>False Swearing to Receive DL</b> ORS 807.520, 809.310(3)(b)	Court or DMV Form 735-6116	Suspension /Cancel	1 year	No
<b>Fleeing From Police Officer</b> ORS 811.540, 809.411(5)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
<b>Hit and Run</b>	See Failure to Perform Duties of a Driver			
<b>Aggravated Vehicular Homicide</b> ORS 163.149, 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
<b>Criminally Negligent Homicide Resulting from Op of MV</b> ORS 163.145, 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
<b>Manslaughter 1<sup>st</sup> or 2<sup>nd</sup> Degree Resulting from OP of MV</b> ORS 163.118, 163.125, 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
<b>Murder (any Degree) w/MV used as a dangerous weapon</b> ORS 809.235(1)(a)	Court Form 735-6116	Revocation	Permanent	No
<b>ALL - Vehicular Homicide, Murder resulting from Op of a MV, Aggravated DWS or DWR, Assault I, Criminally Negligent Homicide or Manslaughter</b> ORS 809.409(2)	DMV	Revocation	Not<10 yrs	No
<b>Menacing Resulting from Operation of MV</b> ORS 163.190, 809.411(2)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
<b>Misrepresentation of Age to Purchase/Consume/ Possess Alcohol</b> ORS 165.805(3),471.430(5),809.280(8)	Court Form 735-6115D	Suspension	Not >1 yr	Yes
<b>Permit Misuse of DL or ID</b> ORS 807.430, 807.590, 809.310(3)(d)	Court or DMV Form 735-6116	Suspension	1 year	No
<b>Reckless Driving</b> ORS 811.140, 809.411(3)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
<b>Reckless Endangering Resulting from Op of MV</b> ORS 163.195, 809.411(2)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
<b>Reckless Endangerment of Highway Workers</b> ORS 811.231, 809.411(6)	Court or DMV Form 735-6116	Suspension	Schedule 1	Yes
<b>Unlawfully Producing ID/DL/Permits, Etc.</b> ORS 807.500, 809.310(3)(f)	Court or DMV Form 735-6116	Suspension /Cancel	1 year	No
<b>Using DL or ID of Another</b> ORS 807.430, 807.600, 809.310(3)(e)	Court or DMV Form 735-6116	Suspension	1 year	No
<b>Using Invalid DL or ID</b> ORS 807.430, 807.580, 809.310(3)(c)	Court or DMV Form 735-6116	Suspension	1 year	No
<b>Unlawful Use of MV (Felony)</b> ORS 809.409(4)	See OTHER below			
<b>Vehicular Assault of Bicyclist/Pedestrian</b> ORS 811.060, 809.411(9)(d)	Court or DMV Form 735-6116	Suspension	Not<1 year	Yes (6 months)
<b>Any Felony w/Material Element Involving Op of Motor Vehicle</b> ORS 809.409(4)	Court or DMV Form 735-6116	Revocation	1 year	No
<b>Guilty Except for Insanity of Traffic Offense and Committed to PSRB</b> ORS 809.419(6)	Court or DMV Form 735-6116	Suspension	Until Eligible ORS 807.090	No

## JUVENILE

CAUSE	ORDERED BY	TYPE	LENGTH	HARDSHIP?
<b>Offense Involving:</b> <ul style="list-style-type: none"> <li>Possession, use or abuse of alcohol or cannabis by a minor (13-20 years of age at time of offense) (ORS 809.260(3))</li> <li>Delivery, possession, manufacture of controlled substances or any marijuana/cannabinoid offense described in ORS 475B.341, 475B.346 or 475B.349 (13-17 years of age at time of offense) (ORS 809.260(1))</li> </ul> <p>The court may suspend if it is the person's:</p> <ul style="list-style-type: none"> <li>Second or subsequent conviction or adjudication;</li> <li>First conviction or adjudication and the person previously entered into a formal accountability agreement under ORS 419C.230; or</li> <li>First conviction or adjudication and the offense involved the operation of a motor vehicle.</li> </ul> <p>The suspension remains in effect for: (809.280(6))</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 (the "until 17" or "until 18" options do not apply)</p> <p>The court may reinstate privileges after 90 days (180 days if controlled substance offense) for 1<sup>st</sup> conviction; or after 1 year on 2<sup>nd</sup> or subsequent conviction (ORS 809.260)</p>	Court Form 735-6115A	Suspension	See below	Yes
<b>Failure to Appear on MIP</b> (alcohol or marijuana) ORS 809.220, 809.280 471.430, 475B.316 419C.472	Court Form 735-6115	Suspension	Not >10 yrs	No
<b>Misrepresentation of Age to Purchase/Consume Alcohol</b> ORS 165.805(3), 471.430(5), 809.280(8)	Court Form 735-6115D	Suspension	Not >1 year	Yes
<b>Withdrawal of Parent/Guardian License Approval</b> ORS 809.320	DMV	Cancellation	Approved or 18 yrs old	No

## DMV DRIVER IMPROVEMENT PROGRAMS

CAUSE	TYPE	LENGTH	HARDSHIP?
<b>Adult Driver Improvement Program:</b> ORS 809.480, OAR 735-072-0027	Three convictions or three accidents, or a combination that totals three, in an 18-month period.	Restriction	30 days No
	Four conviction or four accidents, or a combination that totals four, in a 24-month period.	Suspension	30 days Yes
<b>Provisional (under 18 years) Driver Improvement Program:</b> ORS 809.480, OAR 735-072-0023	Two convictions or 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 (e.g. DUII)	Suspension	One year Yes
<b>Habitual Incompetent, Reckless, or Criminally Negligent Driver/Serious Violation of MV Laws</b> ORS 809.421(1)	Suspension	Indefinite	No
<b>Habitual Offender Program:</b> ORS 809.600, 809.610, 809.640, 809.650(2) 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; Aggravated DWS/DWR, 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
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	Yes
Twenty convictions (traffic violations and/or traffic crimes) within a five-year period.	Revocation	5 years	Yes

## NON-CRIMINAL CAUSES

CAUSE	ORDERED BY	TYPE	LENGTH	HARDSHIP?	
<b>Accident – Cause or Contribute to Death by Operating a MV – DMV Determined Immediate Endangerment</b> ORS 809.417(3)(c)	DMV	Suspension	1 year	No	
<b>Accident – Cause or Contribute to Death by Operating a MV</b> ORS 809.417(3)(a)	DMV	Suspension	1 year	Yes	
<b>Accident Report – Fail to File</b> ORS 809.417(1)	DMV	Suspension	Not > 5 yrs	Yes	
<b>Careless Driving w/Serious Injury/Death to Vulnerable User</b> ORS 811.135, 809.280(13)	Court Form 735-6115D	Suspension	1 year	Yes	
<b>Dishonored Check/Payment to DMV</b> ORS 802.170	DMV	Cancellation	Indefinite	No	
<b>Driver Improvement Course –Court Order to Complete</b> ORS 809.270	Court Form 735-6115B	Suspension	Not > 5 yrs	Yes	
<b>Failure to Appear for Major or Other Traffic Offense</b> ORS 809.220, ORS 809.280(4)	Court Form 735-6115	Suspension	Not >10 yrs	Yes	
<b>Failure to Install Ignition Interlock</b> ORS 813.602(7)	DMV	Suspension	Not > 5 yrs	Yes	
<b>Failure to Make Future Responsibility Filing</b> ORS 809.415(3)	DMV	Suspension	Not > 3 yrs	No	
<b>Failure to Obtain Medical Clearance</b> ORS 809.419(2), 807.070, 807.090	DMV	Suspension	Indefinite	No	
<b>Failure to Pay Child Support</b> ORS 25.750, 25.780	DOJ or DA	Suspension	Indefinite	No	
<b>Failure to Appear or Satisfactorily Complete Required Exam</b> ORS 809.419(1)	DMV	Suspension	Indefinite	No	
<b>False Certification of Financial Responsibility</b> ORS 809.415(2)	DMV	Suspension	Not > 3 yrs	No	
<b>Hospital Notice of Mental Condition</b> ORS 809.419(5), 807.700	DMV	Suspension	Indefinite	No	
<b>Incompetence to Drive MV Because of Mental/Physical Condition</b> ORS 809.419(3)	DMV	Suspension	Indefinite	No	
<b>Motor Vehicle Registration – Court Order</b> ORS 809.010 (Suspension only impacts vehicle registration – not driving privileges)	Court Form 735-6128	Vehicle Suspension	Up to 120 days	No	
<b>Tampering of Ignition Interlock Device</b> ORS 813.602(7)	DMV	Suspension	Not > 5 yrs	Yes	
<b>Uninsured Accident</b> ORS 809.417(2)	DMV	Suspension	1 year	Yes	
<b>Unsettled Judgment</b> ORS 809.415(1)	Court Form 735-6702	Suspension	Not > 7 yrs	Yes	
<b>Violation of Driving Restrictions</b> ORS 809.421(3)	DMV	Suspension	Not > 1 yr	No	
<b>Incompetence to Operate Motorcycle</b> ORS 809.419(4)	DMV	Revocation	Indefinite	No	
<b>Speeding:</b> ORS 811.109(4)(5), 809.280(11)(12)	Speeding over 30 mph and has a previous speeding conviction within 12 months.	Court Form 735-6115C	Suspension	Up to 30 days	Yes
	Speeding over 100 mph.	Court Form 735-6115C	Suspension	30-90 days	Yes

**COMMERCIAL DRIVER LICENSE (CDL) / COMMERCIAL MOTOR VEHICLE (CMV)**

- DMV can NOT issue a Hardship Permit for commercial driving privileges
- Other than Implied Consent, DMV provides the notice for all suspensions of CDL/CMV privileges

CAUSE	TYPE	LENGTH
<b>Implied Consent:</b> While operating a commercial motor vehicle (>.04% BAC) ORS 813.410(2), 809.510	<b>Breath/Blood/Urine Test Refusal</b>	Suspension 3 years
	<b>Breath/Blood/Urine Test Refusal – Transporting Hazardous Material</b>	Suspension 5 years
	<b>Breath/Blood/Urine Test Refusal – Increased</b>	Suspension Lifetime
	<b>BAC Failure</b>	Suspension 1 year
	<b>BAC Failure – Transporting Hazardous Material</b>	Suspension 3 years
<b>DUII:</b> While operating a commercial motor vehicle. ORS 809.510, 809.520	<b>BAC Failure – Increased</b>	Suspension Lifetime
	<b>1<sup>st</sup> conviction</b>	Suspension 1 year
	<b>1<sup>st</sup> conviction – Transporting Hazardous Material</b>	Suspension 3 years
<b>2<sup>nd</sup> or subsequent conviction</b>	Suspension Lifetime	
<b>Driving CMV While Suspended/Revoked for CMV Violations</b> ORS 809.510(1)(c)	Suspension	1 year
<b>Driving CMV While Suspended/Revoked for CMV Violations – Transporting Hazardous Material</b> ORS 809.510(2)	Suspension	3 years
<b>Failure to File a Tax Return or Pay a Tax</b> ORS 305.385	Suspension	Indefinite
<b>Failure to Pay Child Support</b> ORS 25.750, 25.780	Suspension	Indefinite
<b>Failure to Perform Duties of a Driver</b> ORS 809.510(1)(a), 811.700, 811.705	Suspension	1 year
<b>Failure to Perform Duties of a Driver – Transporting Hazardous Material</b> ORS 809.510(2), 811.700, 811.705	Suspension	3 years
<b>Felony Involving Op of MV</b> ORS 809.510(1)(b)	Suspension	1 year
<b>Felony Involving Op of MV – Transporting Hazardous Material</b> ORS 809.510(2)	Suspension	3 years
<b>Hit &amp; Run – Injury/Property</b> ORS 809.510(1)	See Failure to Perform Duties above	
<b>Imminent Hazard</b> ORS 809.515(2)	Suspension	Not>1 year
<b>Murder/Manslaughter/Criminally Negligent Homicide or Assault Conviction while in a CMV</b> – ORS 809.510(1)(d)	Suspension	1 year
<b>Murder/Manslaughter/Criminally Negligent Homicide or Assault Conviction while in a CMV – Hazardous Material</b> – ORS 809.510(2)	Suspension	3 years
<b>Out-of-Service Order Violation</b> ORS 809.530(1), 809.530(3)	Suspension	180 days or 3 years
<b>Out-of-Service Order Violation – Transporting Hazardous Material</b> ORS 809.530(2), 809.530(4)	Suspension	1 year or 5 years
<b>Railroad Related Violation</b> ORS 809.535, 811.455, 811.460, 811.475, 811.462	Suspension	60 days, 120 days or 1 year
<b>Serious Traffic Violation</b> Two or three convictions within a 3-year period ORS 809.525, OAR 735-063-0130	Suspension	2→60 days 3→120 days
<b>Use of Commercial MV in felony involving Manufacture/Distribution of Controlled Substance</b> ORS 809.520(1)	Suspension	Lifetime
<b>Violation of Posted Weight Limits</b> ORS 809.120(1)	Suspension	Not>90 days
<b>Two or more below circumstances in any combination (ORS 809.520(2)):</b> <ul style="list-style-type: none"> <li>• <b>DUII Conviction in MV or CMV</b></li> <li>• <b>Implied Consent Breath Test Refusal in MV or CMV</b></li> <li>• <b>Implied Consent Suspension (&gt;.04% in CMV)</b></li> <li>• <b>Failure to Perform Duties of a Driver in MV or CMV</b></li> <li>• <b>Felony Conviction in MV or CMV</b></li> <li>• <b>DWS/DWR Conviction in MV while suspended or revoked for CMV Violation</b></li> <li>• <b>Murder/Manslaughter/Criminally Negligent Homicide/Aggravated Driving While Suspended or Revoked, or Assault Conviction while in CMV</b></li> </ul>	Suspension	Lifetime

**MISCELLANEOUS INFORMATION**

**Incarceration**

Other than Habitual Offender, any suspension or revocation "Length" noted with "not<" indicates the time length is established by the persons release from incarceration.

- If the sentencing did **not** include incarceration, the sanction time length is as noted above from the beginning date of the revocation or suspension.
- If the sentencing included incarceration, the sanction time length is as noted above from the date the person is released from incarceration for all crimes arising out of the same criminal episode.

**Non-Resident / No Current Driving Privileges**

A court may suspend or revoke the driving privileges of any nonresident for any cause for which the driving privileges of a resident of this state may be suspended or revoked. ORS 809.230

If a person is not currently licensed or the person's privileges expire within the suspension period, DMV or the Court shall suspend or revoke the person's right to apply for driving privileges to operate motor vehicles in this state. ORS 809.360

**Out-of-Jurisdiction**

DMV may suspend Oregon driving privileges and/or commercial driving privileges if the driver is suspended or revoked out-of-state or based on an out-of-state conviction. ORS 809.400, 809.510(6)

**Suspension Schedule (ORS 809.428)**

	<b>Schedule I</b>	<b>Schedule II</b>
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

**Court Possession of License (ORS 809.240 and 809.275)**

A court shall take immediate possession of any license or driver permit held by a defendant upon ordering a suspension or revocation under:

ORS 165.805	ORS 809.240	ORS 809.409	ORS 811.135
ORS 471.430	ORS 809.260	ORS 809.411	ORS 813.400
ORS 809.120	ORS 809.265	ORS 809.510-809.545	
ORS 809.235	ORS 809.270	ORS 811.109	

**Hardship Wait Times**

Oregon Revised Statutes 807.240 and 813.520