DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1905 LANA AVE NE, SALEM OREGON 97314

# DUII CONVICTIONS

## SUSPENSIONS, HARDSHIP PERMITS, AND REINSTATEMENTS

Every year in Oregon approximately 25,000 people are arrested for DUII. 40% of all traffic deaths are a direct result of people driving under the influence of alcohol or some other intoxicating substance. Driving under the influence of intoxicants is a crime, a deadly choice and a fully preventable tragedy. Report anyone driving impaired by calling 1-800-24DRUNK or 911.

## LICENSE SUSPENSION LENGTHS

**SUSPENSION REASON**

**First DUII Conviction** → **One Year**

**Second DUII Conviction** → **Three Years**

**Third or Subsequent DUII Conviction** → **Permanent Revocation**

**COMMERCIAL SUSPENSION**

**First DUII Conviction** → **One Year** *
**If hauling hazardous materials** → **Three Years** *

**Second DUII Conviction** → **Lifetime**

*Any commercial suspension is increased to lifetime suspension for the same reasons listed on other side.

## BASE LICENSE HARDSHIP PERMIT WAITING TIMES

**SUSPENSION REASON**

**First Suspension** → **No Wait**

**Second Suspension** → **90 Days**

*No hardship permit is available on a permanent revocation for a third or subsequent DUII conviction.*

- Any wait time served on an Implied Consent suspension (see reverse side) **resulting from the same arrest** will be credited to this wait time. Otherwise, the wait time begins when the suspension begins.
- A 30-day wait time is applied if the person has been convicted within the last year of a traffic crime as described in ORS 813.520(9).

## BASE LICENSE GENERAL HARDSHIP PERMIT REQUIREMENTS

1. Signed and dated Hardship Permit Application (DMV Form 735-6044).
2. $50 Non-Refundable Hardship Permit Application Fee.
3. $75 Reinstatement Fee.
4. SR-22 Certificate of Liability Insurance.
5. Employment Verification (a signed and dated letter from the employer stating work days and hours and the need for on-the-job driving, if applicable).
6. Recommendation from convicting judge.
7. An approved ignition interlock device (IID) must be installed for the entire length of the hardship permit during a DUII suspension. If driving employer's vehicles, may be eligible for an employer exemption.
8. A mental health recommendation from an approved treatment provider will be required in addition to the items noted above if the DUII suspension length is more than one year.

**NOTE:** No hardship permit is available for operation of a commercial motor vehicle.

## BASE LICENSE REINSTATEMENT REQUIREMENTS

1. $75 Reinstatement Fee. Reinstatement fee will not be required if a hardship permit was granted and is valid when suspension ends.
2. SR-22 Certificate of Liability Insurance on file with DMV for three years after the ending date of the DUII suspension.
3. An approved Ignition Interlock Device (IID) installed for one year from the ending date of the DUII suspension for a first conviction or two years for a second or subsequent DUII conviction.
4. A DUII Treatment Completion Certificate from a treatment program approved by the Oregon Addictions and Mental Health Division; a letter from the circuit judge in the county of conviction verifying the person met treatment requirments ordered under ORS 813.021 **or** 15 years have elapsed since the person's most recent DUII conviction.

If permanently revoked for a third or subsequent DUII conviction, the person may petition the court to restore driving privileges no sooner than 10 years from being released on parole or post-prison supervision or 10 years from the effective date of the DUII suspension if sentenced to probation without imprisonment. This option does not apply to lifetime suspension of commercial driving privileges.

For lifetime suspension of *commercial* driving privileges, the person must apply in writing to DMV for reinstatement after serving a minimum suspension period of 10 years and meet all requirements listed under OAR 735-070-2000.

## OTHER

- DUII convictions remain on driver records for 55 years.
- A person may be suspended for the same offense under the Implied Consent Law (see reverse side), the DUII laws (above) or both. These suspensions are separate and independent actions.

**DRIVE SOBER, SAVE LIVES**



CONTINUED ON OTHER SIDE

# IMPLIED CONSENT

## SUSPENSIONS, HARDSHIP PERMITS, AND REINSTATEMENTS

Implied consent suspensions are DMV administrative actions separate from any action or requirements imposed by a court. A person may be suspended for the same offense under the Implied Consent Law, the DUII laws (see reverse side), or both. These suspensions are separate and independent actions.

## LICENSE SUSPENSION LENGTHS

**SUSPENSION REASON**

| | |
|---|---|
| **Breath or blood test failure** | **90 Days** |
| **Breath or blood test failure — Increased** | **One Year** |
| **Refusal of breath, blood or urine test** | **One Year** |
| **Refusal of breath, blood or urine test — Increased** | **Three Years** |

Suspension lengths are 'increased' if any of the following occurred within five years prior to this arrest: DUII conviction in Oregon or any other jurisdiction; participation in a diversion or similar alcohol or drug program in Oregon or any other jurisdiction; or a suspension of driving privileges under the Oregon Implied Consent Law.

Suspensions for breath test refusal or failure take effect on the 30th day following the arrest.

A court may impose a 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.

A person may be asked to submit to a urine test if the person was involved in an accident resulting in injury or property damage or the person submitted to a breath test and the result was less than .08%. If there is no other implied consent suspension issued or in effect, a suspension for refusing to submit to a urine test will begin on the 30th day following arrest. Otherwise, a suspension for refusing to submit to a urine test will be consecutive to any other implied consent suspension, including any implied consent suspension resulting from the same arrest.

A person may be asked to submit to a blood test immediately after a motor vehicle accident while receiving medical care in a health care facility. A blood test refusal suspension takes effect on the 30th day following the persons arrest for DUII. A blood test failure suspension begins on the 60th day after the date the form is received at DMV.

If a person holds a Commercial Driver License (CDL) and refused to submit to an Implied Consent test, the person is also subject to a 3-year or lifetime commercial suspension, whether or not the person was operating a commercial motor vehicle at the time of arrest.

**COMMERCIAL SUSPENSION**

| | |
|---|---|
| **Breath or blood test failure**<br>(If driving Commercial Motor Vehicle) | **One Year***<br>**Three Years*** |
| **If hauling hazardous materials** | |
| **Refusal of breath, blood or urine test** | **Three Years*** |
| **If hauling hazardous materials** | **Five Years*** |
| **Test Failure or Refusal - Increased** | **Lifetime** |

* Any commercial implied consent suspension is increased to lifetime if the person's commercial license has been previously suspended for Implied Consent, DUII, failure to perform the duties of a driver involved in an accident or any felony involving the operation of a commercial motor vehicle.

## BASE LICENSE HARDSHIP PERMIT WAITING TIMES

**SUSPENSION REASON**

| | |
|---|---|
| **Breath or blood test failure** | **30 Days** |
| **Breath or blood test failure — Increased** | **One Year** |
| **Breath, blood or urine test refusal** | **90 Days** |
| **Breath, blood or urine test refusal — Increased** | **Three Years** |
| **Consecutive urine test refusal** | **180 Days** |
| **Consecutive urine test refusal — Increased** | **Three Years** |

- Wait times begin when the suspension begins.
- Any wait time served on a DUII suspension (see reverse side) resulting from the same offense will be credited to this wait time.
- Wait times for consecutive urine test refusal suspensions begin on the beginning date of the consecutive urine refusal suspension.

## BASE LICENSE GENERAL HARDSHIP PERMIT REQUIREMENTS

1. Hardship Permit Application (Form 735-6044).
2. $50 Non-Refundable Hardship Permit Application Fee.
3. $75 Reinstatement Fee.
4. SR-22 Certificate of Liability Insurance.
5. Employment Verification (a signed and dated letter from the employer stating work days and hours and the need for on-the-job driving, if applicable).

- A court recommendation **is not a requirement for a hardship permit** for Implied Consent suspensions.
- No hardship permit is available for the operation of commercial motor vehicles.

## BASE LICENSE REINSTATEMENT REQUIREMENTS

- $75 Reinstatement Fee. Reinstatement fee will not be required if a hardship permit was granted and is valid when suspension ends.

**For further information call (503) 945-5000**
**www.oregondmv.com**