

Oregon Suspension/Revocation/Cancellation Guide

Implied Consent (IC) (ORS 813.100)

TYPE	LENGTH	HARDSHIP WAIT
Breath/Blood/Urine Test Refusal	1 year	90 days
Breath/Blood/Urine Test Refusal – Increased	3 years	3 years
BAC Failure	90 days	30 days
BAC Failure – Increased	1 year	1 year
Urine Test Refusal (Consecutive suspension)	1 years	180 days
Urine Test Refusal – Increased (Consecutive suspension)	3 years	3 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 or urine 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	
DUII-	1st Conviction	Yes	Suspension	1 year	* 0 days
	2nd w/in 5 yrs	Yes	Suspension	3 years	90 days
	3rd or Felony DUII ORS 813.400(2), 809.235	Yes	Revocation	**Permanent	Not Eligible
DUII by Controlled Substance or Inhalant ORS 809.265 <i>This suspension is in addition to the (1 or 3 year) suspension or permanent revocation noted above for the DUII conviction.</i>	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 revocation effective date.

CRIMINAL CONVICTIONS

CONVICTION	MANDATORY	TYPE	LENGTH	HARDSHIP WAIT
Aggravated DWS/DWR C.783 Oregon Laws 2009	Yes	Revocation	10 years	Not Eligible
Assault Resulting from the Operation of a Motor Vehicle				
First Degree ORS 163.185, 809.235(1)(a)	Yes	Revocation	Permanent	Not Eligible
Second Degree ORS 163.175, 809.411(10)(b)	Yes	Suspension	8 years	4 year
Third Degree ORS 163.165, 809.411(10)(c)	Yes	Suspension	5 years	2 year
Fourth Degree ORS 163.160, 809.411(10)(d)	Yes	Suspension	1 year	6 months
Attempt to Elude Police ORS 8111.540, 809.411(5)	Yes	Suspension	Schedule 1	0 days
Criminal Mischief Resulting from Op of MV ORS 164.345, 164.354, 164.365, 809.411(2)	Yes	Suspension	Schedule 1	0 days
Criminal Trespass II w/MV ORS 164.245, 809.411(8)	Yes	Suspension	6 months	0 days
DWS/DWR (Felony) ORS 809.409(5)	Yes	Revocation	1 year	Not Eligible
DUII ORS 813.010		See DUII section above		
Failure to Perform Duties of a Driver – Injury/Fatal ORS 811.705, 809.409(3)	Yes	Revocation	Injury-1yr Fatal-5yrs	Not Eligible
Failure to Perform Duties of a Driver – Property ORS 811.700, 809.411(4)	Yes	Suspension	Schedule 1	0 days

CRIMINAL CONVICTIONS (Continued from page 1)

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

JUVENILE

CAUSE	MANDATORY	TYPE	LENGTH	HARDSHIP
Any Offense Involving (ORS 809.260): <ul style="list-style-type: none"> • Alcohol - Possession, Use or Abuse (13-20 years of age) • Controlled Substance - Unlawful Possession, Manufacture, or Distribution (13-17 years of age) • Possession of Weapon in a Public Building or School (13-17 years of age) <p>The order denying driving privileges remains in effect for: (809.280(7))</p> <ul style="list-style-type: none"> • 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 <p>Note: 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 1st conviction; 1 yr on 2nd or subsequent conviction (ORS 809.260)</p>	Yes	Suspension	See below	No, but may be eligible for an Emergency Driver Permit
Failure to Appear on MIP ORS 809.220, 419C.472	Yes	Suspension	Indefinite (not >10 yrs)	No
MIP by Misrepresentation of Age ORS 471.430(5), ORS 809.280(9)	Yes	Suspension	Not >1 year	Yes
Misrepresentation of Age to Purchase/Consume Alcohol ORS 165.805(3), ORS 809.280(9)	Yes	Suspension	Not >1 year	Yes
Withdrawal from School ORS 809.423(3)	Discretionary	Suspension	Until enrolled or 18 yrs old	No
Withdrawal of Parent/Guardian Approval ORS 809.320	Yes	Cancel	Until approval or 18 yrs old	No
School Administration Suspension ORS 339.254, 809.320	Discretionary	Suspension	Not > 1 yr or Until 21 yrs old	Yes
Tobacco Purchase/Possession by Misrep of Age (2 nd or subsequent offense) ORS 167.401, 809.432(2)	Yes	Suspension	Not > 1 year	Yes

DMV DRIVER IMPROVEMENT PROGRAMS

CAUSE	TYPE	LENGTH	HARDSHIP	
Adult Driver Improvement Program: 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
Provisional (under 18 yrs) Driver Improvement Program: 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
Habitual Incompetent, Reckless, or Criminally Negligent Driver/Serious Violation of MV Laws ORS 809.421(1)	Suspension	---		
Habitual Offender Program: 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

DMV DRIVER IMPROVEMENT PROGRAMS (Continued from page 3)

CAUSE		TYPE	LENGTH	HARDSHIP
Habitual Offender (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 may be eligible for a Probationary Permit
	Twenty convictions within a five-year period.	Revocation	5 Years	No, but may be eligible for a Probationary Permit

NON-CRIMINAL CAUSES

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

CAUSE	TYPE	LENGTH	HARDSHIP	
Implied Consent: While operating a commercial motor vehicle (>.04% BAC) ORS 813.410(2), 813.404	Breath/Blood/Urine Test Refusal	Suspension	3 years	No
	Breath/Blood/Urine Test Refusal – Transporting Hazardous Material	Suspension	5 years	No
	Breath/Blood/Urine Test Refusal – Increased	Suspension	Lifetime	No
	BAC Failure	Suspension	1 year	No
	BAC Failure – Transporting Hazardous Material	Suspension	3 years	No
	BAC Failure – Increased	Suspension	Lifetime	No
DUII: While operating a commercial motor vehicle. ORS 813.403, 813.404	1st conviction	Suspension	1 year	No
	1st conviction – Transporting Hazardous Material	Suspension	3 years	No
	2nd or subsequent conviction	Suspension	Lifetime	No
Driving CMV While Suspended/Revoked for CMV Violations ORS 809.413(4)	Suspension	1 year	No	
Driving CMV While Suspended/Revoked for CMV Violations – Transporting Hazardous Material ORS 809.413(4)	Suspension	3 years	No	
Failure to File a Tax Return or Pay a Tax ORS 305.385	Suspension	Indefinite	No	
Failure to Pay Child Support ORS 25.750, 25.780	Suspension	Indefinite	No	
Failure to Perform Duties of a Driver ORS 809.413(1), 811.700, 811.705	Suspension	1 year	No	
Failure to Perform Duties of a Driver – Transporting Hazardous Material ORS 809.413(1), 811.700, 811.705	Suspension	3 years	No	
Felony Involving Op of MV ORS 809.413(2)	Suspension	1 year	No	
Felony Involving Op of MV – Transporting Hazardous Material ORS 809.413(2)	Suspension	3 years	No	
Hit & Run – Injury/Property ORS 809.413(1)	See Failure to Perform Duties above			
Imminent Hazard ORS 809.413(8)	Suspension	Not>1 year	No	
Murder/Manslaughter/Criminally Negligent Homicide or Assault Conviction while in CMV – ORS 809.413(5)	Suspension	1 year	No	
Murder/Manslaughter/Criminally Negligent Homicide or Assault Conviction while in CMV – Hazardous Material – ORS 809.413(5)	Suspension	3 years	No	
Out-of-Service Order Violation ORS 809.413(7)	Suspension	180 days or 3 years	No	
Out-of-Service Order Violation – Transporting Hazardous Material ORS 809.413(7)	Suspension	1 year or 5 years	No	
Railroad Related Violation ORS 809.407, 811.455, 811.460, 811.475, 811.462	Suspension	60 days, 120 days or 1 year	No	
Serious Traffic Violation Two or three convictions within a 3-year period ORS 809.413(6)	Suspension	2→60 days 3→120 days	No	
Use of Commercial MV in felony involving Manufacture/Distribution of Controlled Substance ORS 809.413(3), ORS 809.404(3)	Suspension	Lifetime	No	
Violation of Posted Weight Limits ORS 809.120(1)	Suspension	Not>90 days	No	
Two or more below circumstances in any combination (ORS 809.404(2): <ul style="list-style-type: none"> • DUII Conviction in MV or CMV • Implied Consent Breath Test Refusal in MV or CMV • Implied Consent Suspension (>.04% in CMV) • Failure to Perform Duties of a Driver in MV or CMV • Felony Conviction in MV or CMV • DWS/DWR Conviction in MV while suspended or revoked for CMV Violation • Murder/Manslaughter/Criminally Negligent Homicide/Aggravated Driving While Suspended or Revoked, or Assault Conviction while in CMV 	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 st Offense	90 days	1 year
2 nd Offense	1 year	3 years
3 rd 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 809.413	ORS 813.403
ORS 809.235	ORS 809.270	ORS 811.109	

Hardship Wait Times

Oregon Revised Statutes 813.520, and 807.252