

## **735-064-0100**

### **Hardship or Probationary Permit Restrictions**

- (1) A person issued a hardship or probationary permit must not do any of the following:
  - (a) The person must not drive outside the hardship or probationary permit driving restrictions;
  - (b) The person must not be convicted of or forfeit bail for more than one traffic offense listed in ORS 809.600(2)(b) (including city traffic offenses and similar offenses under federal or state law) within any 12-month period. See OAR 735-064-0220 for a list of offenses and statutory references;
  - (c) The person must not be convicted of or forfeit bail for an offense as specified in ORS 809.600(1)(a) through (g). These offenses are: murder, manslaughter, criminally negligent homicide, assault, recklessly endangering another person, menacing, or criminal mischief resulting from the operation of a motor vehicle; reckless driving, driving while under the influence of intoxicants, failure to perform the duties of a driver involved in an accident or collision, criminal driving while suspended or revoked, fleeing or attempting to elude a police officer, aggravated vehicular homicide;
  - (d) The person must not use intoxicants and drive;
  - (e) The person must not refuse to submit to a chemical breath test, blood test or urine test;
  - (f) The person must not be convicted of or forfeit bail for an offense under ORS 811.170; or
  - (g) The person must not falsify any information appearing on the Hardship/Probationary Application.
- (2) The person required to have an IID must not violate the following provisions:
  - (a) Drive any vehicle which does not have an IID installed unless exempted by statute and administrative rule;
  - (b) Drive an employer's owned or leased vehicle without an IID unless the person is carrying a copy of an employer's exemption letter, Employer IID Exemption form or medical exemption letter in his or her possession;
  - (c) Tamper with the IID or remove it from the vehicle; or
  - (d) Solicit another person to blow into the IID.
- (3) The person must maintain any required recommendation from a program approved by AMH and the court recommendation for a hardship or probationary permit during the term of the hardship or probationary permit.
- (4) Evidence that a restriction has been violated includes, but is not limited to the following:
  - (a) Police reports;
  - (b) Accident reports;
  - (c) Reports from rehabilitation/treatment agencies;
  - (d) Written reports from family members or the general public;
  - (e) An official report which indicates the person has driven outside the hardship or probationary permit restrictions;
  - (f) An official report which indicates the person has been driving after using intoxicants;
  - (g) Receipt of a copy of a report from a police officer that indicates the person has refused the chemical breath test, blood test or urine test following an arrest for driving under the influence of intoxicants;
  - (h) An official report from a police officer;
  - (i) A court conviction; and
  - (j) A written, signed statement from an approved IID provider.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.270, 809.600 & 813.510

Stats. Implemented: ORS 807.240, 807.270, 809.600 813.100, 813.510, 813.602, 813.608, 813.610, 813.612, & 813.614