

Enrolled
House Bill 2321

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Judicial Department)

CHAPTER

AN ACT

Relating to court-ordered license suspension; amending ORS 809.220, 809.280, 809.415 and 809.416.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 809.415 is amended to read:

809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who has a judgment of the type described under ORS 806.040 rendered against the person if the person does not settle the judgment in the manner described under ORS 809.470 within 60 days after its entry.

(b) A suspension under this subsection shall continue until the person does one of the following:

(A) Settles the judgment in the manner described in ORS 809.470.

(B) Has an insurer that has been found by the department to be obligated to pay the judgment, provided that there has been no final adjudication by a court that the insurer has no such obligation.

(C) Gives evidence to the department that a period of seven years has elapsed since the entry of the judgment.

(D) Receives from the court that rendered the judgment an order permitting the payment of the judgment in installments.

(c) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the existence of a motor vehicle liability insurance policy or the existence of some other means of satisfying financial responsibility requirements or of a person who, after certifying the existence of a motor vehicle liability insurance policy or other means of satisfying the requirements, allows the policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsibility requirements.

(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this subsection only if proof of compliance with financial responsibility requirements as of the date of the letter of verification from the department under ORS 806.150 is not submitted within 30 days after the date of the mailing of the department's demand under ORS 806.160.

(c) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(3)(a) The department shall suspend the driving privileges of a person who fails to comply with future responsibility filings whenever required under the vehicle code or fails to provide new proof for future responsibility filings when requested by the department.

(b) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(c) A person whose initial obligation to make future responsibility filings is not based upon a conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspension under this subsection. A person whose obligation to make future responsibility filings is based upon a conviction or other action by a court is entitled to administrative review under ORS 809.440 of a suspension under this subsection. A person whose suspension under this subsection is based on lapses in filing after the initial filing has been made is entitled to administrative review under ORS 809.440.

(4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The suspension shall continue until the earlier of the following:

(A) The person establishes to the satisfaction of the department that the person has performed all acts necessary under ORS 809.416 to make the person not subject to suspension.

(B) *[Five]* **Ten** years from the date the suspension is imposed **if the suspension is imposed for a reason described in ORS 809.416 (1) or (2) or five years from the date the suspension is imposed if the suspension is imposed for the reason described in ORS 809.416 (3).**

(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(5) Upon determination by the department that a person has committed an act that constitutes an offense described in ORS 809.310, the department may suspend any driving privileges or any identification card of the person determined to have committed the act. A suspension under this subsection shall continue for a period of one year.

SECTION 2. ORS 809.416 is amended to read:

809.416. This section establishes circumstances that will make a person subject to suspension under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to suspension. The following apply as described:

(1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation receives notice from a court to apply this section under ORS 809.220. A person who is subject under this subsection remains subject until the person presents the department with notice issued by the court showing that the person is no longer subject to this section or until *[five]* **10** years have elapsed, whichever is earlier. This subsection shall not subject a person to ORS 809.415 (4) for any pedestrian offense, bicycling offense or parking offense. Upon receipt of notice from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice required by this subsection.

(2) A person is subject to suspension under ORS 809.415 (4) if the department receives notice from a court under ORS 809.210 that a person has failed to pay a fine or obey an order of the court. A person who is subject under this subsection remains subject until the person presents the department with notice issued by the court showing that the person has paid the fine or obeyed the order of the court or until *[five]* **10** years have elapsed, whichever is earlier. This subsection shall not subject a person to ORS 809.415 (4) for failure to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt of notice from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice required by this subsection.

(3) A person is subject to suspension under ORS 809.415 (4) if the person pays the department any fee or tax with a bank check and the check is returned to the department as uncollectible or the person tenders payment with a credit or debit card and the issuer of the card does not pay the department. A person who is subject under this subsection remains subject until the department receives the money for the fee or tax and any fee charged by the department under ORS 802.170 or until five years have elapsed, whichever is earlier.

SECTION 3. ORS 809.220 is amended to read:

809.220. This section establishes procedures that are applicable if a person fails to appear on a citation for a traffic offense or for a violation of ORS 471.430. All of the following apply to this section:

(1) If a defendant fails to make any appearance required by the court or by law in a proceeding charging the defendant with a traffic offense or with a violation of ORS 471.430, the court:

(a) Shall issue notice to the Department of Transportation to suspend for failure to appear if the defendant is charged with a traffic crime or with a violation of ORS 471.430. If a court issues notice under this paragraph, the department shall suspend the driving privileges of the person as provided under ORS 809.280.

(b) Shall issue notice to the department to implement procedures under ORS 809.416 if the defendant is charged with a traffic violation. If a court issues notice under this paragraph, the department shall implement procedures under ORS 809.416.

(2) In any notice to the department under this section, a court shall certify that the defendant failed to appear in the proceedings in the manner required by the court or by law.

(3) At any time within [*five*] 10 years from the date of a notice to suspend for failure to appear given to the department under this section, a court shall give a second notice to the department to terminate a suspension resulting from the original notice if any of the following occur:

(a) The base fine amount or fine set by the court is paid.

(b) The court finds the defendant not guilty or orders a dismissal of the case.

(c) The court determines that the suspension for failure to pay or appear should be terminated for good cause.

(4) Notifications by a court to the department under this section shall be in a form prescribed by the department.

(5) A court shall not notify the department under this section for failure to appear on any parking, pedestrian or bicyclist offense.

SECTION 4. ORS 809.280 is amended to read:

809.280. (1) This section establishes the procedures the Department of Transportation shall follow when a court orders or recommends the suspension or revocation of driving privileges. This section also establishes the period of time the revocation or suspension will be effective.

(2) When a court orders a suspension of driving privileges under ORS 809.270, the department shall immediately make proper entry in its files and records and take other action as necessary to implement the order. The suspension shall remain in force until the department is notified by the court that the suspension is ended, except that, if the department is ordered to automatically restore the driving privileges upon the successful completion of a program, the department shall do so and shall notify the judge that the person has complied with the order of the judge.

(3) When a court recommends a suspension of driving privileges under ORS 809.120, the department shall impose the suspension as recommended by the court.

(4) When a court notifies the department under ORS 809.130 of an unsettled judgment, the department shall suspend and, subject to any other requirements of law, restore the driving privileges upon appropriate notification from the court under ORS 809.130, except that the department shall only impose the suspension after the department has determined that:

(a) The judgment was rendered against the person;

(b) The judgment has remained unsettled as described in ORS 809.470 for 60 days; and

(c) The judgment continues to be unsettled as described in ORS 809.470.

(5) When a court notifies the department under ORS 419C.472 or 809.220 to suspend for failure to appear, the department shall suspend the driving privileges of the person for an indefinite period. The department shall terminate the suspension upon notification by the court or upon the elapse of [*five*] 10 years from the date of suspension. A suspension under this subsection shall be placed on the defendant's driving record. The department shall not suspend any driving privileges under this subsection for a person's failure to appear on a parking, pedestrian or bicyclist offense.

(6) When a court sends the department a license or otherwise notifies the department under ORS 810.310, the department shall suspend the driving privileges of the person for an indefinite period.

The department shall terminate the suspension ordered under this section upon notification by the court or upon the lapse of [five] 10 years from the date of suspension, whichever comes first.

(7) In addition to any other authority to suspend driving privileges under the vehicle code, the department shall suspend all driving privileges of any person upon receipt of an order of denial of driving privileges under ORS 809.260. The suspension shall be imposed without hearing. The driving privileges of the person shall be suspended as provided in the following:

(a) Upon receipt of the first order denying driving privileges, the department shall impose a suspension for one year, or until the person so suspended reaches 17 years of age, whichever is longer.

(b) Upon receipt of a second or subsequent order denying driving privileges, the department shall suspend for one year or until the person reaches 18 years of age, whichever is longer.

(8) If the department receives notice from a court that it has withdrawn an order issued under ORS 809.260, the department shall immediately reinstate any driving privileges that have been suspended under subsection (7) of this section because of the issuance of the order.

(9) When a court orders suspension of driving privileges under ORS 165.805 or 471.430, the department shall impose the suspension as ordered by the court.

(10) When a court orders a suspension of driving privileges under ORS 809.265, the department shall immediately suspend all driving privileges of the person. Upon receipt of an order suspending driving privileges, the department shall impose a suspension for six months.

(11) When a court orders revocation of driving privileges as provided in ORS 809.235, the department shall impose the revocation as ordered. The revocation shall remain in effect until the department is notified by a court that the person's driving privileges have been ordered restored.

(12) When a court orders suspension of driving privileges under ORS 811.109, the department shall impose the suspension as ordered by the court.

Passed by House February 15, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate April 4, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State