

## HOUSE AMENDMENTS TO HOUSE BILL 3314

By COMMITTEE ON JUDICIARY

May 8

- 1 On page 1 of the printed bill, line 2, delete “and”.
- 2 In line 3, delete “135.905 and” and after “809.411” insert “; and appropriating money”.
- 3 In line 18, after “if” insert “the person”.
- 4 Delete lines 19 through 22 and insert:
- 5 “(a) Operates a vehicle upon the highway in a careless or reckless manner; and
- 6 “(b) Causes serious physical injury or death to a vulnerable user of a public way.”
- 7 In line 24, delete “misdemeanor” and insert “traffic violation”.
- 8 Delete lines 25 through 27 and insert:
- 9 “(4) In addition to any other penalty, a person convicted of infliction of serious physical injury
- 10 or death to a vulnerable user of a public way is subject to:
- 11 “(a) Suspension of driving privileges as provided in ORS 809.411; and
- 12 “(b) Notwithstanding ORS 153.018, a fine of \$12,500.”
- 13 On page 3, line 7, delete “driving diversion” and insert “driver improvement” and after the pe-
- 14 riod delete the rest of the line.
- 15 Delete lines 8 and 9.
- 16 In line 12, delete “driving diversion” and insert “driver improvement”.
- 17 In line 15, delete “driving diversion” and insert “driver improvement”.
- 18 In line 16, delete “driving diversion” and insert “driver improvement”.
- 19 In line 18, delete “driving diversion” and insert “driver improvement”.
- 20 In line 23, delete “driving diversion” and insert “driver improvement”.
- 21 In line 28, after “be” delete the rest of the line and insert “approved by the court;”.
- 22 Delete line 29.
- 23 In line 35, delete “diversion”.
- 24 In line 36, delete “diversion” and insert “agreement”.
- 25 In line 39, delete “diversion” and insert “agreement” and after the semicolon insert “and”.
- 26 In line 43, delete “; and” and insert a period.
- 27 Delete lines 44 and 45.
- 28 On page 4, delete line 1.
- 29 In line 4, delete “driving diversion” and insert “driver improvement”.
- 30 Delete lines 11 through 16 and insert:
- 31 “(2) The defendant shall pay to the court, at the time of filing a petition for a driver improve-
- 32 ment agreement, a filing fee established in section 10 of this 2007 Act. The court may make pro-
- 33 vision for payment of the filing fee by the defendant on an installment basis. The court may waive
- 34 all or part of the filing fee in cases involving indigent defendants. The filing fee paid to the court
- 35 under this subsection shall be retained by the court if the petition is allowed. The filing fee shall

1 be distributed as provided by section 10 of this 2007 Act.”.

2 In line 17, delete “driving diversion” and insert “driver improvement”.

3 In line 23, delete “driving diversion” and insert “driver improvement”.

4 In line 26, delete “driving diversion” and insert “driver improvement”.

5 In line 28, delete “diversion” and insert “agreement” in both places.

6 In line 31, delete “diversion”.

7 In line 33, delete “driving diversion” and insert “driver improvement”.

8 In line 34, delete “diversion” and insert “agreement”.

9 In line 36, delete “diversion”.

10 In line 37, delete “driving diversion” and insert “driver improvement”.

11 In line 39, delete “driving diversion” and insert “driver improvement”.

12 In line 41, delete “diversion”.

13 In line 42, delete “diversion”.

14 On page 5, line 5, delete “diversion” and insert “agreement”.

15 In line 6, delete “driving diversion” and insert “driver improvement”.

16 In line 13, delete “driving diver-”.

17 In line 14, delete “sion” and insert “driver improvement”.

18 In line 18, delete “diversion”.

19 In line 20, delete “driving diversion” and insert “driver improvement”.

20 In line 25, delete “driving diversion” and insert “driver improvement”.

21 In line 27, delete “diversion”.

22 In line 30, delete “diversion”.

23 In line 31, delete “driving diversion” and insert “driver improvement”.

24 In line 33, delete “diversion”.

25 In line 34, delete “diversion”.

26 Delete lines 35 through 45 and delete page 6 and insert:

27 **“SECTION 10. (1) The filing fee paid by a defendant at the time of filing a petition for a**

28 **driver improvement agreement as provided in section 5 of this 2007 Act shall be \$237 and**

29 **shall be ordered paid as follows if the petition is allowed:**

30 **“(a) \$112 to be credited and distributed under ORS 137.295 as an obligation payable to the**

31 **state;**

32 **“(b) \$100 to be treated as provided for disposition of fines and costs under ORS 153.630;**

33 **and**

34 **“(c) \$25 to be paid to the Department of Transportation for deposit in the Driver Im-**

35 **provement Program Fund created under section 11 of this 2007 Act, to be used for purposes**

36 **of the fund.**

37 **“(2) In addition to the filing fee under subsection (1) of this section, the court shall order**

38 **the defendant to pay \$250 directly to the agency or organization providing the driver im-**

39 **provement program.**

40 **“SECTION 11. The Driver Improvement Program Fund is created. The fund consists of**

41 **moneys placed in the fund under section 10 of this 2007 Act and as otherwise provided by law**

42 **and of gifts and grants made to the fund for carrying out the purposes of the fund. The**

43 **moneys in the fund are continuously appropriated to the Department of Transportation and**

44 **may be used only for the following purposes:**

45 **“(1) To pay for providing driver improvement courses for individuals who enter driver**

1 **improvement agreements described in section 4 of this 2007 Act and who are found to be**  
2 **indigent. Payment shall be made as provided by the Department of Transportation by rule**  
3 **to agencies or organizations providing the driver improvement program.**

4 **“(2) To pay for the driver improvement program.**

5 **“(3) To pay the cost of administration of the fund by the Department of Transportation.**

6 **“(4) To pay for special services required to enable a person with a disability, or a person**  
7 **whose proficiency in the use of English is limited because of the person’s national origin, to**  
8 **participate in driver improvement programs that are required by driver improvement**  
9 **agreements under section 4 of this 2007 Act. This subsection applies:**

10 **“(a) Whether or not the person is indigent; and**

11 **“(b) Only to special services required solely because of the person’s disability or limited**  
12 **proficiency in the use of English.”.**

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