



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Director's Office
355 Capitol St. NE
Salem, OR 97301

DATE: May 6, 2013
TO: Senate Committee on Judiciary
FROM: Amy Joyce, Legislative Liaison
SUBJECT: HB 3047-A, re-suspension of driving privileges

INTRODUCTION

HB 3047-A proposes to allow the Department of Transportation, Driver and Motor Vehicle Services Division (DMV) to re-suspend the driving privileges of a person for failing to pay traffic fines, and extends the potential period of suspension to 20 years from date of incident.

DISCUSSION

This bill would restore a court's authority to order a suspension of driving privileges for failing to pay fines for traffic offenses. Prior to the Court of Appeals decision in *Richardson v. ODOT*, DMV processed these re-suspensions without problem. After *Richardson*, the Department of Justice advised DMV that re-suspensions were prohibited by that ruling. DMV informed courts of the change, and since that time has not processed them.

The bill would change the law to overcome the *Richardson* decision, and allow DMV to suspend driving privileges multiple times for the same conviction based on court orders. The bill also extends the time period of potential re-suspension to 20 years from the date of incident. The current limit under law is 10 years, but that time has been applied from the date of suspension – not the date of incident. Therefore the actual period of potential suspension can be far longer than 10 years.

DMV believes the bill would benefit from an additional amendment to clarify the applicability of the new provisions, and has been working with the bill's proponents and sponsor on a solution.

Finally, upon the final judgment in the *Richardson* case, DMV notified those people affected by the decision that they may now be eligible to reinstate their driving privileges. The bill is retroactive and so will bring those individuals back under the authority of the court to re-suspend.

CONCLUSION

The bill would restore a court's ability to order a re-suspension of an offender's driver license for failure to pay fines in a traffic case, and would allow a total of 20 years for the court to do so.