



# Oregon

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**DATE:** March 14, 2013  
**TO:** House Committee on Judiciary  
**FROM:** Amy Joyce, Legislative Liaison  
**SUBJECT:** HB 3047, re-suspension of driving privileges

## INTRODUCTION

HB 3047 proposes to allow 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. DMV stands ready to implement the bill provided minor changes can be made to improve the process by which these suspensions would occur.

## DISCUSSION

This bill would correct the court's authority to order a suspension of driving privileges for failing to pay fines. Specifically the bill reinstates the authority to re-suspend for failing to pay fines on traffic offenses, and provides that authority for 20 years. Prior to the appellate decision in *Richardson v. ODOT*, DMV processed these re-suspensions without problem. 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 out to 20 years.

DMV requests minor changes to the bill so that the 20 year limit runs from a date certain – likely the incident date - rather than from the date of the first suspension. This clarity will allow significant automation of the internal process. Also, certain information is already a data field in the computer systems for both DMV and the courts and therefore would enable the systems to transfer data with existing programming. Avoiding both manual work and computer programming will significantly reduce both the cost of implementation and the time it will take to begin processing the re-suspension.

A second minor consideration is to remove the change for those rare cases involving commercial driving privileges and an out-of-state conviction. Changing this brings no benefit to Oregon courts. In addition this is implementation of federal law and, while Oregon can go beyond the federal standard, there seems to be no state interest in doing so in this particular situation.

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

DMV stands ready to implement this bill. Certain minor changes will significantly improve the ability to process the re-suspensions, hold down costs, and still obtain the goals of the bill.