

## HOUSE AMENDMENTS TO HOUSE BILL 3047

By COMMITTEE ON JUDICIARY

April 15

- 1 On page 1 of the printed bill, line 2, delete “809.413,” and insert “809.220, 809.280,”.
- 2 Delete lines 5 through 30 and delete pages 2 through 7 and insert:
- 3 “**SECTION 1.** ORS 809.210 is amended to read:
- 4 “809.210. (1) A court may do any of the following if the defendant is convicted of any traffic
- 5 offense and fails or refuses to pay a fine imposed by the *[judge]* **court** or to comply with any con-
- 6 dition upon which payment of the fine or any part of it was suspended:
- 7 “(a) Issue **a notice of suspension** to the Department of Transportation **that directs the de-**
- 8 **partment** to implement procedures under ORS 809.416.
- 9 “(b) Order a defendant’s driving privileges restricted.
- 10 “(2) The authority granted in this section is in addition to or instead of any other method au-
- 11 thorized by law for enforcing a court order.
- 12 “(3) If a court places restrictions on driving privileges under this section:
- 13 “(a) The *[judge]* **court** shall immediately advise the department of the restrictions.
- 14 “(b) Upon removal of such restriction, the court shall notify the department that the restriction
- 15 is ended.
- 16 “(c) The restriction shall remain in effect until ended by the court.
- 17 “(d) The department shall take action as provided under ORS 807.120 on restrictions imposed
- 18 under this section.
- 19 “(e) The restrictions may include any restriction, condition or requirement.
- 20 “(f) Violation of the restriction is punishable as provided under ORS 807.010.
- 21 “(4) If *[a judge]* **the court** issues **a notice of suspension that directs the department** to im-
- 22 plement procedures under ORS 809.416 as provided under this section:
- 23 “[*a*] *The judge shall immediately send to the department notice upon payment of the fine as or-*
- 24 *dered.*]
- 25 “**(a) And if, at any time within the period of suspension under this section, a person pays**
- 26 **the fine, has begun making payments according to the payment schedule established by the**
- 27 **court or has obeyed the order of the court, the court shall immediately send to the depart-**
- 28 **ment a notice of reinstatement. The notice of suspension may be reissued if the person**
- 29 **ceases making payments before the fine is paid in full. The reissuance does not extend the**
- 30 **original period of suspension.**
- 31 “(b) The department shall take action on the suspension as provided under ORS 809.416.
- 32 “(5) A court *[shall]* **may** not issue **a notice of suspension** under this section **that directs the**
- 33 **department** to implement procedures under ORS 809.416 for failure to pay a fine relating to any
- 34 parking offense, pedestrian offense or bicycling offense.
- 35 “(6) **A notification by a court to the department under this section shall be in a form**

1 **prescribed by the department.**

2 **“SECTION 2.** ORS 809.220 is amended to read:

3 “809.220. This section establishes procedures that are applicable if a person fails to appear on  
4 a citation for a traffic offense or **fails to appear on a citation** for a violation of ORS 471.430. All  
5 of the following apply to this section:

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

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

12 “(b) Shall issue notice to the department to implement procedures under ORS 809.416 if the de-  
13 fendant is charged with a traffic violation. If a court issues notice under this paragraph, the de-  
14 partment shall implement procedures under ORS 809.416.

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

17 “(3) At any time within 10 years from the date [*of a notice to suspend for failure to appear given*  
18 *to the department under this section*] **the traffic offense or violation of ORS 471.430 occurred**, a  
19 court shall give a second notice to the department to reinstate the person’s suspended driving  
20 privileges resulting from the original notice if any of the following occur:

21 “(a) The fine for the offense is paid **or the defendant has begun making payments.**

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

23 “(c) The court determines that the person’s suspended driving privileges should be reinstated for  
24 good cause.

25 “(4) **The court may reissue a notice of suspension if the person ceases making payments**  
26 **before the fine is paid in full. The reissuance does not extend the original period of suspen-**  
27 **sion.**

28 “[~~4~~] (5) Notifications by a court to the department under this section shall be in a form pre-  
29 scribed by the department.

30 “[~~5~~] (6) A court [*shall*] **may** not notify the department under this section for failure to appear  
31 on any parking, pedestrian or bicyclist offense.

32 **“SECTION 3.** ORS 809.416 is amended to read:

33 “809.416. This section establishes circumstances that will make a person subject to suspension  
34 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to  
35 suspension. The following apply as described:

36 “(1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation  
37 receives notice from a court to apply this section under ORS 809.220. A person who is subject under  
38 this subsection remains subject until the person presents the department with notice issued by the  
39 court showing that the person is no longer subject to this section or until 10 years have elapsed  
40 **from the date the traffic offense or violation of ORS 471.430 occurred**, whichever is earlier.  
41 This subsection shall not subject a person to ORS 809.415 (4) for any pedestrian offense, bicycling  
42 offense or parking offense. Upon receipt of notice from a court, the department shall send a letter  
43 by first class mail advising the person that the suspension will commence 60 days from the date of  
44 the letter unless the person presents the department with the notice required by this subsection.

45 “(2) A person is subject to suspension under ORS 809.415 (4) if the department receives a notice

1 **of suspension** from a court under ORS 809.210 **indicating** that a person has failed **or refused** to  
2 pay a fine or obey an order of the court. A person who is subject under this subsection remains  
3 subject until the person presents the department with a notice **of reinstatement** issued by the court  
4 showing that the person **is making payments**, has paid the fine or **has** obeyed the order of the  
5 court, or until [10] 20 years have elapsed **from the date the traffic offense occurred**, whichever  
6 is earlier. This subsection [shall] **does** not subject a person to ORS 809.415 (4) for failure **or refusal**  
7 to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt  
8 of a notice **of suspension** from a court, the department shall send a letter by first class mail ad-  
9 vising the person that the suspension will commence 60 days from the date of the letter unless the  
10 person presents the department with the notice **of reinstatement** required by this subsection.

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

17 “**SECTION 4.** ORS 809.415 is amended to read:

18 “809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a per-  
19 son who has a judgment of the type described under ORS 806.040 rendered against the person if the  
20 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after  
21 its entry.

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

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

24 “(B) Has an insurer that has been found by the department to be obligated to pay the judgment,  
25 provided that there has been no final adjudication by a court that the insurer has no such obli-  
26 gation.

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

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

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

33 “(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the  
34 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-  
35 isfying financial responsibility requirements or of a person who, after certifying the existence of a  
36 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the  
37 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-  
38 bility requirements.

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

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

45 “(3)(a) The department shall suspend the driving privileges of a person who fails to comply with

1 future responsibility filings whenever required under the vehicle code or fails to provide new proof  
2 for future responsibility filings when requested by the department.

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

5 “(c) A person whose initial obligation to make future responsibility filings is not based upon a  
6 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-  
7 sion under this subsection. A person whose obligation to make future responsibility filings is based  
8 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440  
9 of a suspension under this subsection. A person whose suspension under this subsection is based on  
10 lapses in filing after the initial filing has been made is entitled to administrative review under ORS  
11 809.440.

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

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

16 “(B) Ten years from the date the [*suspension is imposed*] **traffic offense or violation of ORS**  
17 **471.430 occurred** if the suspension is imposed for a reason described in ORS 809.416 (1) [*or (2) or*  
18 *five*], **20 years from the date the [*suspension is imposed*] traffic offense occurred** if the suspension  
19 is imposed for [*the*] **a reason described in ORS 809.416 (2) or five years from the date the sus-**  
20 **pension is imposed for a** reason described in ORS 809.416 (3).

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

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

27 “(6) Upon determination by the department that a person has submitted false information to the  
28 department for the purpose of establishing or maintaining qualification to operate a commercial  
29 motor vehicle or hold a commercial driver license, the department may suspend the commercial  
30 driver license or the person’s right to apply for a commercial driver license. A suspension under this  
31 subsection shall continue for a period of one year.

32 “**SECTION 5.** ORS 809.280 is amended to read:

33 “809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation  
34 shall suspend the person’s driving privileges. The suspension shall remain in effect until the de-  
35 partment is notified by the court that the suspension is ended, except that, if the department is or-  
36 dered to automatically reinstate the driving privileges upon the successful completion of a program,  
37 the department shall do so and shall notify the judge that the person has complied with the order  
38 of the judge.

39 “(2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person’s  
40 driving privileges. The suspension shall be for the period ordered by the court. The court may only  
41 order suspension for a period not to exceed 90 days.

42 “(3) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the department  
43 shall suspend the person’s driving privileges and, subject to any other requirements of law, reinstate  
44 the driving privileges upon appropriate notification from the court under ORS 809.130, except that  
45 the department shall only impose the suspension after the department has determined that:

1       “(a) The judgment was rendered against the person;

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

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

4       “(4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend

5 the person’s driving privileges for an indefinite period. The department shall reinstate driving priv-

6 ileges that have been suspended under this subsection upon notification by the court or upon the

7 elapse of 10 years from the date [of suspension] **the traffic offense or violation of ORS 471.430**

8 **occurred**, whichever comes first. The department may not suspend any driving privileges under this

9 subsection for a person’s failure to appear on a parking, pedestrian or bicyclist offense.

10       “(5) Upon receipt of a court notice under ORS 810.310, the department shall suspend the

11 person’s driving privileges for an indefinite period. The department shall reinstate driving privileges

12 that have been suspended under this subsection upon notification by the court or upon the lapse of

13 10 years from the date of suspension, whichever comes first.

14       “(6) Upon receipt of a court order under ORS 809.260, the department shall suspend the person’s

15 driving privileges as follows:

16       “(a) Upon receipt of the first order suspending driving privileges, the department shall suspend

17 the person’s driving privileges for one year, or until the person reaches 17 years of age, whichever

18 is longer.

19       “(b) Upon receipt of a second or subsequent order suspending driving privileges, the department

20 shall suspend the person’s driving privileges for one year or until the person reaches 18 years of

21 age, whichever is longer.

22       “(7) If the department receives notice from a court that it has withdrawn an order issued under

23 ORS 809.260, the department shall immediately reinstate any driving privileges that have been sus-

24 pended under subsection (6) of this section because of the issuance of the order.

25       “(8) Upon receipt of a court order under ORS 165.805 or 471.430, the department shall suspend

26 the person’s driving privileges. The suspension shall be for the period ordered by the court. The

27 court may only order suspension for a period not to exceed one year.

28       “(9) Upon receipt of a court order under ORS 809.265, the department shall suspend the person’s

29 driving privileges for six months.

30       “(10) Upon receipt of a court order under ORS 809.235, the department shall permanently revoke

31 the person’s driving privileges. The revocation shall remain in effect until the department is notified

32 by a court that the person’s driving privileges have been ordered restored.

33       “(11) When a court orders suspension of driving privileges under ORS 811.109 (4), the depart-

34 ment shall suspend the person’s driving privileges. The suspension shall be for the period ordered

35 by the court. The court may only order suspension for a period not to exceed 30 days.

36       “(12) When a court orders suspension of driving privileges under ORS 811.109 (5), the depart-

37 ment shall suspend the person’s driving privileges. The suspension shall be for the period ordered

38 by the court. The court may only order suspension for not less than 30 days and not more than 90

39 days.

40       “(13) Upon receipt of a court order under ORS 811.135, the department shall suspend the

41 person’s driving privileges for one year.

42       “**SECTION 6. (1) The amendments to ORS 809.210, 809.220 and 809.280 by sections 1, 2 and**

43 **5 of this 2013 Act apply to offenses occurring before, on or after the operative date specified**

44 **in section 7 of this 2013 Act.**

45       “(2)(a) **Except as provided in paragraph (b) of this subsection, the amendments to ORS**

1 809.415 and 809.416 by sections 3 and 4 of this 2013 Act apply to offenses occurring on or after  
2 the operative date specified in section 7 of this 2013 Act.

3 “(b) The amendments to ORS 809.415 and 809.416 by sections 3 and 4 of this 2013 Act apply  
4 to an individual whose driving privileges are suspended as of the day immediately preceding  
5 the operative date specified in section 7 of this 2013 Act if a judge reissues a notice of sus-  
6 pension under ORS 809.210, as amended by section 1 of this 2013 Act, on or after the opera-  
7 tive date specified in section 7 of this 2013 Act. Such an individual shall remain subject to  
8 the new suspension of driving privileges until the individual presents the Department of  
9 Transportation with a notice of reinstatement issued by the court showing that the person  
10 is making payments, has paid the fine or has obeyed the order of the court, or until 20 years  
11 have elapsed from the date the traffic offense occurred, whichever is earlier.

12 “SECTION 7. (1) The amendments to ORS 809.210, 809.220, 809.280, 809.415 and 809.416 by  
13 sections 1 to 5 of this 2013 Act become operative October 1, 2013.

14 “(2) The Department of Transportation may take any action before October 1, 2013, that  
15 is necessary to enable the department to implement the amendments to ORS 809.210, 809.220,  
16 809.280, 809.415 and 809.416 by sections 1 to 5 of this 2013 Act on October 1, 2013.

17 “SECTION 8. This 2013 Act being necessary for the immediate preservation of the public  
18 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
19 on its passage.”.

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