

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3047
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

May 30

1 On page 1 of the printed A-engrossed bill, line 3, after “809.416;” insert “repealing sections 1,
2 2, 3, 4 and 5, chapter ___, Oregon Laws 2013 (Enrolled House Bill 2986);”.

3 On page 6, delete lines 10 through 21 and insert:

4 “(2) The amendments to ORS 809.415 and 809.416 by sections 3 and 4 of this 2013 Act apply to
5 the issuance or reissuance of notices of suspension on or after the operative date specified in section
6 7 of this 2013 Act.”.

7 After line 26, insert:

8 “**SECTION 8. If House Bill 2986 becomes law, section 1, chapter ___, Oregon Laws 2013**
9 **(Enrolled House Bill 2986) (amending ORS 809.210), is repealed and ORS 809.210, as amended**
10 **by section 1 of this 2013 Act, is amended to read:**

11 “809.210. (1) A court may do any of the following if the defendant is convicted of any traffic
12 offense and fails or refuses to pay a fine imposed by the court or to comply with any condition upon
13 which payment of the fine or any part of it was suspended:

14 “(a) Issue a notice of suspension to the Department of Transportation that directs the depart-
15 ment to implement procedures under ORS 809.416.

16 “(b) Order a defendant’s driving privileges restricted.

17 “(2) The authority granted in this section is in addition to or instead of any other method au-
18 thorized by law for enforcing a court order.

19 “(3) If a court places restrictions on driving privileges under this section:

20 “(a) The court shall immediately advise the department of the restrictions.

21 “(b) Upon removal of such restriction, the court shall notify the department that the restriction
22 is ended.

23 “(c) The restriction shall remain in effect until ended by the court.

24 “(d) The department shall take action as provided under ORS 807.120 on restrictions imposed
25 under this section.

26 “(e) The restrictions may include any restriction, condition or requirement.

27 “(f) Violation of the restriction is punishable as provided under ORS 807.010.

28 “(4) If the court issues a notice of suspension that directs the department to implement proce-
29 dures under ORS 809.416 as provided under this section:

30 “(a) And if, at any time within the period of suspension under this section, a person pays the
31 fine, has begun making payments according to the payment schedule established [by] **with** the court
32 or has obeyed the order of the court, the court shall immediately send to the department a notice
33 of reinstatement. The notice of suspension may be reissued if the person ceases making payments
34 before the fine is paid in full. The reissuance does not extend the original period of suspension.

1 “(b) The department shall take action on the suspension as provided under ORS 809.416.

2 “(5)(a) At any time after the court issues a notice of suspension under this section, the
3 person whose driving privileges have been suspended may seek reinstatement with the court
4 if the person is enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a
5 registered apprentice under ORS 660.020. The court shall issue a notice of reinstatement of
6 the person’s driving privileges if the person provides the court with a form that includes
7 verification from the Bureau of Labor and Industries that the person is enrolled in a preap-
8 prenticeship program or is a registered apprentice.

9 “(b) The bureau shall develop the form prescribed in paragraph (a) of this subsection.
10 The form must include:

11 “(A) The name of the person who is enrolled in a preapprenticeship program or registered
12 as an apprentice;

13 “(B) A statement from the person’s program, certifying that the person is enrolled in the
14 preapprenticeship program or is a registered apprentice;

15 “(C) The date on which the person is scheduled to complete the program;

16 “(D) For a person who is enrolled in a preapprenticeship program, a statement that the
17 program will notify the bureau of the registration of the person as an apprentice under ORS
18 660.020 after completion of the person’s preapprenticeship program or notify the bureau of
19 the person’s failure to register; and

20 “(E) A statement that the program will notify the court if the person fails to complete
21 the program or fails to register as an apprentice under ORS 660.020 after completion of a
22 preapprenticeship program.

23 “(c) Upon the request of a person whose driving privileges have been suspended under
24 this section, the bureau shall seek to verify that the person is enrolled in a preapprenticeship
25 program or is registered as an apprentice. If the bureau verifies that the person is enrolled
26 in a preapprenticeship program or is registered as an apprentice, the bureau shall include
27 the verification on the form described in this subsection.

28 “(d) If the court receives a notice from the program that the person has failed to com-
29 plete the program, or failed to register as an apprentice under ORS 660.020 after completion
30 of a preapprenticeship program, the court shall reissue the notice of suspension. The reis-
31 suance does not extend the original period of suspension.

32 “(6) A person whose driving privileges are reinstated under subsection (5) of this section
33 shall establish a payment schedule with the court and begin making payments within six
34 months after completing a preapprenticeship program and apprenticeship program, as de-
35 fined in ORS 660.010, or six months after completing an apprenticeship program if the person
36 was never enrolled in a preapprenticeship program. The court shall reissue the notice of
37 suspension if the person does not establish a payment schedule within the time required
38 under this subsection. The reissuance does not extend the original period of suspension.

39 “[(5)] (7) A court may not issue a notice of suspension under this section that directs the de-
40 partment to implement procedures under ORS 809.416 for failure to pay a fine relating to any
41 parking offense, pedestrian offense or bicycling offense.

42 “[(6)] (8) A notification by a court to the department under this section shall be in a form pre-
43 scribed by the department.

44 “**SECTION 9.** If House Bill 2986 becomes law, section 2, chapter __, Oregon Laws 2013
45 (Enrolled House Bill 2986) (amending ORS 809.416), is repealed and ORS 809.416, as amended

1 **by section 3 of this 2013 Act, is amended to read:**

2 “809.416. This section establishes circumstances that will make a person subject to suspension
3 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to
4 suspension. The following apply as described:

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

14 “(2) A person is subject to suspension under ORS 809.415 (4) if the department receives a notice
15 of suspension from a court under ORS 809.210 indicating that [a] **the** person has failed or refused
16 to pay a fine or obey an order of the court. A person who is subject under this subsection remains
17 subject until **the earlier of the following:**

18 “(a) The person presents the department with a notice of reinstatement issued by the court
19 showing that the person:

20 “(A) Is making payments, has paid the fine or has obeyed the order of the court[, *or until 20*];
21 **or**

22 “(B) **Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a reg-**
23 **istered apprentice under ORS 660.020; or**

24 “(b) **Twenty** years have elapsed from the date the traffic offense occurred[, *whichever is*
25 *earlier*].

26 “(3) [This] Subsection (2) of this section does not subject a person to ORS 809.415 (4) for fail-
27 ure or refusal to pay a fine relating to any pedestrian offense, bicycling offense or parking offense.
28 Upon receipt of a notice of suspension from a court, the department shall send a letter by first class
29 mail advising the person that the suspension will commence 60 days from the date of the letter un-
30 less the person presents the department with the notice of reinstatement required by this subsection.

31 “[3] (4) A person is subject to suspension under ORS 809.415 (4) if the person pays the de-
32 partment any fee or tax with a bank check and the check is returned to the department as un-
33 collectible or the person tenders payment with a credit or debit card and the issuer of the card does
34 not pay the department. A person who is subject under this subsection remains subject until the
35 department receives the money for the fee or tax and any fee charged by the department under ORS
36 802.170 or until five years have elapsed, whichever is earlier.

37 “**SECTION 10. If House Bill 2986 becomes law, section 3, chapter __, Oregon Laws 2013**
38 **(Enrolled House Bill 2986) (amending ORS 807.250), is repealed.**

39 “**SECTION 11. If House Bill 2986 becomes law, section 4, chapter __, Oregon Laws 2013**
40 **(Enrolled House Bill 2986) (amending ORS 809.415), is repealed and ORS 809.415, as amended**
41 **by section 4 of this 2013 Act, is amended to read:**

42 “809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a per-
43 son who has a judgment of the type described under ORS 806.040 rendered against the person if the
44 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after
45 its entry.

1 “(b) A suspension under this subsection shall continue until the person does one of the following:
2 “(A) Settles the judgment in the manner described in ORS 809.470.
3 “(B) Has an insurer that has been found by the department to be obligated to pay the judgment,
4 provided that there has been no final adjudication by a court that the insurer has no such obli-
5 gation.
6 “(C) Gives evidence to the department that a period of seven years has elapsed since the entry
7 of the judgment.
8 “(D) Receives from the court that rendered the judgment an order permitting the payment of the
9 judgment in installments.
10 “(c) A person is entitled to administrative review under ORS 809.440 of a suspension under this
11 subsection.
12 “(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the
13 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-
14 isfying financial responsibility requirements or of a person who, after certifying the existence of a
15 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the
16 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-
17 bility requirements.
18 “(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this
19 subsection only if proof of compliance with financial responsibility requirements as of the date of
20 the letter of verification from the department under ORS 806.150 is not submitted within 30 days
21 after the date of the mailing of the department’s demand under ORS 806.160.
22 “(c) A suspension under this subsection shall continue until the person complies with future
23 responsibility filings.
24 “(3)(a) The department shall suspend the driving privileges of a person who fails to comply with
25 future responsibility filings whenever required under the vehicle code or fails to provide new proof
26 for future responsibility filings when requested by the department.
27 “(b) A suspension under this subsection shall continue until the person complies with future
28 responsibility filings.
29 “(c) A person whose initial obligation to make future responsibility filings is not based upon a
30 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
31 sion under this subsection. A person whose obligation to make future responsibility filings is based
32 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440
33 of a suspension under this subsection. A person whose suspension under this subsection is based on
34 lapses in filing after the initial filing has been made is entitled to administrative review under ORS
35 809.440.
36 “(4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The
37 suspension shall continue until the earlier of the following:
38 “(A) The person establishes to the satisfaction of the department that the person has performed
39 all acts necessary under ORS 809.416 to make the person not subject to suspension.
40 “(B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the
41 suspension is imposed for a reason described in ORS 809.416 (1), 20 years from the date the traffic
42 offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2) or five years
43 from the date the suspension is imposed for a reason described in ORS 809.416 [(3)] (4).
44 “(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this
45 subsection.

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

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

10 **“SECTION 12. If House Bill 2986 becomes law, section 5, chapter ___, Oregon Laws 2013
11 (Enrolled House Bill 2986), is repealed.**

12 **“SECTION 13. The amendments to ORS 809.210 and 809.416 by sections 8 and 9 of this 2013
13 Act apply to offenses occurring before, on or after January 1, 2014.**

14 **“SECTION 14. The amendments to ORS 809.210, 809.415 and 809.416 by sections 8, 9 and
15 11 of this 2013 Act become operative January 1, 2014.”.**

16 In line 27, delete “8” and insert “15”.

17
