

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3047**

1 On page 1 of the printed bill, line 2, delete “809.413,” and insert “809.220,  
2 809.280.”

3 Delete lines 5 through 30 and delete pages 2 through 7 and insert:

4 **“SECTION 1.** ORS 809.210 is amended to read:

5 “809.210. (1) A court may do any of the following if the defendant is  
6 convicted of any traffic offense and fails or refuses to pay a fine imposed by  
7 the [*judge*] **court** or to comply with any condition upon which payment of  
8 the fine or any part of it was suspended:

9 “(a) Issue **a notice of suspension** to the Department of Transportation  
10 **that directs the department** to implement procedures under ORS 809.416.

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

12 “(2) The authority granted in this section is in addition to or instead of  
13 any other method authorized by law for enforcing a court order.

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

15 “(a) The [*judge*] **court** shall immediately advise the department of the  
16 restrictions.

17 “(b) Upon removal of such restriction, the court shall notify the depart-  
18 ment that the restriction is ended.

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

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

22 “(e) The restrictions may include any restriction, condition or require-

1 ment.

2 “(f) Violation of the restriction is punishable as provided under ORS  
3 807.010.

4 “(4) If [*a judge*] **the court** issues a notice of suspension that directs  
5 **the department** to implement procedures under ORS 809.416 as provided  
6 under this section:

7 “[*a*] *The judge shall immediately send to the department notice upon pay-*  
8 *ment of the fine as ordered.*”

9 “(a) **And if, at any time within the period of suspension under this**  
10 **section, a person pays the fine, has begun making payments according**  
11 **to the payment schedule established by the court or has obeyed the**  
12 **order of the court, the court shall immediately send to the department**  
13 **a notice of reinstatement. The notice of suspension may be reissued**  
14 **if the person ceases making payments before the fine is paid in full.**  
15 **The reissuance does not extend the original period of suspension.**

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

18 “(5) A court [*shall*] **may** not issue a notice of suspension under this  
19 section **that directs the department** to implement procedures under ORS  
20 809.416 for failure to pay a fine relating to any parking offense, pedestrian  
21 offense or bicycling offense.

22 “(6) **A notification by a court to the department under this section**  
23 **shall be in a form prescribed by the department.**

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

25 “809.220. This section establishes procedures that are applicable if a per-  
26 son fails to appear on a citation for a traffic offense or **fails to appear on**  
27 **a citation** for a violation of ORS 471.430. All of the following apply to this  
28 section:

29 “(1) If a defendant fails to make any appearance required by the court or  
30 by law in a proceeding charging the defendant with a traffic offense or with

1 a violation of ORS 471.430, the court:

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

7 “(b) Shall issue notice to the department to implement procedures under  
8 ORS 809.416 if the defendant is charged with a traffic violation. If a court  
9 issues notice under this paragraph, the department shall implement proce-  
10 dures under ORS 809.416.

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

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

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

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

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

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

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

30 “[5] (6) A court [*shall*] **may** not notify the department under this section

1 for failure to appear on any parking, pedestrian or bicyclist offense.

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

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

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

19 “(2) A person is subject to suspension under ORS 809.415 (4) if the de-  
20 partment receives **a notice of suspension** from a court under ORS 809.210  
21 **indicating** that a person has failed **or refused** to pay a fine or obey an order  
22 of the court. A person who is subject under this subsection remains subject  
23 until the person presents the department with **a notice of reinstatement**  
24 issued by the court showing that the person **is making payments**, has paid  
25 the fine or **has** obeyed the order of the court, or until [10] **20** years have  
26 elapsed **from the date the traffic offense occurred**, whichever is earlier.  
27 This subsection [*shall*] **does** not subject a person to ORS 809.415 (4) for  
28 failure **or refusal** to pay a fine relating to any pedestrian offense, bicycling  
29 offense or parking offense. Upon receipt of **a notice of suspension** from a  
30 court, the department shall send a letter by first class mail advising the

1 person that the suspension will commence 60 days from the date of the letter  
2 unless the person presents the department with the notice **of reinstatement**  
3 required by this subsection.

4 “(3) A person is subject to suspension under ORS 809.415 (4) if the person  
5 pays the department any fee or tax with a bank check and the check is re-  
6 turned to the department as uncollectible or the person tenders payment with  
7 a credit or debit card and the issuer of the card does not pay the department.  
8 A person who is subject under this subsection remains subject until the de-  
9 partment receives the money for the fee or tax and any fee charged by the  
10 department under ORS 802.170 or until five years have elapsed, whichever is  
11 earlier.

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

13 “809.415. (1)(a) The Department of Transportation shall suspend the driv-  
14 ing privileges of a person who has a judgment of the type described under  
15 ORS 806.040 rendered against the person if the person does not settle the  
16 judgment in the manner described under ORS 809.470 within 60 days after its  
17 entry.

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

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

21 “(B) Has an insurer that has been found by the department to be obligated  
22 to pay the judgment, provided that there has been no final adjudication by  
23 a court that the insurer has no such obligation.

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

26 “(D) Receives from the court that rendered the judgment an order per-  
27 mitting the payment of the judgment in installments.

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

30 “(2)(a) The department shall suspend the driving privileges of a person

1 who falsely certifies the existence of a motor vehicle liability insurance  
2 policy or the existence of some other means of satisfying financial responsi-  
3 bility requirements or of a person who, after certifying the existence of a  
4 motor vehicle liability insurance policy or other means of satisfying the re-  
5 quirements, allows the policy to lapse or be canceled or otherwise fails to  
6 remain in compliance with financial responsibility requirements.

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

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

14 “(3)(a) The department shall suspend the driving privileges of a person  
15 who fails to comply with future responsibility filings whenever required un-  
16 der the vehicle code or fails to provide new proof for future responsibility  
17 filings when requested by the department.

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

20 “(c) A person whose initial obligation to make future responsibility filings  
21 is not based upon a conviction or other action by a court is entitled to a  
22 hearing under ORS 809.440 prior to a suspension under this subsection. A  
23 person whose obligation to make future responsibility filings is based upon  
24 a conviction or other action by a court is entitled to administrative review  
25 under ORS 809.440 of a suspension under this subsection. A person whose  
26 suspension under this subsection is based on lapses in filing after the initial  
27 filing has been made is entitled to administrative review under ORS 809.440.

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

1       “(A) The person establishes to the satisfaction of the department that the  
2 person has performed all acts necessary under ORS 809.416 to make the per-  
3 son not subject to suspension.

4       “(B) Ten years from the date the [*suspension is imposed*] **traffic offense**  
5 **or violation of ORS 471.430 occurred** if the suspension is imposed for a  
6 reason described in ORS 809.416 (1) [*or (2) or five*], **20** years from the date  
7 the [*suspension is imposed*] **traffic offense occurred** if the suspension is  
8 imposed for [*the*] **a reason described in ORS 809.416 (2) or five years from**  
9 **the date the suspension is imposed for a** reason described in ORS 809.416  
10 (3).

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

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

18       “(6) Upon determination by the department that a person has submitted  
19 false information to the department for the purpose of establishing or main-  
20 taining qualification to operate a commercial motor vehicle or hold a com-  
21 mercial driver license, the department may suspend the commercial driver  
22 license or the person’s right to apply for a commercial driver license. A  
23 suspension under this subsection shall continue for a period of one year.

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

25       “809.280. (1) Upon receipt of a court order under ORS 809.270, the De-  
26 partment of Transportation shall suspend the person’s driving privileges. The  
27 suspension shall remain in effect until the department is notified by the  
28 court that the suspension is ended, except that, if the department is ordered  
29 to automatically reinstate the driving privileges upon the successful com-  
30 pletion of a program, the department shall do so and shall notify the judge

1 that the person has complied with the order of the judge.

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

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

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

13 “(b) The judgment has remained unsettled as described in ORS 809.470 for  
14 60 days; and

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

16 “(4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the  
17 department shall suspend the person’s driving privileges for an indefinite  
18 period. The department shall reinstate driving privileges that have been  
19 suspended under this subsection upon notification by the court or upon the  
20 elapse of 10 years from the date [*of suspension*] **the traffic offense or vio-**  
21 **lation of ORS 471.430 occurred**, whichever comes first. The department may  
22 not suspend any driving privileges under this subsection for a person’s fail-  
23 ure to appear on a parking, pedestrian or bicyclist offense.

24 “(5) Upon receipt of a court notice under ORS 810.310, the department  
25 shall suspend the person’s driving privileges for an indefinite period. The  
26 department shall reinstate driving privileges that have been suspended under  
27 this subsection upon notification by the court or upon the lapse of 10 years  
28 from the date of suspension, whichever comes first.

29 “(6) Upon receipt of a court order under ORS 809.260, the department  
30 shall suspend the person’s driving privileges as follows:



1       “(a) Upon receipt of the first order suspending driving privileges, the de-  
2       partment shall suspend the person’s driving privileges for one year, or until  
3       the person reaches 17 years of age, whichever is longer.

4       “(b) Upon receipt of a second or subsequent order suspending driving  
5       privileges, the department shall suspend the person’s driving privileges for  
6       one year or until the person reaches 18 years of age, whichever is longer.

7       “(7) If the department receives notice from a court that it has withdrawn  
8       an order issued under ORS 809.260, the department shall immediately rein-  
9       state any driving privileges that have been suspended under subsection (6)  
10      of this section because of the issuance of the order.

11      “(8) Upon receipt of a court order under ORS 165.805 or 471.430, the de-  
12      partment shall suspend the person’s driving privileges. The suspension shall  
13      be for the period ordered by the court. The court may only order suspension  
14      for a period not to exceed one year.

15      “(9) Upon receipt of a court order under ORS 809.265, the department  
16      shall suspend the person’s driving privileges for six months.

17      “(10) Upon receipt of a court order under ORS 809.235, the department  
18      shall permanently revoke the person’s driving privileges. The revocation  
19      shall remain in effect until the department is notified by a court that the  
20      person’s driving privileges have been ordered restored.

21      “(11) When a court orders suspension of driving privileges under ORS  
22      811.109 (4), the department shall suspend the person’s driving privileges. The  
23      suspension shall be for the period ordered by the court. The court may only  
24      order suspension for a period not to exceed 30 days.

25      “(12) When a court orders suspension of driving privileges under ORS  
26      811.109 (5), the department shall suspend the person’s driving privileges. The  
27      suspension shall be for the period ordered by the court. The court may only  
28      order suspension for not less than 30 days and not more than 90 days.

29      “(13) Upon receipt of a court order under ORS 811.135, the department  
30      shall suspend the person’s driving privileges for one year.

1       **“SECTION 6. (1) The amendments to ORS 809.210, 809.220 and 809.280**  
2 **by sections 1, 2 and 5 of this 2013 Act apply to offenses occurring be-**  
3 **fore, on or after the operative date specified in section 7 of this 2013**  
4 **Act.**

5       **“(2)(a) Except as provided in paragraph (b) of this subsection, the**  
6 **amendments to ORS 809.415 and 809.416 by sections 3 and 4 of this 2013**  
7 **Act apply to offenses occurring on or after the operative date specified**  
8 **in section 7 of this 2013 Act.**

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

21       **“SECTION 7. (1) The amendments to ORS 809.210, 809.220, 809.280,**  
22 **809.415 and 809.416 by sections 1 to 5 of this 2013 Act become operative**  
23 **October 1, 2013.**

24       **“(2) The Department of Transportation may take any action before**  
25 **October 1, 2013, that is necessary to enable the department to imple-**  
26 **ment the amendments to ORS 809.210, 809.220, 809.280, 809.415 and**  
27 **809.416 by sections 1 to 5 of this 2013 Act on October 1, 2013.**

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

