

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

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

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

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

8 After line 26, insert:

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11 **is repealed and ORS 809.210, as amended by section 1 of this 2013 Act,**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

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

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

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

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

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

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

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

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

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

8 “(e) The restrictions may include any restriction, condition or require-
9 ment.

10 “(f) Violation of the restriction is punishable as provided under ORS
11 807.010.

12 “(4) If the court issues a notice of suspension that directs the department
13 to implement procedures under ORS 809.416 as provided under this section:

14 “(a) And if, at any time within the period of suspension under this sec-
15 tion, a person pays the fine, has begun making payments according to the
16 payment schedule established [by] **with** the court or has obeyed the order
17 of the court, the court shall immediately send to the department a notice of
18 reinstatement. The notice of suspension may be reissued if the person ceases
19 making payments before the fine is paid in full. The reissuance does not ex-
20 tend the original period of suspension.

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

23 “(5)(a) **At any time after the court issues a notice of suspension**
24 **under this section, the person whose driving privileges have been sus-**
25 **pending may seek reinstatement with the court if the person is enrolled**
26 **in a preapprenticeship program, as defined in ORS 660.010, or is a**
27 **registered apprentice under ORS 660.020. The court shall issue a notice**
28 **of reinstatement of the person’s driving privileges if the person pro-**
29 **vides the court with a form that includes verification from the Bureau**
30 **of Labor and Industries that the person is enrolled in a preappren-**

1 ticeship program or is a registered apprentice.

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

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

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

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

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

16 “(E) A statement that the program will notify the court if the per-
17 son fails to complete the program or fails to register as an apprentice
18 under ORS 660.020 after completion of a preapprenticeship program.

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

26 “(d) If the court receives a notice from the program that the person
27 has failed to complete the program, or failed to register as an ap-
28 prentice under ORS 660.020 after completion of a preapprenticeship
29 program, the court shall reissue the notice of suspension. The reissu-
30 ance does not extend the original period of suspension.

1 “(6) A person whose driving privileges are reinstated under sub-
2 section (5) of this section shall establish a payment schedule with the
3 court and begin making payments within six months after completing
4 a preapprenticeship program and apprenticeship program, as defined
5 in ORS 660.010, or six months after completing an apprenticeship pro-
6 gram if the person was never enrolled in a preapprenticeship program.
7 The court shall reissue the notice of suspension if the person does not
8 establish a payment schedule within the time required under this
9 subsection. The reissuance does not extend the original period of sus-
10 pension.

11 “[(5)] (7) A court may not issue a notice of suspension under this section
12 that directs the department to implement procedures under ORS 809.416 for
13 failure to pay a fine relating to any parking offense, pedestrian offense or
14 bicycling offense.

15 “[(6)] (8) A notification by a court to the department under this section
16 shall be in a form prescribed by the department.

17 “**SECTION 9. If House Bill 2986 becomes law, section 2, chapter __,**
18 **Oregon Laws 2013 (Enrolled House Bill 2986) (amending ORS 809.416),**
19 **is repealed and ORS 809.416, as amended by section 3 of this 2013 Act,**
20 **is amended to read:**

21 “809.416. This section establishes circumstances that will make a person
22 subject to suspension under ORS 809.415 (4) and what a person is required
23 to do to make the person no longer subject to suspension. The following ap-
24 ply as described:

25 “(1) A person is subject to suspension under ORS 809.415 (4) if the De-
26 partment of Transportation receives notice from a court to apply this section
27 under ORS 809.220. A person who is subject under this subsection remains
28 subject until the person presents the department with notice issued by the
29 court showing that the person is no longer subject to this section or until
30 10 years have elapsed from the date the traffic offense or violation of ORS

1 471.430 occurred, whichever is earlier. This subsection shall not subject a
2 person to ORS 809.415 (4) for any pedestrian offense, bicycling offense or
3 parking offense. Upon receipt of notice from a court, the department shall
4 send a letter by first class mail advising the person that the suspension will
5 commence 60 days from the date of the letter unless the person presents the
6 department with the notice required by this subsection.

7 “(2) A person is subject to suspension under ORS 809.415 (4) if the de-
8 partment receives a notice of suspension from a court under ORS 809.210
9 indicating that [a] **the** person has failed or refused to pay a fine or obey an
10 order of the court. A person who is subject under this subsection remains
11 subject until **the earlier of the following:**

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

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

16 “(B) **Has enrolled in a preapprenticeship program, as defined in ORS**
17 **660.010, or is a registered apprentice under ORS 660.020; or**

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

20 “(3) [*This*] Subsection **(2) of this section** does not subject a person to
21 ORS 809.415 (4) for failure or refusal to pay a fine relating to any pedestrian
22 offense, bicycling offense or parking offense. Upon receipt of a notice of
23 suspension from a court, the department shall send a letter by first class mail
24 advising the person that the suspension will commence 60 days from the date
25 of the letter unless the person presents the department with the notice of
26 reinstatement required by this subsection.

27 “[~~(3)~~] **(4)** A person is subject to suspension under ORS 809.415 (4) if the
28 person pays the department any fee or tax with a bank check and the check
29 is returned to the department as uncollectible or the person tenders payment
30 with a credit or debit card and the issuer of the card does not pay the de-

1 partment. A person who is subject under this subsection remains subject
2 until the department receives the money for the fee or tax and any fee
3 charged by the department under ORS 802.170 or until five years have
4 elapsed, whichever is earlier.

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

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

12 “809.415. (1)(a) The Department of Transportation shall suspend the driv-
13 ing privileges of a person who has a judgment of the type described under
14 ORS 806.040 rendered against the person if the person does not settle the
15 judgment in the manner described under ORS 809.470 within 60 days after its
16 entry.

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

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

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

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

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

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

29 “(2)(a) The department shall suspend the driving privileges of a person
30 who falsely certifies the existence of a motor vehicle liability insurance

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

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

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

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

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

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

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

30 “(A) The person establishes to the satisfaction of the department that the

1 person has performed all acts necessary under ORS 809.416 to make the per-
2 son not subject to suspension.

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

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

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

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

22 **“SECTION 12. If House Bill 2986 becomes law, section 5, chapter ____,**
23 **Oregon Laws 2013 (Enrolled House Bill 2986), is repealed.**

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

27 **“SECTION 14. The amendments to ORS 809.210, 809.415 and 809.416**
28 **by sections 8, 9 and 11 of this 2013 Act become operative January 1,**
29 **2014.”.**

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

