

**PROPOSED AMENDMENTS TO
HOUSE BILL 2986**

1 In line 2 of the printed bill, delete “amending ORS 802.087” and insert
2 “creating new provisions; and amending ORS 807.250, 809.210, 809.415 and
3 809.416”.

4 After line 2, insert:

5 “Whereas it is important that ex-offenders acquire the skills necessary for
6 gainful employment that allows them to become productive members of so-
7 ciety; and

8 “Whereas a successful route to building skills and obtaining gainful em-
9 ployment is through apprenticeship programs; and

10 “Whereas many apprenticeship programs require students to have a valid
11 driver license; and

12 “Whereas some ex-offenders have lost their driving privileges and may not
13 have their driving privileges reinstated until the ex-offender has paid signif-
14 icant outstanding fines; and

15 “Whereas ex-offenders are unable to pay their financial obligations when
16 they are unemployed; and

17 “Whereas ex-offenders are willing to do the hard work that is needed to
18 be successful in an apprenticeship program and secure gainful employment;
19 and

20 “Whereas it is in this state’s interests to allow ex-offenders the opportu-
21 nity to reinstate their driving privileges contingent upon their enrollment in
22 an apprenticeship program and to begin repaying their fines; now,

1 therefore,”.

2 Delete lines 4 through 12 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
5 convicted of any traffic offense and fails or refuses to pay a fine imposed by
6 the [*judge*] **court** or to comply with any condition upon which payment of
7 the fine or any part of it was suspended:

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

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

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

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

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

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

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

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

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

23 “(f) Violation of the restriction is punishable as provided under ORS
24 807.010.

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

28 “(a) The [*judge*] **court** shall immediately send to the department notice
29 upon payment of the fine as ordered.

30 “(b) The department shall take action on the suspension as provided under

1 ORS 809.416.

2 **“(5) At any time after entry of a judgment to suspend a person’s**
3 **driving privileges, the person whose driving privileges have been sus-**
4 **pending may file a motion with the court seeking reinstatement by**
5 **reason of participation in a preapprenticeship program or an appren-**
6 **ticeship program, as defined in ORS 660.010. The court shall grant the**
7 **motion if the court determines that the person is enrolled in such a**
8 **program. The person shall provide a statement from the program**
9 **certifying that the person is enrolled and including the date on which**
10 **the program ends and a statement that the program will notify the**
11 **court if the person fails to complete the program. If the court receives**
12 **a notice from the program that the person has failed to complete the**
13 **program, the court shall reissue the notice of suspension and imme-**
14 **diately notify the department of the reissuance. The reissuance does**
15 **not extend the original period of suspension.**

16 **“(6) A person whose driving privileges are reinstated under sub-**
17 **section (5) of this section shall establish a payment schedule with the**
18 **court and begin making payments within six months after completing**
19 **a preapprenticeship program and apprenticeship program, as defined**
20 **in ORS 660.010, or six months after completing an apprenticeship pro-**
21 **gram if the person was never enrolled in a preapprenticeship program.**
22 **The court shall reissue the notice of suspension and immediately no-**
23 **tify the department if the person does not establish a payment sched-**
24 **ule within the time required under this subsection. The reissuance**
25 **does not extend the original period of suspension.**

26 **“[(5)] (7) A court [shall] may not issue a notice of suspension under this**
27 **section that directs the department to implement procedures under ORS**
28 **809.416 for failure to pay a fine relating to any parking offense, pedestrian**
29 **offense or bicycling offense.**

30 **“(8) A notification by a court to the department under this section**

1 **shall be in a form prescribed by the department.**

2 **“SECTION 2.** 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, whichever is earlier. This subsection shall not subject
13 a person to ORS 809.415 (4) for any pedestrian offense, bicycling offense or
14 parking offense. Upon receipt of notice from a court, the department shall
15 send a letter by first class mail advising the person that the suspension will
16 commence 60 days from the date of the letter unless the person presents the
17 department with the notice required by this subsection.

18 “(2) A person is subject to suspension under ORS 809.415 (4) if the de-
19 partment receives **a notice of suspension** from a court under ORS 809.210
20 **indicating** that a person has failed **or refused** to pay a fine [*or obey an or-*
21 *der of the court*]. A person who is subject under this subsection remains
22 subject until:

23 “(a) The person presents the department with **a notice of reinstatement**
24 issued by the court showing that the person:

25 “(A) Has paid the fine; **or** [*or obeyed the order of the court*]

26 “(B) **Has enrolled in a preapprenticeship program or an apprentice-**
27 **ship program, as defined in ORS 660.010; or**

28 “(b) [*Until 10*] **Ten** years have elapsed, whichever is earlier.

29 “(3) [*This subsection shall*] **Subsection (2) of this section does** not
30 subject a person to ORS 809.415 (4) for failure to pay a fine relating to any

1 pedestrian offense, bicycling offense or parking offense. Upon receipt of a
2 notice **of suspension** from a court, the department shall send a letter by
3 first class mail advising the person that the suspension will commence 60
4 days from the date of the letter unless the person presents the department
5 with the notice **of reinstatement** required by this subsection.

6 **“(4) A person is subject to suspension under ORS 809.415 (4) if the**
7 **department receives a notice of suspension from a court under ORS**
8 **809.210 that a person has failed to obey an order of the court. A person**
9 **who is subject under this subsection remains subject until the person**
10 **presents the department with a notice of reinstatement issued by the**
11 **court showing that the person has obeyed the order of the court or**
12 **until 10 years have elapsed, whichever is earlier. Upon receipt of a**
13 **notice of suspension from a court, the department shall send a letter**
14 **by first class mail advising the person that the suspension will com-**
15 **mence 60 days from the date of the letter unless the person presents**
16 **the department with the notice of reinstatement required by this**
17 **subsection.**

18 “[3] (5) A person is subject to suspension under ORS 809.415 (4) if the
19 person pays the department any fee or tax with a bank check and the check
20 is returned to the department as uncollectible or the person tenders payment
21 with a credit or debit card and the issuer of the card does not pay the de-
22 partment. A person who is subject under this subsection remains subject
23 until the department receives the money for the fee or tax and any fee
24 charged by the department under ORS 802.170 or until five years have
25 elapsed, whichever is earlier.

26 **“SECTION 3.** ORS 807.250 is amended to read:

27 **“807.250. (1) In addition to any requirements under ORS 807.240 and any**
28 **applicable conditions under ORS 813.500 and 813.520, the Department of**
29 **Transportation may not issue a hardship permit under ORS 807.240 to a**
30 **person whose suspension of driving privileges is based upon a conviction of**

1 any of the following unless the person submits to the department a recom-
2 mendation from the judge before whom the person was convicted:

3 “(a) ORS 811.140.

4 “(b) ORS 811.540.

5 “(c) Driving while under the influence of intoxicants. If a person’s driving
6 privileges are suspended for a conviction for driving while under the influ-
7 ence of intoxicants and the person is determined under ORS 813.500 to have
8 a problem condition involving alcohol, inhalants or controlled substances as
9 described in ORS 813.040, the judge must:

10 “(A) Make the recommendation with reference to the best interest of the
11 public as well as of the defendant and the recommendation must be in writ-
12 ing.

13 “(B) Recommend times, places, routes and days minimally necessary for
14 the person to seek or retain employment, to attend any alcohol or drug
15 treatment or rehabilitation program or to receive necessary medical treat-
16 ment for the person or a member of the person’s immediate family.

17 “(2) The department may not issue a hardship permit to a person whose
18 suspension of driving privileges is based on a conviction described in ORS
19 809.265.

20 “(3) The department may not issue a hardship permit to a person whose
21 driver license or driver permit is suspended pursuant to ORS 25.750 to 25.783.

22 “(4) The department may not issue a hardship permit to a person whose
23 driving privileges are suspended pursuant to ORS 809.280 (4) or 809.416 (1)
24 [*or* (2)], (2) or (4).

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

26 “809.415. (1)(a) The Department of Transportation shall suspend the driv-
27 ing privileges of a person who has a judgment of the type described under
28 ORS 806.040 rendered against the person if the person does not settle the
29 judgment in the manner described under ORS 809.470 within 60 days after its
30 entry.

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

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

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

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

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

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

13 “(2)(a) The department shall suspend the driving privileges of a person
14 who falsely certifies the existence of a motor vehicle liability insurance
15 policy or the existence of some other means of satisfying financial responsi-
16 bility requirements or of a person who, after certifying the existence of a
17 motor vehicle liability insurance policy or other means of satisfying the re-
18 quirements, allows the policy to lapse or be canceled or otherwise fails to
19 remain in compliance with financial responsibility requirements.

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

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

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

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

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

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

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

17 “(B) Ten years from the date the suspension is imposed if the suspension
18 is imposed for a reason described in ORS 809.416 (1) [*or* (2)], **(2) or (4)** or five
19 years from the date the suspension is imposed if the suspension is imposed
20 for the reason described in ORS 809.416 [(3)] **(5)**.

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

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

28 “(6) Upon determination by the department that a person has submitted
29 false information to the department for the purpose of establishing or main-
30 taining qualification to operate a commercial motor vehicle or hold a com-

1 commercial driver license, the department may suspend the commercial driver
2 license or the person's right to apply for a commercial driver license. A
3 suspension under this subsection shall continue for a period of one year.

4 **SECTION 5. The amendments to ORS 809.210 and 809.416 by**
5 **sections 1 and 2 of this 2013 Act apply to offenses occurring before, on**
6 **or after the effective date of this 2013 Act."**

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