

# House Bill 2141

Sponsored by Representative HUFFMAN, Senator TAYLOR (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs court to order suspension of person's driving privileges upon person's conviction for offense related to sexual solicitation.

## A BILL FOR AN ACT

1  
2 Relating to suspension of driving privileges; creating new provisions; and amending ORS 809.275 and  
3 809.280.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of the Oregon Vehicle**  
6 **Code.**

7 **SECTION 2. (1) Unless the court finds compelling circumstances not to order suspension**  
8 **of driving privileges, the court in which a person is convicted of an offense described in this**  
9 **subsection shall order suspension of the person's driving privileges. This subsection applies**  
10 **when a person is convicted of:**

11 (a) **Commercial sexual solicitation under ORS 167.008.**

12 (b) **Promoting prostitution under ORS 167.012.**

13 (c) **Compelling prostitution under ORS 167.017.**

14 (d) **Purchasing sex with a minor under ORS 163.413.**

15 (2) **Upon receipt of an order under this section, the department shall take action as di-**  
16 **rected under ORS 809.280.**

17 **SECTION 3. ORS 809.275 is amended to read:**

18 809.275. (1) A court shall take immediate possession of any license or driver permit held by a  
19 defendant that is issued by any jurisdiction if the court orders a suspension or revocation under  
20 **section 2 of this 2017 Act or** ORS 165.805, 471.430, 809.120, 809.235, 809.240, 809.260, 809.265,  
21 809.270, 811.109 or 811.135.

22 (2) Upon taking possession of a license or permit under this section, a court shall immediately  
23 forward to the Department of Transportation the license or permit and a copy of the suspension or  
24 revocation order or other information satisfactory to the department and to the State Court Ad-  
25 ministrator.

26 (3) A suspension or revocation of driving privileges becomes effective on the date a court takes  
27 possession of a license or permit under this section or orders the suspension or revocation.

28 (4) The department is not required to provide further notice of a suspension or revocation or-  
29 dered by the court.

30 (5) Nothing in this section requires a court to take additional action, after the conclusion of the  
31 sentencing hearing, to secure the driver license or driver permit.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

**SECTION 4.** ORS 809.280 is amended to read:

809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation shall suspend the person's driving privileges. The suspension shall remain in effect until the department is notified by the court that the suspension is ended, except that, if the department is ordered to automatically reinstate the driving privileges upon the successful completion of a program, the department shall do so and shall notify the judge that the person has complied with the order of the judge.

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

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

- (a) The judgment was rendered against the person;
- (b) The judgment has remained unsettled as described in ORS 809.470 for 60 days; and
- (c) The judgment continues to be unsettled as described in ORS 809.470.

(4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend the person's driving privileges for an indefinite period. The department shall reinstate driving privileges that have been suspended under this subsection upon notification by the court or upon the elapse of 10 years from the date the traffic offense or violation of ORS 471.430 occurred, whichever comes first. The department may not suspend any driving privileges under this subsection for a person's failure to appear on a parking, pedestrian or bicyclist offense.

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

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

(a) Upon receipt of the first order suspending driving privileges, the department shall suspend the person's driving privileges for one year, or until the person reaches 17 years of age, whichever is longer.

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

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

(8) Upon receipt of a court order under ORS 165.805 or 471.430, the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for a period not to exceed one year.

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

(10) Upon receipt of a court order under ORS 809.235, the department shall permanently revoke the person's driving privileges. The revocation shall remain in effect until the department is notified

1 by a court that the person's driving privileges have been ordered restored.

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

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

8 (13) Upon receipt of a court order under ORS 811.135, the department shall suspend the person's  
9 driving privileges for one year.

10 **(14) Upon receipt of a court order under section 2 of this 2017 Act, the department shall**  
11 **suspend the person's driving privileges for six months.**

12 **SECTION 5. Section 2 of this 2017 Act and the amendments to ORS 809.280 by section 4**  
13 **of this 2017 Act apply to conduct occurring on or after the effective date of this 2017 Act.**

14