



Oregon

Kate Brown, Governor

Department of Transportation

Director's Office

355 Capitol St. NE, MS 11

Salem, OR 97301

DATE: January 21, 2019

TO: House Committee on Judiciary

FROM: Amy Joyce, Legislative Liaison

SUBJECT: HB 2614, eliminating driver license suspensions for Failure to Comply

INTRODUCTION

Current law requires specific action when a court notifies DMV regarding a person's failure to comply with fine requirements for a traffic conviction. DMV performs a significant amount of work to assist the courts in this area.

DISCUSSION

Under current law, when a person fails to pay fines for a traffic infraction (known as Failure to Comply or FTC), the court may contact DMV and put into motion particular DMV actions. DMV issues a driver license Suspension Notice to the customer, with the suspension automatically going into effect 60 days later. If before the 60 days expires the person makes an acceptable arrangement with the court, such as full payment or a payment plan, the court notifies DMV and the potential suspension is rescinded. If 60 days passes, the person's driving privileges are suspended. If after that point the person makes acceptable arrangements with the court, the court notifies DMV that the person is cleared for reinstatement. The person must come into DMV and pay the \$75 reinstatement fee at which time the suspension is lifted from the record.

DMV's most recent complete data on this activity is from 2017:

- 90,626 FTC suspension notices issued
- 20,503 rescissions (prior to 60 days and the suspension going into effect)
- 20,875 reinstatements (after 60 days and suspension had gone into effect)

Worthy of note is that until very recently, people suspended for FTC were not eligible for a hardship permit. A hardship permit is available to most people whose driver license is suspended, and is limited to allowing the person to drive primarily for employment purposes or addiction treatment. A bill in the 2018 session made changes to the suspensions and hardship permit statutes, and while it likely was not intended, the prohibition on issuing hardship permits both for FTC and Failure to Appear (FTA) was removed from statute. Therefore, since January 1, DMV has been issuing those permits.

By eliminating the FTC suspension, DMV would see a significant workload reduction both on the suspension front and the new hardship allowance.

SUMMARY

DMV performs over 130,000 related transactions each year. The addition of the hardship permit has added to agency workload.