

House Bill 2371

Sponsored by Representative SMITH DB (Pre-session 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**.

Permits court, after suspension of driving privileges for failure to pay fine, to reinstate person's driving privileges if person is employed. Directs court to reissue suspension if person's employment ceases or person fails to begin making payments within six months of reinstatement.

A BILL FOR AN ACT

1
2 Relating to driving privileges; creating new provisions; and amending ORS 809.210.

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

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 convicted of any traffic of-
6 fense and fails or refuses to pay a fine imposed by the court or to comply with any condition upon
7 which payment of the fine or any part of it was suspended:

8 (a) Issue a notice of suspension to the Department of Transportation that directs the department
9 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 any other method au-
12 thorized by law for enforcing a court order.

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

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

15 (b) Upon removal of such restriction, the court shall notify the department that the restriction
16 is ended.

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

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

20 (e) The restrictions may include any restriction, condition or requirement.

21 (f) Violation of the restriction is punishable as provided under ORS 807.010.

22 (4) If the court issues a notice of suspension that directs the department to implement proce-
23 dures under ORS 809.416 as provided under this section:

24 (a) And if, at any time within the period of suspension under this section, a person pays the fine,
25 has begun making payments according to the payment schedule established with the court or has
26 obeyed the order of the court, the court shall immediately send to the department a notice of rein-
27 statement. The notice of suspension may be reissued if the person ceases making payments before
28 the fine is paid in full. The reissuance does not extend the original period of suspension.

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

30 (5)(a) At any time after the court issues a notice of suspension under this section, the person
31 whose driving privileges have been suspended may seek reinstatement with the court if the person

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.

1 is enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered apprentice
 2 under ORS 660.020. The court shall issue a notice of reinstatement of the person's driving privileges
 3 if the person provides the court with a form that includes verification from the Bureau of Labor and
 4 Industries that the person is enrolled in a preapprenticeship program or is a registered apprentice.

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

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

9 (B) A statement from the person's program, certifying that the person is enrolled in the preap-
 10 prenticeship program or is a registered apprentice;

11 (C) The date on which the person is scheduled to complete the program;

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

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

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

24 (d) If the court receives a notice from the program that the person has failed to complete the
 25 program, or failed to register as an apprentice under ORS 660.020 after completion of a preappren-
 26 ticeship program, the court shall reissue the notice of suspension. The reissuance does not extend
 27 the original period of suspension.

28 (6) A person whose driving privileges are reinstated under subsection (5) of this section shall
 29 establish a payment schedule with the court and begin making payments within six months after
 30 completing a preapprenticeship program and apprenticeship program, as defined in ORS 660.010, or
 31 six months after completing an apprenticeship program if the person was never enrolled in a pre-
 32 apprenticeship program. The court shall reissue the notice of suspension if the person does not es-
 33 tablish a payment schedule within the time required under this subsection. The reissuance does not
 34 extend the original period of suspension.

35 **(7)(a) At any time after the court issues a notice of suspension under this section, the**
 36 **person whose driving privileges have been suspended may seek reinstatement with the court**
 37 **if the person is employed. The court shall issue a notice of reinstatement of the person's**
 38 **driving privileges if the person provides the court with a form that includes verification from**
 39 **the person's employer that the person is employed.**

40 **(b) The Chief Justice of the Supreme Court shall develop the form prescribed in para-**
 41 **graph (a) of this subsection. The form must include:**

42 **(A) The name of the person who is employed;**

43 **(B) A statement from the person's employer, certifying that the person is employed; and**

44 **(C) A statement that the employer will notify the court if the person's employment**
 45 **ceases.**

1 (c) If the court receives a notice from an employer that the person's employment has
2 ceased, the court shall reissue the notice of suspension. The reissuance does not extend the
3 original period of suspension.

4 (8) A person whose driving privileges are reinstated under subsection (7) of this section
5 shall establish a payment schedule with the court and begin making payments within six
6 months of the date the court issued the notice of reinstatement. The court shall reissue the
7 notice of suspension if the person does not establish a payment schedule within the time
8 required under this subsection. The reissuance does not extend the original period of sus-
9 pension.

10 [(7)] (9) A court may not issue a notice of suspension under this section that directs the De-
11 partment **of Transportation** to implement procedures under ORS 809.416 for failure to pay a fine
12 relating to any parking offense, pedestrian offense or bicycling offense.

13 [(8)] (10) A notification by a court to the department under this section shall be in a form pre-
14 scribed by the department.

15 **SECTION 2. The amendments to ORS 809.210 by section 1 of this 2019 Act apply to driving**
16 **privilege suspensions imposed on or after the effective date of this 2019 Act.**

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