

# Senate Bill 776

Sponsored by Senators DEMBROW, FREDERICK, WINTERS, Representative SANCHEZ; Senators MANNING JR, MONNES ANDERSON, Representatives PILUSO, WILLIAMS

## 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**.

Eliminates driving suspension for failure to appear on citation for traffic offense.

Repeals driving privilege suspension for failure to pay traffic fines and eliminates imposition of driving privilege restrictions for failure to pay fine.

## A BILL FOR AN ACT

1  
2 Relating to driving privileges; creating new provisions; amending ORS 153.061, 153.073, 153.772,  
3 419C.306, 807.010, 807.120, 809.220, 809.280, 809.380, 809.415, 809.416 and 809.515; and repealing  
4 ORS 809.210.

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

6 **SECTION 1.** ORS 809.220 is amended to read:

7 809.220. This section establishes procedures that are applicable if a person [*fails to appear on a*  
8 *citation for a traffic offense or*] fails to appear on a citation for a violation of ORS 471.430 or  
9 475B.316. All of the following apply to this section:

10 (1) If a defendant fails to make any appearance required by the court or by law in a proceeding  
11 charging the defendant with [*a traffic offense or*] with a violation of ORS 471.430 or 475B.316, the  
12 court[:]

13 [(a)] shall issue notice to the Department of Transportation to suspend for failure to appear if  
14 the defendant is charged with [*a traffic crime or with*] a violation of ORS 471.430 or 475B.316. If a  
15 court issues notice under this [*paragraph*] **subsection**, the department shall suspend the driving  
16 privileges of the person as provided under ORS 809.280.

17 [(b)] *Shall issue notice to the department to implement procedures under ORS 809.416 if the de-*  
18 *fendant is charged with a traffic violation. If a court issues notice under this paragraph, the department*  
19 *shall implement procedures under ORS 809.416.]*

20 (2) In any notice to the department under this section, a court shall certify that the defendant  
21 failed to appear in the proceedings in the manner required by the court or by law.

22 (3) At any time within 10 years from the date the [*traffic offense or*] violation of ORS 471.430  
23 or 475B.316 occurred, a court shall give a second notice to the department to reinstate the person's  
24 suspended driving privileges resulting from the original notice if any of the following occur:

25 (a) The fine for the offense is paid or the defendant has begun making payments.

26 (b) The court finds the defendant not guilty or orders a dismissal of the case.

27 (c) The court determines that the person's suspended driving privileges should be reinstated for  
28 good cause.

29 (4) The court may reissue a notice of suspension if the person ceases making payments before  
30 the fine is paid in full. The reissuance does not extend the original period of suspension.

**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 (5) Notifications by a court to the department under this section shall be in a form prescribed  
2 by the department.

3 [(6) A court may not notify the department under this section for failure to appear on any parking,  
4 pedestrian or bicyclist offense.]

5 **SECTION 2.** ORS 153.061 is amended to read:

6 153.061. (1) Except as provided in subsection (2) of this section, a defendant who has been issued  
7 a violation citation must either:

8 (a) Make a first appearance by personally appearing in court at the time indicated in the sum-  
9 mons; or

10 (b) Make a first appearance in the manner provided in subsection (3) of this section before the  
11 time indicated in the summons.

12 (2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which  
13 a police officer noted that the offense contributed to an accident and that the cited offense appears  
14 to have contributed to the serious physical injury or death of a vulnerable user of a public way, the  
15 officer may not enter the amount of the presumptive fine on the summons and the defendant must  
16 make a first appearance by personally appearing in court at the time indicated in the summons.

17 (3) Except as provided in this section, a defendant who has been issued a violation citation may  
18 make a first appearance in the matter before the time indicated in the summons by one of the fol-  
19 lowing means:

20 (a) The defendant may submit to the court a written or oral request for a trial.

21 (b) The defendant may enter a plea of no contest by delivering to the court the summons and  
22 a check or money order in the amount of the presumptive fine set forth in the summons. The entry  
23 of a plea under the provisions of this paragraph constitutes a waiver of trial and consent to the  
24 entry of a judgment forfeiting the presumptive fine. A no contest plea under this section is not  
25 subject to the requirements of ORS chapter 135 relating to the entry of pleas and, upon receipt of  
26 the plea, the court may enter judgment against the defendant without taking further evidence.

27 (4) The court may require that a defendant requesting a trial under subsection (3) of this section  
28 deposit an amount equal to the presumptive fine established under ORS 153.019 and 153.020 or such  
29 other amount as the court determines appropriate if the defendant has failed to appear in any court  
30 on one or more other charges in the past. If the defendant does not deposit the amount specified  
31 by the court, the defendant must personally appear in court at the time indicated in the summons.  
32 The amount deposited by the defendant may be applied against any fine imposed by the court, and  
33 any amount not so applied shall be refunded to the defendant at the conclusion of the proceedings.

34 (5) The court may require a defendant to appear personally in any case, or may require that all  
35 defendants appear in specified categories of cases.

36 (6) If a defendant has entered a no contest plea in the manner provided in subsection (3) of this  
37 section, and the court determines that the presumptive fine is not adequate by reason of previous  
38 convictions of the defendant, the nature of the offense charged or other circumstances, the court  
39 may require that a trial be held unless an additional fine amount is paid by the defendant before a  
40 specified date. Notice of an additional fine amount under this subsection may be given to the de-  
41 fendant by mail. In no event may the court require a total fine amount in excess of the maximum  
42 fine established for the violation by statute.

43 (7) If a defendant [*fails to make a first appearance on a citation for a traffic violation, as defined*  
44 *by ORS 801.557,*] fails to make a first appearance **or fails to appear at any other subsequent time**  
45 **set for trial or other appearance** on a citation for a violation of ORS 471.430 **or 475B.316**[, *or fails*

1 *to appear at any other subsequent time set for trial or other appearance*], the driving privileges of the  
2 defendant are subject to suspension under ORS 809.220.

3 **SECTION 3.** ORS 153.073 is amended to read:

4 153.073. Unless notice is waived by the defendant, the court shall mail or otherwise provide to  
5 the defendant notice of the date, time and place at least five days before the date set for trial under  
6 ORS 153.070. If the citation is for [*a traffic violation, or is for*] a violation of ORS 471.430 **or**  
7 **475B.316**, the notice must contain a warning to the defendant that if the defendant fails to appear  
8 at the trial **or other appearance**, the driving privileges of the defendant are subject to suspension  
9 under ORS 809.220.

10 **SECTION 4.** ORS 153.772 is amended to read:

11 153.772. When the court issues a notice under ORS 809.220 to suspend the driving privileges of  
12 a person for failure to appear on a citation for a violation of ORS 471.430 **or 475B.316**, the district  
13 attorney may not file an accusatory instrument charging the person with violating ORS 153.992.

14 **SECTION 5.** ORS 419C.306 is amended to read:

15 419C.306. (1) The summons shall require the person or persons who have physical custody of the  
16 youth to appear and bring the youth before the court at the time and place stated in the summons.  
17 The time for the hearing on the petition shall be fixed at a reasonable time, not less than 24 hours,  
18 after the issuance of the summons. If it appears to the court that the welfare of the youth or of the  
19 public requires that the youth immediately be taken into custody, the court may indorse an order  
20 on the summons as provided in ORS 419C.080 (2) directing the officer serving it to take the youth  
21 into custody.

22 (2)(a) Summons shall be issued to the legal parents of the youth, without regard to who has legal  
23 or physical custody of the youth, and to the legal guardians, if any, of the youth.

24 (b) Parents or guardians summoned pursuant to paragraph (a) of this subsection shall appear  
25 personally pursuant to the summons. Following the initial appearance, parents or guardians shall  
26 appear as directed by the court.

27 (c) An employer may not discharge, threaten to discharge, intimidate or coerce any employee  
28 by reason of the employee's attendance at a juvenile court hearing as required under paragraph (a)  
29 of this subsection.

30 (d) This subsection may not be construed to alter or affect an employer's policies or agreements  
31 with employees concerning employees' wages during times when an employee attends a juvenile  
32 court hearing under paragraph (a) of this subsection.

33 (3) If the youth is 12 years of age or older, a certified copy of the summons shall be served upon  
34 the youth. If the petition alleges that the youth is within the jurisdiction of the court for having  
35 violated ORS 471.430 **or 475B.316**, the summons must contain a statement that, if the youth fails to  
36 appear as required in the summons, the driving privileges of the youth are subject to suspension  
37 under ORS 419C.472.

38 (4) Summons may be issued requiring the appearance of any person whose presence the court  
39 deems necessary. When a summons is issued to a youth pursuant to a petition alleging jurisdiction  
40 under ORS 419C.005, a copy of the summons shall be mailed to all victims whose names appear on  
41 the petition pursuant to ORS 419C.255 (2). The copy of the summons shall be accompanied by a no-  
42 tice that the victim may be present for the youth's appearance before the court and is entitled to  
43 request and receive notification of future hearings before the court in regard to the particular case.  
44 The copy of the summons shall also be accompanied by a notice informing the victim of the pro-  
45 visions of ORS 30.765.

1        **SECTION 6.** ORS 807.010 is amended to read:

2        807.010. (1) A person commits the offense of operating a vehicle without driving privileges if the  
3 person operates a motor vehicle upon a highway or premises open to the public in this state and the  
4 person does not have an appropriate grant of driving privileges from this state in the form of a li-  
5 cense, driver permit, endorsement or statutory grant of driving privileges allowing the person to  
6 engage in the particular type of operation.

7        (2) A person to whom a license or driver permit is issued commits the offense of violating license  
8 restrictions if the person operates a motor vehicle in any manner that violates restrictions that are  
9 placed upon the person's driving privileges by the Department of Transportation under ORS 807.120  
10 or 807.122, by a court under ORS [809.210 or] 809.270, or by the vehicle code.

11        (3) Nothing in this section is applicable to a person who is driving while suspended or revoked  
12 in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject to  
13 the provisions and penalties provided therein and are not subject to the penalties and provisions of  
14 this section.

15        (4) Except as provided in subsection (5) of this section, the offense described in subsection (1)  
16 of this section, operating a vehicle without driving privileges, is a Class B traffic violation.

17        (5) The offense described in subsection (1) of this section, operating a vehicle without driving  
18 privileges, that results from a person operating a motorcycle without a motorcycle endorsement, is  
19 a Class A traffic violation.

20        (6)(a) The court shall suspend a fine imposed under subsection (5) of this section on the condi-  
21 tion that the person, within 120 days of the date of sentencing:

22        (A) Complete a motorcycle education course established by the department under ORS 802.320;  
23 and

24        (B) Obtain a motorcycle endorsement issued under ORS 807.170.

25        (b) The court shall set a hearing date for 120 days from the date of sentencing. At the hearing  
26 the court shall:

27        (A) If the person has successfully completed the requirements described in paragraph (a)(A) and  
28 (B) of this subsection, [*dismiss the fine imposed under subsection (5) of this section*] **enter a sentence**  
29 **of discharge;** or

30        (B) If the person has not successfully completed the requirements described in paragraph (a)(A)  
31 and (B) of this subsection:

32        (i) Grant the person an extension based on good cause shown; or

33        (ii) Impose the fine under subsection (5) of this section.

34        (7) The offense described in subsection (2) of this section, operating in violation of license re-  
35 strictions, is a Class B traffic violation.

36        **SECTION 7.** ORS 807.120 is amended to read:

37        807.120. (1) The Department of Transportation may place restrictions on any driving privileges  
38 granted a person if the department determines that there is good cause to restrict the driving priv-  
39 ileges of the person in order to ensure the safe operation of a motor vehicle by the person.

40        (2) Restrictions placed on a driver license or driver permit by the department under this section  
41 shall be suitable to the driving ability of the person whose driving privileges are restricted. The  
42 restrictions may include:

43        (a) Restrictions on the type of motor vehicle the person may operate;

44        (b) Requirements for special mechanical control devices on motor vehicles operated by the per-  
45 son; or

1 (c) Any other restrictions the department determines appropriate to ensure the safe operation  
2 of a motor vehicle by the person.

3 (3) The department shall place a restriction on the commercial driver license of a person who  
4 performs the skill demonstration required under ORS 807.070 for issuance of a commercial driver  
5 license in a vehicle that:

6 (a) Is not equipped with air brakes. A restriction imposed under this paragraph prohibits the  
7 person from operating commercial motor vehicles equipped with service brakes that operate fully  
8 or partially by air pressure.

9 (b) Is equipped with air over hydraulic brakes. Air over hydraulic brakes includes any braking  
10 system operating partially by air pressure and partially by hydraulic pressure. A restriction imposed  
11 under this paragraph prohibits the person from operating commercial motor vehicles equipped with  
12 service brakes that operate solely by air pressure.

13 (c) Is equipped with an automatic transmission. A restriction imposed under this paragraph  
14 prohibits the person from operating commercial motor vehicles equipped with manual transmissions.

15 (d) Uses any connection other than a fifth wheel hitch between the power unit and a vehicle  
16 towed in combination with the power unit. A restriction under this paragraph prohibits the person  
17 from operating a commercial motor vehicle in combination with any other vehicle using a fifth wheel  
18 hitch between the power unit and first towed unit.

19 (4) The department shall place a restriction on the commercial driver license and the commer-  
20 cial learner driver permit of a person who does not pass an air brakes knowledge test administered  
21 under ORS 807.070. The restriction shall prohibit the person from operating a commercial motor  
22 vehicle with service brakes that operate fully or partially by air pressure.

23 (5) The department may impose restrictions under this section by setting forth the restrictions  
24 on the regular license form or by issuing a special form for licenses with restrictions.

25 (6) The department shall place restrictions on driving privileges under this section when ordered  
26 by a court under ORS [809.210 or] 809.270. Any restriction imposed under this subsection shall be  
27 made a part of the person's driving record and shall remain in effect until the court notifies the  
28 department in writing that the restrictions are removed.

29 (7) The department may impose restrictions under this section on driving privileges that are  
30 restored after having been suspended or revoked. The restrictions imposed under this subsection  
31 may include any restrictions that have been recommended by a convicting magistrate.

32 (8) The use of the term "restrictions" in this section includes any restrictions, conditions or  
33 requirements.

34 (9) Violation of any restrictions placed on driving privileges under this section is punishable as  
35 provided under ORS 807.010.

36 **SECTION 8.** ORS 809.280, as amended by section 28, chapter 76, Oregon Laws 2018, is amended  
37 to read:

38 809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation  
39 shall suspend the person's driving privileges. The suspension shall remain in effect until the de-  
40 partment is notified by the court that the suspension is ended, except that, if the department is or-  
41 dered to automatically reinstate the driving privileges upon the successful completion of a program,  
42 the department shall do so and shall notify the judge that the person has complied with the order  
43 of the judge.

44 (2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person's  
45 driving privileges. The suspension shall be for the period ordered by the court. The court may only

1 order suspension for a period not to exceed 90 days.

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

6 (a) The judgment was rendered against the person;

7 (b) The judgment has remained unsettled as described in ORS 809.470 for 60 days; and

8 (c) The judgment continues to be unsettled as described in ORS 809.470.

9 (4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend  
10 the person's driving privileges for an indefinite period. The department shall reinstate driving priv-  
11 ileges that have been suspended under this subsection upon notification by the court or upon the  
12 elapse of 10 years from the date the [*traffic offense or*] violation of ORS 471.430 **or 475B.316** oc-  
13 curred, whichever comes first. [*The department may not suspend any driving privileges under this*  
14 *subsection for a person's failure to appear on a parking, pedestrian or bicyclist offense.*]

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

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

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

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

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

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

33 (9) Upon receipt of a court order under ORS 809.235, the department shall permanently revoke  
34 the person's driving privileges. The revocation shall remain in effect until the department is notified  
35 by a court that the person's driving privileges have been ordered restored.

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

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

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

44 **SECTION 9.** ORS 809.380, as amended by section 30, chapter 76, Oregon Laws 2018, is amended  
45 to read:

1 809.380. All of the following apply to a person whose driving privileges have been suspended:

2 (1) The period of suspension shall last as long as provided for that particular suspension by law.

3 (2) During the period of suspension, the person is not entitled to exercise any driving privileges  
4 in this state except as provided under this subsection. Unless otherwise specifically provided by law,  
5 a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship  
6 driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

7 (3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon re-  
8 quest of the person, the suspended driving privileges and any license or driver permit that evidences  
9 the driving privileges. The reissuance shall be without requalification by the person except that the  
10 department may require the person to furnish evidence satisfactory to the department that the per-  
11 son is qualified to continue to exercise driving privileges in this state before the department reissues  
12 the driving privileges.

13 (4) The department may not issue any driving privileges in contradiction to this section.

14 (5) If the person fails to surrender to the department any license or driver permit issued as ev-  
15 idence of driving privileges that are suspended, the person is subject to the penalties under ORS  
16 809.500.

17 (6) No reinstatement of suspended driving privileges will be made by the department until the  
18 fee for reinstatement of suspended driving privileges established under ORS 807.370 is paid to or  
19 waived by the department. The department may waive the reinstatement fee for any of the following  
20 reasons:

21 (a) The suspension occurred under ORS 809.419 for failure to take an examination upon request  
22 of the department under ORS 807.340.

23 (b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance  
24 upon request of the department under ORS 807.070 or 807.090.

25 (c) The suspension occurred under ORS 809.419 for incompetence to drive a motor vehicle or  
26 having a mental or physical condition or impairment that affects the person's ability to safely op-  
27 erate a motor vehicle.

28 (d) The suspension occurred under ORS 809.419 upon notification by the superintendent of a  
29 hospital under ORS 807.700 that a person should not drive.

30 (e) The suspension occurred under ORS 809.419 upon notification by a court under ORS 810.375  
31 that a person charged with a traffic offense has been found guilty except for insanity.

32 (f) The department committed an error in issuing the suspension.

33 (g) The suspension was the result of an error committed by an insurance company in issuing or  
34 failing to issue a certification of insurance or in canceling a certification of insurance filed with the  
35 department under ORS 806.270.

36 (h) The department issued the suspension without error because the person failed to respond as  
37 required under ORS 806.160 or to furnish proof of exemption under ORS 806.210 from the filing re-  
38 quirement of ORS 806.200, but the department later determines that the person in fact was in com-  
39 pliance with financial responsibility requirements as of the date of the department's letter of  
40 verification under ORS 806.150 or at the time of an accident described in ORS 806.200.

41 (i) The department issued the suspension without error because the person was not in compli-  
42 ance with financial responsibility requirements as of the date of the department's letter of verifica-  
43 tion under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department  
44 later determines that the person reasonably and in good faith believed that the person was in com-  
45 pliance with financial responsibility requirements on the date of the department's letter of verifica-

tion or at the time of the accident.

(j) The suspension was the result of an error committed by an insurance company in notifying the department regarding the correctness of a certification under ORS 806.150.

(k) The suspension occurred because the person failed to make future responsibility filings but the department later determines that the reason for the failure was that the person was a military reservist or a member of a national guard unit that was ordered to active military duty to a location outside of the United States. The effective date of the military orders must be prior to the effective date of a suspension issued by the department for failure to make a future responsibility filing.

(L) The department issued the suspension without error because the department received a notice to suspend from a court under ORS [809.210 or] 809.220, but the department later determines that the person in fact was in compliance with the requirements of the court prior to the effective date of the suspension.

**SECTION 10.** ORS 809.415, as amended by section 33, chapter 76, Oregon Laws 2018, is amended to read:

809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who has a judgment of the type described under ORS 806.040 rendered against the person if the person does not settle the judgment in the manner described under ORS 809.470 within 60 days after its entry.

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

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

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

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

(D) Receives from the court that rendered the judgment an order permitting the payment of the judgment in installments.

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

(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the existence of a motor vehicle liability insurance policy or the existence of some other means of satisfying financial responsibility requirements or of a person who, after certifying the existence of a motor vehicle liability insurance policy or other means of satisfying the requirements, allows the policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsibility requirements.

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

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

(3)(a) The department shall suspend the driving privileges of a person who fails to comply with future responsibility filings whenever required under the vehicle code or fails to provide new proof for future responsibility filings when requested by the department.

(b) A suspension under this subsection shall continue until the person complies with future re-



1 sponsibility filings.

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

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

11 (A) The person establishes to the satisfaction of the department that the person has performed  
12 all acts necessary under ORS 809.416 to make the person not subject to suspension.

13 (B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the sus-  
14 pension is imposed for a reason described in ORS 809.416 [(1) or 20 years from the date the traffic  
15 offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2)].

16 (b) A person is entitled to administrative review under ORS 809.440 of a suspension under this  
17 subsection.

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

22 (6) Upon determination by the department that a person has submitted false information to the  
23 department for the purpose of establishing or maintaining qualification to operate a commercial  
24 motor vehicle or hold commercial driving privileges, the department shall suspend the commercial  
25 driving privileges or the person's right to apply for commercial driving privileges for a period of one  
26 year.

27 **SECTION 11.** ORS 809.416, as amended by section 34, chapter 76, Oregon Laws 2018, is  
28 amended to read:

29 809.416. [*This section establishes circumstances that will make a person subject to suspension un-*  
30 *der ORS 809.415 (4) and what a person is required to do to make the person no longer subject to*  
31 *suspension. The following apply as described:]*

32 [(1)] A person is subject to suspension under ORS 809.415 (4) if the Department of Transporta-  
33 tion receives notice from a court to apply this section under ORS 809.220. A person who is subject  
34 under this subsection remains subject until the person presents the department with notice issued  
35 by the court showing that the person is no longer subject to this section or until 10 years have  
36 elapsed from the date the [*traffic offense or*] violation of ORS 471.430 **or 475B.316** occurred, which-  
37 ever is earlier. [*This subsection shall not subject a person to ORS 809.415 (4) for any pedestrian of-*  
38 *fense, bicycling offense or parking offense.*] Upon receipt of notice from a court, the department shall  
39 send a letter by first class mail advising the person that the suspension will commence 60 days from  
40 the date of the letter unless the person presents the department with the notice required by this  
41 subsection.

42 [(2)] A person is subject to suspension under ORS 809.415 (4) if the department receives a notice  
43 of suspension from a court under ORS 809.210 indicating that the person has failed or refused to pay  
44 a fine or obey an order of the court. A person who is subject under this subsection remains subject  
45 until the earlier of the following:]

1        *[(a) The person presents the department with a notice of reinstatement issued by the court showing*  
 2 *that the person:]*

3        *[(A) Is making payments, has paid the fine or has obeyed the order of the court; or]*

4        *[(B) Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered*  
 5 *apprentice under ORS 660.020; or]*

6        *[(b) Twenty years have elapsed from the date the traffic offense occurred.]*

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

12        **SECTION 12.** ORS 809.515 is amended to read:

13        809.515. (1)(a) The Department of Transportation shall suspend the commercial driving privileges  
 14 of a person if the department receives a notice from another jurisdiction that the person failed to  
 15 appear, *pay a fine or comply with an order of the court*] in a prosecution on a citation for a traffic  
 16 offense or for a violation in the other jurisdiction that, if committed in this state, would be grounds  
 17 for suspension under ORS [809.210 or] 809.220, and the person held commercial driving privileges  
 18 or was operating a commercial motor vehicle at the time of the offense. The period of a suspension  
 19 under this subsection is the shorter of:

20        (A) Ten years; or

21        (B) Until the department receives notice from the other jurisdiction that the person appeared[,  
 22 *paid the fine or complied with the court's order*].

23        (b) The department shall suspend a person's commercial driving privileges under this subsection  
 24 without regard to whether the other jurisdiction suspends any driving privileges of the person by  
 25 reason of the person's failure to appear, *pay a fine or comply with an order of the court*].

26        (c) This subsection does not apply to failure to appear, *pay a fine or comply with an order of the*  
 27 *court*] in a proceeding relating to a parking, pedestrian, vehicle defect or bicycling offense.

28        (2) The department shall suspend the commercial driving privileges of a person if the department  
 29 receives a notice from the Federal Motor Carrier Safety Administration that the person has been  
 30 disqualified from operating a commercial motor vehicle and that the disqualification is due to a de-  
 31 termination that the driving of that person constitutes an imminent hazard. The department shall  
 32 immediately suspend commercial driving privileges under this subsection without hearing, but the  
 33 person may request a post-imposition hearing under ORS 809.440 (4), without regard to any hearings  
 34 conducted by the Federal Motor Carrier Safety Administration. The period of a suspension under  
 35 this section is the period of suspension prescribed by the Federal Motor Carrier Safety Adminis-  
 36 tration, or one year, whichever is shorter.

37        **SECTION 13.** ORS 809.210 is repealed.

38        **SECTION 14.** The amendments to ORS 153.061, 153.073, 153.772, 419C.306, 807.010, 807.120,  
 39 809.220, 809.280, 809.380, 809.415, 809.416 and 809.515 by sections 1 to 12 of this 2019 Act and  
 40 the repeal of ORS 809.210 by section 13 of this of this 2019 Act apply to conduct giving rise  
 41 to a driving privilege restriction or driving privilege suspension on or after the effective date  
 42 of this 2019 Act. Driving privilege restrictions or driving privilege suspensions imposed before  
 43 the effective date of this 2019 Act shall be governed by law applicable to driving privilege  
 44 restrictions and driving privilege suspensions in effect at the time of the most recent re-  
 45 striction or suspension.

