



February 9, 2024

Joint Transportation Committee  
900 Court St. NE  
Salem, OR 97301

Dear Co-Chairs Gorsek and McLain and Members of the Committee,

I am Presiding Judge for the City of Beaverton, and I am writing you in support of the -1 amendment to HB 4109. This amendment focuses on the current law on failure to appear license suspensions for low-level traffic offenses, such as speeding, and would make suspension a tool the courts *can* use versus *must use* in all cases.

When a traffic defendant receives a ticket, they are given a deadline to pay the ticket or otherwise make a written or in-person appearance at the court. There are many reasons why people miss their deadlines. Some are very reasonable excuses, including illness, moved and did not receive their mail with their trial date, did not understand the summons portion on their ticket or they made a simple mistake about the date or court location.

When the defendant does not make an appearance, it is called failing to appear or FTA for short. What typically happens next is that courts will then hold the FTA defendant accountable by default convicting the person, imposing a fine and seeking collection of that fine. Additionally, the court sends the record of conviction to DMV to be added to a person's driving record. Collateral consequences of this are that insurance companies monitor these records which in turn holds drivers accountable.

In addition to the above court actions, courts are currently required to suspend their licenses in all cases. The FTA suspension is based on a non-driving behavior and is not imposed because of unsafe driving. Rather, it is based solely on the fact that a person failed to show up for their court date.

The one-word change in the -1 amendment gives discretion to judges on whether to suspend for a traffic FTA.

Permitting judicial discretion is not a violation of the equal protection law and this legislative body has written an extensive traffic code that gives judges great discretion every single day on fines, fees, and other types of license suspensions. For example, if you are convicted of speeding 30 mph over the speed limit and you had a speeding conviction in the last year, judges have discretion to impose a suspension up to 30 days or not to suspend the license at all. This amendment is consistent with a policy of giving judicial discretion for license suspensions.

For a busy court like Beaverton, the current requirement is not just a few minutes of time. There were more than 7,000 FTA cases in our court just in the last year. It is not just an issue for courts, it's also an issue for DMV. Every time a court suspends a license, DMV must update DMV databases with that suspension and mail a Notice of Suspension to the defendant, so they

know they are prohibited from driving. When the person pays the ticket fine or gets on a payment plan, the court must send a second notice to DMV that clears a suspension, so their records team needs to un-do the suspension. Then their front-line DMV clerks serve the defendant who is required to go to DMV to reinstate their license.

The -1 amendment eliminates the current State *mandate* to suspend on all FTA cases. This amendment will not prohibit courts from continuing to suspend for FTA suspensions if they so choose. This amendment will simply permit both the State and local courts to use data to evaluate the most effective and efficient ways to process FTA's in their court while continuing to hold defendants accountable.

Thank you,

A handwritten signature in black ink that reads "Juliet Britton". The signature is written in a cursive, flowing style.

Presiding Judge  
Beaverton Municipal Court