

Jessica K. Meyer  
Linn County Justice of the Peace

February 10, 2024

Joint Committee on Transportation  
Oregon State Legislature  
900 Court St. SE  
Salem, OR 97301

RE: Oregon HB 4109  
Amendment to ORS 809.220(1)(b)

Dear Committee Members:

I am the Justice of the Peace for Linn County, a position I have held for the last five years, and I am currently the Vice President of the Oregon Justice of the Peace Association. I oversee thousands of traffic violations every year, which violations are mainly filed by the Oregon State Police and the Linn County Sheriff's office. As someone who strives daily to promote the safety of our Oregon roadways, I submit my testimony in opposition to the proposed Amendment to ORS 809.220(1)(b).

First, I want the committee to realize that the main goal of the proposed legislation is to reduce court and DMV workload, not to encourage compliance with traffic laws or to help traffic defendants. With that in mind, I submit the following comments:

- (1) Changing the Failure to Appear (FTA) suspension from *shall* to *may* seems benign, but it is a slippery slope. The change will open a strong potential for equal protection arguments when some courts suspend licenses for FTA and other courts (maybe even in the same town) do not suspend for FTA. Opening the door to these equal protection arguments may lead to the worst possible outcome: the complete elimination of the FTA suspension.
- (2) If there is no punishment, there is no law. Court orders and judgments need to mean something. If courts cannot suspend driving privileges when a personal fails to appear on a traffic citation, our only recourse is to impose a fine and send the person to collections. For those people who do not care whether their fines go to collections (in my experience, that is a surprising number of people) they will effectively have NO PUNISHMENT for violating our traffic laws. (In other words, . . . go ahead and run that stop sign or travel 80mph in a 35mph zone. No need to appear in court. We will impose a fine we can't collect, and you can keep your driver's license.)
- (3) Our traffic laws exist to promote public health and safety, period. The reason the proponents of this amendment are pushing the change, according to my information, is because they do not currently suspend for FTA and they do not want to take the time to do it.


They are trying to reduce court workload and DMV workload. My firm belief is that traffic courts are here to keep our Oregon roadways safe, not reduce the DMV's workload.

(4) Individuals who are charged with traffic violations can only benefit by coming to court. As judges, we take great care in trying to correct behavior. Courts provide programs that lead people towards compliance, reduce fines upon a showing of accountability, etc. Why would the legislature want to devalue the requirement of appearing in court? The elimination of the FTA suspension would only reduce accountability overall.

(5) Under the current law, an FTA suspension does not go into effect right away -- and is easily cleared up by the defendant simply appearing in court (in writing or in person) and beginning a payment plan. In fact, once the suspension is sent to the DMV, the DMV sends a letter to the defendant giving them 60 days to contact the court and remedy the suspension before the suspension even goes into place. The defendant need not personally appear at the DMV if they begin a payment plan with the court within the given 60-day time period. In the Linn County Justice Court, we have defendants contacting the court regularly to take accountability for their traffic violation after receiving the 60-day notice letter from the DMV. The process is effective.

The FTA suspension encourages people to take accountability for their actions and deters individuals from ignoring our traffic laws. I realize the proposed amendment does not seek to immediately eliminate the FTA suspension, but I fear the change will be the beginning of the end. While I highly respect, and most often concur with, the judges who spoke out in favor of the amendment, in this case I felt it necessary to express my concerns and provide written testimony in opposition.

Sincerely,



Jessica K. Meyer  
Linn County Justice of the Peace