

**A-Engrossed**  
**House Bill 3047**

Ordered by the House April 15  
Including House Amendments dated April 15

Sponsored by Representatives OLSON, BARKER, Senator PROZANSKI; Representatives KRIEGER, SPRENGER, WILLIAMSON

**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.

Extends length of suspension of driving privileges if person fails to pay fine or obey order of court from 10 years to 20 years.

Permits court to reinstate driving privileges if certain conditions are met.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to suspension of driving privileges; creating new provisions; amending ORS 809.210, 809.220,  
3 809.280, 809.415 and 809.416; and declaring an emergency.

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

5 **SECTION 1.** ORS 809.210 is amended to read:

6 809.210. (1) A court may do any of the following if the defendant is convicted of any traffic of-  
7 fense and fails or refuses to pay a fine imposed by the [*judge*] **court** or to comply with any condition  
8 upon which payment of the fine or any part of it was suspended:

9 (a) Issue a notice **of suspension** to the Department of Transportation **that directs the de-**  
10 **partment** to implement procedures under ORS 809.416.

11 (b) Order a defendant's driving privileges restricted.

12 (2) The authority granted in this section is in addition to or instead of any other method au-  
13 thorized by law for enforcing a court order.

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

15 (a) The [*judge*] **court** shall immediately advise the department of the restrictions.

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

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

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

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

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

23 (4) If [*a judge*] **the court** issues a notice **of suspension that directs the department** to im-  
24 plement procedures under ORS 809.416 as provided under this section:

25 [*(a) The judge shall immediately send to the department notice upon payment of the fine as*  
26 *ordered.*]

**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 (a) **And if, at any time within the period of suspension under this section, a person pays**  
2 **the fine, has begun making payments according to the payment schedule established by the**  
3 **court or has obeyed the order of the court, the court shall immediately send to the depart-**  
4 **ment a notice of reinstatement. The notice of suspension may be reissued if the person**  
5 **ceases making payments before the fine is paid in full. The reissuance does not extend the**  
6 **original period of suspension.**

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

8 (5) A court *[shall]* **may not issue a notice of suspension under this section that directs the**  
9 **department to implement procedures under ORS 809.416 for failure to pay a fine relating to any**  
10 **parking offense, pedestrian offense or bicycling offense.**

11 **(6) A notification by a court to the department under this section shall be in a form**  
12 **prescribed by the department.**

13 **SECTION 2.** ORS 809.220 is amended to read:

14 809.220. This section establishes procedures that are applicable if a person fails to appear on a  
15 citation for a traffic offense or **fails to appear on a citation** for a violation of ORS 471.430. All of  
16 the following apply to this section:

17 (1) If a defendant fails to make any appearance required by the court or by law in a proceeding  
18 charging the defendant with a traffic offense or with a violation of ORS 471.430, the court:

19 (a) Shall issue notice to the Department of Transportation to suspend for failure to appear if the  
20 defendant is charged with a traffic crime or with a violation of ORS 471.430. If a court issues notice  
21 under this paragraph, the department shall suspend the driving privileges of the person as provided  
22 under ORS 809.280.

23 (b) Shall issue notice to the department to implement procedures under ORS 809.416 if the de-  
24 fendant is charged with a traffic violation. If a court issues notice under this paragraph, the de-  
25 partment shall implement procedures under ORS 809.416.

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

28 (3) At any time within 10 years from the date *[of a notice to suspend for failure to appear given*  
29 *to the department under this section]* **the traffic offense or violation of ORS 471.430 occurred,** a  
30 court shall give a second notice to the department to reinstate the person's suspended driving  
31 privileges resulting from the original notice if any of the following occur:

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

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

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

36 **(4) The court may reissue a notice of suspension if the person ceases making payments**  
37 **before the fine is paid in full. The reissuance does not extend the original period of suspen-**  
38 **sion.**

39 *[(4)]* (5) Notifications by a court to the department under this section shall be in a form pre-  
40 scribed by the department.

41 *[(5)]* (6) A court *[shall]* **may not notify the department under this section for failure to appear**  
42 **on any parking, pedestrian or bicyclist offense.**

43 **SECTION 3.** ORS 809.416 is amended to read:

44 809.416. This section establishes circumstances that will make a person subject to suspension  
45 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to

1 suspension. The following apply as described:

2 (1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation  
3 receives notice from a court to apply this section under ORS 809.220. A person who is subject under  
4 this subsection remains subject until the person presents the department with notice issued by the  
5 court showing that the person is no longer subject to this section or until 10 years have elapsed  
6 **from the date the traffic offense or violation of ORS 471.430 occurred**, whichever is earlier.  
7 This subsection shall not subject a person to ORS 809.415 (4) for any pedestrian offense, bicycling  
8 offense or parking offense. Upon receipt of notice from a court, the department shall send a letter  
9 by first class mail advising the person that the suspension will commence 60 days from the date of  
10 the letter unless the person presents the department with the notice required by this subsection.

11 (2) A person is subject to suspension under ORS 809.415 (4) if the department receives a notice  
12 **of suspension** from a court under ORS 809.210 **indicating** that a person has failed **or refused** to  
13 pay a fine or obey an order of the court. A person who is subject under this subsection remains  
14 subject until the person presents the department with a notice **of reinstatement** issued by the court  
15 showing that the person **is making payments**, has paid the fine or **has** obeyed the order of the  
16 court, or until [10] **20** years have elapsed **from the date the traffic offense occurred**, whichever  
17 is earlier. This subsection *[shall]* **does** not subject a person to ORS 809.415 (4) for failure **or refusal**  
18 to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt  
19 of a notice **of suspension** from a court, the department shall send a letter by first class mail ad-  
20 vising the person that the suspension will commence 60 days from the date of the letter unless the  
21 person presents the department with the notice **of reinstatement** required by this subsection.

22 (3) A person is subject to suspension under ORS 809.415 (4) if the person pays the department  
23 any fee or tax with a bank check and the check is returned to the department as uncollectible or  
24 the person tenders payment with a credit or debit card and the issuer of the card does not pay the  
25 department. A person who is subject under this subsection remains subject until the department  
26 receives the money for the fee or tax and any fee charged by the department under ORS 802.170 or  
27 until five years have elapsed, whichever is earlier.

28 **SECTION 4.** ORS 809.415 is amended to read:

29 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person  
30 who has a judgment of the type described under ORS 806.040 rendered against the person if the  
31 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after  
32 its entry.

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

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

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

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

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

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

44 (2)(a) The department shall suspend the driving privileges of a person who falsely certifies the  
45 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-

1 isfying financial responsibility requirements or of a person who, after certifying the existence of a  
2 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the  
3 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-  
4 bility requirements.

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

9 (c) A suspension under this subsection shall continue until the person complies with future re-  
10 sponsibility filings.

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

14 (b) A suspension under this subsection shall continue until the person complies with future re-  
15 sponsibility filings.

16 (c) A person whose initial obligation to make future responsibility filings is not based upon a  
17 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-  
18 sion under this subsection. A person whose obligation to make future responsibility filings is based  
19 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440  
20 of a suspension under this subsection. A person whose suspension under this subsection is based on  
21 lapses in filing after the initial filing has been made is entitled to administrative review under ORS  
22 809.440.

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

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

27 (B) Ten years from the date the [*suspension is imposed*] **traffic offense or violation of ORS**  
28 **471.430 occurred** if the suspension is imposed for a reason described in ORS 809.416 (1) [*or (2) or*  
29 *five*], **20 years** from the date the [*suspension is imposed*] **traffic offense occurred** if the suspension  
30 is imposed for [*the*] **a reason described in ORS 809.416 (2) or five years from the date the sus-**  
31 **pension is imposed for a reason described in ORS 809.416 (3).**

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

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

38 (6) Upon determination by the department that a person has submitted false information to the  
39 department for the purpose of establishing or maintaining qualification to operate a commercial  
40 motor vehicle or hold a commercial driver license, the department may suspend the commercial  
41 driver license or the person's right to apply for a commercial driver license. A suspension under this  
42 subsection shall continue for a period of one year.

43 **SECTION 5.** ORS 809.280 is amended to read:

44 809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation  
45 shall suspend the person's driving privileges. The suspension shall remain in effect until the de-

1 partment is notified by the court that the suspension is ended, except that, if the department is or-  
2 dered to automatically reinstate the driving privileges upon the successful completion of a program,  
3 the department shall do so and shall notify the judge that the person has complied with the order  
4 of the judge.

5 (2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person's  
6 driving privileges. The suspension shall be for the period ordered by the court. The court may only  
7 order suspension for a period not to exceed 90 days.

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

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

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

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

15 (4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend  
16 the person's driving privileges for an indefinite period. The department shall reinstate driving priv-  
17 ileges that have been suspended under this subsection upon notification by the court or upon the  
18 elapse of 10 years from the date [of suspension] **the traffic offense or violation of ORS 471.430**  
19 **occurred**, whichever comes first. The department may not suspend any driving privileges under this  
20 subsection for a person's failure to appear on a parking, pedestrian or bicyclist offense.

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

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

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

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

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

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

39 (9) Upon receipt of a court order under ORS 809.265, the department shall suspend the person's  
40 driving privileges for six months.

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

44 (11) When a court orders suspension of driving privileges under ORS 811.109 (4), the department  
45 shall suspend the person's driving privileges. The suspension shall be for the period ordered by the

1 court. The court may only order suspension for a period not to exceed 30 days.

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

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

7 **SECTION 6. (1) The amendments to ORS 809.210, 809.220 and 809.280 by sections 1, 2 and**  
8 **5 of this 2013 Act apply to offenses occurring before, on or after the operative date specified**  
9 **in section 7 of this 2013 Act.**

10 (2)(a) Except as provided in paragraph (b) of this subsection, the amendments to ORS  
11 809.415 and 809.416 by sections 3 and 4 of this 2013 Act apply to offenses occurring on or after  
12 the operative date specified in section 7 of this 2013 Act.

13 (b) The amendments to ORS 809.415 and 809.416 by sections 3 and 4 of this 2013 Act apply  
14 to an individual whose driving privileges are suspended as of the day immediately preceding  
15 the operative date specified in section 7 of this 2013 Act if a judge reissues a notice of sus-  
16 pension under ORS 809.210, as amended by section 1 of this 2013 Act, on or after the opera-  
17 tive date specified in section 7 of this 2013 Act. Such an individual shall remain subject to  
18 the new suspension of driving privileges until the individual presents the Department of  
19 Transportation with a notice of reinstatement issued by the court showing that the person  
20 is making payments, has paid the fine or has obeyed the order of the court, or until 20 years  
21 have elapsed from the date the traffic offense occurred, whichever is earlier.

22 **SECTION 7. (1) The amendments to ORS 809.210, 809.220, 809.280, 809.415 and 809.416 by**  
23 **sections 1 to 5 of this 2013 Act become operative October 1, 2013.**

24 (2) The Department of Transportation may take any action before October 1, 2013, that  
25 is necessary to enable the department to implement the amendments to ORS 809.210, 809.220,  
26 809.280, 809.415 and 809.416 by sections 1 to 5 of this 2013 Act on October 1, 2013.

27 **SECTION 8. This 2013 Act being necessary for the immediate preservation of the public**  
28 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
29 **on its passage.**

30