

# House Bill 3047

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 **as introduced**.

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, 809.413,  
3 809.415 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 or to comply with any condition upon  
8 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 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 issues **a notice of suspension that directs the department** to implement proce-  
24 dures 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.]*

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

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

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

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

9 **SECTION 2.** ORS 809.416 is amended to read:

10 809.416. This section establishes circumstances that will make a person subject to suspension  
 11 under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to  
 12 suspension. The following apply as described:

13 (1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation  
 14 receives notice from a court to apply this section under ORS 809.220. A person who is subject under  
 15 this subsection remains subject until the person presents the department with notice issued by the  
 16 court showing that the person is no longer subject to this section or until 10 years have elapsed,  
 17 whichever is earlier. This subsection shall not subject a person to ORS 809.415 (4) for any pedestrian  
 18 offense, bicycling offense or parking offense. Upon receipt of notice from a court, the department  
 19 shall send a letter by first class mail advising the person that the suspension will commence 60 days  
 20 from the date of the letter unless the person presents the department with the notice required by  
 21 this subsection.

22 (2) A person is subject to suspension under ORS 809.415 (4) if the department receives a notice  
 23 **of suspension** from a court under ORS 809.210 **indicating** that a person has failed **or refused** to  
 24 pay a fine or obey an order of the court. A person who is subject under this subsection remains  
 25 subject until the person presents the department with a notice **of reinstatement** issued by the court  
 26 showing that the person **is making payments**, has paid the fine or **has** obeyed the order of the  
 27 court or until [10] **20** years have elapsed, whichever is earlier. This subsection [shall] **does** not  
 28 subject a person to ORS 809.415 (4) for failure **or refusal** to pay a fine relating to any pedestrian  
 29 offense, bicycling offense or parking offense. Upon receipt of a notice **of suspension** from a court,  
 30 the department shall send a letter by first class mail advising the person that the suspension will  
 31 commence 60 days from the date of the letter unless the person presents the department with the  
 32 notice **of reinstatement** required by this subsection.

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

39 **SECTION 3.** ORS 809.415 is amended to read:

40 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person  
 41 who has a judgment of the type described under ORS 806.040 rendered against the person if the  
 42 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after  
 43 its entry.

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

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

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

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

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

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

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

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

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

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

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

27 (c) A person whose initial obligation to make future responsibility filings is not based upon a  
 28 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-  
 29 sion under this subsection. A person whose obligation to make future responsibility filings is based  
 30 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440  
 31 of a suspension under this subsection. A person whose suspension under this subsection is based on  
 32 lapses in filing after the initial filing has been made is entitled to administrative review under ORS  
 33 809.440.

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

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

38 (B) Ten years from the date the suspension is imposed if the suspension is imposed for a reason  
 39 described in ORS 809.416 (1) [*or (2) or five*], **20** years from the date the suspension is imposed if the  
 40 suspension is imposed for [*the*] **a reason described in ORS 809.416 (2) or five years from the date**  
 41 **the suspension is imposed if the suspension is imposed for a** reason described in ORS 809.416  
 42 (3).

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

45 (5) Upon determination by the department that a person has committed an act that constitutes

1 an offense described in ORS 809.310, the department may suspend any driving privileges or any  
 2 identification card of the person determined to have committed the act. A suspension under this  
 3 subsection shall continue for a period of one year.

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

9 **SECTION 4.** ORS 809.413 is amended to read:

10 809.413. The Department of Transportation shall suspend the commercial driver license of a  
 11 person when the department receives a record of conviction, notification or notice described in this  
 12 section. A person is entitled to administrative review under ORS 809.440 of a suspension under this  
 13 section. The department shall suspend the commercial driver license when the department receives:

14 (1) A record of conviction under ORS 811.700 or 811.705 of failure to perform the duties of a  
 15 driver while operating a motor vehicle or a commercial motor vehicle. A conviction described under  
 16 this subsection shall result in:

17 (a) A suspension for a period of one year if:

18 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had  
 19 a commercial driver license suspended as described in ORS 809.404; and

20 (B) The person was not driving a commercial motor vehicle containing a hazardous material at  
 21 the time of the offense.

22 (b) A suspension for a period of three years if:

23 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had  
 24 a commercial driver license suspended as described in ORS 809.404; and

25 (B) The person was driving a commercial motor vehicle containing a hazardous material at the  
 26 time of the offense.

27 (c) Suspension of the commercial driver license for the lifetime of the person if the person has  
 28 previously been convicted of an offense described in ORS 809.404 or had a commercial driver license  
 29 suspended as described in ORS 809.404.

30 (2) A record of conviction of a crime punishable as a felony involving the operation of a motor  
 31 vehicle or a commercial motor vehicle, other than the felony described in subsection (3) of this  
 32 section. A conviction described under this subsection shall result in:

33 (a) A suspension for a period of one year if:

34 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had  
 35 a commercial driver license suspended as described in ORS 809.404; and

36 (B) The person was not driving a commercial motor vehicle containing a hazardous material at  
 37 the time of the offense.

38 (b) A suspension for a period of three years if:

39 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had  
 40 a commercial driver license suspended as described in ORS 809.404; and

41 (B) The person was driving a commercial motor vehicle containing a hazardous material at the  
 42 time of the offense.

43 (c) Suspension of the commercial driver license for the lifetime of the person if the person has  
 44 previously been convicted of an offense described in ORS 809.404 or had a commercial driver license  
 45 suspended as described in ORS 809.404.

1 (3) A record of conviction of a crime punishable as a felony that involves the manufacturing,  
2 distributing or dispensing of a controlled substance, as defined in ORS 475.005, and in which a motor  
3 vehicle or commercial motor vehicle was used. A conviction described under this subsection shall  
4 result in a lifetime suspension of the person's commercial driving license.

5 (4) A record of conviction for driving a commercial motor vehicle while, as a result of prior vi-  
6 olations committed while operating a commercial motor vehicle, the commercial driver license of the  
7 driver had been suspended or revoked. A conviction described under this subsection shall result in:

8 (a) A suspension for a period of one year if:

9 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had  
10 a commercial driver license suspended as described in ORS 809.404; and

11 (B) The person was not driving a commercial motor vehicle containing a hazardous material at  
12 the time of the offense.

13 (b) A suspension for a period of three years if:

14 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had  
15 a commercial driver license suspended as described in ORS 809.404; and

16 (B) The person was driving a commercial motor vehicle containing a hazardous material at the  
17 time of the offense.

18 (c) Suspension of the commercial driver license for the lifetime of the person if the person has  
19 previously been convicted of an offense described in ORS 809.404 or had a commercial driver license  
20 suspended as described in ORS 809.404.

21 (5) A record of conviction of any degree of murder, manslaughter or criminally negligent  
22 homicide resulting from the operation of a commercial motor vehicle or assault in the first degree  
23 resulting from the operation of a commercial motor vehicle or aggravated vehicular homicide or  
24 aggravated driving while suspended or revoked. A conviction described under this section shall re-  
25 sult in:

26 (a) A suspension for a period of one year if:

27 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had  
28 a commercial driver license suspended as described in ORS 809.404; and

29 (B) The person was not driving a commercial motor vehicle containing a hazardous material at  
30 the time of the offense.

31 (b) A suspension for a period of three years if:

32 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had  
33 a commercial driver license suspended as described in ORS 809.404; and

34 (B) The person was driving a commercial motor vehicle containing a hazardous material at the  
35 time of the offense.

36 (c) Suspension of the commercial driver license for the lifetime of the person if the person has  
37 previously been convicted of an offense described in ORS 809.404 or had a commercial driver license  
38 suspended as described in ORS 809.404.

39 (6) A record of conviction of a serious traffic violation if the date the person committed the vi-  
40 olation occurred within three years of the date the person committed another serious traffic vi-  
41 olation for which there is a record of conviction and if the violations arose out of separate incidents.  
42 A suspension under this subsection shall be:

43 (a) For a period of 60 days if the conviction is the person's second conviction for a serious  
44 traffic violation and the person committed both serious traffic violations within a three-year period.

45 (b) For a period of 120 days if the conviction is the person's third or subsequent conviction for

1 a serious traffic violation and the person committed three or more serious traffic violations within  
 2 a three-year period. A suspension imposed under this paragraph shall be consecutive to any other  
 3 suspension imposed for a serious traffic violation.

4 (7) Notification that a person violated an out-of-service order issued under ORS 813.050 or has  
 5 violated any other out-of-service order or notice. Notification under this subsection may include, but  
 6 not be limited to, a record of conviction and a record of a determination by a state or federal agency  
 7 with jurisdiction to make a determination that the person has violated an out-of-service order or  
 8 notice. A suspension under this subsection shall be:

9 (a) Except as provided in paragraph (b) of this subsection, for a period of 180 days if the no-  
 10 tification relates to the person's first violation of an out-of-service order or notice.

11 (b) For a period of one year if the notification relates to the person's first violation of an out-  
 12 of-service order or notice and the person committed the violation while transporting hazardous ma-  
 13 terials required to be placarded or while operating a motor vehicle designed to transport 16 or more  
 14 persons, including the driver.

15 (c) Except as provided in paragraph (d) of this subsection, for a period of three years if the no-  
 16 tification relates to a second or subsequent violation of an out-of-service notice or order that oc-  
 17 curred within a 10-year period.

18 (d) For a period of five years if the notification relates to a second or subsequent violation of  
 19 an out-of-service notice or order that occurred within a 10-year period and the person committed the  
 20 violation while transporting hazardous materials required to be placarded or was operating a motor  
 21 vehicle designed to transport 16 or more persons, including the driver, regardless of the load or kind  
 22 of vehicle involved in the prior violation.

23 (8) Notification from the Federal Motor Carrier Safety Administration that a person in this state  
 24 who holds a commercial driver license in this state has been disqualified from operating a commer-  
 25 cial motor vehicle and that the disqualification is due to a determination that the driving of that  
 26 person constitutes an imminent hazard. A suspension under this subsection shall be made imme-  
 27 diately and for the period prescribed by the Federal Motor Carrier Safety Administration, except  
 28 that:

29 (a) Notwithstanding any disqualification hearings conducted by the Federal Motor Carrier  
 30 Safety Administration, a suspension under this subsection is subject to a post-imposition hearing  
 31 under ORS 809.440.

32 (b) Notwithstanding the period of suspension prescribed by the Federal Motor Carrier Safety  
 33 Administration, a suspension under this subsection may not exceed one year.

34 (9) Notification from another jurisdiction that the person failed to appear on a citation for a  
 35 traffic offense or for a violation in the other jurisdiction that, if committed in this state, would be  
 36 grounds for suspension under ORS 809.220, and the person held a commercial driver license or was  
 37 operating a commercial motor vehicle at the time of the offense. A suspension under this subsection:

38 (a) Shall end upon the earliest of 10 years from the date of suspension or upon notification by  
 39 the other jurisdiction that the person appeared.

40 (b) Shall be placed on the person's driving record regardless of whether another jurisdiction  
 41 places the suspension on the person's driving record.

42 (c) May not be for a person's failure to appear on a parking, pedestrian or bicyclist offense.

43 (10) Notification from another jurisdiction that the person failed to pay a fine or obey an order  
 44 of the court on a citation for a traffic offense or for a violation in the other jurisdiction that, if  
 45 committed in this state, would be grounds for suspension under ORS 809.415 (4), and the person held

1 a commercial driver license or was operating a commercial motor vehicle at the time of the offense.

2 A suspension under this subsection:

3 (a) Shall end upon the earliest of [10] 20 years from the date of suspension or upon notification  
4 by the other jurisdiction that the person paid the fine or obeyed the order of the court.

5 (b) Shall be placed on the person's driving record regardless of whether another jurisdiction  
6 places the suspension on the person's driving record.

7 (c) May not be for a person's failure to pay a fine or obey an order of the court on a parking,  
8 pedestrian or bicyclist offense.

9 (11) Notice of a conviction in another jurisdiction of an offense that, if committed in this state,  
10 would be grounds for the suspension of the person's commercial driver license. The period of sus-  
11 pension under this subsection shall be the same as would be imposed on the person if the conviction  
12 were for an offense committed in this state. As used in this subsection, "conviction" means an un-  
13 vacated adjudication of guilt, a determination that a person has violated or failed to comply with  
14 the law in a court of original jurisdiction or authorized administrative tribunal, an unvacated  
15 forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty  
16 or nolo contendere accepted by the court, the payment of a fine or court cost or the violation of a  
17 condition of release without bail, regardless of whether or not the penalty is rebated, suspended or  
18 probated.

19 (12) Notification from another jurisdiction that a person who is a resident of this state and who  
20 holds a commercial driver license has had commercial driving privileges suspended or revoked in  
21 another jurisdiction for reasons that would be grounds for suspension of the person's commercial  
22 driver license in this state. The period of suspension under this subsection shall be the same as  
23 would be imposed on the person if the violation were committed in this state.

24 **SECTION 5. (1) The amendments to ORS 809.210 by section 1 of this 2013 Act apply to**  
25 **conduct occurring before, on or after the effective date of this 2013 Act.**

26 **(2) The amendments to ORS 809.413, 809.415 and 809.416 by sections 2 to 4 of this 2013**  
27 **Act apply to conduct occurring on or after the effective date of this 2013 Act.**

28 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**  
29 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
30 **on its passage.**

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