

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4065**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line.

3 Delete line 3 and insert “809.210; and declaring an emergency.”.

4 Delete lines 5 through 28 and delete pages 2 through 10 and insert:

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
7 convicted of any traffic offense and fails or refuses to pay a fine imposed by
8 the court or to comply with any condition upon which payment of the fine
9 or any part of it was suspended:

10 “(a) Issue a notice of suspension to the Department of Transportation that
11 directs the department to implement procedures under ORS 809.416.

12 “(b) Order a defendant’s driving privileges restricted.

13 “(2) The authority granted in this section is in addition to or instead of
14 any other method authorized by law for enforcing a court order.

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

16 “(a) The court shall immediately advise the department of the restrictions.

17 “(b) Upon removal of such restriction, the court shall notify the depart-
18 ment that the restriction is ended.

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

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

1 “(e) The restrictions may include any restriction, condition or require-
2 ment.

3 “(f) Violation of the restriction is punishable as provided under ORS
4 807.010.

5 “(4) If the court issues a notice of suspension that directs the department
6 to implement procedures under ORS 809.416 as provided under this section:

7 “(a) And if, at any time within the period of suspension under this sec-
8 tion, a person pays the fine, has begun making payments according to the
9 payment schedule established with the court or has obeyed the order of the
10 court, the court shall immediately send to the department a notice of rein-
11 statement. The notice of suspension may be reissued if the person ceases
12 making payments before the fine is paid in full. The reissuance does not ex-
13 tend the original period of suspension.

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

16 “(5)(a) At any time after the court issues a notice of suspension under this
17 section, the person whose driving privileges have been suspended may seek
18 reinstatement with the court if the person is enrolled in a preapprenticeship
19 program, as defined in ORS 660.010, or is a registered apprentice under ORS
20 660.020. The court shall issue a notice of reinstatement of the person’s driv-
21 ing privileges if the person provides the court with a form that includes
22 verification from the Bureau of Labor and Industries that the person is en-
23 rolled in a preapprenticeship program or is a registered apprentice.

24 “(b) The bureau shall develop the form prescribed in paragraph (a) of this
25 subsection. The form must include:

26 “(A) The name of the person who is enrolled in a preapprenticeship pro-
27 gram or registered as an apprentice;

28 “(B) A statement from the person’s program, certifying that the person is
29 enrolled in the preapprenticeship program or is a registered apprentice;

30 “(C) The date on which the person is scheduled to complete the program;

1 “(D) For a person who is enrolled in a preapprenticeship program, a
2 statement that the program will notify the bureau of the registration of the
3 person as an apprentice under ORS 660.020 after completion of the person’s
4 preapprenticeship program or notify the bureau of the person’s failure to
5 register; and

6 “(E) A statement that the program will notify the court if the person fails
7 to complete the program or fails to register as an apprentice under ORS
8 660.020 after completion of a preapprenticeship program.

9 “(c) Upon the request of a person whose driving privileges have been
10 suspended under this section, the bureau shall seek to verify that the person
11 is enrolled in a preapprenticeship program or is registered as an apprentice.
12 If the bureau verifies that the person is enrolled in a preapprenticeship
13 program or is registered as an apprentice, the bureau shall include the ver-
14 ification on the form described in this subsection.

15 “(d) If the court receives a notice from the program that the person has
16 failed to complete the program, or failed to register as an apprentice under
17 ORS 660.020 after completion of a preapprenticeship program, the court shall
18 reissue the notice of suspension. The reissuance does not extend the original
19 period of suspension.

20 “(6) A person whose driving privileges are reinstated under subsection (5)
21 of this section shall establish a payment schedule with the court and begin
22 making payments within six months after completing a preapprenticeship
23 program and apprenticeship program, as defined in ORS 660.010, or six
24 months after completing an apprenticeship program if the person was never
25 enrolled in a preapprenticeship program. The court shall reissue the notice
26 of suspension if the person does not establish a payment schedule within the
27 time required under this subsection. The reissuance does not extend the ori-
28 ginal period of suspension.

29 “(7) A court may not issue a notice of suspension under this section that
30 directs the department to implement procedures under ORS 809.416:

1 “(a) For failure to pay a fine relating to any parking offense, pedestrian
2 offense or bicycling offense[.];

3 “(b) If a person has established a payment schedule and has begun
4 making payments and continues to make payments within one year
5 after the date of judgment; or

6 “(c)(A) Unless a person has not begun making payments or has
7 failed to continue making payments within one year after the date a
8 judgment was entered; and

9 “(B) The court has, within one year after the date of the judgment,
10 issued at least two orders to show cause why the defendant has failed
11 to begin making payments or has failed to continue making payments.

12 “(8) A notification by a court to the department under this section shall
13 be in a form prescribed by the department.

14 “SECTION 2. The amendments to ORS 809.210 by section 1 of this
15 2020 Act apply to conduct giving rise to a driving privilege suspension
16 on or after October 1, 2020. Driving privilege suspensions imposed be-
17 fore October 1, 2020, shall be governed by law applicable to driving
18 privilege suspensions at the time of the most recent suspension.

19 “SECTION 3. (1) The amendments to ORS 809.210 by section 1 of this
20 2020 Act become operative on October 1, 2020.

21 “(2) The Department of Transportation may adopt rules or take any
22 actions before the operative date specified in subsection (1) of this
23 section that are necessary to enable the department, on and after the
24 operative date specified in subsection (1) of this section, to carry out
25 the amendments to ORS 809.210 by section 1 of this 2020 Act. Rules
26 adopted pursuant to this section may not become operative before
27 October 1, 2020.

28 “SECTION 4. This 2020 Act being necessary for the immediate
29 preservation of the public peace, health and safety, an emergency is
30 declared to exist, and this 2020 Act takes effect on its passage.”.

