



# Oregon

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**DATE:** March 8, 2021

**TO:** House Committee on Judiciary  
Subcommittee on Civil Law

**FROM:** Nick Herrera, Legislative Coordinator

**SUBJECT:** House Bill 2523 – Reinstatement Fee Waiver

## INTRODUCTION

House Bill 2523, with the (-1) amendment, requires the Oregon Department of Transportation (ODOT) waive driver license reinstatement fees, until January 2, 2023, for those with one, or any combination of: Failure to Comply (FTC); Failure to Appear (FTA); or Failure to File Proof of Future Financial Responsibility (SR-22). The measure does not allow for a reinstatement fee waiver if an individual is concurrently suspended for any reason other than those listed in the measure.

## DISCUSSION

Once driving privileges are suspended for any reason, and after the individual satisfies the requirements of that suspension and are cleared for reinstatement, Oregon statute requires ODOT-DMV to charge a \$75 reinstatement fee (ORS 807.370), to reinstate a person's driving privileges.

House Bill 2523, with the (-1) amendment, would require ODOT-DMV, until January 2, 2023, to waive the driver license reinstatement fee for individuals who are suspended for one or any combination of:

- Failure to Comply under ORS 809.210 (repealed);
- Failure to Appear under ORS 809.220; or
- Failure to File Proof of Future Financial Responsibility under ORS 809.415(3).

The measure prohibits waiving the reinstatement fee if an individual is concurrently suspended for any other reason not listed in the measure.

### *Failure to Comply*

House Bill 4210 (1<sup>st</sup> Special Session of 2020) eliminated the ability of courts to suspend an individual's driving privileges for failure to pay fines or comply with a court order. Prior to repeal, statute allowed a court to suspended driving privileges for up to 20 years for unpaid fees and fines. Due to the length of this suspension, some Oregonians remain suspended under the now repealed statutes.

*Failure to Appear*

ORS 809.220 allows a court to suspend driving privileges for an individual who fails to appear for a citation or certain traffic offenses. Driving privilege suspensions under this statute may last up to 10 years.

*Failure to File Proof of Future Financial Responsibility*

Under certain circumstances, Oregonians are required to file an SR-22 with ODOT-DMV to prove they have adequate vehicle insurance. Statute directs ODOT-DMV to suspend driving privileges for individuals for who fail to file, or fail to maintain proof of vehicle insurance. House Bill 2523, with the (-1) amendment, would require ODOT-DMV to waive the reinstatement fee for those whose driving privileges are suspended for not abiding by these SR-22 requirements. Waiving this reinstatement fee does not absolve a person of their responsibility to file their SR-22, rather only waives the \$75 fee to reinstate their driving privileges. The requirement to file and maintain an SR-22 remains in effect.

ODOT continues to partner with the bill sponsor on tightening the language around the provision related to SR-22 filings, to ensure the measure does not inadvertently waive the reinstatement fee for those that fail to *file* their SR-22, only those that fail to *maintain*.

**SUMMARY**

House Bill 2523, with the (-1) amendment, requires ODOT-DMV to waive the reinstatement fee for those that have driving privilege suspensions for one or any combination of:

- Failure to Comply under ORS 809.210 (repealed);
- Failure to Appear under ORS 809.220; or
- Failure to File Proof of Future Financial Responsibility under ORS 809.415(3).

The measure would not allow for a fee waiver if an individual has a concurrent suspension not listed in the measure.