

**PROPOSED AMENDMENTS TO
HOUSE BILL 3314**

1 On page 1 of the printed bill, line 2, delete "and".

2 In line 3, delete "135.905 and" and after "809.411" insert "; and appropri-
3 ating money".

4 In line 18, after "if" insert "the person".

5 Delete lines 19 through 22 and insert:

6 "(a) Operates a vehicle upon the highway in a careless or reckless man-
7 ner; and

8 "(b) Causes serious physical injury or death to a vulnerable user of a
9 public way."

10 In line 24, delete "misdemeanor" and insert "traffic violation".

11 Delete lines 25 through 27 and insert:

12 "(4) In addition to any other penalty, a person convicted of infliction of
13 serious physical injury or death to a vulnerable user of a public way is
14 subject to:

15 "(a) Suspension of driving privileges as provided in ORS 809.411; and

16 "(b) Notwithstanding ORS 153.018, a fine of \$12,500."

17 On page 3, line 7, delete "driving diversion" and insert "driver improve-
18 ment" and after the period delete the rest of the line.

19 Delete lines 8 and 9.

20 In line 12, delete "driving diversion" and insert "driver improvement".

21 In line 15, delete "driving diversion" and insert "driver improvement".

22 In line 16, delete "driving diversion" and insert "driver improvement".

1 In line 18, delete "driving diversion" and insert "driver improvement".

2 In line 23, delete "driving diversion" and insert "driver improvement".

3 In line 28, after "be" delete the rest of the line and insert "approved by
4 the court;".

5 Delete line 29.

6 In line 35, delete "diversion".

7 In line 36, delete "diversion" and insert "agreement".

8 In line 39, delete "diversion" and insert "agreement".

9 Delete lines 44 and 45.

10 On page 4, delete line 1.

11 In line 4, delete "driving diversion" and insert "driver improvement".

12 Delete lines 11 through 16 and insert:

13 "(2) The defendant shall pay to the court at the time of filing a petition
14 for a driver improvement agreement, a filing fee established in section 10 of
15 this 2007 Act. The court may make provision for payment of the filing fee
16 by the defendant on an installment basis. The court may waive all or part
17 of the filing fee in cases involving indigent defendants. The filing fee paid
18 to the court under this subsection shall be retained by the court if the peti-
19 tion is allowed. The filing fee shall be distributed as provided by section 10
20 of this 2007 Act."

21 In line 17, delete "driving diversion" and insert "driver improvement".

22 In line 23, delete "driving diversion" and insert "driver improvement".

23 In line 26, delete "driving diversion" and insert "driver improvement".

24 In line 28, delete "diversion" and insert "agreement" in both places.

25 In line 31, delete "diversion".

26 In line 33, delete "driving diversion" and insert "driver improvement".

27 In line 34, delete "diversion" and insert "agreement".

28 In line 36, delete "diversion".

29 In line 37, delete "driving diversion" and insert "driver improvement".

30 In line 39, delete "driving diversion" and insert "driver improvement".

1 In line 41, delete "diversion".

2 In line 42, delete "diversion".

3 On page 5, line 5, delete "diversion" and insert "agreement".

4 In line 6, delete "driving diversion" and insert "driver improvement".

5 In line 13, delete "driving diver-".

6 In line 14, delete "sion" and insert "driver improvement".

7 In line 18, delete "diversion".

8 In line 20, delete "driving diversion" and insert "driver improvement".

9 In line 25, delete "driving diversion" and insert "driver improvement".

10 In line 27, delete "diversion".

11 In line 30, delete "diversion".

12 In line 31, delete "driving diversion" and insert "driver improvement".

13 In line 33, delete "diversion".

14 In line 34, delete "diversion".

15 Delete lines 35 through 45 and delete page 6 and insert:

16 **"SECTION 10. (1) The filing fee paid by a defendant at the time of**
17 **filing a petition for a driver improvement agreement as provided in**
18 **section 5 of this 2007 Act shall be \$237 and shall be ordered paid as**
19 **follows if the petition is allowed:**

20 **"(a) \$112 to be credited and distributed under ORS 137.295 as an ob-**
21 **ligation payable to the state;**

22 **"(b) \$100 to be treated as provided for disposition of fines and costs**
23 **under ORS 153.630; and**

24 **"(c) \$25 to be paid to the Department of Transportation for deposit**
25 **in the Driver Improvement Program Fund created under section 11 of**
26 **this 2007 Act, to be used for purposes of the fund.**

27 **"(2) In addition to the filing fee under subsection (1) of this section,**
28 **the court shall order the defendant to pay \$250 directly to the agency**
29 **or organization providing the driver improvement program.**

30 **"SECTION 11. The Driver Improvement Program Fund is created.**

1 The fund consists of moneys placed in the fund under section 10 of this
2 2007 Act and as otherwise provided by law and of gifts and grants made
3 to the fund for carrying out the purposes of the fund. The moneys in
4 the fund are continuously appropriated to the Department of Trans-
5 portation and may be used only for the following purposes:

6 “(1) To pay for providing driver improvement courses for individuals
7 who enter driver improvement agreements described in section 4 of
8 this 2007 Act and who are found to be indigent. Payment shall be
9 made as provided by the Department of Transportation by rule to
10 agencies or organizations providing the driver improvement program.

11 “(2) To pay for the driver improvement program.

12 “(3) To pay the cost of administration of the fund by the Depart-
13 ment of Transportation.

14 “(4) To pay for special services required to enable a disabled person,
15 or a person whose proficiency in the use of English is limited because
16 of the person’s national origin, to participate in driver improvement
17 programs that are required by driver improvement agreements under
18 section 4 of this 2007 Act. This subsection applies:

19 “(a) Whether or not the person is indigent; and

20 “(b) Only to special services required solely because of the person’s
21 disability or limited proficiency in the use of English.”

22