

House Bill 2627

Sponsored by Representative HICKS (Presession filed.)

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**.

Permits court to vacate judgment after termination of driving while under influence of intoxicants diversion agreement under certain conditions.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to driving while under the influence diversion agreements; and declaring an emergency.

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

4 **SECTION 1. (1) A person may apply by motion to the court in which a driving while under**
5 **the influence of intoxicants diversion agreement was terminated under ORS 813.255 for an**
6 **order to vacate the judgment.**

7 **(2) The court may grant the motion to vacate the judgment if the court finds that the**
8 **person made a good faith effort to complete the terms of the diversion agreement and the**
9 **only reason for issuance of a show cause order under ORS 813.255 was that the person had**
10 **not paid the fees required under ORS 813.200, 813.210, 813.235 and 813.240, and the person can**
11 **pay the fees within 30 days.**

12 **(3) A motion under this section must be filed within 180 days of the date the court en-**
13 **tered the judgment.**

14 **SECTION 2. Notwithstanding section 1 (3) of this 2013 Act, if a judgment was entered**
15 **before the effective date of this 2013 Act, a motion to vacate under section 1 of this 2013 Act**
16 **may be filed within 180 days of the effective date of this 2013 Act.**

17 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
19 **on its passage.**

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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.