



FREQUENTLY ASKED QUESTIONS GOVERNOR KATE BROWN'S REMISSION OF FINES ORDERS AND DRIVER'S LICENSE REINSTATEMENT OPPORTUNITY

Until recently, courts regularly suspended driver's licenses for nonpayment of traffic fines, without any inquiry into the financial circumstances of the driver or their ability to pay. The loss of a license thrusts low-income Oregonians into a court debt spiral because they often continue to rack up additional fines for driving with a suspended license to obtain goods and services to meet their basic needs, and they are less likely to get or keep a job to pay these fines without a license.

With the passage of HB 4210 in 2020, the Legislature acknowledged that this practice is bad public policy that disproportionately impacts low-income Oregonians and people of color. Unfortunately, while HB 4210 repealed license suspensions for nonpayment in Oregon, it left existing nonpayment-related license suspensions in place—and those suspensions may last up to 20 years. As a result, thousands of Oregonians remain burdened by these legacy suspensions of their driver's licenses that are no longer allowed under current Oregon law. Many of these individuals face abject and crippling poverty that a driver's license can help them climb out of.

On December 21, 2022, Governor Kate Brown remitted the fines and fees associated with years-old traffic violations imposed on Oregonians, the nonpayment of which or nonappearance on which caused legacy suspensions of their driver's licenses. The remission order forgives fines and fees related only to traffic violations; it does not forgive fines and fees related to traffic crimes (i.e. misdemeanors and felonies) and does not forgive restitution and compensatory fines owed to victims. The remission order has the effect of clearing the fines and removing the basis for the associated suspensions, enabling the affected individuals to seek reinstatement of their driver's licenses through the DMV.

Below are some commonly asked questions about the remission of fines order.

What is a remission of fines?

A remission of fines is the forgiveness of fines and fees that were imposed on an individual as a consequence for violating the law or committing a crime.

What is the Governor’s authority to remit fines and fees?

Under Article V, Section 14 of the Oregon Constitution, the Governor has the constitutional power to remit the fines and fees associated with Oregon convictions and violations.

On which cases were the underlying fines and fees remitted by the Governor’s remission orders?

On December 21, 2022, Governor Brown remitted the unpaid fines and fees associated with traffic violations that have resulted in subsequent driver’s license suspensions due to a failure to pay or comply or otherwise failing to appear in the case in a court in Oregon. The following additional criteria apply:

- The Driver and Motor Vehicles Division of ODOT (DMV) had an Oregon address for the affected person;
- DMV records reflect that the affected person is not deceased;
- The affected person has a driver’s license that is currently suspended or, due to the suspension, has downgraded to an ID card or has a valid hardship permit;
- The only sanction in Oregon preventing DMV from reinstating the affected person’s driver’s license is a Failure to Comply (nonpayment) or Failure to Appear sanction imposed in the underlying traffic violation case; and
- That sanction occurred prior to October 1, 2020.

Will the Governor’s remission orders forgive or remit any restitution or compensatory fines that are owed to victims?

No. The remission orders specifically exclude all restitution awards, as defined in ORS 137.103(3), and compensatory fines, as described in ORS 137.101.

Will the Governor’s remission orders remit fines and fees on underlying traffic offenses that are misdemeanors or felonies?

No. The remission orders specifically apply only to underlying traffic violations and exclude all underlying misdemeanor and felony convictions, as defined by Oregon law.

Will the Governor’s remission orders result in anyone being freed from incarceration?

No. The remission orders only forgive or remit fines associated with a violation and do not alter the incarceration portion of any sentences.

Will the Governor’s remission orders result in anyone’s violation being pardoned or expunged from their record?

No. The remission orders only forgive or remit fines associated with a violation and do not have the effect of pardoning the underlying violation. The underlying violation will still appear on that individual’s record.

How many cases were the underlying fines and fees remitted on?

The underlying fines and fees were remitted from approximately 13,300 cases by the Governor’s remission orders.

How many people does this impact?

As a result of this action, approximately 7,000 people had fines and fees remitted on cases that had active sanctions causing suspension of their driver's license; as a result, these same roughly 7,000 individuals will be eligible to seek reinstatement of their driver's license through the DMV.

How will I know if my case was included in the remission orders?

The Governor's remission orders include a list of affected people by first initial, last name, and case number. You can check the orders to see if your name and case number appear in the list. If you owe traffic fines in multiple courts, you will need to check the list for each court. If your case met the criteria described above, then the Governor's remission of your unpaid fines and fees associated with that case will go forward without your involvement, as described below. The Governor's remission orders, including the lists of cases, may be found [here](#).

My case is not listed in the remission orders. Can I get my case added to the order?

No. However, you can take action to address your individual license suspension and court debt. Please see the last question of this FAQ for resources.

How and when will my unpaid fines and fees be forgiven and my driver's license suspension lifted?

For circuit court cases: If your case was in a *circuit court* in Oregon and is listed in the remission order, then shortly after Governor Brown's remission order on December 21, 2022, the Oregon Judicial Department (OJD) will centrally remit all outstanding fines and fees, as directed by the remission order, on behalf of all circuit courts in Oregon for those cases listed in the remission order. OJD will then send notices of reinstatement to the DMV for each affected case. This "clearance" notice alerts DMV that there are no outstanding fines and fees associated with that case and that the person whose fines and fees were remitted is eligible to seek reinstatement of their suspended driver's license with DMV, subject to a check by DMV of their driving status with other states.

For municipal and justice court cases: If your case was in a *municipal or justice court* in Oregon, and is listed in the remission order *and* met the criteria outlined above, then each respective municipal or justice court is responsible for separately remitting its own outstanding fines and fees, in accordance with the terms of the Governor's remission order. The same municipal or justice court will then send notices of reinstatement to DMV for each affected case. This "clearance" notice alerts DMV that there are no outstanding fines and fees associated with that case, that the license suspension has been lifted, and that you will be eligible to seek reinstatement of your suspended driver's license with DMV, subject to a check by DMV of your driving status with other states. Municipal and justice courts will need time to clear out the balance and close each case, so please be patient as there is no expectation that this will happen immediately.

When will I be able to seek reinstatement of my driver's license?

If you have a *circuit court* case included in the remission order, then your suspension should be cleared within weeks. If you have a *municipal or justice court* case included in the remission order, the process may take longer—potentially up to a few months. Please be patient.

If you believe that your driver's license should be reinstated by DMV as a result of the Governor's remission order as applied to your case, please contact DMV at (503) 943-9000 or [here](#) by clicking the "Ask DMV a Question" box under the "Notify the DMV" tab for questions related to your driving privileges.

Will I be notified if the fines and fees were remitted on my case?

No. The aggregate information provided by DMV and OJD for these remission orders did not include identifying information such as addresses or other demographic information. Therefore, the Governor's office does not have contact information for individuals whose fines and fees were forgiven and will not notify individuals.

What was the total amount of unpaid fines and fees that was remitted from the 13,300 cases?

Approximately \$1,800,000, as of December 7, 2022, was remitted from circuit court cases in Oregon. The total amount of unpaid fines and fees that was remitted from cases in Oregon municipal and justice courts is unknown because neither DMV nor OJD has access to this information.

How will forgiveness of this unpaid debt impact the state and local jurisdictions?

The vast majority of the fines and fees forgiven by the Governor's orders are considered uncollectible debt. According to the Oregon Judicial Department (OJD), about 84% of the liquidated debt on its books is uncollectible. Much of the debt forgiven by the Governor's remission orders is held by OJD. OJD's collections data shows that most people who can afford to pay their violation fines do so right away, but for cases like those included in the Governor's orders, collections rates drop to roughly 10% in the second year of delinquency, and to 4% or lower in year three and beyond. Much of the debt forgiven by the Governor's remission orders has remained unpaid for three or more years and, as a result, is considered uncollectible.

I have unpaid fines and fees associated with a traffic violation and have had my license suspended for nonpayment. Why weren't the fines and fees associated with that case remitted by the Governor?

Governor Brown remitted certain unpaid fines and fees associated with traffic violations that had resulted in subsequent driver's license suspensions for Failure to Comply (nonpayment) or Failure to Appear. If your case is not included in the order, it is because you have a different type of suspension or you do not meet one of the other criteria listed in the order. Your fines and fees were not remitted if your license was suspended due to public safety-related sanctions.

Do the Governor's remission orders apply to cases in another state if the individual now lives in Oregon?

No. Governor Brown has the authority to remit the fines and fees associated only with Oregon cases.

Are non-citizens excluded from the Governor's remission orders?

No. Governor Brown's remission orders apply to both citizens and non-citizens, and do not exclude non-citizens who have a suspended driver's license.

What are the demographics of individuals with fines and fees that were remitted by the Governor's remission orders?

The information about the cases considered by the Governor did not include any demographic information.

My cases are not included in the order, but my license is suspended because of a Failure to Comply (nonpayment) or Failure to Appear sanction in a traffic violation case. What can I do?

You should first reach out to the court or courts in which you were sanctioned in your traffic violation case(s). In many cases, courts will be willing to work with you to develop payment plans or other arrangements to resolve outstanding fines and clear outstanding suspensions. If you need assistance seeking relief from court fines and fees, Oregon Law Center and Legal Aid Services of Oregon have prepared materials to help, including a step-by-step guide to addressing your court debt and a sample letter to the court. This information can be downloaded through [this link](#). To find your local legal aid office, [click here](#). **Please note that legal aid offices do not have information about the status of your fines/fees or steps you must take after your suspension has been cleared. For this information, please contact the respective court or the DMV.**

After contacting the respective court, if you are unable to resolve your suspension and you would like to request that the Governor remit certain fines and fees, you may apply for a remission of fines and fees by submitting [this form](#) to the Governor's office. The typical remission of fines and fees application process involves a case-by-case evaluation of your application by the Governor and staff in the Governor's office. A decision by the Governor, who has the sole discretion to grant or deny the application, is usually made within six to twelve months.