## CHAPTER 432

AN ACT HB 3047

Relating to suspension of driving privileges; creating new provisions; amending ORS 809.210, 809.220, 809.280, 809.415 and 809.416; repealing sections 1, 2, 3, 4 and 5, chapter 246, Oregon Laws 2013 (Enrolled House Bill 2986); and declaring an emergency.

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

**SECTION 1.** ORS 809.210 is amended to read:

809.210. (1) A court may do any of the following if the defendant is convicted of any traffic offense and fails or refuses to pay a fine imposed by the [*judge*] **court** or to comply with any condition upon which payment of the fine or any part of it was suspended:

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

(b) Order a defendant's driving privileges restricted.

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

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

(a) The [*judge*] **court** shall immediately advise the department of the restrictions.

(b) Upon removal of such restriction, the court shall notify the department that the restriction is ended.

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

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

(e) The restrictions may include any restriction, condition or requirement.

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

(4) If [*a judge*] **the court** issues **a** notice **of suspension that directs the department** to implement procedures under ORS 809.416 as provided under this section:

[*(a) The judge shall immediately send to the department notice upon payment of the fine as ordered.*]

**(a) And if, at any time within the period of suspension under this section, a person pays the fine, has begun making payments according to the payment schedule established by the court or has obeyed the order of the court, the court shall immediately send to the department a notice of reinstatement. The notice of suspension may be reissued if the person ceases making payments before the fine is paid in full. The reissuance does not extend the original period of suspension.**

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

(5) A court [*shall*] **may** not issue **a** notice **of suspension** under this section **that directs the department** to implement procedures under ORS 809.416 for failure to pay a fine relating to any parking offense, pedestrian offense or bicycling offense.

**(6) A notification by a court to the department under this section shall be in a form prescribed by the department.**

**SECTION 2.** ORS 809.220 is amended to read:

809.220. This section establishes procedures that are applicable if a person fails to appear on a citation for a traffic offense or **fails to appear on a citation** for a violation of ORS 471.430. All of the following apply to this section:

(1) If a defendant fails to make any appearance required by the court or by law in a proceeding charging the defendant with a traffic offense or with a violation of ORS 471.430, the court:

(a) Shall issue notice to the Department of Transportation to suspend for failure to appear if the defendant is charged with a traffic crime or with a violation of ORS 471.430. If a court issues notice under this paragraph, the department shall suspend the driving privileges of the person as provided under ORS 809.280.

(b) Shall issue notice to the department to implement procedures under ORS 809.416 if the defendant is charged with a traffic violation. If a court issues notice under this paragraph, the department shall implement procedures under ORS 809.416.

(2) In any notice to the department under this section, a court shall certify that the defendant failed to appear in the proceedings in the manner required by the court or by law.

(3) At any time within 10 years from the date [*of a notice to suspend for failure to appear given to the department under this section*] **the traffic offense or violation of ORS 471.430 occurred**, a court shall give a second notice to the department to reinstate the person's suspended driving privileges resulting from the original notice if any of the following occur:

(a) The fine for the offense is paid **or the defendant has begun making payments**.

(b) The court finds the defendant not guilty or orders a dismissal of the case.

(c) The court determines that the person's suspended driving privileges should be reinstated for good cause.

**(4) The court may reissue a notice of suspension if the person ceases making payments before the fine is paid in full. The reissuance does not extend the original period of suspension.**

[*(4)*] **(5)** Notifications by a court to the department under this section shall be in a form prescribed by the department.

[*(5)*] **(6)** A court [*shall*] **may** not notify the department under this section for failure to appear on any parking, pedestrian or bicyclist offense.

**SECTION 3.** ORS 809.416 is amended to read:

809.416. This section establishes circumstances that will make a person subject to suspension under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to suspension. The following apply as described:

(1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation receives notice from a court to apply this section under ORS 809.220. A person who is subject under this subsection remains subject until the person presents the department with notice issued by the court showing that the person is no longer subject to this section or until 10 years have elapsed **from the date the traffic offense or violation of ORS 471.430 occurred**, whichever is earlier. This subsection shall not subject a person to ORS 809.415 (4) for any pedestrian offense, bicycling offense or parking offense. Upon receipt of notice from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice required by this subsection.

(2) A person is subject to suspension under ORS 809.415 (4) if the department receives **a** notice **of suspension** from a court under ORS 809.210 **indicating** that a person has failed **or refused** to pay a fine or obey an order of the court. A person who is subject under this subsection remains subject until the person presents the department with **a** notice **of reinstatement** issued by the court showing that the person **is making payments,** has paid the fine or **has** obeyed the order of the court**,** or until [*10*] **20** years have elapsed **from the date the traffic offense occurred**, whichever is earlier. This subsection [*shall*] **does** not subject a person to ORS 809.415 (4) for failure **or refusal** to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt of **a** notice **of suspension** from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice **of reinstatement** required by this subsection.

(3) A person is subject to suspension under ORS 809.415 (4) if the person pays the department any fee or tax with a bank check and the check is returned to the department as uncollectible or the person tenders payment with a credit or debit card and the issuer of the card does not pay the department. A person who is subject under this subsection remains subject until the department receives the money for the fee or tax and any fee charged by the department under ORS 802.170 or until five years have elapsed, whichever is earlier.

**SECTION 4.** ORS 809.415 is amended to read:

809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who has a judgment of the type described under ORS 806.040 rendered against the person if the person does not settle the judgment in the manner described under ORS 809.470 within 60 days after its entry.

(b) A suspension under this subsection shall continue until the person does one of the following:

(A) Settles the judgment in the manner described in ORS 809.470.

(B) Has an insurer that has been found by the department to be obligated to pay the judgment, provided that there has been no final adjudication by a court that the insurer has no such obligation.

(C) Gives evidence to the department that a period of seven years has elapsed since the entry of the judgment.

(D) Receives from the court that rendered the judgment an order permitting the payment of the judgment in installments.

(c) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the existence of a motor vehicle liability insurance policy or the existence of some other means of satisfying financial responsibility requirements or of a person who, after certifying the existence of a motor vehicle liability insurance policy or other means of satisfying the requirements, allows the policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsibility requirements.

(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this subsection only if proof of compliance with financial responsibility requirements as of the date of the letter of verification from the department under ORS 806.150 is not submitted within 30 days after the date of the mailing of the department's demand under ORS 806.160.

(c) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(3)(a) The department shall suspend the driving privileges of a person who fails to comply with future responsibility filings whenever required under the vehicle code or fails to provide new proof for future responsibility filings when requested by the department.

(b) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(c) A person whose initial obligation to make future responsibility filings is not based upon a conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspension under this subsection. A person whose obligation to make future responsibility filings is based upon a conviction or other action by a court is entitled to administrative review under ORS 809.440 of a suspension under this subsection. A person whose suspension under this subsection is based on lapses in filing after the initial filing has been made is entitled to administrative review under ORS 809.440.

(4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The suspension shall continue until the earlier of the following:

(A) The person establishes to the satisfaction of the department that the person has performed all acts necessary under ORS 809.416 to make the person not subject to suspension.

(B) Ten years from the date the [*suspension is imposed*] **traffic offense or violation of ORS 471.430 occurred** if the suspension is imposed for a reason described in ORS 809.416 (1) [*or (2) or five*]**, 20** years from the date the [*suspension is imposed*] **traffic offense occurred** if the suspension is imposed for [*the*] **a reason described in ORS 809.416 (2) or five years from the date the suspension is imposed for a** reason described in ORS 809.416 (3).

(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(5) Upon determination by the department that a person has committed an act that constitutes an offense described in ORS 809.310, the department may suspend any driving privileges or any identification card of the person determined to have committed the act. A suspension under this subsection shall continue for a period of one year.

(6) Upon determination by the department that a person has submitted false information to the department for the purpose of establishing or maintaining qualification to operate a commercial motor vehicle or hold a commercial driver license, the department may suspend the commercial driver license or the person's right to apply for a commercial driver license. A suspension under this subsection shall continue for a period of one year.

**SECTION 5.** ORS 809.280 is amended to read:

809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation shall suspend the person's driving privileges. The suspension shall remain in effect until the department is notified by the court that the suspension is ended, except that, if the department is ordered to automatically reinstate the driving privileges upon the successful completion of a program, the department shall do so and shall notify the judge that the person has complied with the order of the judge.

(2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for a period not to exceed 90 days.

(3) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the department shall suspend the person's driving privileges and, subject to any other requirements of law, reinstate the driving privileges upon appropriate notification from the court under ORS 809.130, except that the department shall only impose the suspension after the department has determined that:

(a) The judgment was rendered against the person;

(b) The judgment has remained unsettled as described in ORS 809.470 for 60 days; and

(c) The judgment continues to be unsettled as described in ORS 809.470.

(4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend the person's driving privileges for an indefinite period. The department shall reinstate driving privileges that have been suspended under this subsection upon notification by the court or upon the elapse of 10 years from the date [*of suspension*] **the traffic offense or violation of ORS 471.430 occurred**, whichever comes first. The department may not suspend any driving privileges under this subsection for a person's failure to appear on a parking, pedestrian or bicyclist offense.

(5) Upon receipt of a court notice under ORS 810.310, the department shall suspend the person's driving privileges for an indefinite period. The department shall reinstate driving privileges that have been suspended under this subsection upon notification by the court or upon the lapse of 10 years from the date of suspension, whichever comes first.

(6) Upon receipt of a court order under ORS 809.260, the department shall suspend the person's driving privileges as follows:

(a) Upon receipt of the first order suspending driving privileges, the department shall suspend the person's driving privileges for one year, or until the person reaches 17 years of age, whichever is longer.

(b) Upon receipt of a second or subsequent order suspending driving privileges, the department shall suspend the person's driving privileges for one year or until the person reaches 18 years of age, whichever is longer.

(7) If the department receives notice from a court that it has withdrawn an order issued under ORS 809.260, the department shall immediately reinstate any driving privileges that have been suspended under subsection (6) of this section because of the issuance of the order.

(8) Upon receipt of a court order under ORS 165.805 or 471.430, the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for a period not to exceed one year.

(9) Upon receipt of a court order under ORS 809.265, the department shall suspend the person's driving privileges for six months.

(10) Upon receipt of a court order under ORS 809.235, the department shall permanently revoke the person's driving privileges. The revocation shall remain in effect until the department is notified by a court that the person's driving privileges have been ordered restored.

(11) When a court orders suspension of driving privileges under ORS 811.109 (4), the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for a period not to exceed 30 days.

(12) When a court orders suspension of driving privileges under ORS 811.109 (5), the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for not less than 30 days and not more than 90 days.

(13) Upon receipt of a court order under ORS 811.135, the department shall suspend the person's driving privileges for one year.

**SECTION 6. (1) The amendments to ORS 809.210, 809.220 and 809.280 by sections 1, 2 and 5 of this 2013 Act apply to offenses occurring before, on or after the operative date specified in section 7 of this 2013 Act.**

**(2) The amendments to ORS 809.415 and 809.416 by sections 3 and 4 of this 2013 Act apply to the issuance or reissuance of notices of suspension on or after the operative date specified in section 7 of this 2013 Act.**

**SECTION 7. (1) The amendments to ORS 809.210, 809.220, 809.280, 809.415 and 809.416 by sections 1 to 5 of this 2013 Act become operative October 1, 2013.**

**(2) The Department of Transportation may take any action before October 1, 2013, that is necessary to enable the department to implement the amendments to ORS 809.210, 809.220, 809.280, 809.415 and 809.416 by sections 1 to 5 of this 2013 Act on October 1, 2013.**

**SECTION 8. If House Bill 2986 becomes law, section 1, chapter 246, Oregon Laws 2013 (Enrolled House Bill 2986) (amending ORS 809.210), is repealed and ORS 809.210, as amended by section 1 of this 2013 Act, is amended to read:**

809.210. (1) A court may do any of the following if the defendant is convicted of any traffic offense and fails or refuses to pay a fine imposed by the court or to comply with any condition upon which payment of the fine or any part of it was suspended:

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

(b) Order a defendant's driving privileges restricted.

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

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

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

(b) Upon removal of such restriction, the court shall notify the department that the restriction is ended.

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

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

(e) The restrictions may include any restriction, condition or requirement.

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

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

(a) And if, at any time within the period of suspension under this section, a person pays the fine, has begun making payments according to the payment schedule established [*by*] **with** the court or has obeyed the order of the court, the court shall immediately send to the department a notice of reinstatement. The notice of suspension may be reissued if the person ceases making payments before the fine is paid in full. The reissuance does not extend the original period of suspension.

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

**(5)(a) At any time after the court issues a notice of suspension under this section, the person whose driving privileges have been suspended may seek reinstatement with the court if the person is enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered apprentice under ORS 660.020. The court shall issue a notice of reinstatement of the person's driving privileges if the person provides the court with a form that includes verification from the Bureau of Labor and Industries that the person is enrolled in a preapprenticeship program or is a registered apprentice.**

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

**(A) The name of the person who is enrolled in a preapprenticeship program or registered as an apprentice;**

**(B) A statement from the person's program, certifying that the person is enrolled in the preapprenticeship program or is a registered apprentice;**

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

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

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

**(c) Upon the request of a person whose driving privileges have been suspended under this section, the bureau shall seek to verify that the person is enrolled in a preapprenticeship program or is registered as an apprentice. If the bureau verifies that the person is enrolled in a preapprenticeship program or is registered as**

**an apprentice, the bureau shall include the verification on the form described in this subsection.**

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

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

[*(5)*] **(7)** A court may not issue a notice of suspension under this section that directs the department to implement procedures under ORS 809.416 for failure to pay a fine relating to any parking offense, pedestrian offense or bicycling offense.

[*(6)*] **(8)** A notification by a court to the department under this section shall be in a form prescribed by the department.

**SECTION 9. If House Bill 2986 becomes law, section 2, chapter 246, Oregon Laws 2013 (Enrolled House Bill 2986) (amending ORS 809.416), is repealed and ORS 809.416, as amended by section 3 of this 2013 Act, is amended to read:**

809.416. This section establishes circumstances that will make a person subject to suspension under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to suspension. The following apply as described:

(1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation receives notice from a court to apply this section under ORS 809.220. A person who is subject under this subsection remains subject until the person presents the department with notice issued by the court showing that the person is no longer subject to this section or until 10 years have elapsed from the date the traffic offense or violation of ORS 471.430 occurred, whichever is earlier. This subsection shall not subject a person to ORS 809.415 (4) for any pedestrian offense, bicycling offense or parking offense. Upon receipt of notice from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice required by this subsection.

(2) A person is subject to suspension under ORS 809.415 (4) if the department receives a notice of suspension from a court under ORS 809.210 indicating that [*a*] **the** person has failed or refused to pay a fine or obey an order of the court. A person who is subject under this subsection remains subject until **the earlier of the following:**

**(a)** The person presents the department with a notice of reinstatement issued by the court showing that the person**:**

**(A)** Is making payments, has paid the fine or has obeyed the order of the court[*, or until 20*]**; or**

**(B) Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered apprentice under ORS 660.020; or**

**(b) Twenty** years have elapsed from the date the traffic offense occurred[*, whichever is earlier*].

**(3)** [*This*] Subsection **(2) of this section** does not subject a person to ORS 809.415 (4) for failure or refusal to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt of a notice of suspension from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice of reinstatement required by this subsection.

[*(3)*] **(4)** A person is subject to suspension under ORS 809.415 (4) if the person pays the department any fee or tax with a bank check and the check is returned to the department as uncollectible or the person tenders payment with a credit or debit card and the issuer of the card does not pay the department. A person who is subject under this subsection remains subject until the department receives the money for the fee or tax and any fee charged by the department under ORS 802.170 or until five years have elapsed, whichever is earlier.

**SECTION 10. If House Bill 2986 becomes law, section 3, chapter 246, Oregon Laws 2013 (Enrolled House Bill 2986) (amending ORS 807.250), is repealed.**

**SECTION 11. If House Bill 2986 becomes law, section 4, chapter 246, Oregon Laws 2013 (Enrolled House Bill 2986) (amending ORS 809.415), is repealed and ORS 809.415, as amended by section 4 of this 2013 Act, is amended to read:**

809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who has a judgment of the type described under ORS 806.040 rendered against the person if the person does not settle the judgment in the manner described under ORS 809.470 within 60 days after its entry.

(b) A suspension under this subsection shall continue until the person does one of the following:

(A) Settles the judgment in the manner described in ORS 809.470.

(B) Has an insurer that has been found by the department to be obligated to pay the judgment,

provided that there has been no final adjudication by a court that the insurer has no such obligation.

(C) Gives evidence to the department that a period of seven years has elapsed since the entry of the judgment.

(D) Receives from the court that rendered the judgment an order permitting the payment of the judgment in installments.

(c) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the existence of a motor vehicle liability insurance policy or the existence of some other means of satisfying financial responsibility requirements or of a person who, after certifying the existence of a motor vehicle liability insurance policy or other means of satisfying the requirements, allows the policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsibility requirements.

(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this subsection only if proof of compliance with financial responsibility requirements as of the date of the letter of verification from the department under ORS 806.150 is not submitted within 30 days after the date of the mailing of the department's demand under ORS 806.160.

(c) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(3)(a) The department shall suspend the driving privileges of a person who fails to comply with future responsibility filings whenever required under the vehicle code or fails to provide new proof for future responsibility filings when requested by the department.

(b) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(c) A person whose initial obligation to make future responsibility filings is not based upon a conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspension under this subsection. A person whose obligation to make future responsibility filings is based upon a conviction or other action by a court is entitled to administrative review under ORS 809.440 of a suspension under this subsection. A person whose suspension under this subsection is based on lapses in filing after the initial filing has been made is entitled to administrative review under ORS 809.440.

(4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The suspension shall continue until the earlier of the following:

(A) The person establishes to the satisfaction of the department that the person has performed all acts necessary under ORS 809.416 to make the person not subject to suspension.

(B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the suspension is imposed for a reason described in ORS 809.416 (1), 20 years from the date the traffic offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2) or five years from the date the suspension is imposed for a reason described in ORS 809.416 [*(3)*] **(4)**.

(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(5) Upon determination by the department that a person has committed an act that constitutes an offense described in ORS 809.310, the department may suspend any driving privileges or any identification card of the person determined to have committed the act. A suspension under this subsection shall continue for a period of one year.

(6) Upon determination by the department that a person has submitted false information to the department for the purpose of establishing or maintaining qualification to operate a commercial motor vehicle or hold a commercial driver license, the department may suspend the commercial driver license or the person's right to apply for a commercial driver license. A suspension under this subsection shall continue for a period of one year.

**SECTION 12. If House Bill 2986 becomes law, section 5, chapter 246, Oregon Laws 2013 (Enrolled House Bill 2986), is repealed.**

**SECTION 13. The amendments to ORS 809.210 and 809.416 by sections 8 and 9 of this 2013 Act apply to offenses occurring before, on or after January 1, 2014.**

**SECTION 14. The amendments to ORS 809.210, 809.415 and 809.416 by sections 8, 9 and 11 of this 2013 Act become operative January 1, 2014.**

**SECTION 15. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**

Approved by the Governor June 18, 2013
Filed in the office of Secretary of State June 18, 2013
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