

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 5 - 3 - 1
Yeas: Barker, Cameron, Komp, Whisnant, Macpherson
Nays: Bonamici, Flores, Read
Exc.: Krieger
Prepared By: Darian Stanford, Counsel
Meeting Dates: 1/17, 4/27, 4/30

WHAT THE MEASURE DOES: Makes suspension of driving privileges effective 30 days after underage alcohol citation. Requires officers to provide notice of license suspension to underage offenders at time of citation and to immediately confiscate licenses. Establishes length of driving suspension at 90 days for first offense and a year for any subsequent offense. Authorizes temporary driving permits or hardship permits in certain situations. Establishes procedure for administrative and judicial review of driving suspensions. Allows Oregon Department of Transportation (ODOT) to charge fees connected with the reinstatement of driving privileges to cover costs.

ISSUES DISCUSSED:

- Concern among several juvenile judges as to (1) effectiveness of proposed suspension, (2) higher insurance costs on families due to suspension, (3) interfering with existing programs that judges feel are more effective

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Presently, ORS 471.430 provides that alcohol offenses by underage persons (possession/attempted possession of alcohol and entry/attempted entry into bars or certain clubs) are Class B violations punishable by a fine and perhaps treatment/community service as well as a driving license suspension.

HB 2152 enhances the license suspension sanction through providing for the (essentially) immediate administrative suspension of driving privileges for alcohol offenders between ages 15 and 21. The arresting officer would provide notice of the suspension at the time of the citation and would also seize the offender's license (even if it is an out-of-state license). The officer would then issue a temporary driving permit valid for the next 30 days. If the offender wishes to appeal this suspension, the offender has 10 days to file written notice with ODOT. ODOT must hear the appeal within 30 days (this hearing would require at least the administrative law judge, the officer, and the offender). If unsuccessful, the suspension becomes valid on the 31st day after the citation. Judicial review of the administrative appeal is available.

The length of the suspension is 90 days for first offenders and a year for all repeat offenders. An offender may obtain temporary/hardship/emergency driving permits in certain situations. To cover the costs of administering the program, ODOT is authorized to charge fees in connection with reinstating an offender's privileges.

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This summary has not been adopted or officially endorsed by action of the committee.