

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 9 - 0 - 0
Yeas: Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays: 0
Exc.: 0
Prepared By: Ellen Osoinach, Counsel
Meeting Dates: 2/28, 3/9

WHAT THE MEASURE DOES: Establishes that person who refuses to submit to blood or urine test under implied consent law commits offense. Directs that all fines collected for offense be deposited into the State Police Account for enforcement of driving under the influence of intoxicants laws.

ISSUES DISCUSSED:

- Current expenses incurred by Oregon State Police in conducting blood and urine testing
- High cost to society for refusal versus cost of fine to offender

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under Oregon's implied consent law, every person who operates a motor vehicle on a public roadway is expected to consent to chemical testing that can determine whether he or she is driving under the influence of intoxicants (DUII). The amount and type of intoxicants in a body can be measured using breath, blood, and urine tests. A breath or blood test must be used if the intoxicant is alcohol. A urine test must be used if the intoxicant is a controlled substance or inhalant.

Currently, a person who refuses to take a breath test under implied consent is subject to a fine of at least \$500 but no more than \$1,000. A person who refuses to take a blood or urine test, however, is not subject to a fine. HB 2562 makes all refusals under implied consent subject to fine.

Under current law, when a person is cited for refusal to submit to a breath test, the only revenue credited to the State Police Account is that which is collected by the Oregon State Police. HB 2562 changes the law so that all citation revenue collected under this section is credited to the State Police Account.