

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass As Amended and Be Printed Engrossed
Vote: 4 - 1 - 0
Yeas: Beyer, Prozanski, Walker, Burdick
Nays: Kruse
Exc.: 0
Prepared By: Darian Stanford, Counsel
Meeting Dates: 1/29, 3/21

WHAT THE MEASURE DOES: Grants exception to permanent driving privilege revocation under ORS 809.235 for persons convicted of misdemeanor driving under the influence of intoxicants (“DUII”) while operating nonmotorized vehicle.

ISSUES DISCUSSED:

- Distinction for bill is between motorized and nonmotorized vehicles, regardless of any licensing requirements
- Person is still subject to DUII prosecution, just not permanent license revocation

EFFECT OF COMMITTEE AMENDMENT: Fixes grammatical problems by deleting “If the person” from subpart (B). Adds requirement that burden of proving that prior DUII conviction was committed while operating non-motorized vehicle falls on person and not state.

BACKGROUND: ORS 809.235 provides for the permanent revocation of driving privileges for certain persons convicted of DUII. In relevant part, the statute applies to persons convicted of felony DUII or to persons convicted of misdemeanor DUII for a third or subsequent time.

Not all DUIIs involve motor vehicles. The DUII statute, ORS 813.010, prohibits “driv[ing] a vehicle” while under the influence of intoxicants. Occasionally, the state prosecutes persons for operating nonmotorized vehicles (*i.e.*, bicycles) under the DUII statute. This is often referred to either as a “PUII” (for “pedaling under the influence”-Multnomah County) or a “BUII” (for “biking under the influence”-Lane County).

SB 298 provides that there is no permanent revocation of driving privileges if the third or subsequent conviction is for operating a nonmotorized vehicle.