

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Eng. Measure (Printed B-Eng.)

Vote: 5 - 0 - 0

Yeas: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

Nays: 0

Exc.: 0

Prepared By: Shannon Sivell, Counsel

Meeting Dates: 5/21

WHAT THE MEASURE DOES: Imposes increased minimum fine for person convicted of driving under the influence of intoxicants (DUII) with blood alcohol level (BAC) of .15 percent or greater. Sets minimum fine at \$2,000.

ISSUES DISCUSSED:

- Ignition interlock systems
- Recidivism

EFFECT OF COMMITTEE AMENDMENT: Reduces minimum fine from \$2,500 to \$2,000.

BACKGROUND: The passage of this measure, specifically the increased fine for a BAC of .15 percent or greater may be essential for the state to continue receiving 410 Grant funds from the federal government. The Impaired Driving Program at the Oregon Department of Transportation Safety Division has been qualifying and receiving money under this grant for years. Funds under this grant may only be used for impaired driving programs. In the last four years, the National Highway Transportation Safety Administration (NHTSA) has tightened the grant criteria and become more prescriptive in what states must do in order to continue to receive the funds.

The grant criteria are listed in the graph below. Each of these criteria has sub-requirements that need to be met in order to qualify. For example, next year in order to qualify under criteria 5, "Alcohol Rehabilitation and DWI Court Program," Oregon will have to add one DUII court. Currently there are two, one in Multnomah County and one in Clackamas County. Other counties have expressed interest in starting DUII courts; however, it is not clear whether they will be funded and running by the deadline. If that goal is not met, the state will need to qualify under another criteria. The High Risk Driver Program in HB 2426B would meet this need. Additionally, the NHTSA has made it known that as a public policy decision the agency favors programs, such as the one in HB 2426B, that provide higher sanctions for drivers with a BAC of .15 percent or higher.

Programmatic Grant:

Applied	Qualifies	Programmatic Grant Criteria (Must Meet Five of Eight in 2009)
X		1. High Visibility Enforcement Program
X		2. Prosecution and Adjudication Program
X		3. BAC Testing Program
		4. High Risk Drivers Program (.15 percent or higher sanctions)
		5. Alcohol Rehabilitation and DUII Court (as of 2009, required to have three courts to qualify under this criteria, Oregon has two at this time)
X		6. Underage Drinking Prevention Program
		7. Administrative License Suspension or Revocation System
		8. Self-Sustaining Impaired Driving Prevention Program