

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass the A-Engrossed Measure  
**Vote:** 5 - 0 - 0  
**Yeas:** Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
**Nays:** 0  
**Exc.:** 0  
**Prepared By:** Anna Braun, Counsel  
**Meeting Dates:** 5/18

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**WHAT THE MEASURE DOES:** Allows the Oregon Department of Transportation to reschedule an implied consent hearing if the person's attorney is ill or has a scheduling conflict. Provides that the hearing may be rescheduled only one time for this purpose and that the hearing must be set within 45 days of the original hearing date.

**ISSUES DISCUSSED:**

- Emphasized license will remain suspended until hearing
- Prior practice of Department of Motor Vehicles

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** The Oregon Department of Transportation (ODOT) will suspend a person's license within 30 days of the date of arrest for a DUII or within 60 days of a failed breath test. A person has 10 days from the date of his or her arrest to request a hearing to determine the validity of the license suspension. The request must be sent in writing to ODOT. The hearing is held before an administrative law judge. Under current law, there is no provision in the statute allowing the hearing to be rescheduled if the person's attorney is not available on the date the hearing is set.