

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended, Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	9 - 1 - 0
<b>Yeas:</b>	Cameron, Garrett, Krieger, Olson, Smith J., Stiegler, Tomei, Whisnant, Barker
<b>Nays:</b>	Barton
<b>Exc.:</b>	0
<b>Prepared By:</b>	Anna Braun, Counsel
<b>Meeting Dates:</b>	2/3, 2/10

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**WHAT THE MEASURE DOES:** Requires implied consent hearings to be conducted by telephone or other two-way communication device. Applies to arrests after effective date. Allows any officer involved in the investigation to present evidence and argument at hearing, instead of officer who signed the citation. Sunsets January 1, 2014.

**ISSUES DISCUSSED:**

- Cost savings
- In person hearings compared to hearings by telephone

**EFFECT OF COMMITTEE AMENDMENT:** Changes language for consistency with telephonic hearings. Applies to arrests after effective date. Removes emergency clause. Adds a three year sunset (to end January 1, 2014) to the requirement of telephonic hearings. Removes the fee for requesting a hearing.

**BACKGROUND:** Implied consent hearings are conducted by hearings officers from the Office of Administrative Hearings. The purpose of the hearings is to determine whether a suspended license following an arrest for Driving Under the Influence of Intoxicants (DUI) was proper. If a person arrested for DUI refuses or fails a test, their driving privileges will be suspended. Currently, a person whose driving privileges have been suspended may request a hearing with an Administrative Law Judge to determine the validity of the suspension. A person who requests a hearing must do so within 10 days of arrest or 10 days of notice of suspension. Currently the hearings are held in person and must be held within 100 miles of the arrest site. The final order must be issued no later than 30 days from the date of arrest. The Department of Motor Vehicle reports that in 2009 they had 4,459 requests for hearing and 3,984 hearings were held. HB 3601A requires that the implied consent hearings be conducted by telephone or another electronic device. Current law allows only the officer who signs the citation to present evidence and argument at the implied consent hearing. HB 3601A allows any officer involved in the investigation to present evidence and argument at the hearing. Legislative Fiscal office states that there will be a cost savings and loss of position at the Office of Administrative Hearings associated with this bill.

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