

B-Engrossed
House Bill 3185

Ordered by the Senate May 16
Including House Amendments dated April 21 and Senate Amendments
dated May 16

Sponsored by Representative BERGER; Representatives MATTHEWS, OLSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates work group in Department of Transportation for purposes of evaluating system of mandatory reporting of persons with **persistent, episodic or other** cognitive or functional impairments that prevent those persons from driving safely. Requires work group to submit report to interim legislative committees related to transportation no later than October 1, 2012.

Sunsets task force on date of convening of 2013 regular session of Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to driving privileges; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) There is created in the Department of Transportation a work group on**
5 **reports of persons with persistent, episodic or other cognitive or functional impairment**
6 **consisting of the members appointed by the Director of Transportation, including but not**
7 **limited to:**

8 (a) **An employee of the department who is knowledgeable about the regulation of driving**
9 **privileges in this state.**

10 (b) **An employee of the department who is knowledgeable about research methods.**

11 (c) **A physician in general practice.**

12 (d) **A physician specializing in geriatrics or an expert in gerontology.**

13 (e) **An expert in identifying and treating medical conditions that impair cognitive and**
14 **physical abilities.**

15 (f) **An expert in how persistent, episodic or other cognitive and functional impairments**
16 **affect driving ability.**

17 (g) **An expert in the complex task of operating a motor vehicle, such as a person whose**
18 **profession is to train or evaluate others in driving.**

19 (h) **A person who is an advocate for senior citizens.**

20 (i) **A representative of the Oregon State Police.**

21 **(2) The work group shall:**

22 (a) **Evaluate the department's current system for mandatory reporting on persons with**
23 **cognitive or functional impairments.**

24 (b) **Identify barriers to reporting, if any, by health care professionals.**

25 (c) **Consider evidence-based assessment tools that may be used by health care profes-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 sionals or the department to inform the department's decision as to whether a person lacks
2 the cognitive or physical abilities to safely maintain their driving privileges.

3 (d) Consider the value of and the cost and methodology for developing a new evidenced-
4 based assessment tool.

5 (e) Consider the value of and the cost and methodology for developing age-based renewal
6 and testing requirements.

7 (f) Consider whether the standards for "cognitive or functional impairment" under ORS
8 807.710 (2) and "severe and uncontrollable impairment" under the department's administra-
9 tive rules are the appropriate standards for mandatory reporting and whether other terms
10 such as "persistent" and "episodic" should be added to the department's administrative rules
11 or to the Oregon Revised Statutes, the purpose of which is to further highway safety by re-
12 moving driving privileges from those who no longer possess the ability to safely operate a
13 motor vehicle.

14 (g) Determine whether other components of the mandatory reporting system need to be
15 examined and evaluate those components if necessary.

16 (3) The work group may evaluate the current system for voluntary reporting by individ-
17 uals to determine whether it needs to be modified in conjunction with mandatory reporting
18 system.

19 (4) A majority of the members of the work group constitutes a quorum for the trans-
20 action of business.

21 (5) Official action by the work group requires the approval of a majority of the members
22 of the work group.

23 (6) The work group shall elect one of its members to serve as chairperson.

24 (7) If there is a vacancy for any cause, the director shall make an appointment to become
25 immediately effective.

26 (8) The work group shall meet at times and places specified by the call of the chairperson
27 or of a majority of the members of the work group.

28 (9) The work group may adopt rules necessary for the operation of the work group.

29 (10) The work group shall submit a report, including findings and recommendations for
30 legislation, to the interim legislative committees relating to transportation no later than
31 October 1, 2012.

32 (11) The department shall provide staff support to the work group.

33 (12) Members of the work group are not entitled to compensation or reimbursement for
34 expenses and serve as volunteers on the work group.

35 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
36 the work group in the performance of its duties and, to the extent permitted by laws relating
37 to confidentiality, to furnish such information and advice as the members of the work group
38 consider necessary to perform their duties.

39 **SECTION 2.** Section 1 of this 2011 Act is repealed on the date of the convening of the 2013
40 regular session of the Legislative Assembly as specified in ORS 171.010.

41 **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public
42 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
43 on its passage.