



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Director's Office
355 Capitol St. NE
Salem, OR 97301

DATE: March 21, 2013
TO: House Committee on Judiciary
FROM: Amy Joyce, Legislative Liaison
SUBJECT: House Bill 3176

INTRODUCTION

HB 3176 reduces the length of time before a person whose driving privileges have been revoked may seek restoration of driving privileges. Over 12,000 people are under such a revocation.

DISCUSSION

Current law requires revocation of driving privileges upon conviction of particular crimes. One statute requires a court to impose a "permanent" revocation (ORS 809.235) for crimes ranging from murder, provided the court finds that a motor vehicle was intentionally used as a weapon, to a third conviction for DUII. A different statute requires DMV to administratively enter a revocation for those same crimes as well as for aggravated driving while suspended or revoked (ORS 809.409). If "permanently" revoked by the court, the law allows the person to petition the court for an order to restore driving privileges. That petition may be filed ten years after sentencing or release from incarceration. Only if the court grants the petition may DMV then allow the person to reinstate. If the person's driving privileges were administratively revoked by DMV, the person may simply apply to DMV for reinstatement after ten years. HB 3176 shortens both of those ten-year periods to five years.

To implement the bill DMV would notify affected individuals, as well as make changes to computer systems, notices, and procedures regarding the reduced time period for eligibility to reinstate driving privileges. One area of concern is the loss of history on DMV records once revocations periods are updated. If the bill were to pass, a person's administrative revocation might now show as ending in 2009, whereas currently it is not set to end until 2014. That person might also have a conviction for Driving While Revoked in 2010. Such record discrepancies can lead to confusion in other jurisdictions that view a person's record, or may lead the person to argue or even litigate that the Driving While Revoked conviction was inappropriate.

DMV has determined the following numbers of revoked persons potentially would be affected by this change:

- 12,649 people currently are revoked under either statute..
- Of the 12,649, there are 11,197 who are judicially revoked and so would have to petition the court for restoration of driving privileges. 11,142 of those are revoked due to multiple DUII's.
- The remaining 1,452 individuals are administratively revoked. It is unknown how many would be immediately eligible to reinstate due to the bill's change.
- 1,507 individuals (difference between 12,649 total and 11,142 DUII revocations) are revoked for reasons such as Assault 1, Manslaughter, Negligent Homicide, etc.

SUMMARY

A significant number of revoked individuals will be affected by a reduction in the length of time before which the revocation might be lifted. All other provisions of ORS 809.235 and 809.409 would remain unchanged, including the requirement for subject individuals to either petition the court for restoration or apply to DMV for reinstatement, as each person's situation requires.