



DATE: April 23, 2013

TO: Senate Committee on Business and Transportation

FROM: Amy Joyce, Legislative Liaison

SUBJECT: HB 2195, recommendation of the At-Risk Driver Work Group

INTRODUCTION

HB 2195 would implement one change recommended by the At-Risk Driver Work Group, formed by legislation in the 2011 session. The At-Risk Driver program is required in statute and administered by the Department of Transportation, Driver and Motor Vehicle Services Division (DMV). It identifies people who perhaps should no longer be driving.

BACKGROUND

Medical eligibility for a driver license and mandatory reporting requirements for medical professionals have been part of Oregon law for over 60 years. In 1999, at the direction of the legislature and after extensive study, a committee of experts concluded that it is the cognitive and functional impairments resulting from a medical condition that affect a person's ability to drive safely—not a person's age or a specific medical diagnosis. The committee's recommendations regarding these new standards were adopted by the legislature in 2001.

Between the statutory change and the rule-making that followed over the next several years, the At-Risk Driver Program developed into a two-pronged system of mandatory reporting and non-mandatory reporting, based on the premise that a driver with a functional or cognitive impairment should be reported to DMV if the impairment is both severe and uncontrollable:

- Primary care providers were designated as mandatory reporters. They were given immunity for their reporting decisions.
- Anyone may report a person whom they believe should no longer be driving or should be retested by DMV (reports typically come from health care providers, law enforcement, or family). Non-mandatory reporters were not given immunity for reporting.

DMV is authorized to immediately suspend the driving privileges, and to require a person to re-establish eligibility for driving privileges. These individuals must pass DMV tests and obtain medical clearance. DMV employs Medical Determination Officers to assist in those determinations.

The 2011 legislature passed HB 3185 directing that a Work Group be formed to analyze the current program and make recommendations on particular features of the program. That work group has a single recommendation for legislative change, in addition to administrative level changes. They found the whole program to be working very well.

SUMMARY

HB 2195 would make the one statutory change recommended by the At-Risk Driver Work Group: providing immunity to those people who are not required by law to report people to DMV, but who do so voluntarily.