



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

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

DATE: May 14, 2013
TO: Senate Judiciary Committee
FROM: Amy Joyce, Legislative Liaison
SUBJECT: HB 2121A, Proof of Treatment Completion after DUII Conviction

INTRODUCTION

This bill is the product of an interim work group on Driving Under the Influence of Intoxicants (DUII). The 2012 Legislature placed temporary authority on DMV to verify completion of alcohol and drug treatment after a DUII conviction, and to grant exceptions in limited circumstances, before reinstating driving privileges. That authority sunsets January 2, 2014. HB 2121A extends the requirement to show proof of treatment, but transfers to the courts the authority to grant exceptions.

DISCUSSION

For many years DMV's administrative rules required proof of treatment completion before it could reinstate the driving privilege of a person convicted of DUII. This reinforced the law's requirement that a DUII offender complete treatment that meets the approval of Oregon Health Authority (OHA). In 2011 DMV, while attempting to amend its rule, discovered that the statutory authority for the rule was questionable. In addition, DMV was encountering an increasing number of problematic cases. Examples of these cases include judges not ordering any treatment, judges ordering treatment at a facility not on the OHA-approved list, treatment completed out of state, offenses committed decades ago followed by years of verified sobriety, etc. The situation called out for an exceptions process, but also for fundamental reanalysis of which entity was suited best for this gatekeeper role.

This two-fold problem—debatable legal authority for the rule and an evolving practical landscape that questioned DMV's role in the process—lead to HB 4011 in 2012. HB 4011 gave clear legal authority for DMV to require proof of treatment as a condition of driver license reinstatement, gave DMV authority to grant exceptions, but sunset the authority in 2014 so a permanent solution would be fashioned.

The interim DUII work group produced HB 2121, and the bill was worked further in the House Judiciary Committee. Under the bill, DMV would require proof of treatment before reinstating driving privileges. The bill allows a person to apply to the court for an Order finding that the person has taken sufficient steps to satisfy the requirement. The bill also ends the requirement 15 years from date of DUII conviction.

CONCLUSION

HB 2121 continues to have DMV in the gatekeeper role to ensure treatment completion prior to reinstating the driver license. The bill shifts the exceptions process to the courts, and ends the requirement completely after 15 years.