



# Oregon

Kate Brown, Governor

Department of Transportation

Director's Office

355 Capitol St. NE, MS 11

Salem, OR 97301

**DATE:** March 16, 2015

**TO:** House Committee on Transportation and Economic Development

**FROM:** Amy Joyce, Legislative Liaison

**SUBJECT:** HB 2819, age-based renewal of driver licenses

## INTRODUCTION

The bill establishes an accelerated schedule for renewal of a driver license that is based on the age of the applicant, and that requires the person to pass a driving test or bring in a medical certification. The statutory At Risk Driver program is the way Oregon currently identifies people who may no longer be qualified to drive.

## DISCUSSION

Current law requires driver license renewal every eight years. Under the bill licensees over the age of 71, depending on their age at last renewal, would have a renewal date somewhere between the 79<sup>th</sup> and 82<sup>nd</sup> birthday. To be approved for renewal, each of these people would need to pass a driving test. In the alternative the person may submit a certification, signed by an appropriate medical professional, that the person does not have a cognitive or functional impairment affecting the person's ability to safely operate a motor vehicle.

Oregon's system to identify people with cognitive or functional impairments making them unsafe to drive is the At-Risk Driver program. Rather than being focused on age the program is focused on cognitive and physical issues that make a person an unsafe driver. These can be temporary or permanent conditions, and they are based on ability rather than a specific diagnosis.

A person's primary care provider is a mandatory reporter under the law. If the patient meets certain criteria, specified in administrative law, the provider is required to report the patient to DMV. At that level, typically the person's license is suspended almost immediately. The customer has the opportunity to provide further medical information and to request an administrative hearing. DMV employs physicians called Medical Determination Officers (MDOs) who review medical records to determine if a person's license should be suspended or, if already suspended under the program, whether their condition is such that they should be allowed to re-test to try to get back the driver license.

The program also encompasses a non-mandatory element. Anyone can report someone to DMV whom they deem to no longer be able to safely drive, or should be retested. This might be a physician, other medical provider, law enforcement, family member, neighbor, etc. DMV's program manager reviews that information. If there appears to be legitimacy to the concern, DMV has several options. The program manager may submit the information to an MDO for a

recommendation. They may require the customer to come in and take one or more tests of their ability to drive (vision, knowledge, behind-the-wheel). In the vast majority of those cases, the person is not immediately suspended.

Oregon's program – which focuses on abilities rather than a diagnosis or age – is held up as a model around the nation. In 2011 the legislature passed a bill requiring a group of experts to comprehensively look at the At Risk Driver program, make findings, and recommend changes (HB 3185). The 2013 Legislature passed the bill that implemented the very minor program changes the work group suggested (HB 2195).

This was not the first legislatively created group to study the way Oregon identifies drivers who should no longer be driving. The 1999 Legislature directed a committee to study the effects of aging on driving ability. The work of the Older Driver Advisory Committee resulted in legislation in 2001 to revise then-existing mandatory reporting laws. It also directed DMV to convene a Medical Work Group of experts in medicine, cognitive and functional impairments to adopt reporting requirements by designating the types of health care providers who would report and the types of impairments likely to impact safe driving.

In 2003, after consultation with the Medical Work Group, DMV adopted administrative rules outlining the new mandatory reporting program. Finally, in that session the statute was revised to provide confidentiality for mandatory reports and to protect mandatory reporters from any civil liability that might result from making, or not making, a mandatory report.

The impairment-based mandatory medical reporting process was designed to be a partnership between physicians, other health care providers, and DMV. DMV, at the direction of the legislature and with the strong involvement of multiple groups of experts, crafted this program to preserve the independence and dignity that results from providing one's own mobility, so long as it is possible to do so without risk to oneself or others. Oregon's criteria are not age-based, but solely based on whether a driver has physical, cognitive or medical limitations that affect their ability to drive a vehicle.

Going to an age-based renewal and re-testing program will be a significant impact to DMV systems and workload.

## **SUMMARY**

The current At Risk Driver program was recently studied and its effectiveness confirmed by a Task Force of experts created by the legislature. Changing to an age-based renewal including a drive test will be a large impact to the agency.