

SB 1538 -1, -8 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/7, 2/15

WHAT THE MEASURE DOES:

Replaces probationary driving permits with hardship permits. Standardizes requirements for hardship permits. Repeals notice requirement of hardship permits to law enforcement agencies. Eliminates family necessity hardship permits. Prohibits hardship permit for second or subsequent driving under the influence of intoxicants conviction that occurs within a five-year period. Repeals restoration of habitual offender revocation requirements. Repeals driver license suspensions for certain student behavior, nondriving-related actions by minors, and criminal offenses involving controlled substances. Repeals school attendance requirements for persons under age 18 to obtain driving privileges and cancelation of driving privileges for a minor upon parental request. Eliminates suspension for littering, misrepresentation of age by a minor, failure to pay certain taxes, uncollectible payment to the Department of Transportation, failure to use same name, giving false information to a police officer, transfer of documents for misrepresentation of age, perjury or false affidavit for certain vehicle transactions, and theft of gasoline. Limits license suspensions for minors' use of controlled substances to when those offenses involve the operation of a motor vehicle. Limits license suspensions for persons under age 21 for use of alcohol or cannabis to when those offenses involve the operation of a motor vehicle. Allows operation of motor vehicle in Oregon by member of the commissioned corps of the National Oceanic and Atmospheric Administration without an Oregon license during the person's duties. Allows these persons and their spouses to operate a motor vehicle in Oregon without an Oregon license if they have a current out-of-state license. Makes conforming and technical amendments.

ISSUES DISCUSSED:

- Explanation of the -1 amendment
- Study showing that teens are a high risk for vehicle accidents
- Current law allows parents to cancel a minor child's driving privilege
- Impetus for the bill and national movement to end license suspensions for incidents unrelated to driving
- Oregon has approximately 650,000 people with a suspended license at any one time

EFFECT OF AMENDMENT:

-1 Removes section 20, which would preclude the Department of Revenue from suspending commercial driver licenses for failure to file or pay certain taxes or returns.

-8 Removes repeal of statute establishing school requirements for minors to obtain driver license. Removes repeal of statute allowing parent to cancel minor child's driver license. Removes section 20, which would preclude the Department of Revenue from suspending commercial driver licenses for failure to file or pay certain taxes or returns. Modifies law allowing court to suspend minor's driver license for misrepresentation of age in order to purchase alcohol. Modifies law allowing court to suspend a minor's driver license for offenses involving the delivery, manufacture, or possession of controlled substances; or for the possession, use, or abuse of alcohol or cannabis. Makes conforming amendments.

BACKGROUND:

Senate Bill 969 (2015) created the Joint Interim Task Force on Reentry, Employment and Housing (Task Force). The Task Force was mandated to study and recommend actions that state and local governments could take to improve reentry for persons with a criminal conviction, and assist in expanding housing and employment opportunities. The Task Force found that a driver's license is critical for obtaining employment and independence. In Oregon, a license can be suspended for a number of reasons unrelated to the operation of a motor vehicle. The Task Force heard from the State of Washington about its efforts to reform license suspension practices, including elimination of several suspensions that were unrelated to the operation of a motor vehicle. Ultimately, the Task Force recommended legislation reforming driver's license suspensions. Senate Bill 1538 encompasses much of the Task Force's recommendations.

Oregon law has two separate statutes governing hardship driver permits and probationary driver permits. The latter are issued to persons who have their licenses revoked as habitual offenders. Hardship permits are issued to people for a variety of reasons, such as getting to and from work, after having a license suspended for certain reasons, such as driving under the influence of intoxicants.

Senate Bill 1538 makes several changes to provisions involving driver license suspensions, permits and hardship permits. First, it eliminates probationary driving permits. It also standardizes the various requirements for a hardship permit and allows habitual offenders to obtain a hardship permit. Next, SB 1538 eliminates several types of driving privilege suspensions that are unrelated to the operation of a motor vehicle, such as suspensions for littering. SB 1538 also specifies that these changes are applicable to hardship permits, driving privilege suspensions or revocations issued on or after the bill's effective date. Hardship permits, probationary permits, and driving privilege suspensions or revocations issued prior to that date are governed by the applicable laws in effect at the time of the most recent suspension.