

SB 1538 A -A10, -A11 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/26

WHAT THE MEASURE DOES:

Replaces probationary driving permits with hardship permits. Standardizes requirements for hardship permits. Repeals requirement to notify law enforcement agencies of hardship permits. 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 requirement for restoration of habitual offender revocation to reinstate license after five years. Repeals driver license suspensions for certain student behavior and criminal offenses involving controlled substances. Eliminates suspension for littering, 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. Modifies law allowing court to suspend minor's driver license for misrepresentation of age in order to purchase alcohol; offenses involving the delivery, manufacture, or possession of controlled substances; and offenses involving possession, use, or abuse of alcohol or cannabis. Allows member of the commissioned corps of the National Oceanic and Atmospheric Administration to operate motor vehicles in Oregon 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 driver license, if they have a current out-of-state license or driver permit. Makes conforming and technical amendments.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A10 Allows court to suspend a minor's driver license for the offense of misrepresentation of age, when the offense is committed to purchase or consume cannabis and it is either the minor's second offense; first offense, if the offense involved the operation of a motor vehicle; or first offense if the person has previously entered into a formal accountability agreement. Provides exception to offense when the minor is acting at the direction of the Oregon Liquor Control Commission or a licensee to purchase marijuana items.

-A11 Allows court to suspend a minor's driver license for the offense of misrepresentation of age when the offense is to purchase or consume cannabis. Provides exception to offense when the minor is acting at the direction of the Oregon Liquor Control Commission or a licensee to purchase marijuana items. Allows court to impose license suspension on first offense of a minor involving controlled substances, alcohol, or cannabis, regardless of whether the offense involved the operation of a motor vehicle or a prior formal accountability agreement.

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-A 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-A makes several changes to provisions involving driver license suspensions and driving 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-A eliminates several types of driving privilege suspensions that are unrelated to the operation of a motor vehicle, such as suspensions for littering. SB 1538-A also specifies that these changes are applicable to hardship permits and 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.