

SB 1538 B STAFF MEASURE SUMMARY

Carrier: Rep. Olson

House Committee On Judiciary**Action Date:** 02/27/18**Action:** Do pass with amendments to resolve conflicts. (Printed B-Eng.)**Vote:** 10-0-1-0**Yeas:** 10 - Barker, Gorsek, Greenlick, Post, Power, Sanchez, Sprenger, Stark, Vial, Williamson**Exc:** 1 - Olson**Fiscal:** Fiscal impact issued**Revenue:** Revenue impact issued**Prepared By:** Whitney Perez, Counsel**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. Permits court to suspend minor's driver license for the offense of misrepresentation of age when it is to purchase or consume cannabis on the second offense; the first offense, if the offense involved the operation of a motor vehicle; or the first offense, if the person has previously entered into a formal accountability agreement. Modifies law allowing court to suspend minor's driver license for misrepresentation of age in order to purchase or consume 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:

- Provisions for medical related suspensions
- Need for courts to impose license suspensions on minors in certain circumstances
- National movement to reduce the number and type of suspensions that are unrelated to driving activities

EFFECT OF AMENDMENT:

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. Contains conflict amendment.

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

SB 1538 B STAFF MEASURE SUMMARY

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-B 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-B makes several changes to provisions involving driver license suspensions and driving permits. SB 1538-B includes members of the National Oceanic and Atmospheric Administration and their spouses within Oregon driver license exceptions that currently pertain to military members in Oregon. It also eliminates probationary driving permits. It standardizes the various requirements for a hardship permit and allows habitual offenders to obtain a hardship permit. Finally, SB 1538-B eliminates several types of driving privilege suspensions that are unrelated to the operation of a motor vehicle, such as suspensions for littering. SB 1538-B 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.

**REVENUE IMPACT OF
PROPOSED LEGISLATION**
79th Oregon Legislative Assembly
2018 Regular Session
Legislative Revenue Office

Bill Number: SB 1538 - B
Revenue Area: DMV Fees
Economist: Mazen Malik
Date: 02-27-2018

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Measure Description:
Eliminates probationary driver permits.

Revenue Impact:

<u>Revenue BN</u>	<u>2017-19</u>	<u>2019-21</u>	<u>2021-23</u>
Total Revenue <u>Reduction</u>	(\$73,574)	(\$278,847)	(\$282,131)

Impact Explanation:

The measure will result in a revenue loss due to decreased reinstatement and hardship applications. DMV estimates a decrease of 2,591 reinstatements and 50 hardship permits during the 2017-2019 biennium, and 10,364 reinstatements and 50 hardship permits during the 2019-2021 biennium. The amended measure resolves conflicts with another bill (HB 4055, and possibly HB 4062) that changes the category of the permit. The amendment also makes it permissive for the court to suspend driving privileges instead of mandatory.

Creates, Extends, or Expands Tax Expenditure: Yes No

Only Impacts on Original or Engrossed Versions are Considered Official

Prepared by: Tim Walker
 Reviewed by: Gregory Jolivette, Steve Bender, John Borden
 Date: February 27, 2018

Measure Description:

Eliminates probationary driver permits.

Government Unit(s) Affected:

Oregon Department of Transportation (ODOT), Department of Revenue (DOR), Oregon Judicial Department (OJD)

Summary of Expenditure Impact:

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

ODOT	2017-19 Biennium	2019-21 Biennium
Other Funds	31,858	-8,366
Total Funds	\$31,858	-\$8,366
Positions	0	
FTE	0.00	

Summary of Revenue Impact:

ODOT	2017-19 Biennium	2019-21 Biennium
Other Funds	-73,574	-278,847
Total Funds	-\$73,574	-\$278,847

Analysis:

Senate Bill 1538 eliminates certain suspensions that do not relate to driving. The bill eliminates probationary permits and makes changes to the requirements to obtain a hardship permit. The bill also expands the list of persons allowed to operate a vehicle without obtaining an Oregon driver license to include members of commissioned corps of the National Oceanic and Atmospheric Administration and their spouses under certain conditions. The measure also restores the ability of the Department of Revenue to request commercial driver license suspension for the failure to pay taxes.

This measure will require the Oregon Department of Transportation (ODOT) to reprogram Division of Motor Vehicles (DMV) computer programs to reflect the changes due to this measure. In addition, this measure will require changes to rules, forms, training, and processes in DMV. DMV anticipates limited cost savings on printed materials and postage related to these transactions. DMV also anticipates a decrease in revenue with respect to the decrease in reinstatement and hardship applications. This measure will result in \$2,092 OF savings in 2017-19 and \$8,366 OF savings in 2019-21 due to a decrease in suspensions, reinstatements, and hardship applications.

There is a minimal fiscal impact to Department of Revenue and the Oregon Judicial Department.