

HB 3176 A STAFF MEASURE SUMMARY

Carrier: Rep. Holvey

House Committee On Judiciary

Action Date: 04/06/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 10-0-0-0

Yeas: 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Amie Fender-Sosa, Counsel

Meeting Dates: 3/10, 3/24, 3/31, 4/1, 4/6

WHAT THE MEASURE DOES:

Allows chief administrative law judge to require an implied consent hearing (regarding suspension of driving privileges) be conducted by telephone or other two-way electronic communication when the judge determines that an in-person hearing would pose a significant risk to health or safety, including risks associated with travel to the hearing location. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Breathalyzer tests; driving under the influence of intoxicants
- Court locations temporarily closed
- Delays for in-person hearings
- COVID-19
- Court access
- Other types of administrative hearings

EFFECT OF AMENDMENT:

Adds emergency clause, making the bill effective on passage.

BACKGROUND:

Currently, implied consent hearings are conducted by telephone or other electronic communication, unless a person or police officer requests that the hearing be conducted in person. In addition, unless there is an agreement between the person and the Oregon Department of Transportation (ODOT) that the hearing be held elsewhere, the hearing must be held either in the county where the alleged offense occurred or within 100 miles of where the alleged offense occurred, as determined by ODOT in rule.

House Bill 3176 A allows the chief administrative law judge to require an implied consent hearing be conducted by telephone or other electronic communication when the judge determines that an in-person hearing would pose a significant risk to health or safety.