

**HB 3176 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110  
Implementation**

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**Action Date:** 05/19/21  
**Action:** Do pass the A-Eng bill.  
**Vote:** 4-3-0-0  
**Yeas:** 4 - Dembrow, Gelser, Manning Jr, Prozanski  
**Nays:** 3 - Heard, Linthicum, Thatcher  
**Fiscal:** No fiscal impact  
**Revenue:** No revenue impact  
**Prepared By:** Amie Fender-Sosa, Counsel  
**Meeting Dates:** 5/13, 5/19

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**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:**

- Effectiveness of administrative hearings operations during emergencies like COVID-19
- Provisions of measure

**EFFECT OF AMENDMENT:**

No amendment.

**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.