



Oregon

Kate Brown, Governor

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TO: Joint Committee on Ways and Means
Subcommittee on Transportation and Economic Development

FROM: Amy Joyce, Legislative Liaison
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SUBJECT: SB 693-A, driver license suspensions and hardship permits

INTRODUCTION

SB 693-A will eliminate several driver license suspensions for non-driving related offenses, and will streamline the requirements for hardship permits to operate a vehicle while suspended.

BACKGROUND

At any one time, Oregon has about 650,000 people with suspended driving privileges – with 2.6 million active suspensions – on their record. Each year DMV processes roughly 360,000 suspensions on over 200,000 individual drivers.

Oregon law requires license suspension for many driving-related offenses such as DUII, or the Driver Improvement Program which requires administrative suspension if a person has too many moving violations in a short period of time. Oregon law also requires suspension for several offenses unrelated to driving. These include drug possession, theft of gasoline, littering. Finally, there are suspensions that span somewhere between a driving offense and something completely unrelated. These include such offenses as failure to appear in court or pay a traffic ticket. DMV has more than 400 separate codes for the various ways Oregon law requires suspension or revocation.

The laws granting limited driving privilege permits when suspended or revoked also are complex. The law provides for “hardship permits” for suspensions, and “probationary permits” for revocations. Various statutes allow a hardship permit for some offenses, such as DUII, vehicular assault, and reckless driving. But the statutes do not allow a hardship permit for other, arguably less serious offenses such as providing false information on the driver license application, or a conviction for possession of drugs. Permits allow the person to drive to work, substance abuse treatment, or for family medical needs. Some permits also allow use of the permit for “family necessities” such as grocery shopping, back and forth to school (for the person or their child), and caring for elderly family members. Specific proof is required to demonstrate each need, the permit must be limited to specific times of day, and DMV may impose other restrictions. The complexity of the hardship and probationary permit laws has necessitated DMV housing a handful of experts at headquarters; the permits are not issued in the field.

DISCUSSION

SB 693-A eliminates several suspensions that are not directly related to driving. These include drug convictions, school offenses, failing to pay taxes, providing false information to a police officer, theft of gasoline, and littering. The permit complexity also is addressed in the bill. Probationary Permits are eliminated and replaced with Hardship Permits. Further, some allowances for Hardship Permits are eliminated or clarified. Under the bill Hardship Permits are not allowed for second or subsequent DUII convictions, or for any commercial driving privilege. Hardship Permits all would require the same qualifications: application, SR-22 proof of insurance, a wait time before eligibility, and a fee, and for DUII cases an ignition interlock also would be required. The driving privileges allowed under a Hardship Permit would be standardized: for work, substance abuse treatment, and medical needs. Since the bill passed out of the policy committee, SB 252, adding gambling treatment as a reason for a Hardship Permit, has been enrolled.

The Fiscal and Revenue offices note lost revenue to ODOT (DMV) due to reductions in the number of reinstatements and hardship permits. Current fees for those actions are \$75 and \$50, respectively. DMV's Cost of Service Study show the cost for each of those items far exceeds the fee DMV is allowed to charge per statute. Therefore while revenue is lost, costs are driven down.

SUMMARY

SB 693-A provide an opportunity to eliminate several suspensions that are not related to driving. The bill will also streamline the Hardship Permit requirements, making the law more consistent, easier for customers to understand and comply, and more efficient for the agency to manage. The projected loss of revenue is exceeded by the efficiencies to the agency.