

## **HB 3176 -1 STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Prepared By:** Amie Fender-Sosa, Counsel

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

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#### **WHAT THE MEASURE DOES:**

Allows chief administrative law judge to require a hearing be conducted by telephone or other two-way electronic communication when it is a implied consent hearing (regarding suspension of driving privileges) and 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.

#### **ISSUES DISCUSSED:**

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

#### **EFFECT OF AMENDMENT:**

-1 Adds an emergency clause, making the bill effective on passage.

#### **BACKGROUND:**

Currently, implied consent hearings default to being 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 Department of Transportation (DOT) 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 DOT in rule.

House Bill 3176 would allow 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.