

House Bill 3136

Sponsored by Representative NOBLE (at the request of Governor's Advisory Committee on DUII)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that person who operates motor vehicle upon premises open to public or highways of this state is deemed to have given consent to submit to drug recognition evaluation under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to driving while under the influence of intoxicants; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2021 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) Any person who operates a motor vehicle upon premises open to the public or the highways of this state is deemed to have given consent to submit to a drug recognition evaluation upon the request of a police officer for the purpose of determining if the person is under the influence of intoxicants in violation of ORS 813.010 or a municipal ordinance. A police officer may request a person to submit to a drug recognition evaluation if:

(a) The police officer has reasonable suspicion that the person has been driving while under the influence of a controlled substance, an inhalant or any combination of an inhalant, a controlled substance and intoxicating liquor in violation of ORS 813.010 or a municipal ordinance; and

(b) The police officer conducting the drug recognition evaluation is a certified drug recognition evaluation expert.

(2) If a person refuses or fails to submit to a drug recognition evaluation as required in subsection (1) of this section, evidence of the person's refusal or failure to submit to any nontestimonial portions of the drug recognition evaluation is admissible in any criminal or civil action or proceeding arising out of allegations that the person was driving while under the influence of intoxicants.

(3) The Department of State Police by rule:

(a) Shall establish the tests and observations required for drug recognition evaluations that are used for the purpose of determining whether a person is under the influence of intoxicants; and

(b) Shall establish minimum standards for certification of police officers as drug recognition evaluation experts.

(4) The department, in adopting rules under subsection (3) of this section, shall take into consideration the applicable minimum standards established by the International Association

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 of Chiefs of Police.

2 **SECTION 3. Section 2 of this 2021 Act applies to conduct occurring on or after the ef-**
3 **fective date of this 2021 Act.**

4 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
6 **on its passage.**

7
