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HB 436
House Judiciary Committee
Proponent Testimony
February 23, 2016

Chairman Butler, Vice Chair Manning, and members of the Committee. Thank you for the opportunity to testify in support of HB 436.

Currently, upon a conviction for a second OVI within six years, the law requires a judge to suspend a person's driver's license for a prescribed period of time and issue an immobilization order for the person's vehicle for 90 days. The law allows judges to give the person driving privileges after serving 45 days of suspension. However, the judge does not have the ability to lift the immobilization order on the person's car, so they must wait out the remainder of the 90-day immobilization order, leaving them with driving privileges but without a car.

The legislature gave judges the ability to grant driving privileges in these cases for important purposes, like school and work. But without the ability to also lift an immobilization order, those privileges are constructively void. HB 436 would allow judges to also lift the immobilization order, giving purpose to the restoration of driving privileges.

I ask that you support HB 436 as a meaningful, common sense correction, and allow judges the discretion to lift immobilization orders in appropriate cases.