

May 22, 1975

SENATOR ANDERSON: Not in the discretion of the judge. The judge's decision only extends to making the decision about the violation of the traffic offense that would become the twelfth point. Then this person would make application to the Department of Motor Vehicles where he would certify ... sign an affidavit that says he needs his automobile to drive to work. He would have to have an affidavit signed by the employer to certify that this is correct. Then the Department of Motor Vehicles would administratively clarify the correctness of this application and would issue on that basis.

SENATOR GEORGE: But it's still in the discretion of the Department to either issue a special drivers permit for driving to work only; or they could also deny it? Is that correct?

SENATOR ANDERSON: Based on conformance with the criteria set forth in the act, they would not have the authority to say that we don't like this guy, or we do like this guy. They would make the decision based on whether this person does indeed have no alternative transportation available based on whether this person does indeed need an automobile to work, or does indeed need a drivers license to perform his occupation.

SENATOR GEORGE: Can you see it by looking at that drivers permit that this is just a special permit to drive to work only?

SENATOR ANDERSON: Special permit relating only to driving to work, or to the use of the automobile in the actual performance of occupation.

SENATOR GEORGE: It would be some type of drivers permit which a policeman could readily identify it as such?

SENATOR ANDERSON: Yes.

SENATOR GEORGE: Thank you.

PRESIDENT: Senator Anderson.

SENATOR ANDERSON: Mr. President, members of the body. The one comment that I wanted to emphasize is that we have right now a dual system. This is one of the things we emphasized in the original testimony on the bill. We have a dual system whereby if someone is arrested for driving while intoxicated, driving under the influence, the court already has authority to issue a limited permit such as we are talking about in this bill. On the other hand, if your license is suspended on points, or if you refuse to take the test, the implied consent law, cannot get this authority. What we're asking is that we establish some uniformity in the system so that anyone whose license is suspended or revoked would be treated the same and not to have a dual system where one person can be arrested for drunk driving and can get their license back and go right on driving to work, and where the other guy can't do it. We just simply do not feel that this is fair. This is not equitable. It's something that we