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FLOOR DEBATE

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the Chambers amendment.

SPEAKER BROMM: Thank you, Mr. President. I want to again emphasize, a lot of Senator Chambers' points and arguments are valid, but they apply, I think, more to a criminal proceeding. What we're talking about here is a civil administrative procedure which has been developed and which is used across the nation as an efficient, swift way of, when there is probable cause to believe that the person has committed the offense of DUI, a swift result of removing that license until a final determination is made as to whether or not that person is actually guilty or not. The...it's a well-established rule, I think, that the property interest of a driver's license and the risk of losing it are outweighed by the state's interest in safety. However, having said that, I listened very carefully last week when it was pointed out by Senator Chambers that if you require a person who has been temporarily deprived of their license to show the court that they meet all of the conditions of the Administrative Procedures Act, which a probability that they will succeed, a high risk of...a high risk that they will have...that they will be damaged if the stay isn't granted, and the other conditions that are listed in the Administrative Procedures Act, that is a high threshold because you have to...the judge has to find that you meet each of those conditions, a very...a valid point. But rather than go back to the way the law is now, and the way that is, if I've got the \$81 and I go into district court and I file that appeal whether I've got any merit or not, I could have...I could...this could be my eighth, this could be my eighth offense, doesn't matter, could be my fifth offense or it could be...I could be a first offense. There's a difference there, but the result is always the same. I get my license back and as long as I can stretch that ALR proceeding out until the criminal matter is done and stretch that out, I keep my license, and I just don't think that's consistent with effective enforcement of the DUI laws. The amendment that I've filed, that if we would defeat this amendment and get to that amendment, would set up some standards that I think are reasonable, and if I could satisfy the court on any one of those factors the court would have the discretion to grant me a stay. One of those factors is my driving record. I think that's important. If I've had three or four prior