

## HOUSE AMENDMENTS TO HOUSE BILL 2283

By COMMITTEE ON JUDICIARY

April 27

1 On page 1 of the printed bill, line 2, delete “; creating new provisions; and amending ORS  
2 183.430”.

3 Delete lines 4 through 28 and delete page 2 and insert:

4 **“SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS 183.440 to  
5 183.460.**

6 **“SECTION 2. (1) An agency that has authority to require a licensee to submit to a mental  
7 or physical examination must issue a notice of intended action pursuant to ORS 183.415 be-  
8 fore requiring an examination. An agency that has authority to require a licensee to submit  
9 to a mental or physical examination may require an examination only if:**

10 **“(a) The examination is timely performed by qualified, impartial professionals; and**

11 **“(b) The examination is performed in a cost-effective manner if the licensee is required  
12 to pay for the examination.**

13 **“(2) A licensee has the right to a contested case hearing on a notice issued under sub-  
14 section (1) of this section. A request for hearing must be made within 14 days after the no-  
15 tice is served. An agency by rule may provide for a longer period of time for requesting a  
16 hearing. If the licensee does not request a hearing, the notice constitutes the agency’s final  
17 order requiring an examination.**

18 **“(3) The only issue that may be decided in a hearing conducted under subsection (2) of  
19 this section is whether there is substantial evidence to support the agency’s requirement for  
20 an examination.**

21 **“(4) Except as provided in subsection (5) of this section, this section applies to alcohol,  
22 drug and psychosexual evaluations in addition to mental and physical examinations.**

23 **“(5) This section does not apply to:**

24 **“(a) Alcohol or drug laboratory screening tests necessary to determine whether the  
25 licensee is impaired at the time the examination is conducted;**

26 **“(b) Any examination required by the Department of Transportation; or**

27 **“(c) Any examination required by the Department of Public Safety Standards and Train-  
28 ing.**

29 **“(6) This section does not affect the ability of an agency to suspend or refuse to renew  
30 a license without a hearing under ORS 183.430 (2).”**

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