

A-Engrossed
House Bill 2774

Ordered by the House May 10
Including House Amendments dated May 10

Sponsored by Representative SHIELDS

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.

[Directs Oregon State Police to conduct study of ignition interlock devices.]
[Sunsets January 2, 2012.]

Increases length of time ignition interlock device must be installed and used by person convicted of driving under influence.

A BILL FOR AN ACT

1
2 Relating to ignition interlock devices; amending ORS 813.602.

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

4 **SECTION 1.** ORS 813.602 is amended to read:

5 813.602. (1) When a person is convicted of driving while under the influence of intoxicants in
6 violation of ORS 813.010 or of a municipal ordinance, the Department of Transportation, in addition
7 to any other requirement, shall require that an approved ignition interlock device be installed and
8 used in any vehicle operated by the person:

9 (a) Before the person is eligible for a hardship permit. The requirement is a condition of the
10 hardship permit for the duration of the hardship permit.

11 (b) For *[the]* a first *[six months]* **conviction, for one year** after the ending date of the suspen-
12 sion or revocation caused by the conviction. Violation of the condition imposed under this paragraph
13 is a Class A traffic violation.

14 (c) **For a second or subsequent conviction, for two years after the ending date of the**
15 **suspension or revocation caused by the conviction. Violation of the condition imposed under**
16 **this paragraph is a Class A traffic violation.**

17 (2) If the court determines that approved ignition interlock devices are reasonably available, the
18 court may require as a condition of a driving while under the influence of intoxicants diversion
19 agreement that an approved ignition interlock device be installed in any vehicle operated by the
20 person. Courts may not exercise authority under this subsection during any period the courts have
21 notice from the Office of Economic Analysis of the Oregon Department of Administrative Services
22 that there are not sufficient moneys in the Intoxicated Driver Program Fund to pay the costs under
23 subsection (4) of this section. The Office of Economic Analysis of the Oregon Department of Ad-
24 ministrative Services may not issue any notice under this subsection if federal funds are available
25 to pay the cost of the interlock devices for indigents and costs of analysis of the use of interlock
26 devices.

27 (3) Except as provided in subsection (4) of this section, if an ignition interlock system is ordered

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 or required under subsection (1) or (2) of this section, the person so ordered or required shall pay
2 to the provider the reasonable costs of leasing, installing and maintaining the device. A payment
3 schedule may be established for the person by the department.

4 (4) The department may waive, in whole or in part, or defer the defendant's responsibility to pay
5 all or part of the costs under subsection (3) of this section if the defendant meets the criteria for
6 indigence established for waiving or deferring such costs under subsection (5) of this section. If the
7 defendant's responsibility for costs is waived, then notwithstanding ORS 813.270, the costs described
8 in subsection (3) of this section must be paid from the Intoxicated Driver Program Fund.

9 (5) The department, by rule, shall establish criteria and procedures it will use for qualification
10 to waive or defer costs described under subsection (3) of this section for indigence. The criteria must
11 be consistent with the standards for indigence adopted by the federal government for purposes of
12 the food stamp program.

13 (6) At the end of the suspension or revocation resulting from the conviction, the department
14 shall suspend the driving privileges or right to apply for driving privileges of a person who has not
15 submitted proof to the department that an ignition interlock device has been installed or who
16 tampers with an ignition interlock device after it has been installed. If the suspension is for failing
17 to submit proof of installation, the suspension continues until the department receives proof that the
18 ignition interlock device has been installed or until [*six months*] **one year** after the ending date of
19 the suspension resulting from the **first** conviction **or two years after the ending date of the**
20 **suspension resulting from a second or subsequent conviction**, whichever comes first. If the
21 suspension is for tampering with an ignition interlock device, the suspension continues until [*six*
22 *months*] **one year** after the ending date of the suspension resulting from the **first** conviction **or two**
23 **years after the ending date of the suspension resulting from a second or subsequent con-**
24 **viction**. A person whose driving privileges or right to apply for privileges is suspended under this
25 subsection is entitled to administrative review, as described in ORS 809.440, of the action.

26 (7) The department shall adopt rules permitting medical exemptions from the requirements of
27 installation and use of an ignition interlock device under subsection (1) of this section.

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