

## HOUSE AMENDMENTS TO HOUSE BILL 2774

By COMMITTEE ON JUDICIARY

May 10

1 In line 2 of the printed bill, after “devices” insert “; amending ORS 813.602”.

2 Delete lines 4 through 8 and insert:

3 “**SECTION 1.** ORS 813.602 is amended to read:

4 “813.602. (1) When a person is convicted of driving while under the influence of intoxicants in  
5 violation of ORS 813.010 or of a municipal ordinance, the Department of Transportation, in addition  
6 to any other requirement, shall require that an approved ignition interlock device be installed and  
7 used in any vehicle operated by the person:

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

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

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

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

26 “(3) Except as provided in subsection (4) of this section, if an ignition interlock system is or-  
27 dered or required under subsection (1) or (2) of this section, the person so ordered or required shall  
28 pay to the provider the reasonable costs of leasing, installing and maintaining the device. A payment  
29 schedule may be established for the person by the department.

30 “(4) The department may waive, in whole or in part, or defer the defendant’s responsibility to  
31 pay all or part of the costs under subsection (3) of this section if the defendant meets the criteria  
32 for indigence established for waiving or deferring such costs under subsection (5) of this section. If  
33 the defendant’s responsibility for costs is waived, then notwithstanding ORS 813.270, the costs de-  
34 scribed in subsection (3) of this section must be paid from the Intoxicated Driver Program Fund.

35 “(5) The department, by rule, shall establish criteria and procedures it will use for qualification

1 to waive or defer costs described under subsection (3) of this section for indigence. The criteria must  
2 be consistent with the standards for indigence adopted by the federal government for purposes of  
3 the food stamp program.

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

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

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