

A-Engrossed
House Bill 3051

Ordered by the House April 29
Including House Amendments dated April 29

Sponsored by COMMITTEE ON JUDICIARY (at the request of Mothers Against Drunk Driving)

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.

[Requires permanent revocation of driving privileges for persons convicted of driving while under influence of intoxicants.]

[Increases amount of time person must use ignition interlock device after ending date of revocation of driving privileges for conviction of driving while under influence of intoxicants.]

[Increases penalty for offense of unlawfully soliciting another to blow into ignition interlock device or start motor vehicle equipped with ignition interlock device. Punishes by maximum of six months' imprisonment, \$2,500 fine, or both.]

[Increases penalty for offense of tampering with ignition interlock device. Punishes by maximum of six months' imprisonment, \$2,500 fine, or both.]

[Requires person ordered to install ignition interlock device to report to court within 30 days of order.]

[Requires provider of ignition interlock devices to provide reports generated by device to court and district attorney.]

Makes valid chemical analysis of person's urine admissible at trial as evidence of whether person was driving while under influence of intoxicants. Specifies that chemical analysis is valid if performed by accredited or licensed toxicology laboratory.

A BILL FOR AN ACT

1
2 Relating to driving while under the influence of intoxicants; amending ORS 813.131.

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

4 **SECTION 1.** ORS 813.131 is amended to read:

5 813.131. (1) Any person who operates a motor vehicle upon premises open to the public or the
6 highways of this state shall be deemed to have given consent, subject to the Motorist Implied Con-
7 sent Law, to a chemical test of the person's urine for the purpose of determining the presence of a
8 controlled substance or an inhalant in the person's body if the person is arrested for driving while
9 under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance and ei-
10 ther:

11 (a) The person takes the breath test described in ORS 813.100 and the test discloses a blood
12 alcohol content of less than 0.08 percent; or

13 (b) The person is involved in an accident resulting in injury or property damage. A urine test
14 may be requested under this paragraph regardless of whether a breath test has been requested and
15 regardless of the results of a breath test, if one is taken.

16 (2) A police officer may not request a urine test unless the officer is certified by the Board on
17 Public Safety Standards and Training as having completed at least eight hours of training in re-
18 cognition of drug impaired driving and the officer has a reasonable suspicion that the person ar-
19 rested has been driving while under the influence of a controlled substance, an inhalant or any
20 combination of an inhalant, a controlled substance and intoxicating liquor.

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 (3) A person asked to give a urine sample shall be given privacy and may not be observed by
2 a police officer when producing the sample.

3 (4)(a) **At the trial of any civil or criminal action, suit or proceeding arising out of the acts**
4 **committed by a person driving a motor vehicle while under the influence of intoxicants, a**
5 **valid chemical analysis of a person's urine is admissible as evidence and may be used with**
6 **other evidence, if any, to determine whether the person was driving while under the influ-**
7 **ence of intoxicants.**

8 (b) A chemical analysis of a person's urine **is valid** under this [*section shall be*] **subsection if**
9 **analysis is** performed in an accredited or licensed toxicology laboratory.

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