

House Bill 3075

Sponsored by Representatives HUNT, HOYLE; Representatives DOHERTY, GELSER

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 **as introduced**.

Directs court to require installation of ignition interlock device as condition of driving while under influence of intoxicants diversion agreement.

Increases length of time person must use ignition interlock device upon first conviction of driving while under influence of intoxicants.

A BILL FOR AN ACT

1
2 Relating to ignition interlock devices; creating new provisions; and 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 a first **or subsequent** conviction, for [*one year*] **two years** after the ending date of the
12 suspension or revocation caused by the conviction. Violation of the condition imposed under this
13 paragraph is a Class A traffic violation.

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

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

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

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

6 (5) The department, by rule, shall establish criteria and procedures it will use for qualification
 7 to waive or defer costs described under subsection (3) of this section for indigence. The criteria must
 8 be consistent with the standards for indigence adopted by the federal government for purposes of
 9 the Supplemental Nutrition Assistance Program.

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

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

25 **SECTION 2. The amendments to ORS 813.602 by section 1 of this 2011 Act apply to of-**
 26 **fenses that occur on or after the effective date of this 2011 Act and to petitions for driving**
 27 **while under the influence of intoxicants diversion agreements filed on or after the effective**
 28 **date of this 2011 Act.**