

A-Engrossed
House Bill 3324

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

Sponsored by Representative BARKER

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 certain persons to install ignition interlock device for five years after person's driving privileges are restored following suspension or revocation of driving privileges.

Creates Ignition Interlock Program Fund and continuously appropriates moneys in fund to Department of Transportation.

Requires persons convicted of driving while under influence of intoxicants to pay additional fee prior to reinstatement of driving privileges or issuance of hardship permit.

A BILL FOR AN ACT

1
2 Relating to ignition interlock devices; creating new provisions; amending ORS 813.602; and appro-
3 priating money.

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

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

6 813.602. (1) **Except as provided in subsection (2) of this section**, when a person is convicted
7 of driving while under the influence of intoxicants in violation of ORS 813.010 or of a municipal
8 ordinance, the Department of Transportation, in addition to any other requirement, shall require
9 that **the person install and use** an approved ignition interlock device [*be installed and used*] in any
10 vehicle operated by the person:

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

13 (b) For a first conviction, for one year after the ending date of the suspension or revocation
14 caused by the conviction. Violation of the condition imposed under this paragraph is a Class A
15 traffic violation.

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

19 **(2) When a person is convicted of a crime described in this subsection, the department,**
20 **in addition to any other requirement, shall require that the person install and use an ap-**
21 **proved ignition interlock device in any vehicle operated by the person for five years after the**
22 **ending date of the suspension or revocation caused by the conviction. Violation of the con-**
23 **dition imposed under this subsection is a Class A traffic violation. A person is subject to this**
24 **subsection when the person is convicted of:**

25 **(a) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a**
26 **municipal ordinance and any of the following crimes as part of the same criminal episode:**

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 (A) Any degree of murder.

2 (B) Manslaughter in the first or second degree.

3 (C) Criminally negligent homicide.

4 (D) Assault in the first degree.

5 (b) Aggravated vehicular homicide.

6 (c) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a
7 municipal ordinance and the person's driving privileges are revoked under ORS 809.235 (1)(b)
8 and later ordered restored under ORS 809.235 (4).

9 [(2)] (3) If the court determines that approved ignition interlock devices are reasonably avail-
10 able, the court may require as a condition of a driving while under the influence of intoxicants di-
11 version agreement that an approved ignition interlock device be installed in any vehicle operated
12 by the person. Courts may not exercise authority under this subsection during any period the courts
13 have notice from the Office of Economic Analysis of the Oregon Department of Administrative Ser-
14 vices that there are not sufficient moneys in the Intoxicated Driver Program Fund to pay the costs
15 under subsection [(4)] (5) of this section. The Office of Economic Analysis of the Oregon Department
16 of Administrative Services may not issue any notice under this subsection if federal funds are
17 available to pay the cost of the interlock devices for indigents and costs of analysis of the use of
18 interlock devices.

19 [(3)] (4) Except as provided in subsection [(4)] (5) of this section, if an ignition interlock system
20 is ordered or required under subsection (1), [or] (2) or (3) of this section, the person so ordered or
21 required shall pay to the provider the reasonable costs of leasing, installing and maintaining the
22 device. A payment schedule may be established for the person by the Department of
23 **Transportation.**

24 [(4)] (5) The department may waive, in whole or in part, or defer the defendant's responsibility
25 to pay all or part of the costs under subsection [(3)] (4) of this section if the defendant meets the
26 criteria for indigence established for waiving or deferring such costs under subsection [(5)] (6)
27 of this section. If the defendant's responsibility for costs is waived, then notwithstanding ORS 813.270,
28 the costs described in subsection [(3)] (4) of this section must be paid from the Intoxicated Driver
29 Program Fund.

30 [(5)] (6) The department, by rule, shall establish criteria and procedures it will use for quali-
31 fication to waive or defer costs described under subsection [(3)] (4) of this section for indigence. The
32 criteria must be consistent with the standards for indigence adopted by the federal government for
33 purposes of the Supplemental Nutrition Assistance Program.

34 [(6)] (7) At the end of the suspension or revocation resulting from the conviction, the department
35 shall suspend the driving privileges or right to apply for driving privileges of a person who has not
36 submitted proof to the department that an ignition interlock device has been installed or who
37 tampers with an ignition interlock device after it has been installed.

38 (8) If the **department imposes a suspension under subsection (7) of this section** [is] for
39 failing to submit proof of installation, the suspension continues until the department receives proof
40 that the ignition interlock device has been installed [or until]. **If the department does not receive**
41 **proof that the ignition interlock device has been installed, the suspension shall continue for:**

42 (a) One year after the ending date of the suspension resulting from the first conviction; [or]

43 (b) **Except as provided in paragraph (c) of this subsection,** two years after the ending date
44 of the suspension resulting from a second or subsequent conviction[, *whichever comes first.*]; or

45 (c) **Five years after the ending date of the suspension or revocation resulting from a**

1 **conviction described in subsection (2) of this section.**

2 (9) If the **department imposes a suspension under subsection (7) of this section** [is] for
3 tampering with an ignition interlock device, the suspension continues until:

4 (a) One year after the ending date of the suspension resulting from the first conviction [or];

5 (b) **Except as provided in paragraph (c) of this subsection**, two years after the ending date
6 of the suspension resulting from a second or subsequent conviction; **or**

7 (c) **Five years after the ending date of the suspension or revocation resulting from a**
8 **conviction described in subsection (2) of this section.**

9 (10) A person whose driving privileges or right to apply for privileges is suspended under
10 [this] **subsection (7) of this section** is entitled to administrative review, as described in ORS
11 809.440, of the action.

12 [(7)] (11) The department shall adopt rules permitting medical exemptions from the requirements
13 of installation and use of an ignition interlock device under [subsection] **subsections (1) and (2)** of
14 this section.

15 **SECTION 2. Sections 3 and 4 of this 2011 Act are added to and made a part of the Oregon**
16 **Vehicle Code.**

17 **SECTION 3. (1) In addition to any other fee, a person shall pay a fee of \$50 to the De-**
18 **partment of Transportation for deposit into the Ignition Interlock Program Fund established**
19 **by section 4 of this 2011 Act before the department does any of the following:**

20 (a) **Reinstates the person's driving privileges following a suspension or revocation re-**
21 **sulting from a conviction for driving while under the influence of intoxicants in violation of**
22 **ORS 813.010 or of a municipal ordinance.**

23 (b) **Issues a hardship permit under ORS 807.240 for a suspension resulting from a con-**
24 **viction for driving while under the influence of intoxicants in violation of ORS 813.010 or of**
25 **a municipal ordinance.**

26 (c) **Reinstates the person's driving privileges following a revocation resulting from a**
27 **conviction of:**

28 (A) **Driving while under the influence of intoxicants in violation ORS 813.010 or of a mu-**
29 **nicipal ordinance as part of the same criminal episode:**

30 (i) **Any degree of murder.**

31 (ii) **Manslaughter in the first or second degree.**

32 (iii) **Criminally negligent homicide.**

33 (iv) **Assault in the first degree.**

34 (B) **Aggravated vehicular homicide.**

35 (2) **The department shall adopt rules for the implementation and administration of this**
36 **section.**

37 **SECTION 4. The Ignition Interlock Program Fund is established in the State Treasury,**
38 **separate and distinct from the General Fund, and shall consist of moneys deposited into the**
39 **Ignition Interlock Program Fund under section 3 of this 2011 Act. Interest earned by the**
40 **Ignition Interlock Program Fund shall be credited to the fund. Moneys in the Ignition**
41 **Interlock Program Fund are continuously appropriated to the Department of Transportation**
42 **to pay for the costs of administering the ignition interlock program.**

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