

# House Bill 3324

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 **as introduced**.

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.

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

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

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

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

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

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

25 (A) **Any degree of murder.**

26 (B) **Manslaughter in the first or second degree.**

27 (C) **Criminally negligent homicide.**

28 (D) **Assault in the first degree.**

29 (b) **Aggravated vehicular homicide.**

30 (c) **Driving while under the influence of intoxicants in violation of ORS 813.010 or of a**  
31 **municipal ordinance and the person's driving privileges are revoked under ORS 809.235 (1)(b)**

**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 **and later ordered restored under ORS 809.235 (4).**

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

12 [(3)] (4) Except as provided in subsection [(4)] (5) of this section, if an ignition interlock system  
 13 is ordered or required under subsection (1), [or] (2) **or (3)** of this section, the person so ordered or  
 14 required shall pay to the provider the reasonable costs of leasing, installing and maintaining the  
 15 device. A payment schedule may be established for the person by the Department **of**  
 16 **Transportation.**

17 [(4)] (5) The department may waive, in whole or in part, or defer the defendant's responsibility  
 18 to pay all or part of the costs under subsection [(3)] (4) of this section if the defendant meets the  
 19 criteria for indigence established for waiving or deferring such costs under subsection [(5)] (6) of  
 20 this section. If the defendant's responsibility for costs is waived, then notwithstanding ORS 813.270,  
 21 the costs described in subsection [(3)] (4) of this section must be paid from the Intoxicated Driver  
 22 Program Fund.

23 [(5)] (6) The department, by rule, shall establish criteria and procedures it will use for quali-  
 24 fication to waive or defer costs described under subsection [(3)] (4) of this section for indigence. The  
 25 criteria must be consistent with the standards for indigence adopted by the federal government for  
 26 purposes of the Supplemental Nutrition Assistance Program.

27 [(6)] (7) At the end of the suspension or revocation resulting from the conviction, the department  
 28 shall suspend the driving privileges or right to apply for driving privileges of a person who has not  
 29 submitted proof to the department that an ignition interlock device has been installed or who  
 30 tampers with an ignition interlock device after it has been installed.

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

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

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

38 **(c) Five years after the ending date of the suspension resulting from a conviction de-**  
 39 **scribed in subsection (2) of this section.**

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

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; or**

45 **(c) Five years after the ending date of the suspension resulting from a conviction de-**

1 **scribed in subsection (2) of this section.**

2 (10) A person whose driving privileges or right to apply for privileges is suspended under  
3 [this] subsection (7) of this section is entitled to administrative review, as described in ORS  
4 809.440, of the action.

5 [(7)] (11) The department shall adopt rules permitting medical exemptions from the requirements  
6 of installation and use of an ignition interlock device under [subsection] subsections (1) and (2) of  
7 this section.

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