

A-Engrossed
Senate Bill 504

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

Sponsored by Senator BOQUIST (Presession filed.)

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.

Extends suspension of driving privileges beyond end of suspension period if person fails to submit proof of installation **or maintain installation** of required ignition interlock device.

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) 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 conviction, for one **full year, as defined by the department by rule**, after the
12 ending date of the suspension or revocation caused by the conviction. **The department shall adopt**
13 **by rule a procedure to ensure that the person maintains installation of the device for the**
14 **required amount of time under this paragraph.** Violation of the condition imposed under this
15 paragraph is a Class A traffic violation.

16 (c) For a second or subsequent conviction, for two **full years, as defined by the department**
17 **by rule**, after the ending date of the suspension or revocation caused by the conviction. **The de-**
18 **partment shall adopt by rule a procedure to ensure that the person maintains installation**
19 **of the device for the required amount of time under this paragraph.** Violation of the condition
20 imposed under this paragraph is a Class A traffic violation.

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

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 to pay the cost of the interlock devices for indigents and costs of analysis of the use of interlock
2 devices.

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

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

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

16 (6)(a) *[At the end of the suspension or revocation resulting from the conviction,]* The department
17 shall suspend *[the]* driving privileges or **the** right to apply for driving privileges *[of]* **if a person**
18 **convicted of driving while under the influence of intoxicants in violation of ORS 813.010 or**
19 **of a municipal ordinance does not comply with the requirements of subsection (1) of this**
20 **section. Suspension under this subsection applies to any of the following:**

21 (A) A person who *[has not submitted]*, **at the end of the suspension or revocation resulting**
22 **from the conviction, fails to submit** proof to the department that an ignition interlock device has
23 been installed *[or who tampers with an ignition interlock device after it has been installed]*. **The**
24 **suspension under this subsection for failure to submit proof of installation shall continue**
25 **until the department receives proof that the ignition interlock device has been installed.**

26 (B) *[If the suspension is for failing to submit proof of installation, the suspension continues]* **A**
27 **person who fails to maintain installation of an ignition interlock device for the period re-**
28 **quired in subsection (1) of this section. The suspension under this subsection for failure to**
29 **maintain the ignition interlock device shall continue** until the department receives proof that the
30 ignition interlock device has been installed. *[or until one year after the ending date of the suspension*
31 *resulting from the first conviction or two years after the ending date of the suspension resulting from*
32 *a second or subsequent conviction, whichever comes first.]* **The person shall make up each day the**
33 **device is not installed to meet the required amount of time for installation under subsection**
34 **(1) of this section.**

35 (C) *[If]* **A person who tampers with an ignition interlock device after it has been installed.**
36 The suspension *[is]* **under this subsection** for tampering with an ignition interlock device*[, the*
37 *suspension continues]* **shall continue** until **the device is no longer required under subsection (1)**
38 **of this section.** *[one year after the ending date of the suspension resulting from the first conviction*
39 *or two years after the ending date of the suspension resulting from a second or subsequent*
40 *conviction.]*

41 (b) A person whose driving privileges or right to apply for privileges is suspended under this
42 subsection is entitled to administrative review, as described in ORS 809.440, of the action.

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