

# Senate Bill 504

Sponsored by Senator BOQUIST (Pre-session 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 **as introduced**.

Extends suspension of driving privileges beyond end of suspension period if person fails to submit proof of 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 year after the ending date of the suspension or revocation  
12 caused by the conviction. Violation of the condition imposed under this paragraph is a Class A  
13 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  
16 a Class A traffic violation.

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

31 (4) The department may waive, in whole or in part, or defer the defendant's responsibility to pay

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

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

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

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

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