

SENATE AMENDMENTS TO SENATE BILL 504

By COMMITTEE ON JUDICIARY

April 29

1 On page 1 of the printed bill, delete lines 4 through 31 and delete page 2 and insert:

2 “**SECTION 1.** ORS 813.602 is amended to read:

3 “813.602. (1) When a person is convicted of driving while under the influence of intoxicants in
4 violation of ORS 813.010 or of a municipal ordinance, the Department of Transportation, in addition
5 to any other requirement, shall require that an approved ignition interlock device be installed and
6 used in any vehicle operated by the person:

7 “(a) Before the person is eligible for a hardship permit. The requirement is a condition of the
8 hardship permit for the duration of the hardship permit.

9 “(b) For a first conviction, for one **full year, as defined by the department by rule**, after the
10 ending date of the suspension or revocation caused by the conviction. **The department shall adopt**
11 **by rule a procedure to ensure that the person maintains installation of the device for the**
12 **required amount of time under this paragraph.** 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 **full years, as defined by the department**
15 **by rule**, after the ending date of the suspension or revocation caused by the conviction. **The de-**
16 **partment shall adopt by rule a procedure to ensure that the person maintains installation**
17 **of the device for the required amount of time under this paragraph.** Violation of the condition
18 imposed under this paragraph is a Class A traffic violation.

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

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

33 “(4) The department may waive, in whole or in part, or defer the defendant’s responsibility to
34 pay all or part of the costs under subsection (3) of this section if the defendant meets the criteria
35 for indigence established for waiving or deferring such costs under subsection (5) of this section. If

1 the defendant's responsibility for costs is waived, then notwithstanding ORS 813.270, the costs de-
2 scribed in subsection (3) of this section must be paid from the Intoxicated Driver Program Fund.

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

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

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

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

26 “(C) *[If]* **A person who tampers with an ignition interlock device after it has been in-**
27 **stalled.** The suspension *[is]* **under this subsection** for tampering with an ignition interlock
28 device*[, the suspension continues]* **shall continue** until **the device is no longer required under**
29 **subsection (1) of this section.** *[one year after the ending date of the suspension resulting from the*
30 *first conviction or two years after the ending date of the suspension resulting from a second or subse-*
31 *quent conviction.]*

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

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