



Oregon

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Department of Transportation

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DATE: April 10, 2013

TO: Joint Committee on Ways & Means
Subcommittee on Human Services

FROM: Troy Costales, Transportation Safety Division Administrator

SUBJECT: HB 2117-A

INTRODUCTION

HB 2117-A increases the effectiveness of current law requiring a DUII offender to install an Ignition Interlock Device. To accomplish this end the bill requires the Department of Transportation to establish a new program, as well as undertaking substantial change to existing systems to close a loophole in current law.

BACKGROUND

Ignition Interlock Devices (IID's) prevent a motor vehicle from starting if the person attempting to operate the vehicle has blood alcohol content exceeding a very low level. They are used throughout the country as one tool to reduce drunk driving. Oregon has used IID's as an option for convicted DUII offenders since 1987. In 2011 the legislature mandated the use of IIDs for those entering DUII diversion agreements. Over the last 20 years various pieces of responsibility involving the IID system have been given to several state agencies and other entities. Today there are significant gaps in the oversight of the equipment, vendors and installers of the devices. The bill's overall goal is that the devices being used by offenders, and relied upon by courts, treatment providers, and society at large, will be more accurate, trusted, and effective. Today there is a loophole in the law that allows those convicted of DUII to wait out the IID requirement. The bill closes that loophole. And today the reports of breath test failures and other offenses are not being handled uniformly or, in some cases, at all. The bill directs how those reports are to be handled and by whom.

DISCUSSION

The bill impacts ODOT in two distinct ways. The primary impact is the creation of progressive levels of oversight of the IID devices and, later, the vendors and installers of the devices. The bill puts that regulatory responsibility on ODOT; the Transportation Safety Division will house the program.

The creation of standards will begin with enhanced requirements on the devices themselves. Later in the program's implementation, approximately in 2015, the rule will address the service centers—the companies, auto dealers or shops where these devices are installed. Both of these will require major administrative rule-writing projects with significant stakeholder involvement.

The Department will need three FTE at full implementation. Each will have separate and distinct responsibilities, also phased in to coincide with the completion of the administrative rules.

A position starting early in the 2013-15 biennium will first work to update the IID equipment rule. This position also would deal with the backlog of complaints concerning IID vendors and devices and plan / coordinate the communication for reporting IID use and violation reports among all the entities involved in the IID system (offender, vendor, treatment provider, ADES [alcohol and drug evaluation and screening specialists], court, probation). This will create a foundation for Phase II implementation (installers and vendor regulations). This staff position would serve as a statewide point person on this subject. In order to achieve consistency, particularly with Washington state, out-of-state travel is needed to allow for meetings to take advantage of the similar work Washington state has done over the past five years. Nationally IIDs are the subject of much discussion as to their use and regulation. Federal agencies and advocacy groups hold detailed workshops on best practices and lessons learned in running such a regulatory program, as well as how to best use the IID as a tool to reduce the incidence of repeat DUIIs.

The second position would start in the second year of the 2013-15 biennium. This position would be in the field checking compliance on equipment, vendors and installers. The position would also deal with offender and vendor complaints and work with law enforcement concerning sanctions. Due to the distance between installation locations expected particularly in the central and eastern areas of the state, a higher than average in-state travel budget would be necessary to carry out site inspections.

Finally an administrative position would start in the second year of the 2013-15 biennium. This position would be the financial point person, handle calls from the public concerning IIDs and track case work for the compliance officer.

ODOT will have two major rules to create in 2013-15 (certification processes and fees for manufacturers and for installers). Both would require significant Department of Justice review time. Multiple out of state trips will be needed to see and understand what Washington State has done, and for specific IID based training for equipment standards.

Regarding the DMV portion of the fiscal impact, the law closes a current loophole and requires those convicted of DUII to prove the installation of the IID before they can apply to have their driver license reinstated. Driver and Motor Vehicle Services Division (DMV) must change its computer systems so that a person suspended by the court after a DUII cannot be allowed to reinstate until that proof has been given.

SUMMARY

With the passage of this bill, ODOT will establish an IID oversight program within the Transportation Safety Division. It will be staffed by three FTE, establish administrative rules, establish a fee schedule that matches the cost of the program, will be capable of investigating complaints and monitor the information flow between the devices, installers, treatment professionals and the courts. DMV will take actions to ensure driver licenses are not reinstated without proof of IID installation.