

A-Engrossed
House Bill 2117

Ordered by the House March 12
Including House Amendments dated March 12

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care)

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.

Provides for certification of ignition interlock devices and certification of service centers that install ignition interlock devices. Requires service centers to notify agency or organization that conducted person's diagnostic assessment of any negative reports downloaded from ignition interlock device.

Establishes Ignition Interlock Device Management Fund. Continuously appropriates moneys in fund to Department of Transportation. Specifies uses of moneys.

Expands minimum requirements for ignition interlock devices.

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

Increases fees for screening interview and diagnostic assessment.

[Requires provider of ignition interlock device to give notice to agency or organization that conducted person's screening interview or diagnostic assessment under certain circumstances.]

A BILL FOR AN ACT

1
2 Relating to driving while under the influence of intoxicants; creating new provisions; amending ORS
3 813.021, 813.240, 813.600, 813.602, 813.604 and 813.608; and appropriating money.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 813.**

6 **SECTION 2. (1) As used in this section:**

7 (a) "Negative report" includes a report of tampering with an ignition interlock device,
8 unauthorized removal of the ignition interlock device, warnings, lockouts or test violations
9 recorded by the ignition interlock device.

10 (b) "Service center" means a service center issued a certificate of approval under section
11 5 of this 2013 Act.

12 (2) After an ignition interlock device is installed as required under ORS 813.602 (3), a
13 service center shall notify the agency or organization, designated by the court under ORS
14 813.260, that conducted the person's diagnostic assessment that the device has been installed.
15 Notice of the installation must be given within seven business days of installing the ignition
16 interlock device.

17 (3) After installation of the device, the person required to have the device installed under
18 ORS 813.602 (3) shall bring the device to the service center where the device was installed
19 once every 60 days. The service center shall download all reports recorded on the device.

20 (4) In addition to the reports downloaded under subsection (3) of this section, each time
21 the service center has access to an ignition interlock device that the service center installed,
22 the service center shall download all reports recorded on the ignition interlock device. If the

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 service center downloads a negative report, the service center shall notify the agency or
2 organization that conducted the person's diagnostic assessment. The service center must
3 give notice of the negative report within seven business days of downloading the negative
4 report.

5 (5) If an agency or organization receives a notice under subsection (4) of this section of
6 a negative report, the agency or organization shall give notice:

7 (a) To the person's treatment program provider, if any, and to the district attorney or
8 city attorney; or

9 (b) If the person is not in a treatment program, to the court that ordered the installation
10 of the device and to the district attorney or city attorney.

11 (6) An agency or organization shall give notice as provided under subsection (5) of this
12 section within seven business days of receiving notice of the negative report under sub-
13 section (4) of this section.

14 (7) Any negative report generated from an ignition interlock device that uses
15 electrochemical fuel cell sensor technology is attributable to the person required to have the
16 ignition interlock device installed under ORS 813.602 (3).

17 **SECTION 3.** Sections 4 and 5 of this 2013 Act are added to and made a part of the Oregon
18 Vehicle Code.

19 **SECTION 4.** (1) A manufacturer of ignition interlock devices may provide ignition inter-
20 lock devices for use by persons required to have the devices installed under ORS 813.602 only
21 if the devices have been issued a certificate of approval by the Department of Transportation.

22 (2) A manufacturer of ignition interlock devices may apply to the department for certif-
23 ication of an ignition interlock device under this section. The application shall be in such
24 form as may be specified by the department.

25 (3) The department may issue or renew a certificate of approval for an ignition interlock
26 device if:

27 (a) The ignition interlock device meets all of the requirements described in ORS 813.600
28 and the rules of the department;

29 (b) The manufacturer agrees to provide testimony relating to any aspect of the installa-
30 tion, service, repair, calibration, use, removal or performance of the ignition interlock device
31 or report at any criminal proceeding or administrative hearing; and

32 (c) The manufacturer pays the application fee.

33 (4) The department may adopt rules establishing additional requirements for issuance
34 and renewal of certificates under this section.

35 (5) The department may refuse to issue or renew or may suspend or revoke any certif-
36 icate issued under this section in any case where the department finds that the applicant or
37 certificate holder has violated or failed to comply with any rules adopted under this section.

38 (6) The department by rule shall establish fees for application for and issuance and re-
39 newal of certificates under this section. The fees shall be designed to cover the costs to the
40 department for issuing or renewing certificates under this section.

41 (7) Certificates issued under this section are subject to the following:

42 (a) A certificate shall expire two years from the date of issuance unless renewed ac-
43 cording to the rules of the department.

44 (b) The department may not issue or renew a certificate to a manufacturer until the fee
45 for issuance or renewal of the certificate under this section is paid.

1 (c) A fee for a certificate may not be refunded in the event any certificate is refused,
2 suspended or revoked.

3 **SECTION 5.** (1) A service center may install, service, repair, monitor, maintain, calibrate
4 or remove ignition interlock devices that have been certified by the Department of Trans-
5 portation under ORS 813.600 for use by persons required to have the devices installed under
6 ORS 813.602 only if the service center has been issued a certificate of approval by the De-
7 partment of Transportation.

8 (2) A service center may apply to the department for certification under this section. The
9 application shall be in such form as may be specified by the department.

10 (3) The department may issue a certificate of approval to a service center if the service
11 center:

12 (a) Meets all of the requirements established by the department by rule;

13 (b) Agrees to provide testimony relating to any aspect of the installation, service, repair,
14 calibration, use, removal or performance of the ignition interlock device at any criminal
15 proceeding or administrative hearing;

16 (c) Utilizes ignition interlock device technicians who meet the minimum standards for
17 qualification as a technician established by the department; and

18 (d) Pays all required fees.

19 (4) The department may adopt rules establishing additional requirements for issuance
20 and renewal of certificates under this section.

21 (5) The department may refuse to issue or renew or may suspend or revoke any certif-
22 icate issued under this section in any case where the department finds that the applicant or
23 certificate holder has violated or failed to comply with any rules adopted under this section.

24 (6) The department by rule shall establish fees for applications for and issuance and re-
25 newal of certificates under this section. The fees shall be designed to cover the costs to the
26 department for issuing or renewing certificates under this section.

27 (7) Certificates issued under this section are subject to the following:

28 (a) A certificate shall expire two years from the date of issuance unless renewed ac-
29 cording to the rules of the department.

30 (b) The department may not issue or renew a certificate to a service center until the fee
31 for issuance or renewal of the certificate under this section is paid.

32 (c) A fee for a certificate may not be refunded in the event any certificate is refused,
33 suspended or revoked.

34 **SECTION 6.** (1) The Ignition Interlock Device Management Fund is established in the
35 State Treasury separate and distinct from the General Fund.

36 (2) Moneys in the Ignition Interlock Device Management Fund consist of:

37 (a) Fees collected under sections 4 and 5 of this 2013 Act for issuance or renewal of:

38 (A) Manufacturer certificates issued under section 4 of this 2013 Act; and

39 (B) Service center certificates issued under section 5 of this 2013 Act;

40 (b) Amounts appropriated or otherwise transferred to the fund by the Legislative As-
41 sembly;

42 (c) Interest and other earnings on moneys in the fund; and

43 (d) Other amounts deposited in the fund from any source.

44 (3) Moneys in the fund are continuously appropriated to the Department of Transporta-
45 tion for the purpose fulfilling the department's duties, functions and powers related to cer-

1 **tifying ignition interlock devices as required under ORS 813.600 and carrying out the**
2 **regulatory functions of the department relating to manufacturers, as described in section 4**
3 **of this 2013 Act, and service centers, as described in section 5 of this 2013 Act.**

4 **SECTION 7.** ORS 813.021 is amended to read:

5 813.021. (1) When a court, in accordance with ORS 813.020, requires a person to complete a
6 screening interview and a treatment program, the court shall require the person to do all of the
7 following:

8 (a) Complete a screening interview for the purpose of determining appropriate placement of the
9 person in a program for treatment for alcoholism, drug dependency or dependency on inhalants.

10 (b) Pay directly to the agency or organization conducting the screening interview a fee of
11 [~~\$150~~] **\$275**.

12 (c) Complete the treatment program to which the person is referred.

13 (d) Pay for the treatment program to which the person is referred.

14 (2) The screening interview required by this section shall be conducted by an agency or organ-
15 ization designated by the court. The designated agency or organization must meet the standards set
16 by the Director of the Oregon Health Authority to conduct the screening interviews. Wherever
17 possible a court shall designate agencies or organizations to perform the screening interview that
18 are separate from those that may be designated to carry out a treatment program.

19 (3) An agency or organization doing a screening interview under this section may not refer a
20 person to a treatment program that has not been approved by the Director of the Oregon Health
21 Authority.

22 (4) The agency or organization conducting a screening interview under this section shall moni-
23 tor the progress of the person referred to the agency or organization. The agency or organization
24 shall make a report to the referring court stating the person's successful completion or failure to
25 complete all or any part of the screening interview or of the treatment program to which the person
26 was referred by the agency or organization. The report shall be in a form determined by agreement
27 between the court and the agency or organization.

28 **SECTION 8.** ORS 813.240, as amended by sections 167 and 186, chapter 595, Oregon Laws 2011,
29 section 4, chapter 671, Oregon Laws 2011, and sections 4 and 5, chapter 81, Oregon Laws 2012, is
30 amended to read:

31 813.240. (1) The filing fee paid by a defendant at the time of filing a petition for a driving while
32 under the influence of intoxicants diversion agreement as provided in ORS 813.210 is \$490. A fee
33 collected under this subsection in the circuit court shall be deposited by the clerk of the court in
34 the Criminal Fine Account. If the fee is collected in a municipal or justice court, \$290 of the fee
35 shall be forwarded by the court to the Department of Revenue for deposit in the Criminal Fine Ac-
36 count, and the remainder of the fee shall be paid to the city or county treasurer.

37 (2) If less than the full filing fee is collected under subsection (1) of this section in a municipal
38 or justice court, the money received shall be allocated first to the Department of Revenue for de-
39 posit in the Criminal Fine Account.

40 (3) In addition to the filing fee under subsection (1) of this section, the court shall order the
41 defendant to pay [~~\$150~~] **\$275** directly to the agency or organization providing the diagnostic assess-
42 ment.

43 **SECTION 9.** ORS 813.602, as amended by section 1, chapter 66, Oregon Laws 2012, is amended
44 to read:

45 813.602. (1) Except as provided in subsection (2) of this section, when a person is convicted of

1 driving while under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordi-
2 nance, the Department of Transportation, in addition to any other requirement, shall require that
3 the person [*install*] **have installed** and use an approved ignition interlock device in any vehicle op-
4 erated by the person:

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

7 (b) For a first conviction, for one year after [*the ending date of*] the suspension or revocation
8 caused by the conviction **ends, starting on the date on which an ignition interlock device is**
9 **installed**. Violation of the condition imposed under this paragraph is a Class A traffic violation.

10 (c) For a second or subsequent conviction, for two years after [*the ending date of*] the suspension
11 or revocation caused by the conviction **ends, starting on the date on which an ignition interlock**
12 **device is installed**. Violation of the condition imposed under this paragraph is a Class A traffic
13 violation.

14 (2) When a person is convicted of a crime or multiple crimes as described in this subsection, the
15 department, in addition to any other requirement, shall require that the person [*install*] **have in-**
16 **stalled** and use an approved ignition interlock device in any vehicle operated by the person for five
17 years after [*the ending date of*] the longest running suspension or revocation caused by any of the
18 convictions **ends, starting on the date on which an ignition interlock device is installed**. Vio-
19 lation of the condition imposed under this subsection is a Class A traffic violation. A person is
20 subject to this subsection when the person is convicted of:

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

- 23 (A) Any degree of murder.
- 24 (B) Manslaughter in the first or second degree.
- 25 (C) Criminally negligent homicide.
- 26 (D) Assault in the first degree.
- 27 (b) Aggravated vehicular homicide.

28 (c) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a municipal
29 ordinance and the person's driving privileges are revoked under ORS 809.235 (1)(b) and later ordered
30 restored under ORS 809.235 (4).

31 (3) The court shall require as a condition of a driving while under the influence of intoxicants
32 diversion agreement that an approved ignition interlock device be installed in any vehicle operated
33 by the person during the period of the agreement when the person has driving privileges. In addition
34 to any action taken under ORS 813.255, violation of the condition imposed under this subsection is
35 a Class A traffic violation.

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

40 (5)(a) The department may waive, in whole or in part, or defer the defendant's responsibility to
41 pay all or part of the costs under subsection (4) of this section if the defendant meets the criteria
42 for indigence established for waiving or deferring such costs under subsection (6) of this section. If
43 the defendant's responsibility for costs is waived, then notwithstanding ORS 813.270, the costs de-
44 scribed in subsection (4) of this section must be paid from the Intoxicated Driver Program Fund.

45 **(b) The agency or organization that conducted the screening interview under ORS 813.021**

1 **or the diagnostic assessment required under ORS 813.200 shall inform the person undergoing**
 2 **the interview or assessment of the possibility that the department may waive, in whole or**
 3 **in part, or defer the person's responsibility to pay all or part of the costs under subsection**
 4 **(4) of this section as described in paragraph (a) of this subsection.**

5 (6) The department, by rule, shall establish criteria and procedures it will use for qualification
 6 to waive or defer costs described under subsection (4) 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 (7)(a) *[At the end of the suspension or revocation resulting from the conviction,]* The department
 10 shall suspend *[the]* driving privileges or **the** right to apply for driving privileges *[of]* **if a person**
 11 **convicted of driving while under the influence of intoxicants in violation of ORS 813.010 or**
 12 **of a municipal ordinance does not comply with the requirements of subsection (1) or (2) of**
 13 **this section. Suspension under this subsection applies to any of the following:**

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

19 [(8)] (B) *[If the department imposes a suspension under subsection (7) of this section for failing to*
 20 *submit proof of installation, the suspension continues]* **A person who fails to maintain installation**
 21 **of an ignition interlock device for the period required in subsection (1) or (2) of this section.**
 22 **The suspension under this subsection for failure to maintain installation of an ignition**
 23 **interlock device shall continue** until the department receives proof that the ignition interlock de-
 24 vice has been installed **or until the device is no longer required, whichever occurs first.** *[If the*
 25 *department does not receive proof that the ignition interlock device has been installed, the suspension*
 26 *shall continue for:]*

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

28 [(b)] *Except as provided in paragraph (c) of this subsection, two years after the ending date of the*
 29 *suspension resulting from a second or subsequent conviction; or]*

30 [(c)] *Five years after the ending date of the longest running suspension or revocation resulting from*
 31 *a conviction described in subsection (2) of this section.]*

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

34 (C) **A person who tampers with an ignition interlock device after it has been installed.**
 35 **The suspension under this subsection for tampering with an ignition interlock device con-**
 36 **tinues until:**

37 [(a)] (i) One year after the ending date of the suspension resulting from the first conviction;

38 [(b)] (ii) Except as provided in *[paragraph (c) of this subsection]* **sub-subparagraph (iii) of this**
 39 **subparagraph**, two years after the ending date of the suspension resulting from a second or subse-
 40 quent conviction; or

41 [(c)] (iii) Five years after the ending date of the longest running suspension or revocation re-
 42 sulting from a conviction described in subsection (2) of this section.

43 [(10)] (b) A person whose driving privileges or right to apply for **driving** privileges is suspended
 44 under **this** subsection *[(7) of this section]* is entitled to administrative review, as described in ORS
 45 809.440, of the action.

1 [(11)] (8) The department shall adopt rules permitting medical exemptions from the requirements
2 of installation and use of an ignition interlock device under subsections (1) and (2) of this section.

3 [(12)] (9) When a person is required to install an ignition interlock device under subsection (2)
4 or (3) of this section, the provider of the device shall provide notice of any installation or removal
5 of the device or any tampering with the device to the court that ordered installation of the device
6 or to the court's designee, including but not limited to an agency or organization certified by the
7 Oregon Health Authority under ORS 813.025.

8 **SECTION 10.** ORS 813.602, as amended by section 1, chapter 66, Oregon Laws 2012, and section
9 of this 2013 Act, is amended to read:

10 813.602. (1) Except as provided in subsection (2) of this section, when a person is convicted of
11 driving while under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordi-
12 nance, the Department of Transportation, in addition to any other requirement, shall require that
13 the person have installed **by a service center certified under section 5 of this 2013 Act** and use
14 an approved ignition interlock device in any vehicle operated by the person:

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

17 (b) For a first conviction, for one year after the suspension or revocation caused by the con-
18 viction ends, starting on the date on which an ignition interlock device is installed. Violation of the
19 condition imposed under this paragraph is a Class A traffic violation.

20 (c) For a second or subsequent conviction, for two years after the suspension or revocation
21 caused by the conviction ends, starting on the date on which an ignition interlock device is in-
22 stalled. Violation of the condition imposed under this paragraph is a Class A traffic violation.

23 (2) When a person is convicted of a crime or multiple crimes as described in this subsection, the
24 department, in addition to any other requirement, shall require that the person have installed and
25 use an approved ignition interlock device in any vehicle operated by the person for five years after
26 the longest running suspension or revocation caused by any of the convictions ends, starting on the
27 date on which an ignition interlock device is installed. Violation of the condition imposed under this
28 subsection is a Class A traffic violation. A person is subject to this subsection when the person is
29 convicted of:

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

- 32 (A) Any degree of murder.
- 33 (B) Manslaughter in the first or second degree.
- 34 (C) Criminally negligent homicide.
- 35 (D) Assault in the first degree.

36 (b) Aggravated vehicular homicide.

37 (c) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a municipal
38 ordinance and the person's driving privileges are revoked under ORS 809.235 (1)(b) and later ordered
39 restored under ORS 809.235 (4).

40 (3) The court shall require as a condition of a driving while under the influence of intoxicants
41 diversion agreement that an approved ignition interlock device be installed in any vehicle operated
42 by the person during the period of the agreement when the person has driving privileges. In addition
43 to any action taken under ORS 813.255, violation of the condition imposed under this subsection is
44 a Class A traffic violation.

45 (4) Except as provided in subsection (5) of this section, if an ignition interlock system is ordered

1 or required under subsection (1), (2) or (3) of this section, the person so ordered or required shall
2 pay to the provider the reasonable costs of leasing, installing and maintaining the device. A payment
3 schedule may be established for the person by the department.

4 (5)(a) The department may waive, in whole or in part, or defer the defendant's responsibility to
5 pay all or part of the costs under subsection (4) of this section if the defendant meets the criteria
6 for indigence established for waiving or deferring such costs under subsection (6) of this section. If
7 the defendant's responsibility for costs is waived, then notwithstanding ORS 813.270, the costs de-
8 scribed in subsection (4) of this section must be paid from the Intoxicated Driver Program Fund.

9 (b) The agency or organization that conducted the screening interview under ORS 813.021 or the
10 diagnostic assessment required under ORS 813.200 shall inform the person undergoing the interview
11 or assessment of the possibility that the department may waive, in whole or in part, or defer the
12 person's responsibility to pay all or part of the costs under subsection (4) of this section as described
13 in paragraph (a) of this subsection.

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

18 (7)(a) The department shall suspend driving privileges or the right to apply for driving privileges
19 if a person convicted of driving while under the influence of intoxicants in violation of ORS 813.010
20 or of a municipal ordinance does not comply with the requirements of subsection (1) or (2) of this
21 section. Suspension under this subsection applies to any of the following:

22 (A) A person who, at the end of the suspension or revocation resulting from the conviction, fails
23 to submit proof to the department that an ignition interlock device has been installed. The sus-
24 pension under this subsection for failure to submit proof of installation shall continue until the de-
25 partment receives proof that the ignition interlock device has been installed.

26 (B) A person who fails to maintain installation of an ignition interlock device for the period
27 required in subsection (1) or (2) of this section. The suspension under this subsection for failure to
28 maintain installation of an ignition interlock device shall continue until the department receives
29 proof that the ignition interlock device has been installed or until the device is no longer required,
30 whichever occurs first.

31 (C) A person who tampers with an ignition interlock device after it has been installed. The
32 suspension under this subsection for tampering with an ignition interlock device continues until:

33 (i) One year after the ending date of the suspension resulting from the first conviction;

34 (ii) Except as provided in sub-subparagraph (iii) of this subparagraph, two years after the ending
35 date of the suspension resulting from a second or subsequent conviction; or

36 (iii) Five years after the ending date of the longest running suspension or revocation resulting
37 from a conviction described in subsection (2) of this section.

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

40 (8) The department shall adopt rules permitting medical exemptions from the requirements of
41 installation and use of an ignition interlock device under subsections (1) and (2) of this section.

42 *[(9) When a person is required to install an ignition interlock device under subsection (2) or (3)*
43 *of this section, the provider of the device shall provide notice of any installation or removal of the de-*
44 *vice or any tampering with the device to the court that ordered installation of the device or to the*
45 *court's designee, including but not limited to an agency or organization certified by the Oregon Health*

1 *Authority under ORS 813.025.]*

2 **SECTION 11.** ORS 813.600 is amended to read:

3 813.600. (1) The Department of Transportation, in consultation with the Transportation Safety
4 Committee, shall establish a program for the use **and certification** of ignition interlock devices by
5 persons [*convicted of driving while under the influence of intoxicants and granted hardship permits*
6 *under ORS 807.240 and by persons who have entered into a driving while under the influence of*
7 *intoxicants diversion agreement*] **required to have a device installed under ORS 813.602.**

8 (2) The department shall adopt rules that specify requirements for ignition interlock devices **and**
9 **for testing the devices** that may be used and shall publish a list of devices that meet the require-
10 ments. The [*list may include devices that*] **devices must:**

11 (a) [*Do*] Not impede the safe operation of the vehicle;

12 (b) Have the fewest opportunities to be bypassed;

13 (c) Correlate well with established measures of alcohol impairment;

14 (d) Work accurately and reliably in an unsupervised environment;

15 (e) Require a deep lung breath sample or other accurate measure of blood alcohol content
16 equivalence;

17 (f) Resist tampering and give evidence if tampering is attempted;

18 (g) [*Are difficult to circumvent, and require premeditation to do so*] **Contain anticircumvention**
19 **features;**

20 (h) Minimize inconvenience to a sober user;

21 (i) Operate reliably over the range of automobile environments or automobile manufacturing
22 standards;

23 (j) [*Are*] **Be** manufactured by a party who is adequately insured for product liability; [*and*]

24 (k) Have a label affixed in a prominent location warning that any person tampering with, **at-**
25 **tempting to disconnect**, circumventing or otherwise misusing the device is subject to [*civil*]
26 penalty;

27 **(L) Use electrochemical fuel cell sensor technology;**

28 **(m) Be preset by the manufacturer to prevent the vehicle from starting if the breath**
29 **sample given indicates a blood alcohol content of 0.025 percent or more by weight of alcohol**
30 **in the blood based upon grams of alcohol per 210 liters of breath; and**

31 **(n) Meet any other requirements established by the department by rule.**

32 **SECTION 12.** ORS 813.604 is amended to read:

33 813.604. (1) When a court orders installation of an ignition interlock device pursuant to ORS
34 813.602, the court shall send a copy of the order to the Department of Transportation. The depart-
35 ment shall note the requirement on the driving record of the person required to [*install*] **have** the
36 device **installed.**

37 (2) The department may not issue a hardship permit under ORS 807.240 to any person who is
38 ordered to [*install*] **have** an ignition interlock device **installed** on the person's vehicle until the
39 person furnishes the department satisfactory proof that the device has been installed on any vehicle
40 owned or operated by the person. The department shall determine by rule what constitutes satis-
41 factory proof under this subsection.

42 (3) When the department issues a hardship permit to a person who is required to have an ig-
43 nition interlock device, the department shall note on the permit that the device is required. The
44 notation constitutes a limitation on the permit and a person who violates the limitation is
45 punishable as provided in ORS 811.182 for criminal driving while suspended or revoked.

1 **SECTION 13.** ORS 813.608 is amended to read:

2 813.608. (1) A person commits the offense of knowingly furnishing a motor vehicle without an
3 ignition interlock device to someone who is not authorized to drive such a vehicle if the person
4 rents, leases, lends or otherwise furnishes a motor vehicle to someone the person knows to have
5 been ordered or required under ORS 813.602, to [*install*] **have** an ignition interlock device
6 **installed**, and the motor vehicle is not equipped with such a device that is in working order.

7 (2) The offense described in this section, knowingly furnishing a motor vehicle without an ig-
8 nition interlock device to someone who is not authorized to drive such a vehicle, is a Class A traffic
9 violation.

10 **SECTION 14.** (1) **Sections 1, 2 and 5 of this 2013 Act become operative on January 1, 2015.**

11 **(2) The amendments to ORS 813.602 by section 10 of this 2013 Act become operative July**
12 **1, 2015.**

13 **SECTION 15.** (1) **The amendments to ORS 813.600 and 813.602 by sections 9 and 11 of this**
14 **2013 Act apply to convictions that occur on or after the effective date of this 2013 Act.**

15 **(2) The amendments to ORS 813.602 by section 10 of this 2013 apply to convictions that**
16 **occur on or after July 1, 2015.**

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