

# Senate Bill 202

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## 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 or revocation 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; creating new provisions; and amending ORS 813.602.

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

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

6 813.602. (1) Except as provided in subsection (2) of this section, when a person is convicted of  
7 driving while under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordi-  
8 nance, the Department of Transportation, in addition to any other requirement, shall require that  
9 the person install and use an approved ignition interlock device in any vehicle operated by the  
10 person:

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

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

18 (c) For a second or subsequent conviction, for two **full years, as defined by the department**  
19 **by rule**, after the ending date of the suspension or revocation caused by the conviction. **The de-**  
20 **partment shall adopt by rule a procedure to ensure that the person maintains installation**  
21 **of the device for the required amount of time under this paragraph.** Violation of the condition  
22 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 install and use an  
25 approved ignition interlock device in any vehicle operated by the person for five **full years, as de-**  
26 **defined by the department by rule**, after the ending date of the longest running suspension or re-  
27 vocation caused by any of the convictions. **The department shall adopt by rule a procedure to**  
28 **ensure that the person maintains installation of the device for the required amount of time**  
29 **under this subsection.** Violation of the condition imposed under this subsection is a Class A traffic  
30 violation. A person is subject to this subsection when the person is convicted of:

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

3 (A) Any degree of murder.

4 (B) Manslaughter in the first or second degree.

5 (C) Criminally negligent homicide.

6 (D) Assault in the first degree.

7 (b) Aggravated vehicular homicide.

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

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

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

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

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

29 (7)(a) *[At the end of the suspension or revocation resulting from the conviction,]* The department  
30 shall suspend *[the]* driving privileges or **the** right to apply for driving privileges *[of]* **if a person**  
31 **convicted of driving while under the influence of intoxicants in violation of ORS 813.010 or**  
32 **of a municipal ordinance does not comply with the requirements of subsection (1) or (2) of**  
33 **this section. Suspension under this subsection applies to any of the following:**

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

39 (8) (B) *[If the department imposes a suspension under subsection (7) of this section for failing to*  
40 *submit proof of installation, the suspension continues]* **A person who fails to maintain installation**  
41 **of an ignition interlock device for the period required in subsection (1) or (2) of this section.**  
42 **The suspension under this subsection for failure to maintain installation of an ignition**  
43 **interlock device shall continue** until the department receives proof that the ignition interlock de-  
44 vice has been *[installed]* **reinstalled. The person shall make up each day the device is not in-**  
45 **stalled to meet the required amount of time for installation under subsection (1) or (2) of this**

1 **section.** *[If the department does not receive proof that the ignition interlock device has been installed,*  
 2 *the suspension shall continue for:]*

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

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

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

8 **[(9)] (C) [If] A person who tampers with an ignition interlock device after it has been in-**  
 9 **stalled.** The *[department imposes a]* suspension under **this** subsection *[(7) of this section]* for  
 10 tampering with an ignition interlock device, *[the suspension continues until:]*

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

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

14 *[(c) Five years after the ending date of the longest running suspension or revocation resulting from*  
 15 *a conviction described in subsection (2) of this section.] shall be for \_\_\_\_\_ months.*

16 **[(10)] (b)** A person whose driving privileges or right to apply for **driving** privileges is suspended  
 17 under **this** subsection *[(7) of this section]* is entitled to administrative review, as described in ORS  
 18 809.440, of the action.

19 **[(11)] (8)** The department shall adopt rules permitting medical exemptions from the requirements  
 20 of installation and use of an ignition interlock device under subsections (1) and (2) of this section.

21 **[(12)] (9)** When a person is required to install an ignition interlock device under subsection (2)  
 22 or (3) of this section, the provider of the device shall provide notice of any installation or removal  
 23 of the device or any tampering with the device to the court that ordered installation of the device  
 24 or to the court's designee, including but not limited to an agency or organization certified by the  
 25 Oregon Health Authority under ORS 813.025.

26 **SECTION 2. The amendments to ORS 813.602 by section 1 of this 2013 Act apply to con-**  
 27 **victions that occur on or after the effective date of this 2013 Act.**

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