

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2117**

1 On page 1 of the printed bill, line 2, delete “and”

2 In line 3, delete “and 813.602” and insert “, 813.600, 813.602, 813.604 and  
3 813.608; and appropriating money”.

4 Delete lines 5 through 29 and delete pages 2 through 4 and insert:

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

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

8 **“(a) ‘Negative report’ includes a report of tampering with an ig-  
9 nition interlock device, unauthorized removal of the ignition interlock  
10 device, warnings, lockouts or test violations recorded by the ignition  
11 interlock device.**

12 **“(b) ‘Service center’ means a service center issued a certificate of  
13 approval under section 5 of this 2013 Act.**

14 **“(2) After an ignition interlock device is installed as required under  
15 ORS 813.602 (3), a service center shall notify the agency or organiza-  
16 tion, designated by the court under ORS 813.260, that conducted the  
17 person’s diagnostic assessment that the device has been installed. No-  
18 tice of the installation must be given within seven business days of  
19 installing the ignition interlock device.**

20 **“(3) After installation of the device, the person required to have the  
21 device installed under ORS 813.602 (3) shall bring the device to the  
22 service center where the device was installed once every 60 days. The**

1 service center shall download all reports recorded on the device.

2 “(4) In addition to the reports downloaded under subsection (3) of  
3 this section, each time the service center has access to an ignition  
4 interlock device that the service center installed, the service center  
5 shall download all reports recorded on the ignition interlock device.  
6 If the service center downloads a negative report, the service center  
7 shall notify the agency or organization that conducted the person’s  
8 diagnostic assessment. The service center must give notice of the  
9 negative report within seven business days of downloading the nega-  
10 tive report.

11 “(5) If an agency or organization receives a notice under subsection  
12 (2) of this section of a negative report, the agency or organization shall  
13 give notice:

14 “(a) To the person’s treatment program provider, if any, and to the  
15 district attorney or city attorney; or

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

19 “(6) An agency or organization shall give notice as provided under  
20 subsection (5) of this section within seven business days of receiving  
21 notice of the negative report under subsection (4) of this section.

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

26 “SECTION 3. Sections 4 and 5 of this 2013 Act are added to and  
27 made a part of the Oregon Vehicle Code.

28 “SECTION 4. (1) A manufacturer of ignition interlock devices may  
29 provide ignition interlock devices for use by persons required to have  
30 the devices installed under ORS 813.602 only if the devices have been

1 issued a certificate of approval by the Department of Transportation.

2 “(2) A manufacturer of ignition interlock devices may apply to the  
3 department for certification of an ignition interlock device under this  
4 section. The application shall be in such form as may be specified by  
5 the department.

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

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

10 “(b) The manufacturer agrees to provide testimony relating to any  
11 aspect of the installation, service, repair, calibration, use, removal or  
12 performance of the ignition interlock device or report at any criminal  
13 proceeding or administrative hearing; and

14 “(c) The manufacturer pays the application fee.

15 “(4) The department may adopt rules establishing additional re-  
16 quirements for issuance and renewal of certificates under this section.

17 “(5) The department may refuse to issue or renew or may suspend  
18 or revoke any certificate issued under this section in any case where  
19 the department finds that the applicant or certificate holder has vio-  
20 lated or failed to comply with any rules adopted under this section.

21 “(6) The department by rule shall establish fees for application for  
22 and issuance and renewal of certificates under this section. The fees  
23 shall be designed to cover the costs to the department for issuing or  
24 renewing certificates under this section.

25 “(7) Certificates issued under this section are subject to the follow-  
26 ing:

27 “(a) A certificate shall expire two years from the date of issuance  
28 unless renewed according to the rules of the department.

29 “(b) The department may not issue or renew a certificate to a  
30 manufacturer until the fee for issuance or renewal of the certificate

1 under this section is paid.

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

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

10 **“(2) A service center may apply to the department for certification  
11 under this section. The application shall be in such form as may be  
12 specified by the department.**

13 **“(3) The department may issue a certificate of approval to a service  
14 center if the service center:**

15 **“(a) Meets all of the requirements established by the department  
16 by rule;**

17 **“(b) Agrees to provide testimony relating to any aspect of the in-  
18 stallation, service, repair, calibration, use, removal or performance of  
19 the ignition interlock device at any criminal proceeding or adminis-  
20 trative hearing;**

21 **“(c) Utilizes ignition interlock device technicians who meet the  
22 minimum standards for qualification as a technician established by the  
23 department; and**

24 **“(d) Pays all required fees.**

25 **“(4) The department may adopt rules establishing additional re-  
26 quirements for issuance and renewal of certificates under this section.**

27 **“(5) The department may refuse to issue or renew or may suspend  
28 or revoke any certificate issued under this section in any case where  
29 the department finds that the applicant or certificate holder has vio-  
30 lated or failed to comply with any rules adopted under this section.**

1       “(6) The department by rule shall establish fees for applications for  
2 and issuance and renewal of certificates under this section. The fees  
3 shall be designed to cover the costs to the department for issuing or  
4 renewing certificates under this section.

5       “(7) Certificates issued under this section are subject to the follow-  
6 ing:

7       “(a) A certificate shall expire two years from the date of issuance  
8 unless renewed according to the rules of the department.

9       “(b) The department may not issue or renew a certificate to a ser-  
10 vice center until the fee for issuance or renewal of the certificate un-  
11 der this section is paid.

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

14       “SECTION 6. (1) The Ignition Interlock Device Management Fund  
15 is established in the State Treasury separate and distinct from the  
16 General Fund.

17       “(2) Moneys in the Ignition Interlock Device Management Fund  
18 consist of:

19       “(a) Fees collected under sections 4 and 5 of this 2013 Act for issu-  
20 ance or renewal of:

21       “(A) Manufacturer certificates issued under section 4 of this 2013  
22 Act; and

23       “(B) Service center certificates issued under section 5 of this 2013  
24 Act;

25       “(b) Amounts appropriated or otherwise transferred to the fund by  
26 the Legislative Assembly;

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

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

29       “(3) Moneys in the fund are continuously appropriated to the De-  
30 partment of Transportation for the purpose fulfilling the department’s

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

6 **“SECTION 7.** ORS 813.021 is amended to read:

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

10 “(a) Complete a screening interview for the purpose of determining ap-  
11 propriate placement of the person in a program for treatment for alcoholism,  
12 drug dependency or dependency on inhalants.

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

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

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

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

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

27 “(4) The agency or organization conducting a screening interview under  
28 this section shall monitor the progress of the person referred to the agency  
29 or organization. The agency or organization shall make a report to the re-  
30 ferring court stating the person’s successful completion or failure to com-

1 plete all or any part of the screening interview or of the treatment program  
2 to which the person was referred by the agency or organization. The report  
3 shall be in a form determined by agreement between the court and the  
4 agency or organization.

5 **“SECTION 8.** ORS 813.240, as amended by sections 167 and 186, chapter  
6 595, Oregon Laws 2011, section 4, chapter 671, Oregon Laws 2011, and  
7 sections 4 and 5, chapter 81, Oregon Laws 2012, is amended to read:

8 “813.240. (1) The filing fee paid by a defendant at the time of filing a pe-  
9 tition for a driving while under the influence of intoxicants diversion  
10 agreement as provided in ORS 813.210 is \$490. A fee collected under this  
11 subsection in the circuit court shall be deposited by the clerk of the court  
12 in the Criminal Fine Account. If the fee is collected in a municipal or justice  
13 court, \$290 of the fee shall be forwarded by the court to the Department of  
14 Revenue for deposit in the Criminal Fine Account, and the remainder of the  
15 fee shall be paid to the city or county treasurer.

16 “(2) If less than the full filing fee is collected under subsection (1) of this  
17 section in a municipal or justice court, the money received shall be allocated  
18 first to the Department of Revenue for deposit in the Criminal Fine Account.

19 “(3) In addition to the filing fee under subsection (1) of this section, the  
20 court shall order the defendant to pay [~~\$150~~] **\$275** directly to the agency or  
21 organization providing the diagnostic assessment.

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

24 “813.602. (1) Except as provided in subsection (2) of this section, when a  
25 person is convicted of driving while under the influence of intoxicants in  
26 violation of ORS 813.010 or of a municipal ordinance, the Department of  
27 Transportation, in addition to any other requirement, shall require that the  
28 person [~~install~~] **have installed** and use an approved ignition interlock device  
29 in any vehicle operated by the person:

30 “(a) Before the person is eligible for a hardship permit. The requirement

1 is a condition of the hardship permit for the duration of the hardship permit.

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

6 “(c) For a second or subsequent conviction, for two years after [*the ending*  
7 *date of*] the suspension or revocation caused by the conviction **ends, start-**  
8 **ing on the date on which an ignition interlock device is installed.** Vio-  
9 lation of the condition imposed under this paragraph is a Class A traffic  
10 violation.

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

20 “(a) Driving while under the influence of intoxicants in violation of ORS  
21 813.010 or of a municipal ordinance and any of the following crimes as part  
22 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  
29 813.010 or of a municipal ordinance and the person’s driving privileges are  
30 revoked under ORS 809.235 (1)(b) and later ordered restored under ORS

1 809.235 (4).

2 “(3) The court shall require as a condition of a driving while under the  
3 influence of intoxicants diversion agreement that an approved ignition  
4 interlock device be installed in any vehicle operated by the person during  
5 the period of the agreement when the person has driving privileges. In ad-  
6 dition to any action taken under ORS 813.255, violation of the condition  
7 imposed under this subsection is a Class A traffic violation.

8 “(4) Except as provided in subsection (5) of this section, if an ignition  
9 interlock system is ordered or required under subsection (1), (2) or (3) of this  
10 section, the person so ordered or required shall pay to the provider the rea-  
11 sonable costs of leasing, installing and maintaining the device. A payment  
12 schedule may be established for the person by the department.

13 “(5)(a) The department may waive, in whole or in part, or defer the  
14 defendant’s responsibility to pay all or part of the costs under subsection (4)  
15 of this section if the defendant meets the criteria for indigence established  
16 for waiving or deferring such costs under subsection (6) of this section. If the  
17 defendant’s responsibility for costs is waived, then notwithstanding ORS  
18 813.270, the costs described in subsection (4) of this section must be paid from  
19 the Intoxicated Driver Program Fund.

20 “(b) **The agency or organization that conducted the screening**  
21 **interview under ORS 813.021 or the diagnostic assessment required**  
22 **under ORS 813.200 shall inform the person undergoing the interview**  
23 **or assessment of the possibility that the department may waive, in**  
24 **whole or in part, or defer the person’s responsibility to pay all or part**  
25 **of the costs under subsection (4) of this section as described in para-**  
26 **graph (a) of this subsection.**

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

1 the Supplemental Nutrition Assistance Program.

2 “(7)(a) [*At the end of the suspension or revocation resulting from the con-*  
3 *viction,*] The department shall suspend [*the*] driving privileges or **the** right  
4 to apply for driving privileges [*of*] **if a person convicted of driving while**  
5 **under the influence of intoxicants in violation of ORS 813.010 or of a**  
6 **municipal ordinance does not comply with the requirements of sub-**  
7 **section (1) or (2) of this section. Suspension under this subsection ap-**  
8 **plies to any of the following:**

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

16 “[8] (B) [*If the department imposes a suspension under subsection (7) of*  
17 *this section for failing to submit proof of installation, the suspension*  
18 *continues*] **A person who fails to maintain installation of an ignition**  
19 **interlock device for the period required in subsection (1) or (2) of this**  
20 **section. The suspension under this subsection for failure to maintain**  
21 **installation of an ignition interlock device shall continue** until the de-  
22 partment receives proof that the ignition interlock device has been installed  
23 **or until the device is no longer required, whichever occurs first.** [*If the*  
24 *department does not receive proof that the ignition interlock device has been*  
25 *installed, the suspension shall continue for:*]

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

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

1       “[(c) Five years after the ending date of the longest running suspension or  
2 revocation resulting from a conviction described in subsection (2) of this sec-  
3 tion.]

4       “[(9) If the department imposes a suspension under subsection (7) of this  
5 section for tampering with an ignition interlock device, the suspension contin-  
6 ues until:]

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

10       “[(a) (i) One year after the ending date of the suspension resulting from  
11 the first conviction;

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

15       “[(c) (iii) Five years after the ending date of the longest running sus-  
16 pension or revocation resulting from a conviction described in subsection (2)  
17 of this section.

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

21       “[(11) (8) The department shall adopt rules permitting medical ex-  
22 emptions from the requirements of installation and use of an ignition inter-  
23 lock device under subsections (1) and (2) of this section.

24       “[(12) (9) When a person is required to install an ignition interlock de-  
25 vice under subsection (2) or (3) of this section, the provider of the device  
26 shall provide notice of any installation or removal of the device or any  
27 tampering with the device to the court that ordered installation of the device  
28 or to the court’s designee, including but not limited to an agency or organ-  
29 ization certified by the Oregon Health Authority under ORS 813.025.

30       “**SECTION 10.** ORS 813.602, as amended by section 1, chapter 66, Oregon

1 Laws 2012, and section 9 of this 2013 Act, is amended to read:

2 “813.602. (1) Except as provided in subsection (2) of this section, when a  
3 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  
5 Transportation, in addition to any other requirement, shall require that the  
6 person have installed **by a service center certified under section 5 of this**  
7 **2013 Act** and use an approved ignition interlock device in any vehicle oper-  
8 ated by the person:

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

11 “(b) For a first conviction, for one year after the suspension or revocation  
12 caused by the conviction ends, starting on the date on which an ignition  
13 interlock device is installed. Violation of the condition imposed under this  
14 paragraph is a Class A traffic violation.

15 “(c) For a second or subsequent conviction, for two years after the sus-  
16 pension or revocation caused by the conviction ends, starting on the date on  
17 which an ignition interlock device is installed. Violation of the condition  
18 imposed under this paragraph is a Class A traffic violation.

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

28 “(a) Driving while under the influence of intoxicants in violation of ORS  
29 813.010 or of a municipal ordinance and any of the following crimes as part  
30 of the same criminal episode:

1 “(A) Any degree of murder.

2 “(B) Manslaughter in the first or second degree.

3 “(C) Criminally negligent homicide.

4 “(D) Assault in the first degree.

5 “(b) Aggravated vehicular homicide.

6 “(c) Driving while under the influence of intoxicants in violation of ORS  
7 813.010 or of a municipal ordinance and the person’s driving privileges are  
8 revoked under ORS 809.235 (1)(b) and later ordered restored under ORS  
9 809.235 (4).

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

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

21 “(5)(a) The department may waive, in whole or in part, or defer the  
22 defendant’s responsibility to pay all or part of the costs under subsection (4)  
23 of this section if the defendant meets the criteria for indigence established  
24 for waiving or deferring such costs under subsection (6) of this section. If the  
25 defendant’s responsibility for costs is waived, then notwithstanding ORS  
26 813.270, the costs described in subsection (4) of this section must be paid from  
27 the Intoxicated Driver Program Fund.

28 “(b) The agency or organization that conducted the screening interview  
29 under ORS 813.021 or the diagnostic assessment required under ORS 813.200  
30 shall inform the person undergoing the interview or assessment of the pos-

1 sibility that the department may waive, in whole or in part, or defer the  
2 person's responsibility to pay all or part of the costs under subsection (4)  
3 of this section as described in paragraph (a) of this subsection.

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

9 “(7)(a) The department shall suspend driving privileges or the right to  
10 apply for driving privileges if a person convicted of driving while under the  
11 influence of intoxicants in violation of ORS 813.010 or of a municipal ordi-  
12 nance does not comply with the requirements of subsection (1) or (2) of this  
13 section. Suspension under this subsection applies to any of the following:

14 “(A) A person who, at the end of the suspension or revocation resulting  
15 from the conviction, fails to submit proof to the department that an ignition  
16 interlock device has been installed. The suspension under this subsection for  
17 failure to submit proof of installation shall continue until the department  
18 receives proof that the ignition interlock device has been installed.

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

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

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

30 “(ii) Except as provided in sub-subparagraph (iii) of this subparagraph,

1 two years after the ending date of the suspension resulting from a second  
2 or subsequent conviction; or

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

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

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

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

18 “**SECTION 11.** ORS 813.600 is amended to read:

19 “813.600. (1) The Department of Transportation, in consultation with the  
20 Transportation Safety Committee, shall establish a program for the use **and**  
21 **certification** of ignition interlock devices by persons [*convicted of driving*  
22 *while under the influence of intoxicants and granted hardship permits under*  
23 *ORS 807.240 and by persons who have entered into a driving while under the*  
24 *influence of intoxicants diversion agreement] **required to have a device in-**  
25 **stalled under ORS 813.602.***

26 “(2) The department shall adopt rules that specify requirements for ig-  
27 nition interlock devices **and for testing the devices** that may be used and  
28 shall publish a list of devices that meet the requirements. The [*list may in-*  
29 *clude devices that]* **devices must:**

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

- 1 “(b) Have the fewest opportunities to be bypassed;
- 2 “(c) Correlate well with established measures of alcohol impairment;
- 3 “(d) Work accurately and reliably in an unsupervised environment;
- 4 “(e) Require a deep lung breath sample or other accurate measure of blood  
5 alcohol content equivalence;
- 6 “(f) Resist tampering and give evidence if tampering is attempted;
- 7 “(g) [*Are difficult to circumvent, and require premeditation to do so*] **Con-**  
8 **tain anticircumvention features;**
- 9 “(h) Minimize inconvenience to a sober user;
- 10 “(i) Operate reliably over the range of automobile environments or auto-  
11 mobile manufacturing standards;
- 12 “(j) [*Are*] **Be** manufactured by a party who is adequately insured for  
13 product liability; [*and*]
- 14 “(k) Have a label affixed in a prominent location warning that any person  
15 tampering with, **attempting to disconnect**, circumventing or otherwise  
16 misusing the device is subject to [*civil*] penalty;
- 17 **“(L) Use electrochemical fuel cell sensor technology;**
- 18 **“(m) Be preset by the manufacturer to prevent the vehicle from**  
19 **starting if the breath sample given indicates a blood alcohol content**  
20 **of 0.025 percent or more by weight of alcohol in the blood based upon**  
21 **grams of alcohol per 210 liters of breath; and**
- 22 **“(n) Meet any other requirements established by the department**  
23 **by rule.**

24 **“SECTION 12.** ORS 813.604 is amended to read:

25 “813.604. (1) When a court orders installation of an ignition interlock  
26 device pursuant to ORS 813.602, the court shall send a copy of the order to  
27 the Department of Transportation. The department shall note the require-  
28 ment on the driving record of the person required to [*install*] **have** the device  
29 **installed.**

30 “(2) The department may not issue a hardship permit under ORS 807.240

1 to any person who is ordered to [*install*] **have** an ignition interlock device  
2 **installed** on the person's vehicle until the person furnishes the department  
3 satisfactory proof that the device has been installed on any vehicle owned  
4 or operated by the person. The department shall determine by rule what  
5 constitutes satisfactory proof under this subsection.

6 “(3) When the department issues a hardship permit to a person who is  
7 required to have an ignition interlock device, the department shall note on  
8 the permit that the device is required. The notation constitutes a limitation  
9 on the permit and a person who violates the limitation is punishable as  
10 provided in ORS 811.182 for criminal driving while suspended or revoked.

11 **“SECTION 13.** ORS 813.608 is amended to read:

12 “813.608. (1) A person commits the offense of knowingly furnishing a mo-  
13 tor vehicle without an ignition interlock device to someone who is not au-  
14 thorized to drive such a vehicle if the person rents, leases, lends or otherwise  
15 furnishes a motor vehicle to someone the person knows to have been ordered  
16 or required under ORS 813.602, to [*install*] **have** an ignition interlock device  
17 **installed**, and the motor vehicle is not equipped with such a device that is  
18 in working order.

19 “(2) The offense described in this section, knowingly furnishing a motor  
20 vehicle without an ignition interlock device to someone who is not author-  
21 ized to drive such a vehicle, is a Class A traffic violation.

22 **“SECTION 14.** (1) **Sections 1, 2 and 5 of this 2013 Act become oper-**  
23 **ative on January 1, 2015.**

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

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

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

