

HOUSE AMENDMENTS TO HOUSE BILL 4026

By COMMITTEE ON JUDICIARY

February 13

1 On page 1 of the printed bill, delete lines 6 through 29.

2 On page 2, delete lines 1 through 17 and insert:

3 **“SECTION 2. (1) As used in this section, ‘negative report’ includes a report of tampering**
4 **with an ignition interlock device, unauthorized removal of the ignition interlock device,**
5 **lockouts or test violations recorded by the ignition interlock device.**

6 **“(2) This section applies only to a person who has installed an ignition interlock device**
7 **as a condition of a driving while under the influence of intoxicants diversion agreement un-**
8 **der ORS 813.602 (3).**

9 **“(3) After an ignition interlock device is installed, the provider that installed the device**
10 **shall notify the agency or organization, designated by the court under ORS 813.260, that**
11 **conducted the person’s diagnostic assessment that the device has been installed. Notice of**
12 **the installation must be given within seven business days of installing the ignition interlock**
13 **device.**

14 **“(4) Each time a provider has access to an ignition interlock device that the provider**
15 **installed, the provider shall download all reports recorded on the device. If the provider**
16 **downloads a negative report, the provider shall notify the agency or organization that con-**
17 **ducted the person’s diagnostic assessment. The provider must give notice of the negative**
18 **report within seven business days of downloading the negative report.**

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

21 **“(a) To the person;**

22 **“(b) To the person’s defense attorney of record when the attorney’s contact information**
23 **is provided to the agency or organization; and**

24 **“(c)(A) To the person’s treatment program provider, if any, and to the district attorney**
25 **or city attorney; or**

26 **“(B) If the person is not in a treatment program, to the court that ordered the installa-**
27 **tion of the ignition interlock device and to the district attorney or city attorney.**

28 **“(6) An agency or organization shall give notice as provided under subsection (5) of this**
29 **section within seven business days of receiving notice of the negative report under sub-**
30 **section (4) of this section.**

31 **“SECTION 3. (1) As used in this section, ‘negative report’ includes a report of tampering**
32 **with an ignition interlock device, unauthorized removal of the ignition interlock device,**
33 **lockouts or test violations recorded by the ignition interlock device.**

34 **“(2) Subject to subsection (3) of this section, if a court does not terminate a person’s**
35 **driving while under the influence of intoxicants diversion agreement following a show cause**

1 hearing under ORS 813.255, the court shall order the person to install an ignition interlock
2 device that identifies the person operating the device by means of a camera or other tech-
3 nology and that meets the requirements of rules adopted by the Department of Transporta-
4 tion under subsection (4) of this section.

5 “(3) Subsection (2) of this section applies only if:

6 “(a) The person previously was required to install an ignition interlock device as a con-
7 dition of a driving while under the influence of intoxicants diversion agreement under ORS
8 813.602 (3);

9 “(b) One of the stated reasons for the proposed termination of the person’s diversion
10 agreement is that the person’s ignition interlock device has produced a negative report; and

11 “(c) The person does not at the time of the show cause hearing have an ignition interlock
12 device installed that identifies the person operating the device by means of a camera or other
13 technology and that meets the requirements of rules adopted by the department under sub-
14 section (4) of this section.

15 “(4) The department shall adopt rules that specify requirements for ignition interlock
16 devices that are required to be installed under this section and shall publish a list of devices
17 that meet the requirements. The devices listed must:

18 “(a) Meet the requirements described in ORS 813.600; and

19 “(b) Be capable of identifying the user of the device by means of a camera or other
20 technology.”.

21 On page 4, line 13, delete “conduct occurring” and insert “driving while under the influence of
22 intoxicants diversion agreements entered into”.

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