

**PROPOSED AMENDMENTS TO
HOUSE BILL 4026**

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**
4 **a report of tampering with an ignition interlock device, unauthorized**
5 **removal of the ignition interlock device, lockouts or test violations**
6 **recorded by the ignition interlock device.**

7 **“(2) This section applies only to a person who has installed an ig-**
8 **niton interlock device as a condition of a driving while under the in-**
9 **fluence of intoxicants diversion agreement under ORS 813.602 (3).**

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

16 **“(4) Each time a provider has access to an ignition interlock device**
17 **that the provider installed, the provider shall download all reports re-**
18 **corded on the device. If the provider downloads a negative report, the**
19 **provider shall notify the agency or organization that conducted the**
20 **person’s diagnostic assessment. The provider must give notice of the**
21 **negative report within seven business days of downloading the nega-**
22 **tive report.**

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

4 **“(a) To the person;**

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

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

9 **“(B) If the person is not in a treatment program, to the court that**
10 **ordered the installation of the ignition interlock device and to the**
11 **district attorney or city attorney.**

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

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

19 **“(2) Subject to subsection (3) of this section, if a court does not**
20 **terminate a person’s driving while under the influence of intoxicants**
21 **diversion agreement following a show cause hearing under ORS**
22 **813.255, the court shall order the person to install an ignition interlock**
23 **device that identifies the person operating the device by means of a**
24 **camera or other technology and that meets the requirements of rules**
25 **adopted by the Department of Transportation under subsection (4) of**
26 **this section.**

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

28 **“(a) The person previously was required to install an ignition**
29 **interlock device as a condition of a driving while under the influence**
30 **of intoxicants diversion agreement under ORS 813.602 (3);**

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

4 **“(c) The person does not at the time of the show cause hearing have**
5 **an ignition interlock device installed that identifies the person oper-**
6 **ating the device by means of a camera or other technology and that**
7 **meets the requirements of rules adopted by the department under**
8 **subsection (4) of this section.**

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

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

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

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

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