

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

Senate Committee on Judiciary

**REVENUE: No revenue impact****FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:**

Yeas:

Nays:

Exc.:

**Prepared By:** Jeff Rhoades, Counsel**Meeting Dates:** 5/12

**WHAT THE MEASURE DOES:** Provides that ignition interlock device (IID) requirement continues until person submits proof to Department of Transportation of no negative report for 6 consecutive months or until ending date prescribed in existing statute, whichever occurs later. Restructures statutes concerning IID laws.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** Proposed -1 amendments clarify procedure in event of a negative report during last six months of IID use.

Proposed -2 amendments specify bill applies to ORS 813.602 in its entirety.

**BACKGROUND:** ORS 813.602 currently requires that all persons participating in a DUII diversion install an IID to lawfully drive a motor vehicle. Failure to comply with this requirement constitutes a Class A traffic violation. Courts have the power to exempt a person from this requirement under a medical exception. The rules and guidelines for such an exemption are promulgated by the Department of Transportation.

Additionally, ORS 813.602 allows for the department to defer or waive all or part of a defendant's responsibility to pay for the cost of IID lease, installation and maintenance. The rules for such a deferment or waiver are set by the department. Finally, ORS 813.602 sets out the penalty for failing to submit proof of IID installation to the department. Should an individual fail to do so, the department shall continue the suspension for: 1) one year after the ending date of the suspension resulting from the first DUII conviction; 2) two years after the ending date of the suspension resulting from a second or subsequent conviction; or 3) five years after the ending date of the longest running suspension or revocation resulting from a DUII conviction.

Senate Bill 512 increases the period an IID will be required should a person have a negative report close to the end of the statutorily prescribed period. The bill provides that the IID requirement continues until a person has six consecutive months without a negative IID report or until the end of the statutory period, whichever occurs later. Such language avoids a situation where an individual could create a negative report close to the end of the IID required period and still petition for removal of the device under ORS 813.602.

3/11/2015 9:56:00 AM \*

***This summary has not been adopted or officially endorsed by action of the committee.***

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