

## HOUSE AMENDMENTS TO HOUSE BILL 2660

By COMMITTEE ON JUDICIARY

April 7

1 On page 1 of the printed bill, delete lines 5 through 27 and delete page 2.

2 On page 3, delete lines 1 through 37 and insert:

3 “**SECTION 1.** ORS 813.602 is amended to read:

4 “813.602. (1) [*Except as provided in*] **Subject to** subsection (2) of this section, when a person is  
5 convicted of driving while under the influence of intoxicants in violation of ORS 813.010 or of a  
6 municipal ordinance, the Department of Transportation, in addition to any other requirement, shall  
7 require that the person [*install*] **have installed** and [*use*] **be using** an approved ignition interlock  
8 device in any vehicle operated by the person:

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

11 “(b) For a first conviction, for one year after the ending date of the suspension or revocation  
12 caused by the conviction. Violation of the condition imposed under this paragraph is a Class A  
13 traffic violation.

14 “(c) For a second or subsequent conviction, for two years after the ending date of the suspension  
15 or revocation caused by the conviction. Violation of the condition imposed under this paragraph is  
16 a Class A traffic violation.

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

23 “(a) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a munic-  
24 ipal ordinance and any of the following crimes as part of the same criminal episode:

25 “(A) Any degree of murder.

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

27 “(C) Criminally negligent homicide.

28 “(D) Assault in the first degree.

29 “(b) Aggravated vehicular homicide.

30 “(c) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a munic-  
31 ipal ordinance and the person’s driving privileges are revoked under ORS 809.235 (1)(b) and later  
32 ordered restored under ORS 809.235 (4).

33 “(3)(a) Except as provided in paragraph [(b)] (c) of this subsection, [*the court shall require*] as a  
34 condition of a driving while under the influence of intoxicants diversion agreement:

35 “(A) **The court shall require** that an approved ignition interlock device be installed and used

1 in any vehicle operated by the person during the period of the agreement when the person has  
2 driving privileges[.] **if:**

3 **“(i) The person submitted to a chemical test of the person’s breath or blood as required**  
4 **under ORS 813.100 and the test disclosed a blood alcohol content of 0.08 percent or more by**  
5 **weight;**

6 **“(ii) The person refused to submit to a chemical test of the person’s breath or blood; or**

7 **“(iii) The person submitted to a chemical test of the person’s breath, blood or urine as**  
8 **required under ORS 813.100 or 813.131 and the test disclosed a blood alcohol content of more**  
9 **than 0.00 percent by weight but less than 0.08 percent or more by weight and disclosed the**  
10 **presence of a controlled substance or an inhalant.**

11 **“(B) The court may require that an approved ignition interlock device be installed and**  
12 **used in any vehicle operated by the person during the period of the agreement when the**  
13 **person has driving privileges if the person submitted to a chemical test of the person’s**  
14 **breath, blood or urine as required under ORS 813.100 or 813.131 and the test disclosed a blood**  
15 **alcohol content below 0.08 percent by weight.**

16 **“(b) In addition to any action taken under ORS 813.255, violation of the condition imposed under**  
17 **this subsection is a Class A traffic violation.**

18 **“[(b)] (c) A court may exempt a person from the condition in a diversion agreement to [install]**  
19 **have installed and [use] be using** an ignition interlock device if the court determines that the  
20 person meets the requirements for a medical exemption in accordance with rules adopted by the  
21 department under this section. A person granted a medical exemption under this paragraph shall  
22 carry proof of the medical exemption with the person while operating any vehicle.

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

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

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

36 *“(7) At the end of the suspension or revocation resulting from the conviction, the department shall*  
37 *suspend the driving privileges or right to apply for driving privileges of a person who has not sub-*  
38 *mitted proof to the department that an ignition interlock device has been installed or who tampers with*  
39 *an ignition interlock device after it has been installed.]*

40 *“(8) If the department imposes a suspension under subsection (7) of this section for failing to*  
41 *submit proof of installation, the suspension continues until the department receives proof that the ig-*  
42 *nitiation interlock device has been installed. If the department does not receive proof that the ignition*  
43 *interlock device has been installed, the suspension shall continue for:]*

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

45 *“(b) Except as provided in paragraph (c) of this subsection, two years after the ending date of the*

1 *suspension resulting from a second or subsequent conviction; or]*  
2 *“(c) Five years after the ending date of the longest running suspension or revocation resulting*  
3 *from a conviction described in subsection (2) of this section.]*  
4 *“(9) If the department imposes a suspension under subsection (7) of this section for tampering with*  
5 *an ignition interlock device, the suspension continues until:]*  
6 *“(a) One year after the ending date of the suspension resulting from the first conviction;]*  
7 *“(b) Except as provided in paragraph (c) of this subsection, two years after the ending date of the*  
8 *suspension resulting from a second or subsequent conviction; or]*  
9 *“(c) Five years after the ending date of the longest running suspension or revocation resulting*  
10 *from a conviction described in subsection (2) of this section.]*  
11 *“(10) A person whose driving privileges or right to apply for privileges is suspended under sub-*  
12 *section (7) of this section is entitled to administrative review, as described in ORS 809.440, of the*  
13 *action.]*  
14 *“(11) (4) The department shall adopt rules permitting medical exemptions from the require-*  
15 *ments of installation and use of an ignition interlock device under [subsections (1), (2) and (3) of] this*  
16 *section.*  
17 *“(12) When a person is required to install an ignition interlock device under subsection (2) or (3)*  
18 *of this section, the provider of the device shall provide notice of any installation or removal of the de-*  
19 *vice or any tampering with the device to the court that ordered installation of the device or to the*  
20 *court’s designee, including but not limited to an agency or organization certified by the Oregon Health*  
21 *Authority under ORS 813.025.]”.*  
22 On page 4, line 36, delete “(3)” and insert “(2) or (3)”.  
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