

**HOUSE AMENDMENTS TO
A-ENGROSSED SENATE BILL 397
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

June 1

1 On page 1 of the printed A-engrossed bill, line 2, delete “and”.

2 Delete line 3 and insert “813.602; and repealing sections 2, 3, 4, 5, 6 and 7, chapter ___, Oregon
3 Laws 2015 (Enrolled House Bill 2660).”.

4 On page 6, delete lines 11 through 45 and delete page 7 and insert:

5 **“SECTION 9. Applicability. Sections 2 to 4, 7 and 8 of this 2015 Act and the amendments**
6 **to ORS 813.602 by section 5 of this 2015 Act apply to offenses committed on or after the ef-**
7 **fective date of this 2015 Act.**

8 **“SECTION 10. Captions. The section captions used in this 2015 Act are provided only for**
9 **the convenience of the reader and do not become part of the statutory law of this state or**
10 **express any legislative intent in the enactment of this 2015 Act.**

11 **“SECTION 11. If House Bill 2660 becomes law, section 5 of this 2015 Act (amending ORS**
12 **813.602) is repealed and ORS 813.602, as amended by section 1, chapter ___, Oregon Laws 2015**
13 **(Enrolled House Bill 2660), is amended to read:**

14 “813.602. (1) Subject to subsection (2) of this section, when a person is convicted of driving while
15 under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance, the De-
16 partment of Transportation, in addition to any other requirement, shall require that the person have
17 installed and be using an approved ignition interlock device in any vehicle operated by the person:

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

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

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

26 “(2) When a person is convicted of a crime or multiple crimes as described in this subsection,
27 the department, in addition to any other requirement, shall require that the person have installed
28 and be using an approved ignition interlock device in any vehicle operated by the person for five
29 years after the ending date of the longest running suspension or revocation caused by any of the
30 convictions. Violation of the condition imposed under this subsection is a Class A traffic violation.
31 A person is subject to this subsection when the person is convicted of:

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

34 “(A) Any degree of murder.

1 “(B) Manslaughter in the first or second degree.
2 “(C) Criminally negligent homicide.
3 “(D) Assault in the first degree.
4 “(b) Aggravated vehicular homicide.
5 “(c) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a munic-
6 ipal ordinance and the person’s driving privileges are revoked under ORS 809.235 (1)(b) and later
7 ordered restored under ORS 809.235 (4).
8 “(3)(a) Except as provided in paragraph (c) of this subsection, as a condition of a driving while
9 under the influence of intoxicants diversion agreement:
10 “(A) The court shall require that an approved ignition interlock device be installed and used in
11 any vehicle operated by the person during the period of the agreement when the person has driving
12 privileges if:
13 “(i) The person submitted to a chemical test of the person’s breath or blood as required under
14 ORS 813.100 and the test disclosed a blood alcohol content of 0.08 percent or more by weight;
15 “(ii) The person refused to submit to a chemical test of the person’s breath or blood; or
16 “(iii) The person submitted to a chemical test of the person’s breath, blood or urine as required
17 under ORS 813.100 or 813.131 and the test disclosed a blood alcohol content of more than 0.00 per-
18 cent by weight but less than 0.08 percent [*or more*] by weight and disclosed the presence of a con-
19 trolled substance or an inhalant.
20 “(B) The court may require that an approved ignition interlock device be installed and used in
21 any vehicle operated by the person during the period of the agreement when the person has driving
22 privileges if the person submitted to a chemical test of the person’s breath, blood or urine as re-
23 quired under ORS 813.100 or 813.131 and the test disclosed a blood alcohol content below 0.08 per-
24 cent by weight.
25 “(b) In addition to any action taken under ORS 813.255, violation of the condition imposed under
26 this subsection is a Class A traffic violation.
27 “(c) A court may exempt a person from the condition in a diversion agreement to have installed
28 and be using an ignition interlock device if the court determines that the person meets the re-
29 quirements for a medical exemption in accordance with rules adopted by the department under this
30 section. A person granted a medical exemption under this paragraph shall carry proof of the medical
31 exemption with the person while operating any vehicle.
32 “(4) The department shall adopt rules permitting medical exemptions from the requirements of
33 installation and use of an ignition interlock device under this section.
34 “(5) **When a person is required to install an ignition interlock device under subsection (2)**
35 **of this section, the provider of the device shall provide notice of any installation or removal**
36 **of the device or any tampering with the device to:**
37 “(a) **The supervising court or to the court’s designee, including but not limited to an**
38 **agency or organization certified by the Oregon Health Authority under ORS 813.025; and**
39 “(b) **The district attorney or the city prosecutor.**
40 “**SECTION 12.** If House Bill 2660 becomes law, section 8 of this 2015 Act is amended to read:
41 “**Sec. 8.** (1) At the end of [*a*] **the** suspension or revocation resulting from a conviction [*as de-*
42 *scribed in ORS 813.602*] **for driving while under the influence of intoxicants in violation of ORS**
43 **813.010 or of a municipal ordinance,** the Department of Transportation shall suspend the driving
44 privileges or right to apply for driving privileges of a person who has not submitted proof to the
45 department that an ignition interlock device has been installed **in any vehicle operated by the**

1 **person** or who tampers with an ignition interlock device after it has been installed.

2 “(2) Subject to section 3 of this 2015 Act, if the department imposes a suspension under sub-
3 section (1) of this section for failing to submit proof of installation, the suspension continues until
4 the department receives proof that the ignition interlock device has been installed. If the department
5 does not receive proof that the ignition interlock device has been installed, the suspension shall
6 continue for:

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

8 “(b) Except as provided in paragraph (c) of this subsection, two years after the ending date of
9 the suspension resulting from a second or subsequent conviction; or

10 “(c) Five years after the ending date of the longest running suspension or revocation resulting
11 from a conviction described in ORS 813.602 (2).

12 “(3) Subject to section 3 of this 2015 Act, if the department imposes a suspension under sub-
13 section (1) of this section for tampering with an ignition interlock device, the suspension continues
14 until:

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

16 “(b) Except as provided in paragraph (c) of this subsection, two years after the ending date of
17 the suspension resulting from a second or subsequent conviction; or

18 “(c) Five years after the ending date of the longest running suspension or revocation resulting
19 from a conviction described in ORS 813.602 (2).

20 “(4) A person whose driving privileges or right to apply for privileges is suspended under sub-
21 section (1) of this section is entitled to administrative review, as described in ORS 809.440.

22 “**SECTION 13. If House Bill 2660 becomes law, sections 2, 3, 4, 5, 6 and 7, chapter ____,**
23 **Oregon Laws 2015 (Enrolled House Bill 2660), are repealed.**

24 “**SECTION 14. If House Bill 2660 becomes law, section 9 of this 2015 Act is amended to**
25 **read:**

26 “**Sec. 9.** Sections 2 to 4, 7 and 8 of this 2015 Act and the amendments to ORS 813.602 by section
27 [5] **11** of this 2015 Act apply to offenses committed on or after the effective date of this 2015 Act.”.