

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2660**

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

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

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

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

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

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

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

19 “(2) When a person is convicted of a crime or multiple crimes as described  
20 in this subsection, the department, in addition to any other requirement,  
21 shall require that the person [*install*] **have installed** and [*use*] **be using** an  
22 approved ignition interlock device in any vehicle operated by the person for

1 five years after the ending date of the longest running suspension or revo-  
2 cation caused by any of the convictions. Violation of the condition imposed  
3 under this subsection is a Class A traffic violation. A person is subject to  
4 this subsection when the person is convicted of:

5 “(a) Driving while under the influence of intoxicants in violation of ORS  
6 813.010 or of a municipal ordinance and any of the following crimes as part  
7 of the same criminal episode:

8 “(A) Any degree of murder.

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

10 “(C) Criminally negligent homicide.

11 “(D) Assault in the first degree.

12 “(b) Aggravated vehicular homicide.

13 “(c) Driving while under the influence of intoxicants in violation of ORS  
14 813.010 or of a municipal ordinance and the person’s driving privileges are  
15 revoked under ORS 809.235 (1)(b) and later ordered restored under ORS  
16 809.235 (4).

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

20 “(A) **The court shall require** that an approved ignition interlock device  
21 be installed and used in any vehicle operated by the person during the period  
22 of the agreement when the person has driving privileges[.] **if:**

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

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

28 “(iii) **The person submitted to a chemical test of the person’s**  
29 **breath, blood or urine as required under ORS 813.100 or 813.131 and the**  
30 **test disclosed a blood alcohol content of more than 0.00 percent by**

1 **weight but less than 0.08 percent or more by weight and disclosed the**  
2 **presence of a controlled substance or an inhalant.**

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

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

11 **“[(b)] (c) A court may exempt a person from the condition in a diversion**  
12 **agreement to [install] have installed and [use] be using an ignition inter-**  
13 **lock device if the court determines that the person meets the requirements**  
14 **for a medical exemption in accordance with rules adopted by the department**  
15 **under this section. A person granted a medical exemption under this para-**  
16 **graph shall carry proof of the medical exemption with the person while op-**  
17 **erating any vehicle.**

18 **“[(4) Except as provided in subsection (5) of this section, if an ignition**  
19 **interlock system is ordered or required under subsection (1), (2) or (3) of this**  
20 **section, the person so ordered or required shall pay to the provider the rea-**  
21 **sonable costs of leasing, installing and maintaining the device. A payment**  
22 **schedule may be established for the person by the department.]**

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

30 **“[(6) The department, by rule, shall establish criteria and procedures it will**

1 use for qualification to waive or defer costs described under subsection (4) of  
2 this section for indigence. The criteria must be consistent with the standards  
3 for indigence adopted by the federal government for purposes of the Supple-  
4 mental Nutrition Assistance Program.]

5 “[7] At the end of the suspension or revocation resulting from the con-  
6 viction, the department shall suspend the driving privileges or right to apply  
7 for driving privileges of a person who has not submitted proof to the depart-  
8 ment that an ignition interlock device has been installed or who tampers with  
9 an ignition interlock device after it has been installed.]

10 “[8] If the department imposes a suspension under subsection (7) of this  
11 section for failing to submit proof of installation, the suspension continues  
12 until the department receives proof that the ignition interlock device has been  
13 installed. If the department does not receive proof that the ignition interlock  
14 device has been installed, the suspension shall continue for:]

15 “[a] One year after the ending date of the suspension resulting from the  
16 first conviction;]

17 “[b] Except as provided in paragraph (c) of this subsection, two years after  
18 the ending date of the suspension resulting from a second or subsequent con-  
19 viction; or]

20 “[c] Five years after the ending date of the longest running suspension or  
21 revocation resulting from a conviction described in subsection (2) of this sec-  
22 tion.]

23 “[9] If the department imposes a suspension under subsection (7) of this  
24 section for tampering with an ignition interlock device, the suspension contin-  
25 ues until:]

26 “[a] One year after the ending date of the suspension resulting from the  
27 first conviction;]

28 “[b] Except as provided in paragraph (c) of this subsection, two years after  
29 the ending date of the suspension resulting from a second or subsequent con-  
30 viction; or]

1       “[(c) Five years after the ending date of the longest running suspension or  
2 revocation resulting from a conviction described in subsection (2) of this sec-  
3 tion.]

4       “[(10) A person whose driving privileges or right to apply for privileges is  
5 suspended under subsection (7) of this section is entitled to administrative re-  
6 view, as described in ORS 809.440, of the action.]

7       “[(11)] (4) The department shall adopt rules permitting medical ex-  
8 emptions from the requirements of installation and use of an ignition inter-  
9 lock device under [subsections (1), (2) and (3) of] this section.

10       “[(12) When a person is required to install an ignition interlock device  
11 under subsection (2) or (3) of this section, the provider of the device shall  
12 provide notice of any installation or removal of the device or any tampering  
13 with the device to the court that ordered installation of the device or to the  
14 court’s designee, including but not limited to an agency or organization certi-  
15 fied by the Oregon Health Authority under ORS 813.025.]”.

16       On page 4, line 36, delete “(3)” and insert “(2) or (3)”.

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