

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

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  
3 7, chapter \_\_\_, Oregon 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  
6 and the amendments to ORS 813.602 by section 5 of this 2015 Act apply  
7 to offenses committed on or after the effective date of this 2015 Act.**

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

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13 Act (amending ORS 813.602) is repealed and ORS 813.602, as amended  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

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

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

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

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

9       “(2) When a person is convicted of a crime or multiple crimes as described  
10 in this subsection, the department, in addition to any other requirement,  
11 shall require that the person have installed and be using an approved ig-  
12 nition interlock device in any vehicle operated by the person for five years  
13 after the ending date of the longest running suspension or revocation caused  
14 by any of the convictions. Violation of the condition imposed under this  
15 subsection is a Class A traffic violation. A person is subject to this sub-  
16 section when the person is convicted of:

17       “(a) Driving while under the influence of intoxicants in violation of ORS  
18 813.010 or of a municipal ordinance and any of the following crimes as part  
19 of the same criminal episode:

20       “(A) Any degree of murder.

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

22       “(C) Criminally negligent homicide.

23       “(D) Assault in the first degree.

24       “(b) Aggravated vehicular homicide.

25       “(c) Driving while under the influence of intoxicants in violation of ORS  
26 813.010 or of a municipal ordinance and the person’s driving privileges are  
27 revoked under ORS 809.235 (1)(b) and later ordered restored under ORS  
28 809.235 (4).

29       “(3)(a) Except as provided in paragraph (c) of this subsection, as a con-  
30 dition of a driving while under the influence of intoxicants diversion agree-

1 ment:

2 “(A) The court shall require that an approved ignition interlock device  
3 be installed and used in any vehicle operated by the person during the period  
4 of the agreement when the person has driving privileges if:

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

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

10 “(iii) The person submitted to a chemical test of the person’s breath, blood  
11 or urine as required under ORS 813.100 or 813.131 and the test disclosed a  
12 blood alcohol content of more than 0.00 percent by weight but less than 0.08  
13 percent [*or more*] by weight and disclosed the presence of a controlled sub-  
14 stance or an inhalant.

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

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

23 “(c) A court may exempt a person from the condition in a diversion  
24 agreement to have installed and be using an ignition interlock device if the  
25 court determines that the person meets the requirements for a medical ex-  
26 emption in accordance with rules adopted by the department under this sec-  
27 tion. A person granted a medical exemption under this paragraph shall carry  
28 proof of the medical exemption with the person while operating any vehicle.

29 “(4) The department shall adopt rules permitting medical exemptions from  
30 the requirements of installation and use of an ignition interlock device under

1 this section.

2 “(5) When a person is required to install an ignition interlock device  
3 under subsection (2) of this section, the provider of the device shall  
4 provide notice of any installation or removal of the device or any  
5 tampering with the device to:

6 “(a) The supervising court or to the court’s designee, including but  
7 not limited to an agency or organization certified by the Oregon  
8 Health Authority under ORS 813.025; and

9 “(b) The district attorney or the city prosecutor.

10 “**SECTION 12.** If House Bill 2660 becomes law, section 8 of this 2015 Act  
11 is amended to read:

12 “**Sec. 8.** (1) At the end of [a] **the** suspension or revocation resulting from  
13 a conviction [*as described in ORS 813.602*] **for driving while under the**  
14 **influence of intoxicants in violation of ORS 813.010 or of a municipal**  
15 **ordinance**, the Department of Transportation shall suspend the driving  
16 privileges or right to apply for driving privileges of a person who has not  
17 submitted proof to the department that an ignition interlock device has been  
18 installed **in any vehicle operated by the person** or who tampers with an  
19 ignition interlock device after it has been installed.

20 “(2) Subject to section 3 of this 2015 Act, if the department imposes a  
21 suspension under subsection (1) of this section for failing to submit proof of  
22 installation, the suspension continues until the department receives proof  
23 that the ignition interlock device has been installed. If the department does  
24 not receive proof that the ignition interlock device has been installed, the  
25 suspension shall continue for:

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

28 “(b) Except as provided in paragraph (c) of this subsection, two years af-  
29 ter the ending date of the suspension resulting from a second or subsequent  
30 conviction; or

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

3 “(3) Subject to section 3 of this 2015 Act, if the department imposes a  
4 suspension under subsection (1) of this section for tampering with an ignition  
5 interlock device, the suspension continues until:

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

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

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

13 “(4) A person whose driving privileges or right to apply for privileges is  
14 suspended under subsection (1) of this section is entitled to administrative  
15 review, as described in ORS 809.440.

16 **“SECTION 13. If House Bill 2660 becomes law, sections 2, 3, 4, 5, 6  
17 and 7, chapter \_\_, Oregon Laws 2015 (Enrolled House Bill 2660), are  
18 repealed.**

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

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

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