

## HB 2638 -1, -2, -4 STAFF MEASURE SUMMARY

### House Committee On Judiciary

---

**Prepared By:** Channa Newell, Counsel

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/22, 3/8

---

#### WHAT THE MEASURE DOES:

Revises standards for ignition interlock devices (IIDs) used in Oregon. Requires providers of IIDs to hold certificate from Department of Transportation. Specifies Department may issue certificates to providers who agree to provide statewide service centers, operate a 24 hour phone assistance line, perform background checks on IID technicians, and provide testimony on IID process. Requires provider pay fees adequate to cover expense of program administration. Requires criminal background check on all individuals acting as IID technician. Prohibits employment as IID technician for individuals convicted of driving under the influence of intoxicants or criminal offenses involving fraud, forgery, or theft. Creates complaint process for individuals who have IIDs installed on vehicle. Requires GPS location information be recorded when IID records a test violation. Creates Ignition Interlock Device Management Fund. Adds Oregon State Police to entities receiving negative reports. Allows court to order individual to complete additional treatment if court receives at least two negative reports. Transfers oversight of IID providers to Department of State Police on January 1, 2019. Becomes effective 91 days sine die. Becomes operative on January 1, 2018.

#### ISSUES DISCUSSED:

##### EFFECT OF AMENDMENT:

-1 Modifies language on interest earned in Fund.

-2 Corrects reference.

-4 Incorporates -1 and -2 amendments. Adds additional statutory references when Department of State Police manages program. Delays effective date by six months. Includes Oregon Administrative Rules definition of "test violation" within statute.

#### BACKGROUND:

Any person convicted of DUUI or in a DUUI diversion program and driving must have an ignition interlock device (IID) installed on any vehicle driven by the person. An IID is an electronic device that is fitted to a vehicle. The driver of the vehicle blows into a tube connected to the device, which analyzes the contents of the breath for alcohol. The alcohol content is recorded and if the result is over a set amount, the vehicle will record a "failure" and will not start. The Oregon Department of Transportation maintains a list of approved IID devices. The driver is responsible for all fees and payment associated with installing and maintaining the IID. Reports of tampering with the device, lockouts, or test violations are called negative reports, and are downloaded by the service provider and shared with a designee of the court and the district attorney.

House Bill 2638 adds operating requirements for providers of ignition interlock devices. The measure requires service providers to meet standards, such as offering service centers statewide, manning a 24 hour assistance line, and performing background checks on IID technicians. HB 2638 requires GPS devices on IIDs that take a location reading when a test violation occurs. Additionally, the measure allows a court to order a participant in diversion to return to treatment upon receipt of two negative reports. In 2019, oversight of IID providers transfers from the Department of Transportation to the Department of State Police.