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STATE REPRESENTATIVE
DISTRICT 15

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Senator Betsy Johnson
Representative David Gomberg
Sub Ways & Means Committee on Transportation & Economic Development
900 Court St. N
Salem, OR 97301

Madam & Mr. Co-Chairs and Committee Members,

HB 2638 changes the game in Oregon as it relates to the Ignition Interlock Device (IID). This measure is an important step in the fight against DUII offender accountability.

Currently, Oregon's IID laws lack oversight to protect the public from impaired drivers. DUII offenders, in the process of adjudication and treatment, are also at risk from dishonest vendors and installers that take advantage of them due to nonexistence of standards or accountability.

Only 35% of DUII offenders actually install an IID on their vehicles. That means that 65% of DUII offenders do not comply with installation. As a result, treatment programs are not as effective and causes additional oversight with the Courts, District Attorneys and parole & probation.

HB 2638 is the product of an interim workgroup that recognized the gaps in Oregon's laws. Representative Greenlick and I pulled together prosecutors, treatment providers, courts, DMV staff, defense attorneys, the Governor's Advisory Committee (GAC) on DUII, and IID providers. Across the board, the workgroup identified significant problems around IIDs including a lack of oversight and standards for IID providers and installers, a very low compliance rate of those offenders required to install IIDs, and a resulting gap in ensuring public safety on Oregon roadways in the face of increasing fatalities from impaired driving crashes.

This workgroup looked at Washington State's (WSP) effective model for IID oversight and the group recommended adapting much of their structure to fit Oregon's needs. It is important to note the support given to this effort by the IID providers themselves. WSP recognized the need for strong management oversight, industry accountability and being an integral part of crafting this bill.

Over the years... we have made some small improvements for IID's. Last session the legislature closed a loophole that had allowed offenders to simply wait out the IID requirement. Also, ODOT amended its rules governing the technology of the device itself, requiring more accurate

technology as well as photographic capability to document who is using the device in attempting to start the vehicle.

The oversight of IID vendors is a missing link in assuring the effectiveness of the IID mandate. HB 2638 gives authority to ODOT to create an oversight authority structure for the vendors and installers of the devices. The bill directs ODOT to house that regulatory responsibility within their Transportation Safety Division program.

The department will need three FTE for two biennia, at which point the program, by the terms of the bill, transfers to the Oregon State Police (OSP). The position needs include: gathering of information and stakeholders to develop the administrative rules around the certification and oversight; financial analysis to assist in drafting a separate fee rule; procuring software; dealing with the existing backlog of complaints concerning IID vendors; plan and coordinate the communication for reporting IID use and violation reports among all the entities involved in the IID system; field work checking compliance on equipment, vendors and installers; deal with offender and vendor complaints; work with law enforcement concerning sanctions; administrative duties tracking case work and financial issues for the compliance officer.

ODOT will have two major rules to create in 2017-19 (certification processes and fees for manufacturers and for installers). Both would require significant Department of Justice review. ODOT plans to work with our Washington state partners to learn from their experience, and for specific IID based training.

ODOT recommends two amendments to this measure. First, move the operative date to July 1, 2018, that would provide ODOT six additional months to prepare for the launch of the program. And, to keep all IID oversight together under one agency... ODOT recommends moving oversight of the devices (ORS 813.600) to OSP at the same time as the vendor oversight piece already encompassed in this bill.

Bottom line... with the passage of this bill, ODOT will establish an IID oversight program within the Transportation Safety Division. It will be staffed to establish administrative rules, establish a fee schedule that matches the cost of the program, will be capable of investigating complaints and monitor the information flow between the devices, installers, treatment professionals and the courts.

Consider the **-A5 amendment**... creates a path for DUII offenders who have received a felony revocation to seek a hardship driver's license under specific guidelines after five years using an IID.

Sincerely,



Andy Olson