



# Oregon

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**DATE:** June 6, 2017

**TO:** Ways and Means Subcommittee on Transportation and Economic Development

**FROM:** Amy Joyce, Legislative Liaison  
ODOT Transportation Safety Division

**SUBJECT:** HB 2638-A, Ignition Interlock Oversight Program

## INTRODUCTION

House Bill 2638-A increases the effectiveness of current law requiring DUII offenders to install an ignition interlock device by adding oversight of the providers of those devices. ODOT would create the program over the course of the 2017-19 biennium, and then the program would shift to OSP. Costs for the first year would be covered by federal grant money and license fees would cover the program costs from the second year forward.

## BACKGROUND

Ignition interlock devices (IIDs) prevent a motor vehicle from starting if the person attempting to operate the vehicle has blood alcohol content exceeding a very low level. They are used throughout the country as one tool to reduce drunk driving. Oregon has used IIDs as an option for convicted DUII (Driving Under the Influence of Intoxicants) offenders since 1987.

Over the last 20 years various pieces of responsibility involving the IID system have been given to several state agencies and other entities with no single office or agency in the lead. In 2011 the legislature mandated the use of IIDs for those entering DUII diversion agreements, which doubled the number of offenders that should have an IID installed. Today there are significant gaps in the oversight of the equipment, vendors, and installers of the devices.

The bill's overall goal is that the devices being used by offenders, and relied upon by courts, treatment providers, and society at large, will be more effective at reducing impaired driving and improving addiction treatment. Recent changes in law and rule have made small improvements. Last session the legislature closed a loophole that had allowed offenders to simply wait out the IID requirement. Also, the department 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. An interim work group developed the oversight idea for Oregon, largely based on the successful oversight program Washington State stood up just a few years ago.

## DISCUSSION

The impact to the Department of Transportation is the required creation of an oversight program for the vendors and installers of the devices and initial implementation of that program. The bill puts that regulatory responsibility on ODOT; the Transportation Safety Division will house the program. The department will focus its efforts immediately on the standards and processes for

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certifying service centers - the businesses (such as vendor-owned sites, auto dealers, vehicle accessory shops) where these devices are installed. This will constitute a major administrative rule-writing project with extensive stakeholder involvement. ODOT will have two major rules to create in 2017-19 (certification standards, processes, and enforcement; fees for manufacturers and installers). Both would require significant Department of Justice review. The department will work with representatives of the Washington State program to learn from their experience, and for specific IID based training.

The department will need three FTE for one biennium. Two are limited duration to start the new program. One is permanent, but will transfer to OSP when the responsibility for operations is transferred in the 19-21 biennium.

- Limited Duration PA2, beginning 9/1/17. This position will be the program lead, in charge of establishing the OARs which includes the license process and fees.
- Limited Duration PA1, beginning 5/1/18. This position will conduct field compliance and will be responsible for responding to the complaints that are received. This position can be a delayed start as the system won't be in place yet for any compliance or complaint resolution.
- Permanent AS1, beginning 1/1/17. This position will transfer to OSP when they take over the program 7/1/2019.

In general, ODOT 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 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. The administrative position duties include the main contact list of vendors, install locations, and installers; setting up the forms for license application; the rule process; meetings with vendors; establishing the IID network contact list.

The first year of implementation would be funded by federal highway safety funds (impaired driving-specific grant money). Operational costs in future years, including when the program is at OSP, would be covered by the license fees that are established in rule at a rate to recoup program costs.

At the start of the 2019-21 biennium, the program transfers to the Oregon State Police (OSP).

The bill has an effective date of October 1, 2017, and an operative date of July 1, 2018, to provide time for the rule-writing process and preparing the new program to launch. ODOT will operate the program until July 1, 2019, at which point OSP will take over the operation of a fully-functioning and self-supporting program.

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**SUMMARY**

Under HB 2638-A, ODOT will create an IID oversight program, envisioned by an interim work group and modeled on Washington State's program. 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 monitoring the information flow between the devices, installers, treatment professionals and the courts. ODOT will require two FTE who will need to start as soon as possible to stand up the new program. An additional FTE has a delay due to the nature of the work performed. One of the earlier FTE will be permanent, covering administrative duties, and will transfer to OSP when they take over the program. The first year of implementation would be paid by federal grant funds. On-going operational costs would be covered by license fees.