

House Bill 2638

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies laws related to ignition interlock devices.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to ignition interlock devices; creating new provisions; amending ORS 813.200, 813.600, 813.602, 813.603, 813.630, 813.635 and 813.645; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

ON AND AFTER JANUARY 1, 2018

SECTION 1. Sections 2 to 6 and 10 of this 2017 Act and ORS 813.630, 813.635 and 813.645 are added to and made a part of ORS chapter 813.

SECTION 2. Definitions. As used in ORS chapter 813:

(1) **"Ignition interlock device technician" means an individual employed by a service center to install, service, repair, monitor, maintain, calibrate or remove ignition interlock devices.**

(2) **"Negative report" includes a report of tampering with an ignition interlock device, unauthorized removal of an ignition interlock device, lockout or a test violation recorded by an ignition interlock device. The Department of Transportation may by rule further define what constitutes a test violation.**

(3) **"Service center" means a private entity that installs, services, repairs, monitors, maintains, calibrates and removes ignition interlock devices in this state.**

SECTION 3. Service center certification. (1) A person may not establish a service center without first obtaining a certificate from the Department of Transportation.

(2) **A person may apply to the department for a service center certificate under this section. The application shall be in such form as may be specified by the department.**

(3) **The department may issue a certificate if the person:**

(a) **Meets all of the requirements established by this section and the rules adopted by the department;**

(b) **Agrees to provide testimony relating to any aspect of the installation, service, repair, monitoring, maintenance, calibration, use, removal or performance of the ignition interlock device at any criminal proceeding or administrative hearing;**

(c) **Utilizes ignition interlock device technicians who meet the minimum standards for qualification as a technician established by the department by rule and who undergo a**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 criminal background check under section 4 of this 2017 Act;

2 (d) Provides service centers statewide, as defined by the department by rule;

3 (e) Provides 24-hour telephone assistance to customers; and

4 (f) Pays all required fees.

5 (4) The department may adopt rules establishing additional requirements for issuance
6 and renewal of certificates under this section.

7 (5) The department may refuse to issue or renew or may suspend or revoke any certif-
8 icate issued under this section in any case where the department finds that the applicant or
9 certificate holder has violated or failed to comply with any rules adopted under this section.

10 (6) The department by rule shall establish fees for applications for and issuance and re-
11 newal of certificates under this section. The fees shall be in an amount adequate to pay all
12 administrative costs incurred by the department in administering sections 2 to 6 of this 2017
13 Act. The fees shall be designed to cover the costs to the department for issuing or renewing
14 certificates under this section.

15 (7) Certificates issued under this section are subject to the following:

16 (a) A certificate shall expire two years from the date of issuance unless renewed ac-
17 cording to the rules of the department.

18 (b) The department may not issue or renew a certificate to a service center until the fee
19 for issuance or renewal of the certificate under this section is paid.

20 (c) A fee for a certificate may not be refunded in the event any certificate is refused,
21 suspended or revoked.

22 (8) The department may adopt rules for the implementation and administration of
23 sections 2 to 6 of this 2017 Act.

24 **SECTION 4. Criminal background check.** (1) A service center shall conduct a criminal
25 background check before hiring or contracting with an individual as an ignition interlock
26 device technician to determine whether the individual has been convicted of the following:

27 (a) Driving while under the influence of intoxicants in violation of ORS 813.010 or the
28 statutory counterpart in another jurisdiction; or

29 (b) A criminal offense involving fraud, forgery or theft in any jurisdiction.

30 (2) The Department of Transportation shall prescribe by rule the process for conducting
31 a criminal background check.

32 (3) If the criminal background check conducted by a service center reveals that the in-
33 dividual who is the subject of the criminal background check has been convicted of any of
34 the crimes described in subsection (1) of this section the service center may not employ the
35 individual as an ignition interlock device technician.

36 **SECTION 5. Complaint process.** The Department of Transportation shall adopt a proce-
37 dure for a person to file a complaint with the department concerning a service center's
38 failure to comply with a requirement of sections 2 to 6 of this 2017 Act. The department
39 shall:

40 (1) Provide a response to the complainant no later than 14 days after the date the com-
41 plaint is filed;

42 (2) Complete an investigation of the complaint no later than 90 days after the date the
43 complaint is filed; and

44 (3) Provide a written report of the results of the investigation to the service center and
45 to the complainant.

1 **SECTION 6. Ignition Interlock Device Management Fund.** (1) The Ignition Interlock De-
 2 vice Management Fund is established in the State Treasury separate and distinct from the
 3 General Fund.

4 (2) Moneys in the Ignition Interlock Device Management Fund consist of:

5 (a) Fees collected under section 2 of this 2017 Act for issuance or renewal of service
 6 center certificates under section 2 of this 2017 Act;

7 (b) Amounts appropriated or otherwise transferred to the fund by the Legislative As-
 8 sembly;

9 (c) Interest and other earnings on moneys in the fund; and

10 (d) Other amounts deposited in the fund from any source.

11 (3) Moneys in the fund are continuously appropriated to the Department of Transporta-
 12 tion for the purpose of fulfilling the department's duties, functions and powers related to
 13 specifying requirements for ignition interlock devices as required under ORS 813.600 and
 14 carrying out the regulatory functions of the department relating to service centers, as de-
 15 scribed in sections 2 to 6 of this 2017 Act.

16 **SECTION 7.** ORS 813.600 is amended to read:

17 813.600. (1) The Department of Transportation, in consultation with the Transportation Safety
 18 Committee, shall establish a program for the use of ignition interlock devices by persons convicted
 19 of driving while under the influence of intoxicants and granted hardship permits under ORS 807.240
 20 and by persons who have entered into a driving while under the influence of intoxicants diversion
 21 agreement.

22 (2) The department shall adopt rules that specify requirements for ignition interlock devices that
 23 may be used and shall publish a list of devices that meet the requirements. The list may include
 24 devices that:

25 (a) Do not impede the safe operation of the vehicle;

26 (b) Have the fewest opportunities to be bypassed;

27 (c) Correlate well with established measures of alcohol impairment;

28 (d) Work accurately and reliably in an unsupervised environment;

29 (e) Require a deep lung breath sample or other accurate measure of blood alcohol content
 30 equivalence;

31 (f) Resist tampering and give evidence if tampering is attempted;

32 (g) Are difficult to circumvent, and require premeditation to do so;

33 (h) Minimize inconvenience to a sober user;

34 (i) Operate reliably over the range of automobile environments or automobile manufacturing
 35 standards;

36 (j) Are manufactured by a party who is adequately insured for product liability; *[and]*

37 (k) Have a label affixed in a prominent location warning that any person tampering with, cir-
 38 cumventing or otherwise misusing the device is subject to civil penalty[.]; **and**

39 **(L) If there is a test violation, record the locational coordinate information of the vehicle,**
 40 **including latitude and longitude as established by a global positioning system.**

41 **(3) The department shall adopt rules for the annual testing of ignition interlock devices.**
 42 **The rules shall establish standards for the devices and for the performance of the devices.**

43 **SECTION 8.** ORS 813.630 is amended to read:

44 813.630. *[(1)(a) As used in this section, "negative report" includes a report of tampering with an*
 45 *ignition interlock device, unauthorized removal of an ignition interlock device, lockout or a test vio-*

1 *lation recorded by an ignition interlock device.]*

2 *[(b) The Department of Transportation may by rule further define what constitutes a test*
 3 *violation.]*

4 *[(2)] (1)* This section applies only to a person who has had an ignition interlock device installed
 5 as a condition of a driving while under the influence of intoxicants diversion agreement under ORS
 6 813.602 (3).

7 *[(3)] (2)* After an ignition interlock device is installed, the *[provider]* **service center** that in-
 8 stalled the device shall notify:

9 (a) The court that required the device to be installed or the court’s designee, including but not
 10 limited to an agency or organization certified by the Oregon Health Authority under ORS 813.025;
 11 and

12 (b) The district attorney or city prosecutor.

13 *[(4)] (3)* Notice of the installation must be given within seven business days of installing the
 14 ignition interlock device.

15 *[(5)] (4)* Each time a *[provider]* **service center** has access to an ignition interlock device that
 16 the *[provider]* **service center** installed, the *[provider]* **service center** shall download all reports re-
 17 corded on the device. If the *[provider]* **service center** downloads a negative report, the *[provider]*
 18 **service center** shall submit the negative report, in a form prescribed by rule by the department, to:

19 (a) The court that required the device to be installed or the court’s designee, including but not
 20 limited to an agency or organization certified by the Oregon Health Authority under ORS 813.025;
 21 *[and]*

22 (b) The district attorney or city prosecutor[.]; **and**

23 **(c) The Department of State Police.**

24 *[(6)] (5)* The *[provider]* **service center** shall submit a negative report as provided in subsection
 25 *[(5)] (4)* of this section within seven business days of downloading the report.

26 **SECTION 9.** ORS 813.200 is amended to read:

27 813.200. (1) The court shall inform at arraignment a defendant charged with the offense of
 28 driving while under the influence of intoxicants as defined in ORS 813.010 or a city ordinance con-
 29 forming thereto that a diversion agreement may be available if the defendant meets the criteria set
 30 out in ORS 813.215 and files with the court a petition for a driving while under the influence of
 31 intoxicants diversion agreement.

32 (2) The petition forms for a driving while under the influence of intoxicants diversion agreement
 33 shall be available to a defendant at the court.

34 (3) The form of the petition for a driving while under the influence of intoxicants diversion
 35 agreement and the information and blanks contained therein shall be determined by the Supreme
 36 Court under ORS 1.525. The petition forms made available to a defendant by any city or state court
 37 shall conform to the requirements adopted by the Supreme Court.

38 (4) In addition to any other information required by the Supreme Court to be contained in a
 39 petition for a driving while under the influence of intoxicants diversion agreement, the petition shall
 40 include:

41 (a) A plea of guilty or no contest to the charge of driving while under the influence of
 42 intoxicants signed by the defendant;

43 (b) An agreement by the defendant to complete at an agency or organization designated by the
 44 city or state court a screening interview to determine the possible existence and degree of an al-
 45cohol or drug abuse problem;

1 (c) An agreement by the defendant to complete, at defendant's own expense based on defendant's
2 ability to pay, the program of treatment:

3 (A) Indicated as necessary by the screening interview; or

4 (B) **If ordered by the court under section 10 of this 2017 Act after the court receives at**
5 **least two negative reports;**

6 (d) Except as provided in subsection (5) of this section, an agreement by the defendant to not
7 use intoxicants during the diversion period and to comply fully with the laws of this state designed
8 to discourage the use of intoxicants;

9 (e) A notice to the defendant that the diversion agreement will be considered to be violated if
10 the court receives notice that the defendant at any time during the diversion period committed the
11 offense of driving while under the influence of intoxicants or committed a violation of ORS 811.170;

12 (f) An agreement by the defendant to keep the court advised of the defendant's current mailing
13 address at all times during the diversion period;

14 (g) A waiver by the defendant of any former jeopardy rights under the federal and state Con-
15 stitutions and ORS 131.505 to 131.525 in any subsequent action upon the charge or any other of-
16 fenses based upon the same criminal episode;

17 (h) A sworn statement, as defined in ORS 162.055, by the defendant certifying that the defendant
18 meets the criteria set out in ORS 813.215 to be eligible to enter into the driving while under the
19 influence of intoxicants diversion agreement;

20 (i) An agreement by the defendant to pay court-appointed attorney fees as determined by the
21 court; and

22 (j) An agreement by the defendant to pay restitution if ordered by the court under ORS 137.108.

23 (5) A person may use intoxicants during the diversion period if:

24 (a) The person consumes sacramental wine given or provided as part of a religious rite or ser-
25 vice;

26 (b) The person has a valid prescription for a substance and the person takes the substance as
27 directed; or

28 (c) The person is using a nonprescription drug, as defined in ORS 689.005, in accordance with
29 the directions for use that are printed on the label for that nonprescription drug.

30 **SECTION 10. Diversion agreement; additional treatment following negative reports. In**
31 **addition to any other requirement to participate in an alcohol or drug treatment program**
32 **required by law, if a court receives at least two negative reports, as defined in ORS 813.630,**
33 **a court may order that the defendant complete, at the defendant's own expense based on the**
34 **defendant's ability to pay, an alcohol or drug treatment program.**

35 **SECTION 11.** ORS 813.602 is amended to read:

36 813.602. (1) Subject to subsection (2) of this section, when a person is convicted of driving while
37 under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance, the De-
38 partment of Transportation, in addition to any other requirement, shall require that the person have
39 installed and be using an approved ignition interlock device in any vehicle operated by the person:

40 (a) Before the person is eligible for a hardship permit. The requirement is a condition of the
41 hardship permit for the duration of the hardship permit.

42 (b) For a first conviction, for one year after the ending date of the suspension or revocation
43 caused by the conviction. Violation of the condition imposed under this paragraph is a Class A
44 traffic violation.

45 (c) For a second or subsequent conviction, for two years after the ending date of the suspension

1 or revocation caused by the conviction. Violation of the condition imposed under this paragraph is
 2 a Class A traffic violation.

3 (2) When a person is convicted of a crime or multiple crimes as described in this subsection, the
 4 department, in addition to any other requirement, shall require that the person have installed and
 5 be using an approved ignition interlock device in any vehicle operated by the person for five years
 6 after the ending date of the longest running suspension or revocation caused by any of the con-
 7 victions. Violation of the condition imposed under this subsection is a Class A traffic violation. A
 8 person is subject to this subsection when the person is convicted of:

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

- 11 (A) Any degree of murder.
- 12 (B) Manslaughter in the first or second degree.
- 13 (C) Criminally negligent homicide.
- 14 (D) Assault in the first degree.

15 (b) Aggravated vehicular homicide.

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

19 (3)(a) Except as provided in paragraph (c) of this subsection, as a condition of a driving while
 20 under the influence of intoxicants diversion agreement:

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

24 (i) The person submitted to a chemical test of the person's breath or blood as required under
 25 ORS 813.100 and the test disclosed a blood 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 breath or blood; or

27 (iii) The person submitted to a chemical test of the person's breath, blood or urine as required
 28 under ORS 813.100 or 813.131 and the test disclosed a blood alcohol content of more than 0.00 per-
 29 cent by weight but less than 0.08 percent by weight and disclosed the presence of a controlled sub-
 30 stance or an inhalant.

31 (B) The court may require that an approved ignition interlock device be installed and used in
 32 any vehicle operated by the person during the period of the agreement when the person has driving
 33 privileges if the person submitted to a chemical test of the person's breath, blood or urine as re-
 34 quired under ORS 813.100 or 813.131 and the test disclosed a blood alcohol content below 0.08 per-
 35 cent by weight.

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

38 (c) A court may exempt a person from the condition in a diversion agreement to have installed
 39 and be using an ignition interlock device if the court determines that the person meets the re-
 40 quirements for a medical exemption in accordance with rules adopted by the department under this
 41 section. A person granted a medical exemption under this paragraph shall carry proof of the medical
 42 exemption with the person while operating any vehicle.

43 (4) The department shall adopt rules permitting medical exemptions from the requirements of
 44 installation and use of an ignition interlock device under this section.

45 (5) When a person is required to install an ignition interlock device under subsection (2) of this

1 section, the [provider of] **service center providing** the device shall provide notice of any installa-
 2 tion or removal of the device or any tampering with the device to:

3 (a) The supervising court or to the court's designee, including but not limited to an agency or
 4 organization certified by the Oregon Health Authority under ORS 813.025; and

5 (b) The district attorney or the city prosecutor.

6 **SECTION 12.** ORS 813.603 is amended to read:

7 813.603. (1) Except as provided in subsection (2) of this section, if an ignition interlock device
 8 is ordered or required under ORS 813.602, the person so ordered or required shall pay to the [pro-
 9 vider] **service center** the reasonable costs of leasing, installing and maintaining the device. A pay-
 10 ment schedule may be established for the person by the Department of Transportation.

11 (2) The department may waive, in whole or in part, or defer the person's responsibility to pay
 12 all or part of the costs under subsection (1) of this section if the person meets the criteria for
 13 indigence established for waiving or deferring such costs under subsection (3) of this section. If the
 14 person's responsibility for costs is waived, then notwithstanding ORS 813.270, the costs described in
 15 subsection (1) of this section must be paid from the Intoxicated Driver Program Fund.

16 (3) The department, by rule, shall establish criteria and procedures for qualification to waive
 17 or defer costs described under subsection (1) of this section for indigence. The criteria must be
 18 consistent with the standards for indigence adopted by the federal government for purposes of the
 19 Supplemental Nutrition Assistance Program.

20 **SECTION 13.** ORS 813.635 is amended to read:

21 813.635. [(1)(a) As used in this section, "negative report" includes a report of tampering with an
 22 ignition interlock device, unauthorized removal of an ignition interlock device, lockout or a test vio-
 23 lation recorded by an ignition interlock device.]

24 [(b) The Department of Transportation may by rule further define what constitutes a test
 25 violation.]

26 [(2)] (1) Notwithstanding ORS 813.602 (1)(b) or (c), (2) or (3), the requirement to have an ignition
 27 interlock device installed in a vehicle continues until the person submits to the Department of
 28 **Transportation** a certificate from the ignition interlock device [provider] **service center** stating
 29 that the device did not record a negative report for the last 90 consecutive days of the required
 30 installation period. The department shall remove the ignition interlock device requirement from the
 31 person's driving record as soon as practicable after the department receives the certificate.

32 [(3)] (2) If there is a negative report during the last 90 consecutive days, the person shall con-
 33 tinue to use an ignition interlock device beyond the period required under ORS 813.602 (1)(b) or (c),
 34 (2) or (3) until the person submits a certificate, in a form prescribed by rule by the department, to
 35 the department from the ignition interlock device [provider] **service center** stating that the device
 36 has not recorded a negative report for 90 consecutive days, beginning on the date of the most recent
 37 negative report.

38 [(4)] (3) This section does not apply to a defendant who is granted an order to vacate the re-
 39 quirement to install an ignition interlock device under ORS 813.645.

40 **SECTION 14.** ORS 813.645 is amended to read:

41 813.645. [(1)(a) As used in this section, "negative report" includes a report of tampering with an
 42 ignition interlock device, unauthorized removal of an ignition interlock device, lockout or a test vio-
 43 lation recorded by an ignition interlock device.]

44 [(b) The Department of Transportation may by rule further define what constitutes a test
 45 violation.]

[2] (1) A defendant may apply by motion to the court in which a driving while under the influence of intoxicants diversion agreement described in ORS 813.230 was entered for an order vacating the requirement to install and use an ignition interlock device if the defendant:

(a) Has complied with the condition of the diversion agreement described in ORS 813.602 (3) for at least six consecutive months and provides a certificate to the court from the ignition interlock device [provider] **service center** stating that the device has not recorded a negative report; and

(b) The defendant has entered into and is in compliance with any treatment program that the person is required to participate in as a condition of diversion.

[3] (2) The defendant shall cause to be served on the district attorney or city prosecutor a copy of the motion for an order vacating the requirement to install and use an ignition interlock device under ORS 813.602 (3). The copy of the motion shall be served on the district attorney or city prosecutor at the time the motion is filed with the court. The district attorney or city prosecutor may contest the motion.

[4] (3) The court shall hold a hearing on a petition filed in accordance with subsection [(2)] (1) of this section. In determining whether to grant the petition, the court shall consider:

(a) The nature of the underlying crime for which driving privileges were suspended.

(b) The blood alcohol content of the defendant at the time of the arrest.

(c) Any other relevant factors.

[5] (4) The court may vacate a defendant's requirement to install and use an ignition interlock device under ORS 813.602 (3) if, after a hearing described in subsection [(4)] (3) of this section, the court finds by a preponderance of the evidence that the petitioner:

(a) Has complied with the condition of the diversion agreement described in ORS 813.602 (3) for at least six consecutive months with no negative reports; and

(b) Has entered into and is in compliance with any treatment program required as a condition of diversion.

[6] (5) When a court vacates a defendant's requirement to install and use an ignition interlock device under ORS 813.602 (3), the court shall notify the Department **of Transportation**.

ON AND AFTER JANUARY 1, 2019

SECTION 15. Section 3 of this 2017 Act is amended to read:

Sec. 3. Service center certification. (1) A person may not establish a service center without first obtaining a certificate from the [*Department of Transportation*] **Department of State Police**.

(2) A person may apply to the department for a service center certificate under this section. The application shall be in such form as may be specified by the department.

(3) The department may issue a certificate if the person:

(a) Meets all of the requirements established by this section and the rules adopted by the department;

(b) Agrees to provide testimony relating to any aspect of the installation, service, repair, monitoring, maintenance, calibration, use, removal or performance of the ignition interlock device at any criminal proceeding or administrative hearing;

(c) Utilizes ignition interlock device technicians who meet the minimum standards for qualification as a technician established by the department by rule and who undergo a criminal background check under section 4 of this 2017 Act;

(d) Provides service centers statewide, as defined by the department by rule;

1 (e) Provides 24-hour telephone assistance to customers; and

2 (f) Pays all required fees.

3 (4) The department may adopt rules establishing additional requirements for issuance and re-
4 newal of certificates under this section.

5 (5) The department may refuse to issue or renew or may suspend or revoke any certificate is-
6 sued under this section in any case where the department finds that the applicant or certificate
7 holder has violated or failed to comply with any rules adopted under this section.

8 (6) The department by rule shall establish fees for applications for and issuance and renewal of
9 certificates under this section. The fees shall be in an amount adequate to pay all administrative
10 costs incurred by the department in administering sections 2 to 6 of this 2017 Act. The fees shall
11 be designed to cover the costs to the department for issuing or renewing certificates under this
12 section.

13 (7) Certificates issued under this section are subject to the following:

14 (a) A certificate shall expire two years from the date of issuance unless renewed according to
15 the rules of the department.

16 (b) The department may not issue or renew a certificate to a service center until the fee for
17 issuance or renewal of the certificate under this section is paid.

18 (c) A fee for a certificate may not be refunded in the event any certificate is refused, suspended
19 or revoked.

20 (8) The department may adopt rules for the implementation and administration of sections 2 to
21 6 of this 2017 Act.

22 **SECTION 16.** Section 4 of this 2017 Act is amended to read:

23 **Sec. 4. Criminal background check.** (1) A service center shall conduct a criminal background
24 check before hiring or contracting with an individual as an ignition interlock device technician to
25 determine whether the individual has been convicted of the following:

26 (a) Driving while under the influence of intoxicants in violation of ORS 813.010 or the statutory
27 counterpart in another jurisdiction; or

28 (b) A criminal offense involving fraud, forgery or theft in any jurisdiction.

29 (2) The [*Department of Transportation*] **Department of State Police** shall prescribe by rule the
30 process for conducting a criminal background check.

31 (3) If the criminal background check conducted by a service center reveals that the individual
32 who is the subject of the criminal background check has been convicted of any of the crimes de-
33 scribed in subsection (1) of this section the service center may not employ the individual as an ig-
34 nition interlock device technician.

35 **SECTION 17.** Section 5 of this 2017 Act is amended to read:

36 **Sec. 5. Complaint process.** The [*Department of Transportation*] **Department of State Police**
37 shall adopt a procedure for a person to file a complaint with the department concerning a service
38 center's failure to comply with a requirement of sections 2 to 6 of this 2017 Act. The department
39 shall:

40 (1) Provide a response to the complainant no later than 14 days after the date the complaint is
41 filed;

42 (2) Complete an investigation of the complaint no later than 90 days after the date the complaint
43 is filed; and

44 (3) Provide a written report of the results of the investigation to the service center and to the
45 complainant.

1 **SECTION 18.** Section 6 of this 2017 Act is amended to read:

2 **Sec. 6. Ignition Interlock Device Management Fund.** (1) The Ignition Interlock Device Manage-
 3 ment Fund is established in the State Treasury separate and distinct from the General Fund.

4 (2) Moneys in the Ignition Interlock Device Management Fund consist of:

5 (a) Fees collected under section 2 of this 2017 Act for issuance or renewal of service center
 6 certificates under section 2 of this 2017 Act;

7 (b) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

8 (c) Interest and other earnings on moneys in the fund; and

9 (d) Other amounts deposited in the fund from any source.

10 (3) Moneys in the fund are continuously appropriated to:

11 (a) The Department of Transportation for the purpose of fulfilling the department’s duties,
 12 functions and powers related to specifying requirements for ignition interlock devices as required
 13 under ORS 813.600; and

14 (b) **The Department of State Police for the purpose of** carrying out the regulatory functions
 15 of the department relating to service centers, as described in sections 2 to 6 of this 2017 Act.

16

17

CAPTIONS

18

19 **SECTION 19.** The unit and section captions used in this 2017 Act are provided only for
 20 the convenience of the reader and do not become part of the statutory law of this state or
 21 express any legislative intent in the enactment of this 2017 Act.

22

23

OPERATIVE DATES

24

25 **SECTION 20.** (1) Sections 2 to 6 and 10 of this 2017 Act and the amendments to ORS
 26 813.200, 813.600, 813.602, 813.603, 813.630, 813.635 and 813.645 by sections 7 to 9 and 11 to 14 of
 27 this 2017 Act become operative on January 1, 2018.

28 (2) The Department of Transportation may adopt rules and take any other actions before
 29 the operative date specified in subsection (1) of this section that are necessary to enable the
 30 department to exercise, on and after the operative date specified in subsection (1) of this
 31 section, all of the duties, functions and powers that sections 2 to 6 and 10 of this 2017 Act
 32 and the amendments to ORS 813.200, 813.600, 813.602, 813.603, 813.630, 813.635 and 813.645 by
 33 sections 7 to 9 and 11 to 14 of this 2017 Act confer on the department.

34 **SECTION 21.** (1) The amendments to sections 3 to 6 of this 2017 Act by sections 15 to 18
 35 of this 2017 Act become operative on January 1, 2019.

36 (2) The Department of State Police may adopt rules and take any other actions before
 37 the operative date specified in subsection (1) of this section that are necessary to enable the
 38 department to exercise, on and after the operative date specified in subsection (1) of this
 39 section, all of the duties, functions and powers that the amendments to sections 3 to 6 of this
 40 2017 Act by sections 15 to 18 of this 2017 Act confer on the department.

41

42

EFFECTIVE DATE

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44 **SECTION 22.** This 2017 Act takes effect on the 91st day after the date on which the 2017
 45 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

