

# Senate Bill 498

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## 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**.

Provides that Department of Transportation may not reinstate driving privileges of person who fails to install ignition interlock device as required.

## A BILL FOR AN ACT

1  
2 Relating to ignition interlock devices; amending ORS 813.602.

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

4 **SECTION 1.** ORS 813.602 is amended to read:

5 813.602. (1) Subject to subsection (2) of this section, when a person is convicted of driving while  
6 under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance, the De-  
7 partment of Transportation, in addition to any other requirement, shall require that the person have  
8 installed and be using an approved ignition interlock device in any vehicle operated by the person:

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

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

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

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

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

25 (A) Any degree of murder.

26 (B) Manslaughter in the first or second degree.

27 (C) Criminally negligent homicide.

28 (D) Assault in the first degree.

29 (b) Aggravated vehicular homicide.

30 (c) Driving while under the influence of intoxicants in violation of ORS 813.010 or of a municipal

**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 ordinance and the person's driving privileges are revoked under ORS 809.235 (1)(b) and later ordered  
2 restored under ORS 809.235 (4).

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

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

8 (i) The person submitted to a chemical test of the person's breath or blood as required under  
9 ORS 813.100 and the test disclosed a blood alcohol content of 0.08 percent or more by weight;

10 (ii) The person refused to submit to a chemical test of the person's breath or blood; or

11 (iii) The person submitted to a chemical test of the person's breath, blood or urine as required  
12 under ORS 813.100 or 813.131 and the test disclosed a blood alcohol content of more than 0.00 per-  
13 cent by weight but less than 0.08 percent 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 installed and used in  
16 any vehicle operated by the person during the period of the agreement when the person has driving  
17 privileges if the person submitted to a chemical test of the person's breath, blood or urine as re-  
18 quired under ORS 813.100 or 813.131 and the test disclosed a blood alcohol content below 0.08 per-  
19 cent by weight.

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

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

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

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

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

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

35 **(6) When a person is required to install an ignition interlock device under subsection**  
36 **(1)(b) or (c) of this section, the department may not reinstate the person's driving privileges**  
37 **unless the person shows proof of installation of an ignition interlock device.**

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