

D R A F T

SUMMARY

Modifies laws related to ignition interlock devices.
Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to ignition interlock devices; creating new provisions; amending
3 ORS 813.599, 813.602, 813.603, 813.630, 813.635, 813.645, 813.660, 813.665,
4 813.670 and 813.680; and declaring an emergency.

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

6 **SECTION 1.** ORS 813.660 is amended to read:

7 813.660. (1) A [*person*] **service center or manufacturer's representative**
8 may not [*establish*] **operate** a service center [*without first obtaining*] **in**
9 **Oregon unless both the service center and the manufacturer's repre-**
10 **sentative obtain** a certificate from the Department of Transportation.

11 (2) A [*person*] **service center and a manufacturer's representative**
12 may apply to the department for a [*service center*] certificate under this sec-
13 tion. The application shall be in such form as may be specified by the de-
14 partment.

15 (3) The department may issue a certificate **to a manufacturer's repre-**
16 **sentative** if the [*person*] **applicant:**

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

19 (b) Agrees to provide testimony relating to any aspect of the installation,
20 service, [*repair,*] monitoring, maintenance, calibration, use, removal or per-
21 formance of the ignition interlock device at any criminal proceeding or ad-

1 ministrative hearing;

2 [(c) Utilizes ignition interlock device technicians who meet the minimum
3 standards for qualification as a technician established by the department by
4 rule and who undergo a criminal background check under ORS 813.665;]

5 **(c) Agrees to test the ignition interlock devices provided by the**
6 **applicant each year and provide the results of the testing to the de-**
7 **partment;**

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

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

11 (f) Pays all required fees.

12 **(4) The department may issue a certificate to a service center if the**
13 **applicant:**

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

16 **(b) Utilizes ignition interlock device technicians who meet the**
17 **minimum standards for qualification as a technician established by the**
18 **department by rule and who undergo a criminal background check or**
19 **criminal history record check under ORS 813.665; and**

20 **(c) Pays all required fees.**

21 [(4)] **(5)** The department may adopt rules establishing additional require-
22 ments for issuance and renewal of certificates under this section.

23 [(5)] **(6)** The department may refuse to issue or renew or may suspend or
24 revoke any certificate issued under this section in any case where the de-
25 partment finds that the applicant or certificate holder has violated or failed
26 to comply with any rules adopted under this section.

27 [(6) The department by rule shall establish fees for applications for and
28 issuance and renewal of certificates under this section.]

29 **(7) A service center or manufacturer's representative shall pay fees**
30 **to the department in accordance with a fee schedule established by the**
31 **department by rule.**

1 **(8)** The fees **charged under this section** shall be in an amount adequate
2 to pay all administrative costs incurred by the department in administering
3 ORS [*813.599 and*] 813.660 to 813.680. [*The fees shall be designed to cover the*
4 *costs to the department for issuing or renewing certificates under this*
5 *section.*]

6 [(7)] **(9)** Certificates issued under this section are subject to the following:

7 (a) A certificate shall expire [*two years*] **one year** from the date of issu-
8 ance unless renewed according to the rules of the department.

9 (b) The department may not issue or renew a certificate to a service
10 center [*until the fee for issuance or renewal of the certificate under this section*
11 *is paid*] **or manufacturer's representative unless the service center or**
12 **manufacturer's representative has paid all required fees under this**
13 **section.**

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

16 [(8)] **(10)** The department may adopt rules for the implementation and
17 administration of ORS [*813.599 and*] 813.660 to 813.680.

18 **SECTION 2.** ORS 813.660, as amended by section 15, chapter 655, Oregon
19 Laws 2017, is amended to read:

20 813.660. (1) A [*person*] **service center or manufacturer's representative**
21 may not [*establish*] **operate** a service center [*without first obtaining*] **in**
22 **Oregon unless both the service center and the manufacturer's repre-**
23 **sentative obtain** a certificate from the Department of State Police.

24 (2) A [*person*] **service center and a manufacturer's representative**
25 may apply to the department for a [*service center*] certificate under this sec-
26 tion. The application shall be in such form as may be specified by the de-
27 partment.

28 (3) The department may issue a certificate **to a manufacturer's repre-**
29 **sentative** if the [*person*] **applicant**:

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

1 (b) Agrees to provide testimony relating to any aspect of the installation,
2 service, [*repair,*] monitoring, maintenance, calibration, use, removal or per-
3 formance of the ignition interlock device at any criminal proceeding or ad-
4 ministrative hearing;

5 [(c) *Utilizes ignition interlock device technicians who meet the minimum*
6 *standards for qualification as a technician established by the department by*
7 *rule and who undergo a criminal background check under ORS 813.665;]*

8 **(c) Agrees to test the ignition interlock devices provided by the**
9 **applicant each year and provide the results of the testing to the de-**
10 **partment;**

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

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

14 (f) Pays all required fees.

15 **(4) The department may issue a certificate to a service center if the**
16 **applicant:**

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

19 **(b) Utilizes ignition interlock device technicians who meet the**
20 **minimum standards for qualification as a technician established by the**
21 **department by rule and who undergo a criminal background check or**
22 **criminal history record check under ORS 813.665; and**

23 **(c) Pays all required fees.**

24 [(4)] **(5)** The department may adopt rules establishing additional require-
25 ments for issuance and renewal of certificates under this section.

26 [(5)] **(6)** The department may refuse to issue or renew or may suspend or
27 revoke any certificate issued under this section in any case where the de-
28 partment finds that the applicant or certificate holder has violated or failed
29 to comply with any rules adopted under this section.

30 [(6) *The department by rule shall establish fees for applications for and*
31 *issuance and renewal of certificates under this section.*]

1 **(7) A service center or manufacturer’s representative shall pay fees**
2 **to the department in accordance with a fee schedule established by the**
3 **department by rule.**

4 **(8) The fees charged under this section** shall be in an amount adequate
5 to pay all administrative costs incurred by the department in administering
6 ORS [813.599 and] 813.660 to 813.680. [*The fees shall be designed to cover the*
7 *costs to the department for issuing or renewing certificates under this*
8 *section.*]

9 [(7)] **(9) Certificates issued under this section are subject to the following:**

10 (a) A certificate shall expire [*two years*] **one year** from the date of issu-
11 **ance unless renewed according to the rules of the department.**

12 (b) The department may not issue or renew a certificate to a service
13 center [*until the fee for issuance or renewal of the certificate under this section*
14 *is paid*] **or manufacturer’s representative unless the service center or**
15 **manufacturer’s representative has paid all required fees under this**
16 **section.**

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

19 [(8)] **(10) The department may adopt rules for the implementation and**
20 **administration of ORS [813.599 and] 813.660 to 813.680.**

21 **SECTION 3.** ORS 813.599 is amended to read:

22 813.599. As used in ORS chapter 813:

23 (1) “Ignition interlock device technician” means an individual employed
24 by a service center to install, service, [*repair, monitor,*] maintain, calibrate
25 or remove ignition interlock devices.

26 **(2) “Manufacturer’s representative” means a business entity:**

27 **(a) That is registered with or authorized by the Secretary of State**
28 **to transact business in this state;**

29 **(b) That is designated by an ignition interlock device manufacturer**
30 **to sell, rent or lease a specific ignition interlock device model in**
31 **Oregon; and**

1 **(c) That provides statewide ignition interlock device service through**
2 **the operation of a network of service centers.**

3 [(2)] **(3)** “Negative report” includes a report of tampering with an ignition
4 interlock device, unauthorized removal of an ignition interlock device, lock-
5 out or a test violation recorded by an ignition interlock device.

6 [(3)] **(4)** “Service center” means a private entity that installs, services,
7 [*repairs, monitors,*] maintains, calibrates and removes ignition interlock de-
8 vices in this state.

9 [(4)] **(5)** “Test violation” means:

10 (a) For a person who is required to use an ignition interlock device as a
11 condition of a driving while under the influence of intoxicants diversion
12 agreement:

13 (A) An attempt to start a vehicle while the person has a blood alcohol
14 content higher than [0.00] **0.02** percent by weight unless a subsequent test
15 performed within 10 minutes registers a blood alcohol content of [0.00] **0.02**
16 percent by weight **or lower** and a digital image confirms that the same per-
17 son provided both samples; or

18 (B) Failure to pass a random retest due to a blood alcohol content [*of over*
19 *0.00*] **higher than 0.02** percent by weight unless a subsequent test performed
20 within 10 minutes registers a blood alcohol content of [0.00] **0.02 percent**
21 by weight **or lower** and a digital image confirms that the same person pro-
22 vided both samples;

23 (b) For a person who is required to use an ignition interlock device and
24 is not subject to a driving while under the influence of intoxicants diversion
25 agreement:

26 (A) An attempt to start a vehicle while the person has a blood alcohol
27 level of [0.04] **0.02** percent by weight or higher unless a subsequent test
28 performed within 10 minutes registers a blood alcohol content lower than
29 [0.04] **0.02** percent by weight and a digital image confirms that the same
30 person provided both samples; or

31 (B) Failure to pass a random retest due to a blood alcohol content of 0.02

1 percent by weight or higher unless a subsequent test performed within 10
2 minutes registers a blood alcohol content lower than 0.02 percent by weight
3 and a digital image confirms that the same person provided both samples;
4 or

5 (c) For any person required to use an ignition interlock device, a failure
6 to take a random retest.

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

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

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

16 (b) For a first conviction, for one year after the ending date of the sus-
17 pension or revocation caused by the conviction. Violation of the condition
18 imposed under this paragraph is a Class A traffic violation.

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

22 (2) When a person is convicted of a crime or multiple crimes as described
23 in this subsection, the department, in addition to any other requirement,
24 shall require that the person have installed and be using an approved ig-
25 nition interlock device in any vehicle operated by the person for five years
26 after the ending date of the longest running suspension or revocation caused
27 by any of the convictions. Violation of the condition imposed under this
28 subsection is a Class A traffic violation. A person is subject to this sub-
29 section when the person is convicted of:

30 (a) Driving while under the influence of intoxicants in violation of ORS
31 813.010 or of a municipal ordinance and any of the following crimes as part

1 of the same criminal episode:

2 (A) Any degree of murder.

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

4 (C) Criminally negligent homicide.

5 (D) Assault in the first degree.

6 (b) Aggravated vehicular homicide.

7 (c) Driving while under the influence of intoxicants in violation of ORS
8 813.010 or of a municipal ordinance and the person's driving privileges are
9 revoked under ORS 809.235 (1)(b) and later ordered restored under ORS
10 809.235 (4).

11 (3)(a) Except as provided in paragraph (c) of this subsection, as a condi-
12 tion of a driving while under the influence of intoxicants diversion agree-
13 ment:

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

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

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

22 (iii) The person submitted to a chemical test of the person's breath, blood
23 or urine as required under ORS 813.100 or 813.131 and the test disclosed a
24 blood alcohol content of more than 0.00 percent by weight but less than 0.08
25 percent by weight and disclosed the presence of cannabis, a controlled sub-
26 stance or an inhalant.

27 (B) The court may require that an approved ignition interlock device be
28 installed and used in any vehicle operated by the person during the period
29 of the agreement when the person has driving privileges if the person sub-
30 mitted to a chemical test of the person's breath, blood or urine as required
31 under ORS 813.100 or 813.131 and the test disclosed a blood alcohol content

1 below 0.08 percent by weight.

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

4 (c) A court may exempt a person from the condition in a diversion
5 agreement to have installed and be using an ignition interlock device if the
6 court determines that the person meets the requirements for a medical ex-
7 emption in accordance with rules adopted by the department under this sec-
8 tion. A person granted a medical exemption under this paragraph shall carry
9 proof of the medical exemption with the person while operating any vehicle.

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

13 (5) When a person is required to install an ignition interlock device under
14 subsection (2) of this section, the [*service center*] **manufacturer's repre-**
15 **sentative** providing the device shall provide notice of any installation or
16 removal of the device or any tampering with the device to:

17 (a) The supervising court or to the court's designee, including but not
18 limited to an agency or organization certified by the Oregon Health Au-
19 thority under ORS 813.025; [*and*]

20 (b) The district attorney or the city prosecutor; **and**

21 (c) **The Oregon State Police.**

22 **SECTION 5.** ORS 813.665 is amended to read:

23 813.665. [*(1) A service center shall conduct a criminal background check*
24 *before hiring or contracting with an individual as an ignition interlock device*
25 *technician to determine whether the individual has been convicted of the fol-*
26 *lowing:]*

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

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

31 **(1) A criminal background check or criminal history record check**

1 is required to determine the eligibility of a person seeking employment
2 as an ignition interlock device technician in this state. A service cen-
3 ter shall conduct a fingerprint-based criminal background check or
4 criminal history record check before hiring or contracting with an
5 individual as an ignition interlock device technician. The service cen-
6 ter shall request that the Department of State Police conduct the
7 fingerprint-based criminal background check or criminal history re-
8 cord check by reviewing state and federal databases including, but not
9 limited to, the:

- 10 (a) Oregon computerized criminal history system;
- 11 (b) Law Enforcement Data System;
- 12 (c) Databases maintained by the Federal Bureau of Investigation;
- 13 and
- 14 (d) National Crime Information Center.

15 (2) The purpose of a criminal background check or criminal history
16 record check is to preserve safety and prevent criminal acts by deter-
17 mining whether an individual is eligible to be employed as an ignition
18 interlock device technician. A person is ineligible if the person has
19 been convicted of:

20 (a) Except as provided in paragraph (b) of this subsection, a
21 misdemeanor in any jurisdiction within two years of the date of the
22 criminal background check or criminal history record check;

23 (b) Misdemeanor driving while under the influence of intoxicants
24 in violation of ORS 813.010 or the statutory counterpart in another
25 jurisdiction within five years of the date of the criminal background
26 check or criminal history record check; or

27 (c) A felony in any jurisdiction within 10 years of the date of the
28 criminal background check or criminal history record check.

29 (3) The department shall provide the results of a criminal back-
30 ground check or criminal history record check conducted under this
31 section to the service center requesting the check.

1 [(2)] (4) The Department of Transportation shall prescribe by rule the
2 process for [*conducting*] **obtaining** a criminal background check **or criminal**
3 **history record check by the Department of State Police or, if the De-**
4 **partment of State Police is unable to conduct the check, by the service**
5 **center requesting the criminal background check or criminal history**
6 **record check.**

7 [(3)] (5) If the criminal background check **or criminal history record**
8 **check** conducted by **the Department of State Police or** a service center
9 reveals that the individual who is the subject of the criminal background
10 check **or criminal history record check** has been convicted of any of the
11 crimes described in subsection [(1)] (2) of this section, the service center may
12 not employ the individual as an ignition interlock device technician.

13 **SECTION 6.** ORS 813.665, as amended by section 16, chapter 655, Oregon
14 Laws 2017, is amended to read:

15 813.665. [(1) *A service center shall conduct a criminal background check*
16 *before hiring or contracting with an individual as an ignition interlock device*
17 *technician to determine whether the individual has been convicted of the fol-*
18 *lowing:*]

19 [(a) *Driving while under the influence of intoxicants in violation of ORS*
20 *813.010 or the statutory counterpart in another jurisdiction; or]*

21 [(b) *A criminal offense involving fraud, forgery or theft in any*
22 *jurisdiction.*]

23 (1) **A criminal background check or criminal history record check**
24 **is required to determine the eligibility of a person seeking employment**
25 **as an ignition interlock device technician in this state. A service cen-**
26 **ter shall conduct a fingerprint-based criminal background check or**
27 **criminal history record check before hiring or contracting with an**
28 **individual as an ignition interlock device technician. The service cen-**
29 **ter shall request that the Department of State Police conduct the**
30 **fingerprint-based criminal background check or criminal history re-**
31 **cord check by reviewing state and federal databases including, but not**

1 **limited to, the:**

2 **(a) Oregon computerized criminal history system;**

3 **(b) Law Enforcement Data System;**

4 **(c) Databases maintained by the Federal Bureau of Investigation;**

5 **and**

6 **(d) National Crime Information Center.**

7 **(2) The purpose of a criminal background check or criminal history**
8 **record check is to preserve safety and prevent criminal acts by deter-**
9 **mining whether an individual is eligible to be employed as an ignition**
10 **interlock device technician. A person is ineligible if the person has**
11 **been convicted of:**

12 **(a) Except as provided in paragraph (b) of this subsection, a**
13 **misdemeanor in any jurisdiction within two years of the date of the**
14 **criminal background check or criminal history record check;**

15 **(b) Misdemeanor driving while under the influence of intoxicants**
16 **in violation of ORS 813.010 or the statutory counterpart in another**
17 **jurisdiction within five years of the date of the criminal background**
18 **check or criminal history record check; or**

19 **(c) A felony in any jurisdiction within 10 years of the date of the**
20 **criminal background check or criminal history record check.**

21 **(3) The department shall provide the results of a criminal back-**
22 **ground check or criminal history record check conducted under this**
23 **section to the service center requesting the check.**

24 [(2)] **(4) The department [of State Police] shall prescribe by rule the pro-**
25 **cess for [conducting] obtaining a criminal background check or criminal**
26 **history record check by the department or, if the department is unable**
27 **to conduct the check, by the service center requesting the criminal**
28 **background check or criminal history record check.**

29 [(3)] **(5) If the criminal background check or criminal history record**
30 **check conducted by the department or a service center reveals that the**
31 **individual who is the subject of the criminal background check or criminal**

1 **history record check** has been convicted of any of the crimes described in
2 subsection [(1)] (2) of this section, the service center may not employ the
3 individual as an ignition interlock device technician.

4 **SECTION 7.** ORS 813.645 is amended to read:

5 813.645. (1) A defendant may apply by motion to the court in which a
6 driving while under the influence of intoxicants diversion agreement de-
7 scribed in ORS 813.230 was entered for an order vacating the requirement to
8 install and use an ignition interlock device if the defendant:

9 (a) Has complied with the condition of the diversion agreement described
10 in ORS 813.602 (3) for at least six consecutive months and provides a certif-
11 icate to the court from the ignition interlock device [*service center*]
12 **manufacturer's representative** stating that the device has not recorded a
13 negative report; and

14 (b) The defendant has entered into and is in compliance with any treat-
15 ment program that the person is required to participate in as a condition of
16 diversion.

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

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

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

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

29 (c) Any other relevant factors.

30 (4) The court may vacate a defendant's requirement to install and use an
31 ignition interlock device under ORS 813.602 (3) if, after a hearing described

1 in subsection (3) of this section, the court finds by a preponderance of the
2 evidence that the petitioner:

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

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

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

11 **SECTION 8.** ORS 813.603 is amended to read:

12 813.603. (1) Except as provided in subsection (2) of this section, if an ig-
13 nition interlock device is ordered or required under ORS 813.602, the person
14 so ordered or required shall pay to the [*service center*] **manufacturer's**
15 **representative** the reasonable costs of leasing, installing and maintaining
16 the device. A payment schedule may be established for the person by the
17 Department of Transportation.

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

25 (3) The department, by rule, shall establish criteria and procedures for
26 qualification to waive or defer costs described under subsection (1) of this
27 section for indigence. The criteria must be consistent with the standards for
28 indigence adopted by the federal government for purposes of the Supple-
29 mental Nutrition Assistance Program.

30 **SECTION 9.** ORS 813.603, as amended by section 20, chapter 655, Oregon
31 Laws 2017, is amended to read:

1 813.603. (1) Except as provided in subsection (2) of this section, if an ig-
2 nition interlock device is ordered or required under ORS 813.602, the person
3 so ordered or required shall pay to the [*service center*] **manufacturer's**
4 **representative** the reasonable costs of leasing, installing and maintaining
5 the device. A payment schedule may be established for the person by the
6 Department of State Police, in consultation with the Transportation Safety
7 Committee.

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

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

20 **SECTION 10.** ORS 813.630 is amended to read:

21 813.630. (1) This section applies only to a person who has had an ignition
22 interlock device installed as a condition of a driving while under the influ-
23 ence of intoxicants diversion agreement under ORS 813.602 (3).

24 (2) After an ignition interlock device is installed, the [*service center*]
25 **manufacturer's representative** that installed the device shall notify:

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

29 (b) The district attorney or city prosecutor.

30 (3) Notice of the installation must be given within seven business days
31 of installing the ignition interlock device.

1 (4) Each time a [*service center*] **manufacturer's representative** has ac-
2 cess to an ignition interlock device that the [*service center*] **manufacturer's**
3 **representative** installed, the [*service center*] **manufacturer's represen-**
4 **tative** shall download all reports recorded on the device. If the [*service*
5 *center*] **manufacturer's representative** downloads a negative report, the
6 [*service center*] **manufacturer's representative** shall submit the negative
7 report, in a form prescribed by rule by the department, to:

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

11 (b) The district attorney or city prosecutor; and

12 (c) The Department of State Police.

13 (5) The [*service center*] **manufacturer's representative** shall submit a
14 negative report as provided in subsection (4) of this section within seven
15 business days of downloading the report.

16 **SECTION 11.** ORS 813.670 is amended to read:

17 813.670. The Department of Transportation shall adopt a procedure for a
18 person to file a complaint with the department concerning [*a service center's*
19 *failure*] **the failure of a service center or manufacturer's representative**
20 to comply with a requirement of ORS [*813.599 and*] 813.660 to 813.680. The
21 department shall:

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

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

26 (3) Provide a written report of the results of the investigation to the
27 service center **or manufacturer's representative** and to the complainant.

28 **SECTION 12.** ORS 813.670, as amended by section 17, chapter 655, Oregon
29 Laws 2017, is amended to read:

30 813.670. The Department of State Police shall adopt a procedure for a
31 person to file a complaint with the department concerning [*a service center's*

1 *failure*] **the failure of a service center or manufacturer's representative**
2 to comply with a requirement of ORS [813.599 and] 813.660 to 813.680. The
3 department shall:

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

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

8 (3) Provide a written report of the results of the investigation to the
9 service center **or manufacturer's representative** and to the complainant.

10 **SECTION 13.** ORS 813.680 is amended to read:

11 813.680. (1) The Ignition Interlock Device Management Fund is estab-
12 lished in the State Treasury, separate and distinct from the General Fund.
13 Interest earned by the Ignition Interlock Device Management Fund shall be
14 credited to the fund.

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

16 (a) Fees collected under ORS 813.660 for issuance or renewal of [*service*
17 *center*] certificates under ORS 813.660;

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

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

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

22 (3) Moneys in the fund are continuously appropriated to the Department
23 of Transportation for the purpose of fulfilling the department's duties, func-
24 tions and powers related to specifying requirements for ignition interlock
25 devices as required under ORS 813.600 and carrying out the regulatory
26 functions of the department relating to service centers **and manufacturer's**
27 **representatives**, as described in ORS 813.599 and 813.660 to 813.680.

28 **SECTION 14.** ORS 813.680, as amended by section 18, chapter 655, Oregon
29 Laws 2017, is amended to read:

30 813.680. (1) The Ignition Interlock Device Management Fund is estab-
31 lished in the State Treasury, separate and distinct from the General Fund.

1 Interest earned by the Ignition Interlock Device Management Fund shall be
2 credited to the fund.

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

4 (a) Fees collected under ORS 813.660 for issuance or renewal of [*service*
5 *center*] certificates under ORS 813.660;

6 (b) Amounts appropriated or otherwise transferred to the fund by the
7 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
12 department's duties, functions and powers related to specifying requirements
13 for ignition interlock devices as required under ORS 813.600; and

14 (b) The Department of State Police for the purpose of carrying out the
15 regulatory functions of the department relating to service centers **and**
16 **manufacturer's representatives**, as described in ORS 813.599 and 813.660
17 to 813.680.

18 **SECTION 15.** ORS 813.635 is amended to read:

19 813.635. (1) Notwithstanding ORS 813.602 (1)(b) or (c), (2) or (3), the re-
20 quirement to have an ignition interlock device installed in a vehicle contin-
21 ues until the person submits to the Department of Transportation a
22 certificate from the ignition interlock device [*service center*] **manufacturer's**
23 **representative** stating that the device did not record a negative report for
24 the last 90 consecutive days of the required installation period. The depart-
25 ment shall remove the ignition interlock device requirement from the
26 person's driving record as soon as practicable after the department receives
27 the certificate.

28 (2) **Except as provided in subsection (3) of this section**, if there is a
29 negative report during the last 90 consecutive days, the person shall continue
30 to use an ignition interlock device beyond the period required under ORS
31 813.602 (1)(b) or (c), (2) or (3) until the person submits a certificate, in a form

1 prescribed by rule by the department, to the department from the ignition
2 interlock device [*service center*] **manufacturer's representative** stating that
3 the device has not recorded a negative report for 90 consecutive days, be-
4 ginning on the date of the most recent negative report.

5 **(3) If there is a negative report during the last 90 consecutive days**
6 **that the person believes is in error, the person may request that the**
7 **Department of State Police review the negative report. The depart-**
8 **ment shall adopt rules prescribing the form and manner for submit-**
9 **ting a request under this subsection. If after review the department**
10 **determines that the negative report was the result of an error, the**
11 **department shall correct the report and submit a corrected report to**
12 **the person or shall direct the manufacturer's representative to correct**
13 **the report and the manufacturer's representative shall submit the**
14 **corrected report to the person.**

15 [(3)] (4) This section does not apply to a defendant who is granted an
16 order to vacate the requirement to install an ignition interlock device under
17 ORS 813.645.

18 **SECTION 16. (1) Notwithstanding the amendments to ORS 813.660**
19 **by sections 1 and 2 of this 2019 Act, certificates issued before the ef-**
20 **fective date of this 2019 Act are valid for two years from the date of**
21 **issuance.**

22 **(2) Except as provided in subsection (1) of this section, the amend-**
23 **ments to ORS 813.660 by sections 1 and 2 of this 2019 Act apply to**
24 **certificates issued or renewed on or after the effective date of this 2019**
25 **Act.**

26 **SECTION 17. This 2019 Act being necessary for the immediate**
27 **preservation of the public peace, health and safety, an emergency is**
28 **declared to exist, and this 2019 Act takes effect July 1, 2019.**

29
