

House Bill 3005

Sponsored by COMMITTEE ON JUDICIARY (at the request of Department of Transportation)

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.
Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

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

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** may not *[establish]*
8 **operate** a service center *[without first obtaining]* **in Oregon unless both the service center and**
9 **the manufacturer's representative obtain** a certificate from the Department of Transportation.

10 (2) A *[person]* **service center and a manufacturer's representative** may apply to the depart-
11 ment for a *[service center]* certificate under this section. The application shall be in such form as
12 may be specified by the department.

13 (3) The department may issue a certificate **to a manufacturer's representative** if the
14 *[person]* **applicant:**

15 (a) Meets all of the requirements established by this section and the rules adopted by the de-
16 partment;

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

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

23 (c) **Agrees to test the ignition interlock devices provided by the applicant each year and**
24 **provide the results of the testing to the department;**

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

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

27 (f) Pays all required fees.

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

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

31 (b) **Utilizes ignition interlock device technicians who meet the minimum standards for**

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 **qualification as a technician established by the department by rule and who undergo a**
 2 **criminal background check or criminal history record check under ORS 813.665; and**

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

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

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

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

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

13 (8) The fees **charged under this section** shall be in an amount adequate to pay all adminis-
 14 trative costs incurred by the department in administering ORS [813.599 and] 813.660 to 813.680.
 15 [*The fees shall be designed to cover the costs to the department for issuing or renewing certificates*
 16 *under this section.*]

17 [(7)] (9) Certificates issued under this section are subject to the following:

18 (a) A certificate shall expire [two years] **one year** from the date of issuance unless renewed
 19 according to the rules of the department.

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

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

26 [(8)] (10) The department may adopt rules for the implementation and administration of ORS
 27 [813.599 and] 813.660 to 813.680.

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

30 813.660. (1) A [person] **service center or manufacturer’s representative** may not [establish]
 31 **operate** a service center [without first obtaining] **in Oregon unless both the service center and**
 32 **the manufacturer’s representative obtain** a certificate from the Department of State Police.

33 (2) A [person] **service center and a manufacturer’s representative** may apply to the depart-
 34 ment for a [service center] certificate under this section. The application shall be in such form as
 35 may be specified by the department.

36 (3) The department may issue a certificate **to a manufacturer’s representative** if the
 37 [person] **applicant:**

38 (a) Meets all of the requirements established by this section and the rules adopted by the de-
 39 partment;

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

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

1 (c) **Agrees to test the ignition interlock devices provided by the applicant each year and**
 2 **provide the results of the testing to the department;**

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

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

5 (f) Pays all required fees.

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

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

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

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

13 [(4)] **(5)** The department may adopt rules establishing additional requirements for issuance and
 14 renewal of certificates under this section.

15 [(5)] **(6)** The department may refuse to issue or renew or may suspend or revoke any certificate
 16 issued under this section in any case where the department finds that the applicant or certificate
 17 holder has violated or failed to comply with any rules adopted under this section.

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

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

22 **(8)** The fees **charged under this section** shall be in an amount adequate to pay all adminis-
 23 trative costs incurred by the department in administering ORS [813.599 and] 813.660 to 813.680.
 24 [*The fees shall be designed to cover the costs to the department for issuing or renewing certificates*
 25 *under this section.*]

26 [(7)] **(9)** Certificates issued under this section are subject to the following:

27 (a) A certificate shall expire [*two years*] **one year** from the date of issuance unless renewed
 28 according to the rules of the department.

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

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

35 [(8)] **(10)** The department may adopt rules for the implementation and administration of ORS
 36 [813.599 and] 813.660 to 813.680.

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

38 813.599. As used in ORS chapter 813:

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

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

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

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

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

3 (2) (3) “Negative report” includes a report of tampering with an ignition interlock device, un-
 4 authorized removal of an ignition interlock device, lockout or a test violation recorded by an ig-
 5 nition interlock device.

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

8 (4) (5) “Test violation” means:

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

11 (A) An attempt to start a vehicle while the person has a blood alcohol content higher than
 12 [0.00] **0.02** percent by weight unless a subsequent test performed within 10 minutes registers a blood
 13 alcohol content of [0.00] **0.02** percent by weight **or lower** and a digital image confirms that the same
 14 person provided both samples; or

15 (B) Failure to pass a random retest due to a blood alcohol content [*of over 0.00*] **higher than**
 16 **0.02** percent by weight unless a subsequent test performed within 10 minutes registers a blood al-
 17cohol content of [0.00] **0.02 percent** by weight **or lower** and a digital image confirms that the same
 18 person provided both samples;

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

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

25 (B) Failure to pass a random retest due to a blood alcohol content of 0.02 percent by weight or
 26 higher unless a subsequent test performed within 10 minutes registers a blood alcohol content lower
 27 than 0.02 percent by weight and a digital image confirms that the same person provided both sam-
 28 ples; or

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

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

31 813.602. (1) Subject to subsection (2) of this section, when a person is convicted of driving while
 32 under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance, the De-
 33 partment of Transportation, in addition to any other requirement, shall require that the person have
 34 installed and be using an approved ignition interlock device in any vehicle operated by the person:

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

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

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

43 (2) When a person is convicted of a crime or multiple crimes as described in this subsection, the
 44 department, in addition to any other requirement, shall require that the person have installed and
 45 be using an approved ignition interlock device in any vehicle operated by the person for five years

1 after the ending date of the longest running suspension or revocation caused by any of the con-
 2 victions. Violation of the condition imposed under this subsection is a Class A traffic violation. A
 3 person is subject to this subsection when the person is convicted of:

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

- 6 (A) Any degree of murder.
- 7 (B) Manslaughter in the first or second degree.
- 8 (C) Criminally negligent homicide.
- 9 (D) Assault in the first degree.

10 (b) Aggravated vehicular homicide.

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

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

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

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

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

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

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

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

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

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

40 (5) When a person is required to install an ignition interlock device under subsection (2) of this
 41 section, the *[service center]* **manufacturer's representative** providing the device shall provide no-
 42 tice of any installation or removal of the device or any tampering with the device to:

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

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

(c) The Oregon State Police.

SECTION 5. ORS 813.665 is amended to read:

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

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

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

(1) A criminal background check or criminal history record check is required to determine the eligibility of a person seeking employment as an ignition interlock device technician in this state. A service center shall conduct a fingerprint-based criminal background check or criminal history record check before hiring or contracting with an individual as an ignition interlock device technician. The service center shall request that the Department of State Police conduct the fingerprint-based criminal background check or criminal history record check by reviewing state and federal databases including, but not limited to, the:

(a) Oregon computerized criminal history system;

(b) Law Enforcement Data System;

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

(d) National Crime Information Center.

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

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

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

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

(3) The department shall provide the results of a criminal background check or criminal history record check conducted under this section to the service center requesting the check.

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

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

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

1 813.665. [(1) A service center shall conduct a criminal background check before hiring or con-
 2 tracting with an individual as an ignition interlock device technician to determine whether the indi-
 3 vidual has been convicted of the following:]

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

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

7 **(1) A criminal background check or criminal history record check is required to deter-**
 8 **mine the eligibility of a person seeking employment as an ignition interlock device technician**
 9 **in this state. A service center shall conduct a fingerprint-based criminal background check**
 10 **or criminal history record check before hiring or contracting with an individual as an ig-**
 11 **nitiation interlock device technician. The service center shall request that the Department of**
 12 **State Police conduct the fingerprint-based criminal background check or criminal history**
 13 **record check by reviewing state and federal databases including, but not limited to, the:**

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

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

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

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

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

22 **(a) Except as provided in paragraph (b) of this subsection, a misdemeanor in any juris-**
 23 **isdiction within two years of the date of the criminal background check or criminal history**
 24 **record check;**

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

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

30 **(3) The department shall provide the results of a criminal background check or criminal**
 31 **history record check conducted under this section to the service center requesting the**
 32 **check.**

33 [(2)] **(4) The department [of State Police] shall prescribe by rule the process for [conducting]**
 34 **obtaining a criminal background check or criminal history record check by the department or,**
 35 **if the department is unable to conduct the check, by the service center requesting the**
 36 **criminal background check or criminal history record check.**

37 [(3)] **(5) If the criminal background check or criminal history record check conducted by the**
 38 **department or a service center reveals that the individual who is the subject of the criminal**
 39 **background check or criminal history record check has been convicted of any of the crimes de-**
 40 **scribed in subsection [(1)] (2) of this section, the service center may not employ the individual as**
 41 **an ignition interlock device technician.**

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

43 813.645. (1) A defendant may apply by motion to the court in which a driving while under the
 44 influence of intoxicants diversion agreement described in ORS 813.230 was entered for an order va-
 45 cating the requirement to install and use an ignition interlock device if the defendant:

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

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

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

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

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

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

16 (c) Any other relevant factors.

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

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

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

24 (5) When a court vacates a defendant's requirement to install and use an ignition interlock de-
 25 vice under ORS 813.602 (3), the court shall notify the Department of Transportation.

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

27 813.603. (1) Except as provided in subsection (2) of this section, if an ignition interlock device
 28 is ordered or required under ORS 813.602, the person so ordered or required shall pay to the [*service*
 29 *center*] **manufacturer's representative** the reasonable costs of leasing, installing and maintaining
 30 the device. A payment schedule may be established for the person by the Department of Transpor-
 31 tation.

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

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

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

43 813.603. (1) Except as provided in subsection (2) of this section, if an ignition interlock device
 44 is ordered or required under ORS 813.602, the person so ordered or required shall pay to the [*service*
 45 *center*] **manufacturer's representative** the reasonable costs of leasing, installing and maintaining

1 the device. A payment schedule may be established for the person by the Department of State Police,
 2 in consultation with the Transportation Safety Committee.

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

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

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

13 813.630. (1) This section applies only to a person who has had an ignition interlock device in-
 14 stalled as a condition of a driving while under the influence of intoxicants diversion agreement un-
 15 der ORS 813.602 (3).

16 (2) After an ignition interlock device is installed, the [*service center*] **manufacturer's repre-**
 17 **sentative** that installed the device shall notify:

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

21 (b) The district attorney or city prosecutor.

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

24 (4) Each time a [*service center*] **manufacturer's representative** has access to an ignition
 25 interlock device that the [*service center*] **manufacturer's representative** installed, the [*service*
 26 *center*] **manufacturer's representative** shall download all reports recorded on the device. If the
 27 [*service center*] **manufacturer's representative** downloads a negative report, the [*service center*]
 28 **manufacturer's representative** shall submit the negative report, in a form prescribed by rule by
 29 the department, to:

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

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

33 (c) The Department of State Police.

34 (5) The [*service center*] **manufacturer's representative** shall submit a negative report as pro-
 35 vided in subsection (4) of this section within seven business days of downloading the report.

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

37 813.670. The Department of Transportation shall adopt a procedure for a person to file a com-
 38 plaint with the department concerning [*a service center's failure*] **the failure of a service center**
 39 **or manufacturer's representative** to comply with a requirement of ORS [*813.599 and*] 813.660 to
 40 813.680. The department shall:

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

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

45 (3) Provide a written report of the results of the investigation to the service center **or**

1 **manufacturer's representative** and to the complainant.

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

4 813.670. The Department of State Police shall adopt a procedure for a person to file a complaint
 5 with the department concerning [*a service center's failure*] **the failure of a service center or**
 6 **manufacturer's representative** to comply with a requirement of ORS [*813.599 and*] 813.660 to
 7 813.680. The department shall:

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

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

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

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

15 813.680. (1) The Ignition Interlock Device Management Fund is established in the State Treas-
 16 ury, separate and distinct from the General Fund. Interest earned by the Ignition Interlock Device
 17 Management Fund shall be credited to the fund.

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

19 (a) Fees collected under ORS 813.660 for issuance or renewal of [*service center*] certificates un-
 20 der ORS 813.660;

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

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

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

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

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

31 813.680. (1) The Ignition Interlock Device Management Fund is established in the State Treas-
 32 ury, separate and distinct from the General Fund. Interest earned by the Ignition Interlock Device
 33 Management Fund shall be credited to the fund.

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

35 (a) Fees collected under ORS 813.660 for issuance or renewal of [*service center*] certificates un-
 36 der ORS 813.660;

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

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

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

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

41 (a) The Department of Transportation for the purpose of fulfilling the department's duties,
 42 functions and powers related to specifying requirements for ignition interlock devices as required
 43 under ORS 813.600; and

44 (b) The Department of State Police for the purpose of carrying out the regulatory functions of
 45 the department relating to service centers **and manufacturer's representatives**, as described in

1 ORS 813.599 and 813.660 to 813.680.

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

3 813.635. (1) Notwithstanding ORS 813.602 (1)(b) or (c), (2) or (3), the requirement to have an ig-
 4 nition interlock device installed in a vehicle continues until the person submits to the Department
 5 of Transportation a certificate from the ignition interlock device [*service center*] **manufacturer's**
 6 **representative** stating that the device did not record a negative report for the last 90 consecutive
 7 days of the required installation period. The department shall remove the ignition interlock device
 8 requirement from the person's driving record as soon as practicable after the department receives
 9 the certificate.

10 (2) **Except as provided in subsection (3) of this section**, if there is a negative report during
 11 the last 90 consecutive days, the person shall continue to use an ignition interlock device beyond
 12 the period required under ORS 813.602 (1)(b) or (c), (2) or (3) until the person submits a certificate,
 13 in a form prescribed by rule by the department, to the department from the ignition interlock device
 14 [*service center*] **manufacturer's representative** stating that the device has not recorded a negative
 15 report for 90 consecutive days, beginning on the date of the most recent negative report.

16 (3) **If there is a negative report during the last 90 consecutive days that the person be-**
 17 **lieves is in error, the person may request that the Department of State Police review the**
 18 **negative report. The department shall adopt rules prescribing the form and manner for**
 19 **submitting a request under this subsection. If after review the department determines that**
 20 **the negative report was the result of an error, the department shall correct the report and**
 21 **submit a corrected report to the person or shall direct the manufacturer's representative**
 22 **to correct the report and the manufacturer's representative shall submit the corrected re-**
 23 **port to the person.**

24 [(3)] (4) This section does not apply to a defendant who is granted an order to vacate the re-
 25 quirement to install an ignition interlock device under ORS 813.645.

26 **SECTION 16.** (1) **Notwithstanding the amendments to ORS 813.660 by sections 1 and 2 of**
 27 **this 2019 Act, certificates issued before the effective date of this 2019 Act are valid for two**
 28 **years from the date of issuance.**

29 (2) **Except as provided in subsection (1) of this section, the amendments to ORS 813.660**
 30 **by sections 1 and 2 of this 2019 Act apply to certificates issued or renewed on or after the**
 31 **effective date of this 2019 Act.**

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