

**HOUSE AMENDMENTS TO
A-ENGROSSED SENATE BILL 999
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

May 30

1 On page 10 of the printed A-engrossed bill, after line 19, insert:

2 **“SECTION 10a. If House Bill 3005 becomes law, section 10 of this 2019 Act (amending ORS**
3 **813.602) is repealed and ORS 813.602, as amended by section 4, chapter __, Oregon Laws 2019**
4 **(Enrolled House Bill 3005), 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,
18 the department, in addition to any other requirement, shall require that the person have installed
19 and be using an approved ignition interlock device in any vehicle operated by the person for five
20 years after the ending date of the longest running suspension or revocation caused by any of the
21 convictions. Violation of the condition imposed under this subsection is a Class A traffic violation.
22 A 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 munic-
24 ipal 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 munic-
31 ipal ordinance and the person’s driving privileges are revoked under ORS 809.235 (1)(b) and later
32 ordered restored under ORS 809.235 (4).

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

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

4 “(i) [*The person submitted to*] A chemical test of the person’s breath or blood [*as required under*
5 *ORS 813.100, 813.140 or 813.150 and the test*] disclosed a blood alcohol content of 0.08 percent or
6 more by weight **of alcohol in the blood of the person as shown by chemical analysis of the**
7 **breath or blood;**

8 “(ii) The person refused to submit to a chemical test of the person’s breath or blood; or

9 “(iii) [*The person submitted to*] A chemical test of the person’s breath, blood or urine [*as required*
10 *under ORS 813.100 or 813.131 and the test*] disclosed a blood alcohol content of more than 0.00 **but**
11 **less than 0.08** percent by weight [*but less than 0.08 percent by weight*] **of alcohol in the blood of**
12 **the person as shown by chemical analysis of the breath or blood** and disclosed the presence of
13 cannabis, a controlled substance or an inhalant.

14 “(B) The court may require that an approved ignition interlock device be installed and used in
15 any vehicle operated by the person during the period of the agreement when the person has driving
16 privileges if the person submitted to a chemical test of the person’s breath, blood or urine [*as re-*
17 *quired under ORS 813.100 or 813.131*] and the test disclosed a blood alcohol content below 0.08
18 percent by weight **of alcohol in the blood of the person as shown by chemical analysis of the**
19 **breath or blood.**

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 manufacturer’s representative providing the device shall provide notice of any installa-
31 tion or removal of the device 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;

34 “(b) The district attorney or the city prosecutor; and

35 “(c) The Oregon State Police.”.