

OREGON STATE POLICE

IGNITION INTERLOCK DEVICE PROGRAM



Oregon Administrative Rule (OAR)
Chapter 257-100-0005 – 257-100-0085

Oregon Revised Statute (ORS)
813.599 – 813.680

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Oregon Administrative Rules

257-100-0005 Definitions

As used in OAR 257-100-0005 to 257-100-0085, in addition to the terms defined in ORS 813.599, the following terms apply:

- (1) “Alcohol” means ethanol or ethyl alcohol.
- (2) “Alcohol set point” means a breath alcohol concentration of 0.020%.
- (3) “Breath Alcohol Concentration (BrAC)” means the amount of alcohol in the blood of the individual as shown by chemical analysis of the breath.
- (4) “Breath sample” means normal expired human breath primarily containing alveolar air and provided in such a manner to be acceptable for analysis by the interlock device.
- (5) “Calibration” means the process of testing and adjusting a device to ensure accuracy by using dry gas standard that is approved to be listed on the NHTSA Conforming Products List of Calibrating Units for Breath Alcohol Testers.
- (6) “Circumvention” means to bypass the correct operation of a device by starting or operating the vehicle, by any means, without first providing a breath test.
- (7) “Critical Disqualifying Factor” means a mandatory minimum requirement for program qualification required by Oregon Administrative Rule Chapter 257, Division 100 or Oregon Revised Statute, which if not met, may result in serious risk of harm or injury to the public’s health or safety.
- (8) “Demonstration” or “Demo” Device means a readily accessible powered device, programmed to mandatory minimum requirement for program qualification, allowing an individual customer or OSP to use prior to a device installation.
- (9) “Disqualifying Factor” means a mandatory minimum requirement for program qualification required by Oregon Administrative Rule Chapter 257, Division 100 or Oregon Revised Statute, which is not a “critical disqualifying factor.”
- (10) “DMV” means the Oregon Driver and Motor Vehicles Services.
- (11) “Early Recall” means response of the device due to an action of the individual, which

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requires calibration of the device and downloading of the data memory.

(12) “Follow-up test” means a breath sample required by the device after a test result that is above the alcohol set point.

(13) “Ignition Interlock Device” or “IID” or “device” means a device that is designed to allow a driver to start or operate a vehicle if the driver's BrAC is at or below the alcohol set point and to prevent the driver from starting or operating the vehicle if the driver's BrAC is above the alcohol set point. The associated camera is considered part of the device.

(14) “Indigence Standards” means a determination of indigence based on household income adopted by the United States Department of Agriculture for the SNAP (Supplemental Nutrition Assistance Program).

(15) “Individual” or “Individual Customer” means a single person required to have a device installed due to an Oregon Driving Under the Influence of Intoxicants conviction or diversion agreement.

(16) “Initial Test” means a breath test provided before the vehicle is started.

(17) “Lockout” means a condition when the device will not accept a breath test until the device is serviced or unlocked as permitted in OAR 257-100-0055.

(18) “Manufacturer” means an organization responsible for the design, construction, production and repair of a device.

(19) “Manufacturer’s Representative” means the only company or corporation registered as a business with the Oregon Secretary of State that is designated by a manufacturer to sell, rent, or lease a specific device model in the State of Oregon and provide statewide device service through the operation of a network of service centers.

(20) “Manufacturer’s Representative Liaison” means any person who is employed by the manufacturer or manufacturer’s representative who facilitates communications, provides information, and reports customer activities to the Oregon Department of State Police.

(21) “Mobile Service” or “Mobile Service Center” means a vehicle operated by a certified service center allowing their ignition interlock technician to service approved ignition interlock devices at a location other than the fixed site service center.

(22) “NHTSA” means the National Highway Traffic Safety Administration.

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(23) “ODOT” means the Oregon Department of Transportation

(24) “Operational” means an interlock device that is installed in a vehicle, ready for use, and is not currently in lockout.

(25) “OSP” means the Oregon Department of State Police.

(26) Oregon Device Configuration or “ODC” Test means the testing procedure used by OSP to ensure a device meets the mandatory minimum requirements for program qualification as described in Oregon Administrative Rule Chapter 257, Division 100 and Oregon Revised Statute.

(27) “Proper Record Maintenance” means the manufacturer’s representative complete records on each individual for a period of five years after the date of the device removal including, but not limited to, all data retrieved from the data storage system of a device.

(28) “Purge” means any action by which a device cleanses or removes a previous breath sample from the device and specifically removes residual alcohol.

(29) “Restart” means the ability to start the vehicle’s engine again within two minutes after the vehicle engine is turned off (including stalling) without the delivery of another breath sample that is at or below the alcohol set point.

(30) “Retest” means a breath sample required by the device after the initial vehicle engine start-up breath sample and while the vehicle is being operated.

(31) “Service” means installing, inspecting, downloading, data transferring, calibrating, or removing the device.

(32) “Supplemental Nutrition Assistance Program” or “SNAP” means the program operated by United States Department of Agriculture to provide low-income individuals and families with nutrition assistance.

(33) “Tampering” means an attempt to disable, circumvent, adjust, or otherwise alter the proper operation of a device or camera. “Tampering” does not include disconnecting the handset once the vehicle is turned off.

(34) “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or premises open to the public and includes vehicles that are propelled or powered by any means. Under ORS 801.365 and ORS 801.133, motorcycles and autocycles are considered vehicles.

(35) “Weblog” means a program or web site that consists of a series of entries arranged in chronological order, often updated frequently with new information about the individual or individual’s ignition interlock device use.

257-100-0010 Ignition Interlock Device Standards and Requirements

(1) Any device model for use in Oregon must meet or exceed the established standards set by OSP. A device model for use in the State of Oregon is qualified by OSP based on its ability annually to meet the minimum established device and performance standards set forth by ORS 813.599, 813.600 and OAR Chapter 257, Division 100.

(2) To be considered for placement on the Oregon List of Qualified Devices, a manufacturer’s representative must submit all of the following to OSP:

(a) A completed Application for Ignition Interlock Device Qualification.

(b) A written statement from the manufacturer on the manufacturer’s letterhead addressed to OSP that authorizes a manufacturer’s representative to act as the sole source manufacturer’s representative for the manufacturer’s device model.

(c) A certificate of insurance as proof of product liability insurance as described in OAR 257-100-0015.

(d) Written documentation, issued within the preceding five years prior to submission of the application, from an International Organization for Standardization (ISO) 17025 certified testing laboratory that states that the device meets or exceeds the model specifications established by NHTSA, identified as “Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDS).” The documentation must be for the manufacturer’s specific model of ignition interlock device listed on the application. The NHTSA model specification for BAIIDS is incorporated by reference and made part of this rule as published in the 78 Fed Reg 26849-26867 (effective May 8, 2014) and 80 Fed Reg 16720-16723 (effective March 30, 2015). The documentation from the ISO 17025 certified testing laboratory must include:

(A) The name, physical location, mailing address, and phone number of the testing laboratory;

(B) A description of the tests performed;

(C) Copies of the data and results of the testing procedures; and

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- (D) The names of the lab employees performing the tests.
- (e) Written documentation of the manufacturer's certification to the current International Organization for Standardization (ISO) 9001 Quality Management System (QMS) for aspects related to construction, production and repair of a device. Along with this certification, a copy of the manufacturer's Quality Assurance Plan (QAP) for checking the accuracy of the calibration; All new manufacturer's representatives applying for certification shall ensure their device manufacturer obtains an accredited ISO 9001 certification prior to application submission to OSP.
- (f) A functional device model being submitted for qualification;
- (g) Any electronic device, which reports login procedures, and allows online accessibility for OSP to review and download reports of any individual and device;
- (h) A written notice to OSP, illustrating an implementation plan and description of any modification to the device. Any modification in either firmware or hardware may require the applicant to resubmit their device and all documents required in OAR 257-100-0010;
- (i) A signed OSP Ignition Interlock Device Violation Policy form (257-0012), detailing how the validity of violations committed by the individual will be determined in accordance with ORS 813.635; and
- (j) The application fee described in OAR 257-100-0070(2)(b).
- (k) Written documentation indicating the manufacturer's representative's registry with the Oregon Secretary of State's Office. Any manufacturer's representative conducting business in the State of Oregon as an assumed business name (ABA) or doing business as (DBA), must also provide documentation indicating registry with the Oregon Secretary of State's Office.
- (3) OSP shall review the application when all the materials described in subsection (2) are received. If additional documentation is required, the manufacturer's representative must submit all required material within 60 calendar days from OSP notifying the manufacturer or manufacturer's representative or re-submission of the application may be required.
- (4) When a completed application has been accepted by OSP, OSP shall conduct an ODC test, as outlined in OSP Form 257-0037 (Oregon Device Configuration Test Requirements and Procedures), of each device model submitted to determine if the device model meets standards described in ORS 813.599, 813.600 and OAR Chapter 257, Division 100. If the device fails the ODC conducted by OSP, the manufacturer or manufacturer's representative must correct the disqualifying factors within 60 calendar days from OSP notifying the

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manufacturer or manufacturer's representative or re-submission of the application may be required.

(5) For an ignition interlock device to remain on the Oregon List of Qualified Devices, a manufacturer or manufacturer's representative must:

(a) Maintain valid product liability insurance as described in OAR 257-100-0015;

(b) Maintain valid registry with the Oregon Secretary of State's Office;

(c) Pass an annual Oregon Device Configuration Test conducted by OSP as outlined in OSP Form 257-0037;

(d) Meet or exceed the performance standards outlined in OAR 257-100-0050.

(6) At any time after a device has been approved by the Department, if the firmware or hardware of the device model is modified and the modification change affects any operational aspect of the device subject to current NHTSA model specification as described in subsection (2)(d) of this rule, the manufacturer or manufacturer's representative must notify OSP within 30 calendar days from release and, as determined by OSP, either modify OSP's demo device or send a modified device to OSP.

(7) When a firmware or hardware modification affects NHTSA specifications outlined in section (5), OSP shall conduct an ODC test of the modified device.

(8) Device qualifications are valid for a period of five years.

257-100-0015 Product Liability for Ignition Interlock Devices

(1) Each device manufacturer or manufacturer's representative must have product liability insurance with minimum liability limits of \$1,000,000 per occurrence and \$3,000,000 in the aggregate throughout the certification period. A manufacturer or manufacturer's representative may not cancel, materially change, or fail to renew the coverage of the insurance company.

(2) Failure to correct any discrepancies with product liability insurance within 60 calendar days from written notification from OSP, shall result in OSP removing the device from the Oregon list of qualified devices.

257-100-0020 Removal from List of Qualified Ignition Interlock Devices

(1) OSP may temporarily prohibit the manufacturer or manufacturer's representative from performing new device installations, or suspend or revoke the qualification of a manufacturer or manufacturer's representative or remove a device model from the list of qualified devices, upon making any of the following determinations, subject to the process outlined in 257-100-0080:

- (a) The device is found to no longer meet NHSTA specifications by an International Organization for Standardization (ISO) 17025 certified testing laboratory;
- (b) The device is found to no longer meet the minimum performance standards established by OSP as outlined in OAR 257-100-0050;
- (c) The manufacturer or manufacturer's representative is found to be repeatedly noncompliant with their Quality Assurance Plan (QAP);
- (d) The device manufacturer fails to maintain their ISO 9001 certification for aspects related to construction, production and repair of a device;
- (e) The manufacturer's representative fails to maintain valid registry with the Oregon Secretary of State's Office as outlined in OAR 257-100-0010;
- (f) The device fails to pass annual testing conducted by OSP as outlined in OSP Form 257-0037;
- (g) The manufacturer or manufacturer's representative liability insurance has been terminated, canceled, or expired;
- (h) The manufacturer or manufacturer's representative is no longer operating in the state;
- (i) The manufacturer or the manufacturer's representative is repeatedly non-compliant with the requirements of OAR Chapter 257, Division 100;
- (j) The manufacturer or the manufacturer's representative inaccurately represents that the device meets the performance standards described in OAR Chapter 257, Division 100;
- (k) The manufacturer or manufacturer's representative repeatedly fails to report data as required in OAR 257-100-0060;
- (l) The manufacturer's representatives suspend, revoke, or otherwise deny accessibility for

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OSP to review and download reports of any individual and device;

(m) The manufacturer's representative fails to have or maintain certified service centers to provide device services, pursuant to OAR 257-100-0035;

(n) The manufacturer fails to notify OSP within 30 calendar days of a final action to suspend, revoke, deny approval of or disqualify a device model from the list of qualified devices by any other state.

(o) The manufacturer or manufacturer's representative fails to correct all critical disqualifying factors, as determined by OSP, within 14 calendar days from being notified by OSP.

(p) The manufacturer or manufacturer's representative fails to correct all disqualifying factors pursuant to ORS 813.599, OAR 257-100-0010 and 257-100-0050, within 60 calendar days from being notified by OSP; or

(q) The manufacturer's representative repeatedly fails to provide payment to OSP as required in OAR 257-100-0070.

(2) If a manufacturer or manufacturer's representative's certification is denied, suspended, or revoked, and the matter is not resolved according to the provisions of OAR 257-100-0080, all service centers within the manufacturer's representative's network may also become suspended or revoked. All devices associated with the manufacturer or manufacturer's representative may be removed from the list of qualified devices for use in Oregon.

(3) A manufacturer or manufacturer's representative may voluntarily request OSP to remove their device from the qualified list for which the manufacturer has previously received approval. Within 60 calendar days after the receipt of the request, OSP shall remove the device from the qualified list.

(4) When OSP removes a device from the list of qualified devices, that device is no longer qualified for new installations and must be removed from existing vehicles. OSP shall post on its website when a device is removed from the list of qualified devices. The manufacturer's representative must provide OSP with a list of all current individuals, including their contact information.

(a) An individual whose installed device is removed from the list of qualified devices must have the delisted device removed by a qualified ignition interlock device technician; and

(b) A qualified device of the individual's choice must be installed by an ignition interlock device technician within 60 calendar days of the delisted device being removed from the qualified

device list.

(c) If an individual fails to remove and replace the device as required in this section, the individual will be considered to have no device installed.

(d) The manufacturer's representative whose device was removed from the list of qualified devices must pay for the removal and installation of a new qualified device of the individual customer's choice.

257-100-0025 Manufacturer's Representative Certification, Service Center Certification and Inspection Requirements

(1) A manufacturer's representative shall be certified when the manufacturer's representative meets and maintains device requirements as outlined in OAR 257-100-0010, Statewide Service Center Area Requirement in OAR 257-100-0035, performance standards as outlined in OAR 257-100-0050, and the device is added to the list of qualified devices.

(2) A manufacturer's representative must submit an application, and associated materials as set out in (a) to (d) below, to OSP for each fixed site service center the manufacturer's representative seeks to have certified. Incomplete applications will not be accepted. The manufacturer's representative must submit the following for service center certification or recertification:

(a) A completed Ignition Interlock Device Service Center Certification Application;

(b) A written statement from a manufacturer's representative, written on the manufacturer's representative letterhead, addressed to OSP, that authorizes a service center to service the qualified device;

(c) A written statement explaining how the manufacturer representative and service center will comply with recordkeeping requirements described in OAR Chapter 257, Division 100;

(d) An itemized list of all fees and rates that may be charged to an individual by both the service center and manufacturer's representative; and

(e) Written proof of a valid Ignition Interlock Device Program Surety Bond in the amount of \$100,000. The bond must be maintained throughout the certification period. The bond must inure to the benefit of the State of Oregon and shall be used to reimburse expenses related to the device services incurred by any individual who is required to equip a motor vehicle with a device by the State of Oregon or any political subdivision thereof and who documents a loss

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because of the device being removed from the list of qualified ignition interlock devices and the manufacturer's representative is insolvent or the manufacturer or manufacturer's representative's business is discontinued, and the manufacturer or manufacturer's representative refuses to reimburse such expenses upon notification by OSP.

(f) A manufacturer' representative must complete the Ignition Interlock Device Program Surety Bond Form. A valid Ignition Interlock Device Program Surety Bond must comply with all the following:

(A) The bond must be issued by a surety company licensed to do business within the State of Oregon;

(B) The surety company issuing the bond must agree to notify OSP if the bond is canceled for any reason and must agree to continue bond coverage until OSP receives actual notice of cancellation;

(C) The bond must be executed to the State of Oregon; and

(D) A copy of the bond must be filed and held in the office of OSP.

(3) The manufacturer or manufacturer's representative shall maintain toll-free 24-hour telephone assistance pursuant to ORS 813.660. The toll-free number must be provided to all customers.

(a) The toll free 24-hour telephone number must provide customers with the option to speak directly to a customer service representative who is qualified by the manufacturer, or manufacturer's representative to answer questions and to troubleshoot any mechanical problems relating to the ignition interlock device in the vehicle.

(b) All reasonable efforts to repair or replacement of the ignition interlock device due to the malfunction or inoperability of the ignition interlock device through no fault of the offender must be made available within two business days of initial contact.

(c) Inquiries described in section (3)(b) are considered emergency services and may be performed anywhere throughout the State of Oregon by one or more of the following – a manufacturer, a manufacturer's representative, a service center, or a technician. A manufacturer, manufacturer's representative, or service center are not required to be certified as a mobile service center, as outlined in 257-100-0030, to provide these emergency services.

(4) A manufacturer or manufacturer's representative certified in Oregon to provide services to individuals required to have an ignition interlock device installed pursuant to ORS 813.602,

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may continue to operate in Oregon if the manufacturer or manufacturer's representative is purchased by another manufacturer or manufacturer's representative.

(a) The manufacturer or manufacturer's representative purchasing an existing certified manufacturer or manufacturer's representative, must provide OSP written notice upon completion of the acquisition. The notice must be signed by a representative from both manufacturers or manufacturer's representatives.

(b) A new Application for Device Qualification and associated materials outlined in Section (2)(a) to (2)(d) will be required to be submitted to OSP for certification.

(c) A manufacturer or manufacturer's representative purchasing an existing certified manufacturer or manufacturer's representative must ensure the surety bond outlined in Section (2)(e) above, continues during and after the acquisition process.

(d) Upon completion of the acquisition, OSP shall conduct an ODC test of the device to ensure proper compliance with current ORS and OAR.

(5) A service center is eligible for certification or recertification when OSP receives the following:

(a) The service center provides written documentation indicating:

(A) Registration with the Oregon Secretary of State;

(B) The service center is part of a manufacturer's representative network;

(C) The service center only services devices qualified by OSP;

(D) The service center is located in a fixed site facility that can provide all device services;

(E) The service center has posted, in plainly visible location, a current copy of the maximum fees and rates an individual may be charged for all device services including, but not limited to the monthly lease amounts, any shipping fees, any additional charges anticipated for routine calibration, and service checks;

(F) The service center is compliant with all municipal and county regulations for commercial businesses;

(G) The service center has and will maintain a designated waiting area, which is separated or partitioned from the service area so an individual may not view the installation or removal of

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the device;

(H) The service center has a viewing area with appropriate equipment available for customers to view training videos and other material provided by the manufacturer, manufacturer's representative, or OSP;

(I) The service center has a demonstration device available at each service center location for individual customers to use prior to installation. The device must power on, accept an acceptable breath sample, and be programmed with anti-circumvention features. The service center must have available an ignition interlock technician capable of operating the demonstration device;

(J) The service center posts the OSP service center complaint information form where it is visible to the public;

(K) The service center's certification is posted in a place visible to the public;

(L) The service center and manufacturer's representative only charges for device services as defined in OAR 257-100-0025(2)(d);

(M) The service center is marked with the business name and easily identifiable as the business listed on the service center application.

(N) The service center has standard operating hours that are posted and viewable from the exterior of the building. The standard operating hours must include specific hours of operation that allow individuals and OSP to access the service center.

(b) The service center provides to OSP proof of valid commercial liability insurance coverage adequate to cover costs associated with any damage to an automobile during ignition interlock device services.

(c) The manufacturer's representative or service center affirms in writing to OSP that it provides each individual customer with a statement of charges for all services, whether paid to the manufacturer representative or service center, including: clear and specific warranty details; contractual agreements; monthly lease amounts; shipping fees; additional charges anticipated for routine calibration and service checks; and which services, if any, are provided without charge prior to device installation;

(d) The manufacturer's representative or service center affirms in writing that it shall provide OSP with written notice of any changes to the maximum fees and rates an individual customer may be charged for the device and device services 30 calendar days prior increasing the fees

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or rates;

(e) Notwithstanding requirements outlined in section (3)(b), the service center affirms in writing to OSP that it shall provide device installation and removal services within five calendar days from a customer's request and all other services within three calendar days; banking holidays excepted.

(f) The manufacturer's representative or service center maintains a minimum of one qualified ignition interlock device technician, as outlined in OAR 257-100-0045, capable of performing all service as described in OAR 257-100-0005.

(6) OSP shall conduct a service center inspection using the Ignition Interlock Device Service Center Inspection Report Form 257-0005 before a service center may be initially certified, and annually thereafter for the service center to maintain its certification. OSP may perform unscheduled inspections. An OSP inspection of a service center shall determine if the service center meets all service center requirements listed within the applicable statutes and OAR Chapter 257, Division 100. During an inspection, OSP may: test ignition interlock device technician knowledge; inspect records; and evaluate The installation for proper device functionality.

(a) If a service center fails to meet requirements outlined in section (5)(a) through (5)(f) upon an inspection conducted by OSP, the service center shall have 14 calendar days to correct all noted disqualifying factors.

(b) Following a failed service center inspection, a subsequent service center inspection shall be conducted by OSP under the following conditions:

(A) The manufacturer's representative or service center has notified OSP in writing that the disqualifying factors have been corrected; or,

(B) 14 calendar days have passed.

(c) If a service center fails to meet the requirements outlined in section (5)(a) through (5)(f) three consecutive inspections, the service center certification regarding the specific manufacturer's representative network, shall be revoked for a period of 180 calendar days.

(7) Service center certifications are valid for one year. OSP shall notify a manufacturer's representative in writing if OSP has approved or denied an application for certification or recertification.

(8) An application and payment for renewal of a service center certification must be submitted

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to OSP by a certified manufacturer's representative no later than 90 calendar days prior to the expiration date of the current certification. A manufacturer's representative must use the Ignition Interlock Device Service Center Certification Application for renewal. Following receipt of the renewal application, OSP shall conduct an inspection of the service center and any mobile service vehicles as described in section (6). OSP shall renew certification of a service center upon receipt of a completed application and all documents required by (5)(a) through (5)(f), successful completion of the inspection, and payment of all applicable fees for one year from the date of the last certification.

(9) If OSP denies, refuses to renew, suspends, or revokes a service center certification, the manufacturer's representative or the service center may request a hearing as provided in OAR 257-100-0080.

257-100-0030 Certification for Mobile Service Center Certification and Inspection Requirements

(1) A manufacturer's representative may operate a mobile service center for the purposes of providing services for ignition interlock devices at locations other than a fixed site. A mobile service center is authorized to conduct limited ignition interlock device services to include inspecting, downloading, data transferring, calibrating, and removing the device. A mobile service center is not authorized to install ignition interlock devices.

(2) A mobile service center may be certified when, based on written documentation provided by the manufacturer or manufacturer's representative, OSP determines that the following requirements have been met:

(a) The manufacturer representative maintains an established network of certified fixed service centers that meet the requirements provided in OAR 257-100-0025 and 257-100-0035.

(b) The manufacturer's representative has submitted the following information to OSP:

(A) A completed Ignition Interlock Device Mobile Service Center Certification Application form 257-0002a;

(B) A copy of liability insurance for the vehicle to be used as a mobile service center; and

(C) An itemized list of all fees that the mobile service center and manufacturer's representative may charge an individual for all services related to a device.

(c) The mobile service center shall provide individual customers a sheltered and waiting area,

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with sufficient seating, inside or around the mobile service center vehicle.

(d) Device removal services provided by the mobile service center shall be conducted in a manner in which an individual customer or other persons cannot view the removal process.

(e) The manufacturer's representative or mobile service center shall provide individual customers with copies of all fees, contracts, and complaint information prior to performing any service.

(f) The mobile service center shall be associated with a single certified fixed site service center. The mobile service center shall not operate if the associated fixed site service center certification is denied, suspended, or revoked.

(g) OSP has conducted an inspection of the mobile service center vehicle using the Ignition Interlock Device Service Center Inspection Report Form 257-0005 and the mobile service center vehicle has passed inspection.

(3) OSP may perform unscheduled inspections of mobile service centers. An OSP inspection of a mobile service center vehicle is determined whether a mobile service center meets all requirements listed within the applicable statutes and OAR Chapter 257, Division 100. The inspection may include: testing ignition interlock device technician knowledge; inspection of records; and evaluation of the quality of workmanship of the device.

(a) If a mobile service center fails to meet requirements outlined in section (2) upon an inspection conducted by OSP, the mobile service center will have no more than 14 calendar days to correct all noted disqualifying factors.

(b) Following a failed service center inspection, a subsequent mobile service center inspection will be conducted by OSP:

(A) If notified by the manufacturer's representative or associated fixed site service center the disqualifying factors have been corrected; or,

(B) 14 calendar days have passed.

(c) If a mobile service center fails to meet requirements outlined in section (2) by the third inspection, mobile service center services for the associated fixed site service center will be revoked for a period of 180 calendar days.

(4) The initial mobile service center certification expires on the same date as the associated fixed site service center. Annual certifications are valid for one year and will continue on the

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same certification schedule as the associated fixed site service center. OSP shall notify the manufacturer's representative in writing if OSP has approved or denied the application for certification or recertification.

(5) An application and payment for renewal of a mobile service center certification must be submitted to OSP by a certified manufacturer's representative no later than 90 calendar days prior to the expiration date of the current certification. A manufacturer's representative must use the Ignition Interlock Device Mobile Service Center Certification Application for renewal. Following receipt of the renewal application, OSP shall conduct an inspection of the mobile service center vehicle. OSP shall renew certification of a mobile service center upon successful completion of the inspection.

(6) If OSP denies a mobile service center certification or refuses to renew a mobile service center certification, the manufacturer's representative or the service center may request a hearing as provided in OAR 257-100-0080.

257-100-0035 Statewide Service Center Area Requirement

(1) A manufacturer's representative must maintain a network of certified service centers which must include a minimum of one fixed site service center located in each lettered region, illustrated on the "Oregon IID Regional Map."

(2) A manufacturer's representative must notify OSP within 3 business days if a service center ceases operations. If a service center closure results in failure to meet the regional requirements of the service network, the manufacturer's representative has 120 calendar days to establish a new service center to meet the Service Center Area Requirement. If the manufacturer's representative has not established a new service center in the closed service center region within 120 calendar days of the service center's closure, the manufacturer's representative must have all device models uninstalled in accordance with OAR 257-100-0020 and OAR 257-100-0065.

(3) OSP may revoke certifications for all certified service centers within the manufacturer's representative's network if a manufacturer's representative fails to meet the service center area requirements.

(4) All service centers must be located in the State of Oregon.

257-100-0040 Service Center Complaint Process

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(1) OSP shall provide a complaint form and process, which allows a person to submit complaints, pursuant to ORS 813.670, regarding ignition interlock device manufacturer, manufacturer's representative, and service centers. OSP shall establish a process in which the person submits the complaint telephonically, electronically or by mail. The complaint form shall be available on OSP's website.

(2) OSP shall consider all complaints and investigate when determined appropriate.

(3) During a complaint investigation, the manufacturer's representative must make available to OSP upon request with written notice of reason, at no cost to OSP, any documents, reports, or audio recordings, if available, regarding the individual customer's account. Such records must be in a format acceptable to OSP and provided within seven calendar days from request.

257-100-0045 Ignition Interlock Device Technician Qualification Standards

(1) A device may be serviced only by a person who is qualified as an ignition interlock device technician. To become a qualified ignition interlock device technician, the person must:

(a) Be 18 years of age or older;

(b) Not have a current ignition interlock device requirement or restriction pursuant to ORS 813.602;

(c) Complete a device training program provided by the manufacturer's representative. Proof of device technician training must include the locations, dates, and hours of training completed;

(d) Complete the Knowledge and Skills Examination provided by OSP. A person must score eighty percent or higher on the Knowledge and Skills Examination to pass;

(e) Sign the Ignition Interlock Device Technician Declaration (OSP Form 257-0006);

(f) Pass a criminal background check as described in ORS 813.665, section (4) of this rule, and as defined by OSP policy.

(2) Ignition interlock device technician certification must be renewed annually.

(3) The certificate of completion for the Knowledge and Skills Examination, background check, and the declaration form for each ignition interlock device technician must be accessible by

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OSP at the service center.

(4) Ignition interlock device technicians must be able to demonstrate proficiency with operating each ignition interlock device they are trained and qualified to perform services for. The ignition interlock technician must be capable of operating the demonstration device located at the service center as described in OAR 257-100-0025(5)(a)(I);

(5) A person is not qualified to be an ignition interlock device technician if the person has been convicted of in any jurisdiction of any of the following offenses or an offense under federal law or from another state, which is equivalent to any of the following offenses:

(a) Unlawful possession, delivery, or manufacture of a controlled substance if the conviction occurred within two years of the date of the application;

(b) An offense which gives rise to an obligation to report as a sex offender and register as a sex offender under ORS Chapter 163A.

(6) If an ignition interlock technician is convicted in this state or any jurisdiction, of an offense listed in ORS 813.665 or section (5) of this rule, or an offense under federal law or from another state which is equivalent to offenses listed in ORS 813.665 or section (5) of this rule, or becomes required to have an ignition interlock device pursuant to ORS 813.602, then the following applies;

(a) The technician becomes disqualified as an ignition interlock device technician;

(b) The technician must notify their manufacturer's representative(s) that the person is no longer qualified to be an ignition interlock device technician in Oregon.

(c) Upon notification by the technician, the manufacturer's representative must notify OSP of the disqualifying factor within 7 calendar days.

(7) In addition to section (1) of this rule, a person seeking qualification as a mobile service center Ignition Interlock Device Technician must:

(a) Possess valid Oregon driving privileges; or

(b) Possess valid driving privileges in the state in which residency is obtained, if not the State of Oregon.

(8) The person requesting to become an ignition interlock device technician, or the manufacturer's representative on the person's behalf, must submit the following documentation

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to the Oregon State Police Ignition Interlock Device Oversight Program:

- (a) Copy of the Knowledge and Skills Examination Certification of Completion as described in section (1)(d) of this rule;
- (b) Completed Ignition Interlock Device Technician Declaration as described in section (1)(e) of this rule;
- (c) Completed IID Technician Background Check Request Form (257-0031) pursuant to section (1)(f) of this rule;
- (d) A photo copy of the Ignition Interlock Device Technician's state issued identification card, state issued driver's license, U.S. Passport, U.S. military identification card, or other government issued identification card; and
- (e) A check or money order for the amount of \$10, addressed to the Oregon State Police Ignition Interlock Device Program.

257-100-0050 Performance Standards for Ignition Interlock Devices

- (1) Every device installed in a vehicle must be equipped with a camera. The camera must be mounted to the vehicle in such a way to maximize an image of the front driver and passenger seats. The camera must be installed and secured in a manner to limit any movement. The device camera must capture a photo in each of the following circumstances: when a breath sample is requested; when a breath sample is submitted; when a test violation or device circumvention is recorded. The device must be capable of storing all required data, including: the image, the date, the time, and BrAC of the accepted breath sample each time the individual attempts to use the device.
- (2) The device camera must be able to capture a clear, unobstructed photograph in all lighting conditions.
- (3) All images and data collected between calibration periods must be stored in the device's data storage system and be downloaded by the device manufacturer's representative, or their designee, at the time of calibration in order to ensure proper record maintenance.
- (4) Every device currently installed in a vehicle must be equipped with the ability to record a circumvention or test violation as described in ORS 813.599.
- (5) When the device receives a successful breath sample, the measurement shall be displayed

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to three decimal places and reported as the recorded BrAC of the accepted breath sample.

(6) After successfully passing a breath sample, the device must allow for a restart within two minutes without requiring an additional test.

(7) The device must not accept a breath sample if the device is in lockout.

(8) A device must require 1200 milliliters (mL) or 1.2 liters (L) of breath for an acceptable breath sample. For individuals who are unable to provide the minimum breath sample, the individual may apply for the IID medical exemption with the court or DMV in accordance with OAR 735-070-0082.

(9) After a successful initial or follow-up test, the device must require a random retest of the individual while a vehicle's engine is in operation as follows:

(a) A retest is required at random intervals ranging from five to ten minutes after starting the vehicle. Subsequent retests are required at random intervals ranging from 15 to 45 minutes from the previously required retest for the duration of vehicle operation;

(b) The device retest must allow 10 minutes for the retest to be completed; and

(c) A device must provide a distinct audible tone of at least 80 decibels (dB) and visual indicators to alert the driver that a retest is in progress. The tone must repeat at least every 30 seconds until a sample is provided or a test violation occurs.

(10) Upon a device registering a test violation, the device must:

(a) Immediately activate a unique repetitive audible tone of at least 80 dB with visual indicators on the display of the handset, until the engine is shut down or a successful test is submitted;

(b) Record the retest violation in the data storage system and disable the ability of the restart as defined in OAR 257-100-0005;

(c) Request a follow-up test;

(d) Allow multiple breath sample attempts for up to 10 minutes. The device fuel cell must be recovered and ready for use three minutes or less of a preceding test in accordance with the NHTSA model specification for BAIDs as published in the 78 Fed Reg 26849-26867 (effective May 8, 2014); and

(e) Automatically and completely purge all residual alcohol before allowing subsequent tests.

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(11) Every device currently installed must be able to accurately determine and record locational coordinate information of the vehicle, including latitude and longitude, as established by a global positioning system (GPS). GPS coordinates must be recorded when:

- (a) The device is required to take a photograph as listed in subsection (1) of this rule;
- (b) When the vehicle's engine is turned on; and
- (c) When the vehicle's engine is turned off.

(12) The device must be programmed to enter the early recall setting when the device records:

- (a) A second breath sample of 0.021% or higher in a single testing sequence;
- (b) A breath sample of 0.021% or higher is provided and no additional samples are provided within ten minutes; or
- (c) Any missed or refused retest.

(13) When a device enters early recall, service of the device must be performed within seven calendar days. Service must include inspection, download, data transferring, and calibration. The device must enter a lockout if the device has not been serviced within seven calendar days of entering early recall.

(14) A device may not enter early recall or similar setting for any reason not listed in section 12 of this rule, without OSP approval.

257-100-0055 Device Routine Maintenance and Calibration

(1) Prior to calibration, the device, the handset, the camera and associated equipment must be inspected at the vehicle for evidence of tampering or camera obstruction. Calibration must ensure that the device remains capable of accurately analyzing a breath sample. During calibration all the data collected on the device either from installation or last calibration of the device must be uploaded to the manufacturer or manufacturer's representative's server or network.

(2) When calibrating a device, an ignition interlock device technician must:

- (a) Attempt to start the vehicle ignition without first providing a breath sample to determine if

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the device had been circumvented by the individual customer;

(b) Visually inspect the vehicle and device to determine if the device appears to have tampered with;

(c) Inspect the camera to determine if it is pointed in the correct direction and if it has been tampered with; and

(d) Perform a device calibration and data upload according to the manufacturer representative's procedures.

(3) The calibration process and vehicle inspection must be scheduled at intervals not to exceed 60 calendar days, calculated from the installation date or last calibration date. The device must notify the individual of their scheduled calibration with a daily countdown, beginning at least seven calendar days before the service.

(4) An ignition interlock device technician shall not conduct a calibration or service any device unless the vehicle is present at the time of service and is in mechanically operable condition. Individual customers shall not be permitted to remove or install any component of the ignition interlock device during the time of service or calibration.

(5) The device must enter into lockout if service is not performed within seven calendar days of a scheduled service date or violation as defined in ORS 813.599. The device must give the individual a daily countdown before lockout occurs.

(6) If a device enters a lockout, a remote lockout override may be provided only by the manufacturer or manufacturer's representative.

(7) A remote lockout override may not be performed unless OSP has approved the manufacturer or manufacturer's representative's lockout override procedure for the device model, in accordance with this rule.

(8) OSP shall approve the remote lockout override procedure for a device model if the device meets the following requirements:

(a) A device lockout override is performed on a device by entering a unique lockout override code into the device or by a manufacturer controlled remote connection procedure.

(b) A device lockout override is valid for a period of 12 hours, after which the device must revert to a lockout.

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(c) After a manufacturer, manufacturer's representative, or individual performs a remote lockout override, the device must continue to operate as required in ORS 813.599 and OAR Chapter 257, Division 100.

(d) Each remote lockout override must be uniquely identified and recorded in the device's data storage system.

(9) A device must be calibrated for accuracy by using dry gas alcohol standard with an alcohol reference value between 0.020 grams per two hundred-ten liters (g/210L) and 0.050 g/210L. The calibration process must consist of the following procedures:

(a) An "as found" check to introduce the sample into the device without adjustment for accuracy. The test must be conducted prior to any adjustment for accuracy and the results must be recorded on the data logger. If the results of the "as found" check are within plus or minus (+/-) 0.005 g/210L of the adjusted reference value, then no adjustment is necessary.

(b) If the results of the "as found" check are not within +/- 0.005 g/210L of the adjusted reference value, the device shall be adjusted to restore accuracy before the device may be placed into service.

(10) A service center must remove from service any device that does not pass calibration after two adjustments. The manufacturer's representative must maintain a record of the serial number of the device for proper record maintenance. A device removed from service for failing calibration may be returned to service only if the device is repaired by the manufacturer to meet the standards described in OAR Chapter 257, Division 100 and ORS 813.599. All repairs to a device must be documented and kept in the manufacturer's representative's records.

(11) Dry gas alcohol standards are listed, or approved to be listed, on the NHTSA Conforming Products List of Calibrating Units for Breath Alcohol Testers and are National Institute of Standards and Technology (NIST) Traceable ethanol standards. The reference value must be adjusted for the elevation at which the dry gas is being used. Dry gas alcohol standard tanks must be:

(a) Stored in an environment where the temperature range remains between 10° to 40°Celsius (50° to 104° Fahrenheit) for at least twenty-four (24) hours prior to use to ensure stability;

(b) Either labeled or have a COA, which contains the components and concentration of the reference value of the gas, an expiration date that may not exceed three (3) years from the date of preparation, and the lot or batch number;

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(c) Taken out of service when the cylinder pressure drops below fifty (50) pounds per square inch (PSI); and

(d) Protected from exposure to weather during transport.

(12) Each service center must have tubing that is compatible with alcohol (Tygon or equivalent), and purged prior to each calibration unless the system is pressurized.

257-100-0060 Reporting Requirements of Manufacturers, Manufacturer's Representatives, and Service Centers

(1) Manufacturer's representatives or service centers must ask if the individual customer if they are currently subject to a qualifying court approved Driving Under the Influence of Intoxicants Diversion Agreement or if the individual customer was convicted of Driving Under the Influence of Intoxicants. The individual customer must update the service center or manufacturer's representative if the individual's diversion or conviction status was incorrectly stated or has changed. Manufacturer's representatives must report any negative report, tampering, device lockout, install, removal, or test violations downloaded by the manufacturer's representative under ORS Chapter 813.630 and 813.635.

(a) Manufacturer or manufacturer's representative must conduct a thorough review of all reports generated under ORS 813.630, 813.635, and 813.645 prior to issuance.

(b) Manufacturer or manufacturer's representative must notify OSP within three business days if an individual customer's device settings change from the Oregon performance standards and settings outlined in OAR Chapter 257, Division 100.

(2) OSP recognizes and considers manufacturer's representatives to be subject matter experts in the operation of their own device. Manufacturer's representatives may use discretion, within the guidelines of OSP Form 257-0012 to determine the validity of the violations.

(3) Only one customer may be designated to a device. Multiple drivers subjected to requirements under ORS 813.602 order or agreements, shall not share a single device or user account.

(4) Prior to installation of a device a manufacturer's representative or service center must verify, by government issued photo identification, that the customer's full name and date of birth matches any ignition interlock related paperwork used to establish an account and obtain device installation.

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(5) At the time of device installation, manufacturer's representatives or service centers must obtain a clear, unobstructed, photograph of only the required driver in the driver's seat using the camera installed with the device. The photograph shall be used as the reference photograph in the individual's weblogs.

(6) For an individual customer subject to a diversion agreement, the manufacturer's representative must notify:

(a) The District Attorney or City Prosecutor, court or the court's designee, when there is any negative report, lockout, tampering, or any installation and removal of a device;

(b) OSP when there is any negative report, lockout, tampering, or any installation and removal of a device;

(c) The individual customer when there is a 6-month "no negative certificate", or a 90-day "no negative certificate."

(d) OSP when there is a 6-month "no negative certificate", or a 90-day "no negative certificate."

(7) For an individual convicted of the offense Driving Under the Influence of Intoxicants, the manufacturer, manufacturer's representative, or service center shall notify:

(a) OSP when there is any negative report, lockout, tampering, or any installation and removal of a device;

(b) The individual customer when there is a 90 day "no negative certificate."

(c) DMV when there is tampering, or any installation and removal of a device.

(d) OSP when there is a 90-day "no negative certificate."

(8) Upon eligibility of a 6-month "no negative certificate", or a 90-day "no negative certificate", the manufacturer or manufacturer's representative shall provide the applicable "no negative certificate" to the individual customer within seven business days of the request from the individual customer.

(9) If a device is not re-activated within 120 calendar days of a lockout, the device will be considered as removed and the manufacturer or manufacturer's representative shall report the removal as described in subsections (6) and (7).

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(10) The manufacturer or manufacturer's representative must provide OSP with access to each individual customer's weblog. All data uploaded to the manufacturer or manufacturer's representative's server or network must be accessible to OSP within 48 hours of the device download. The manufacturer or manufacturer's representative must keep accurate record data of the client and the results of each event. When requested by OSP, the manufacturer's representative must provide, at no cost to OSP, an individual customer's weblog in a format acceptable to OSP.

(11) Manufacturer's representatives must report the following to OSP no later than the 7th day of each calendar month:

(a) The total number of newly installed interlock devices (TIN) for the previous calendar month for individuals required to have an interlock installed pursuant to ORS 813.602. The TIN reporting must include each individual customer's name, date of birth and Oregon license/identification number.

(b) The total number of installed interlock devices (AIN) for individuals required to have an interlock installed pursuant to ORS 813.602. The AIN reporting must include each individual customer's name, date of birth and Oregon license/identification number, where available.

(c) A list of all individual customers who had an interlock device removed during the previous calendar month. This list must include each individual customer's name, date of birth and Oregon license/identification number and be in a format acceptable to OSP.

(A) The AIN and TIN shall not include interlock devices installed on a voluntary basis; or

(B) Individual customers not subject to a Driving Under the Influence of Intoxicants Diversion Agreement or conviction of Driving Under the Influence of Intoxicants under ORS 813.602; or

(C) When the Individual did not possess an operational device for at least one calendar day of the month.

(12) If the manufacturer's representative's web browser provides TIN, AIN and removal information viewable by OSP, reporting by the manufacturer's representative outlined in section 10 of this rule is not required.

(a) TIN, AIN, and removal information on the manufacturer's representative's web browser must include a list of all individual customers with a device installation, removal or active account for the calendar month; and

(b) Be in a format which allows search and filter by date; and

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- (c) Shall not include interlocks installed on a voluntary basis; or
 - (d) Individual customers not subject to a Driving Under the Influence of Intoxicants Diversion Agreement or conviction of Driving Under the Influence of Intoxicants under ORS 813.602; or
 - (e) When the Individual did not possess an operational device for at least one calendar day of the month.
- (13) Upon request by OSP, the manufacturer's representative must provide, at no cost, additional reports in a format acceptable to OSP.
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257-100-0065 Removal of Ignition Interlock Devices

- (1) A qualified ignition interlock device technician must remove the device when requested by the individual.
- (2) When removing a device, an ignition interlock device technician must:
 - (a) Attempt to start the vehicle ignition without first providing a breath sample to determine if the device had been circumvented by the individual customer;
 - (b) Visually inspect the vehicle, device, and camera to determine if the device appears to have been tampered with; and
 - (c) Download and upload the final data report from the device at the time of removal;
 - (d) Ensure removal of the device does not damage the vehicle and that the vehicle's ignition functions properly without the device being installed;
- (3) When removing a device, a manufacturer's representative must:
 - (a) If applicable, provide the individual with an Ignition Interlock Device No Negative Certificate Form 257-0007; and
 - (b) Report the removal pursuant to OAR 257-100-0060.
- (4) Upon approval by OSP, a manufacturer or manufacturer's representative may provide a third-party mechanic with an ignition interlock device de-activation or override code for maintenance or repair of a vehicle with an ignition interlock device installed.

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- (a) The manufacturer or manufacturer's representative shall collect the mechanic's full name, business address, and contact phone number.
- (b) A De-activation or override code may only be provided to mechanics performing maintenance or repair of the individual customer's vehicle. The individual customer may not be the mechanic performing the maintenance or repair.
- (c) A mechanic de-activation or override code may not exceed a period of 24 hours at a time.
- (d) Each de-activation or override code must be uniquely identified and recorded in the device's data storage system.
- (e) The number of de-activation or override codes per individual customer or vehicle is unlimited.
- (f) Violations recorded while the vehicle is not being driven by the individual customer required to have the interlock device may be reviewed for exclusion. The individual customer must provide a completed Mechanic's Affidavit Form 257-0030 to the manufacturer or manufacturer's representative upon completion of the maintenance or repair. If an individual customer fails to submit a Mechanic's Affidavit Form 257-0030 to the manufacturer or manufacturer's representative, may result in a break in compliance, an extension of ignition interlock requirement, or additional fees.

257-100-0070 Service Center Application, Renewal Fee, and Fee Schedule

- (1) All Fees under this rule must be paid to the Oregon State Police. Fees may be mailed to the Oregon State Police – Ignition Interlock Device Management Fund.
- (a) Payment may be made by personal check, business check, cashier's check, credit card or money order made payable to the Oregon State Police - Ignition Interlock Device Management Fund. If the fee is paid by either personal check or business check, the OSP will not take any action on applications until the check has cleared the bank.
- (b) An electronic deposit process may be used with prior OSP approval.
- (2) To consider a device for qualification, a manufacturer or manufacturer's representative must submit an Ignition Interlock Device Qualification application and application fee to OSP in accordance with ORS 813.680.

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(a) OSP shall collect and keep records of all fees related to ORS 813.680;

(b) The ignition interlock device model application fee and renewal application fee is \$3,000. The fee is nonrefundable. The fee shall be deemed paid for the month in which the application or renewal is due and paid to OSP.

(3) To consider a service center for certification, a manufacturer or manufacturer's representative must submit a service center application and application fee to OSP in accordance with ORS 813.660.

(a) OSP shall collect and keep records of all fees related to ORS 813.660;

(b) The fixed site service center initial application fee and the one-year renewal application fee is \$600. The fee is nonrefundable. The fee shall be deemed paid for the month in which the application or renewal is due and paid to OSP;

(c) The mobile service center initial application fee and the one-year renewal application fee is \$300. The fee is nonrefundable. The fee shall be deemed paid for the month in which the application or renewal is due and paid to OSP.

(4) OSP shall require a monthly fee for each device installed in any vehicle operated by an individual customer required to have an installed device pursuant to ORS 813.602, in accordance with ORS 813.680.

(a) OSP shall collect and keep records of all fees related to ORS 813.680;

(b) The monthly fee for each device installed will be no less than \$10.00, but not exceed \$20.00.

(c) The fees charged under this section shall be in an amount adequate to pay all administrative costs incurred by the department in administering ORS 813.660 to ORS 813.680. OSP shall annually assess the adopted monthly fee amount and adjust the fee accordingly;

(d) The fee described in (b) of this section will be outlined on OSP Fee Chart (257-0013) and is nonrefundable. The fee shall be deemed paid by the manufacturer's representative for the month in which the device is installed is due and paid to OSP. The fee shall be paid and received by OSP no later than the 15th day of each calendar month.

(e) The total fees amount owed by the manufacturer's representative shall be calculated using

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the fee described on form 257-0013 multiplied by the number active accounts by individual customers required to have devices pursuant to ORS 813.602. Active accounts will be calculated at the close of business on the last working day of each month.

(f) For purposes of this section, an active account means an account for any individual customer required to have a device that possesses an operational device installed in their vehicle for any amount of time during the calendar month.

(5) OSP shall not issue or renew a manufacturer's certification, or service center certification if the applicant fails to pay any fee or submits a partial payment of fees.

257-100-0075 Indigence Fee Waiver

(1) Only a manufacturer's representative under contract with the Oregon Health Authority may provide statewide device service for individuals who apply and meet indigence standards.

(2) An individual customer required by ORS 813.602 to have a device installed in the individual's vehicle and who meets indigence standards may have the fees charged by a service center waived for any device service.

(3) An individual customer requesting a fee waiver must provide proof of eligibility for the fee waiver to the service center. Proof of eligibility is documentation of SNAP enrollment provided by the Oregon Department of Human Services dated for the month service was performed. Proof of eligibility must be submitted to the service center each time the service center provides service and the individual customer requests a fee waiver.

(4) A person unable to provide proof of enrollment in SNAP does not meet the indigence standards and is responsible for all fees charged for any services related to the device for the period proof is not provided to the service center.

257-100-0080 Hearing Procedure

(1) OSP may deny, refuse to reissue, suspend or revoke a qualification of a manufacturer or manufacturer's representative, or refuse or discontinue a working relationship with any manufacturer's representative liaison if the department after a thorough investigation determines the manufacturer, manufacturer's representative, or liaison to be intentionally untruthful, deceptive, operates outside the permissions of program requirements, and/or falsely completes or alters any written instrument related to the ignition interlock device program.

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(2) OSP may, without prior hearing, suspend or refuse to renew qualification of an ignition interlock device for use in Oregon under ORS 183.430(2), if OSP determines that there is a serious danger to the public health or safety that requires immediate action.

(3) OSP may deny, refuse to reissue, suspend or revoke a certification for a manufacturer or manufacturer's representative upon OSP's determination that any applicant or certification holder had failed to meet standards, comply, or no longer complies with any requirement or provision listed in OAR 257-100-0010 through 257-100-0075.

(4) OSP may deny, refuse to reissue, suspend, or revoke a certification for a service center upon OSP's determination that any applicant or certification holder has failed to meet standards, comply, or no longer complies with any requirement or provision of the service center requirements listed in OAR 257-100-0025. A manufacturer or manufacturer's representative whose certification is denied or revoked may not re-apply for certification until 180 calendar days have passed from the date of denial or revocation. A service center whose certification is revoked may not reapply for certification until 180 calendar days have passed from the date of revocation. Prior to OSP re-issuing certification to a manufacturer's representative or service center after a denial, suspension, or revocation, a manufacturer's representative or service center must be fully compliant with all administrative rules, statutes and must have paid all required fees.

(5) Before any denial, refusal to reissue, suspension, or revocation of a manufacturer's or manufacturer's representative's qualification or service center's certification is taken, an investigation of the complaint or violation will be performed by OSP. The manufacturer's representative is entitled to notice of the proposed action and an opportunity for hearing, as prescribed in Oregon Administrative Procedures Act, ORS 183.413 to 183.500

(6) OSP may remove a device model from the list of qualified devices upon OSP's determination that any device model failed to meet standards or no longer complies with requirements in ORS 813.600 or OAR 257-100-0010, OAR 257-100-0050 or OAR 257-100-0055. If a device model is removed, the device model may not be installed for 180 calendar days from the date of removal.

(7) Other than a voluntary request to remove a device from the list of qualified devices, OSP may remove a device from the list of qualified devices after an investigation of the complaint or violation is performed by OSP. The device manufacturer or manufacturer's representative is entitled to notice of the proposed action and an opportunity for hearing, as prescribed in Oregon Administrative Procedures Act, ORS 183.413 to 183.500.

(8) A request for an administrative hearing must be filed in writing and received by OSP within

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sixty (60) calendar days after the date of the notice of action.

(a) The request for an administrative hearing may be sent to Oregon State Police Ignition Interlock Device Oversight Program, 3565 Trelstad Avenue SE, Salem OR 97317; or

(b) Emailed to ospiid@osp.oregon.gov.

(9) Notwithstanding section (2) and (8), a decision to remove a device is effective 30 calendar days from the date of the notice of proposed action.

257-100-0085 Foreign Jurisdiction

(1) For an individual customer with an Oregon ignition interlock device requirement who reside outside of the State of Oregon, and in a jurisdiction, which does not have an ignition interlock device requirement or statutory counterpart, the individual must comply with the standards and settings outlined in OAR 257-100-0005 through 257-100-0080.

(2) An individual with an ignition interlock device requirement or restriction in the jurisdiction in which they reside in addition to an ignition interlock device requirement pursuant to ORS 813.602, may cause a device to be installed in their vehicle and set to the standards or settings required by the jurisdiction with the most stringent requirements as determined by the manufacturer and with OSP approval.

(3) The device installed and used to satisfy an ignition interlock device requirement pursuant to ORS 813.602, as described in Section (2), shall include the following requirements:

(a) The device model is listed on the Oregon List of Qualified Devices;

(A) The device is equipped with a camera pursuant to OAR 257-100-0050; and

(B) The device must include a global positioning system (GPS) pursuant to OAR 257-100-0050.

(b) The device must register test violations as defined in ORS 813.599; and

(c) The final device configuration must be approved OSP.

(4) Only one customer may be designated to a device. Multiple drivers subjected to requirements under ORS 813.602 order or agreements, shall not share a single device or user account.

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- (5) The manufacturer or manufacturer’s representative must include OSP and court or court’s designee, if applicable, as a monitoring authority for the customer.
- (6) The manufacturer or manufacturer’s representative must report to OSP, any negative report, tampering, device lockout, install, removal, or test violations downloaded by the manufacturer or manufacturer’s representative under ORS Chapter 813.630 and 813.635.
- (7) Upon eligibility of a “no negative certificate,” the manufacturer or manufacturer’s representatives shall provide the applicable “no negative certificate” to the individual customer as described in OAR 257-100-0060.
- (8) A customer with an ignition interlock device installed as described in this rule is subjected the monthly fee described in OAR 257-100-0070.

Oregon Revised Statutes

813.599 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) “Manufacturer’s representative” means a business entity:
- (a) That is registered with or authorized by the Secretary of State to transact business in this state;
 - (b) That is designated by an ignition interlock device manufacturer to sell, rent or lease a specific ignition interlock device model in Oregon; and
 - (c) That provides statewide ignition interlock device service through the operation of a network of service centers.
- (3) “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.
- (4) “Service center” means a private entity that installs, services, repairs, monitors, maintains, calibrates and removes ignition interlock devices in this state.

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(5) "Test violation" means:

- (a) For a person who is required to use an ignition interlock device as a condition of a driving while under the influence of intoxicants diversion agreement:
 - (A) An attempt to start a vehicle while the person has a blood alcohol content higher than 0.02 percent by weight unless a subsequent test performed within 10 minutes registers a blood alcohol content of 0.02 percent by weight or lower and a digital image confirms that the same person provided both samples; or
 - (B) Failure to pass a random retest due to a blood alcohol content higher than 0.02 percent by weight unless a subsequent test performed within 10 minutes registers a blood alcohol content of 0.02 percent by weight or lower and a digital image confirms that the same person provided both samples;
- (b) For a person who is required to use an ignition interlock device and is not subject to a driving while under the influence of intoxicants diversion agreement:
 - (A) An attempt to start a vehicle while the person has a blood alcohol level higher than 0.02 percent by weight unless a subsequent test performed within 10 minutes registers a blood alcohol content of 0.02 percent by weight or lower and a digital image confirms that the same person provided both samples; or
 - (B) Failure to pass a random retest due to a blood alcohol content higher than 0.02 percent by weight unless a subsequent test performed within 10 minutes registers a blood alcohol content of 0.02 percent by weight or lower and a digital image confirms that the same person provided both samples; or
 - (C) For any person required to use an ignition interlock device, a failure to take a random retest.

813.600 Ignition Interlock Program

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

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

- (a) Do not impede the safe operation of the vehicle;
- (b) Have the fewest opportunities to be bypassed;

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- (c) Correlate well with established measures of alcohol impairment;
 - (d) Work accurately and reliably in an unsupervised environment;
 - (e) Require a deep lung breath sample or other accurate measure of blood alcohol content equivalence;
 - (f) Resist tampering and give evidence if tampering is attempted;
 - (g) Are difficult to circumvent, and require premeditation to do so;
 - (h) Minimize inconvenience to a sober user;
 - (i) Operate reliably over the range of automobile environments or automobile manufacturing standards;
 - (j) Are manufactured by a party who is adequately insured for product liability;
 - (k) Have a label affixed in a prominent location warning that any person tampering with, circumventing or otherwise misusing the device is subject to civil penalty; and
 - (l) If there is a test violation, record the locational coordinate information of the vehicle, including latitude and longitude as established by a global positioning system.
- (3) The department shall adopt rules for the annual testing of ignition interlock devices. The rules shall establish standards for the devices and for the performance of the devices.
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813.602 Circumstances Under Which Ignition Interlock Device Required

- (1) Subject to subsection (2) of this section, when a person is convicted of driving while under the influence of intoxicants in violation of ORS 813.010 (Driving under the influence of intoxicants) or of a municipal ordinance, the Department of Transportation, in addition to any other requirement, shall require that the person have installed and be using an approved ignition interlock device in any vehicle operated by the person:
- (a) Before the person is eligible for a hardship permit. The requirement is a condition of the hardship permit for the duration of the hardship permit.
 - (b) For a first conviction, for one year after the ending date of the suspension or revocation caused by the conviction. Violation of the condition imposed under this paragraph is a Class A traffic violation.
 - (c) For a second or subsequent conviction, for two years after the ending date of the suspension or revocation caused by the conviction. Violation of the condition imposed under this paragraph is a Class A traffic violation.

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

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

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

(b) Aggravated vehicular homicide.

(c) Driving while under the influence of intoxicants in violation of ORS 813.010 (Driving under the influence of intoxicants) or of a municipal ordinance and the person's driving privileges are revoked under ORS 809.235 (Permanent revocation of driving privileges upon conviction of certain crimes) (1)(b) and later ordered restored under ORS 809.235 (Permanent revocation of driving privileges upon conviction of certain crimes) (4).

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

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

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

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

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

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

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

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

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

(5) When a person is required to install an ignition interlock device under subsection (2) of this section, the manufacturer's representative providing the device shall provide notice of any installation or removal of the device or any tampering with the device to:

- (a) The supervising court or to the court's designee, including but not limited to an agency or organization certified by the Oregon Health Authority under ORS 813.025 (Designation of agency to perform screening interview and treatment program); and
- (b) The district attorney or the city prosecutor; and
- (c) The Oregon State Police

813.603 Waiver of Costs of Ignition Interlock Device Requirement

(1) Except as provided in subsection (2) of this section, if an ignition interlock device is ordered or required under ORS 813.602 (Circumstances under which ignition interlock device required), the person so ordered or required shall pay to the manufacturer's representative the reasonable costs of leasing, installing and maintaining the device. A payment schedule may be established for the person by the Department of State Police, in consultation with the Transportation Safety Committee.

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

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

813.604 Notice of Court Order

(1) When a court orders installation of an ignition interlock device pursuant to ORS 813.602 (Circumstances under which ignition interlock device required), the court shall send a copy of the order to the Department of Transportation. The department shall note the requirement on the driving record of the person required to install the device.

(2) The department may not issue a hardship permit under ORS 807.240 (Hardship permit) to any person who is ordered to install an ignition interlock device on the person's vehicle until the person furnishes the department satisfactory proof that the device has been installed on any vehicle owned or operated by the person. The department shall determine by rule what constitutes satisfactory proof under this subsection.

(3) When the department issues a hardship permit to a person who is required to have an ignition interlock device, the department shall note on the permit that the device is required. The notation constitutes a limitation on the permit and a person who violates the limitation is punishable as provided in ORS 811.182 (Criminal driving while suspended or revoked) for criminal driving while suspended or revoked.

813.606 Exception for Employee Otherwise Required to Have Device

Notwithstanding ORS 813.604 (Notice of court order), if a person is required, in the course and scope of the person's employment, to operate a motor vehicle owned by the person's employer, the person may operate that vehicle without installation of an ignition interlock device if:

- (1) The employer has been notified:
 - (a) That the employee is operating with a hardship permit restricted as provided in ORS 813.604 (Notice of court order);
 - (b) That the employee is operating on a fully reinstated license within the first year following suspension or revocation for the employee's first conviction of driving while under the influence of intoxicants;
 - (c) That the employee is operating on a fully reinstated license within the second year following suspension or revocation for the employee's second or subsequent conviction of driving while under the influence of intoxicants; or

(d) That the employee has driving privileges and is otherwise required to install an ignition interlock device as a condition of a driving while under the influence of intoxicants diversion agreement; and

(2) The employee has proof of the notification and, if applicable, a fully reinstated license in the possession of the employee while operating the employer's vehicle in the course of employment.

813.608 **Knowingly Furnishing Motor Vehicle without Ignition Interlock Device**

A person commits the offense of knowingly furnishing a motor vehicle without an ignition interlock device to someone who is not authorized to drive such a vehicle if the person rents, leases, lends or otherwise furnishes a motor vehicle to someone the person knows to have been ordered or required under ORS 813.602 (Circumstances under which ignition interlock device required), to install an ignition interlock device, and the motor vehicle is not equipped with such a device that is in working order.

(2) The offense described in this section, knowingly furnishing a motor vehicle without an ignition interlock device to someone who is not authorized to drive such a vehicle, is a Class A traffic violation.

813.610 **Soliciting Another to Blow into Ignition Interlock Device**

A person commits the offense of unlawfully soliciting another to blow into an ignition interlock device or start a motor vehicle equipped with an ignition interlock device if the person has such a device as a result of an order or requirement under ORS 813.602 (Circumstances under which ignition interlock device required) and the person requests or solicits another to blow into the device or start the motor vehicle so as to circumvent the device.

(2) The offense described in this section, unlawfully soliciting another to blow into an ignition interlock device or start a motor vehicle equipped with an ignition interlock device, is a Class A traffic violation.

813.612 **Unlawfully Blowing into Ignition Interlock Device**

A person commits the offense of unlawfully blowing into an ignition interlock device or starting a motor vehicle equipped with an ignition interlock device if, for the purpose of providing an operable motor vehicle for someone required under ORS 813.602 (Circumstances under which ignition interlock device required) to have such a device, the person blows into an ignition interlock device or starts an automobile equipped with the device.

(2) This section does not apply to a person who is required to have an ignition interlock device and who blows into or starts the person's own vehicle that is so equipped.

(3) The offense described in this section, unlawfully blowing into an ignition interlock device or starting a motor vehicle equipped with an ignition interlock device, is a Class A traffic violation.

813.614 Tampering with Ignition Interlock Device

(1) A person commits the offense of tampering with an ignition interlock device if the person does anything to a device that was ordered installed pursuant to ORS 813.602 (Circumstances under which ignition interlock device required) that circumvents the operation of the device.

(2) The offense described in this section, tampering with an ignition interlock device, is a Class A traffic violation.

813.616 Use of Certain Moneys to Pay for Ignition Interlock Program

Notwithstanding ORS 813.270 (Intoxicated Driver Program Fund), moneys in the Intoxicated Driver Program Fund may be used to pay for administration and evaluation of the ignition interlock program established by ORS 813.600 (Ignition interlock program) to 813.616 (Use of certain moneys to pay for ignition interlock program) and for the costs of participation in the program for indigents.

813.620 Suspension of Driving Privileges for Failing to Provide Proof of Device Installation or for Tampering with Device

At the end of the suspension or revocation resulting from a conviction for driving while under the influence of intoxicants in violation of ORS 813.010 (Driving under the influence of intoxicants) or of a municipal ordinance, the Department of Transportation shall suspend the driving privileges or right to apply for driving privileges of a person who has not submitted proof to the department that an ignition interlock device has been installed in any vehicle operated by the person or who tampers with an ignition interlock device after it has been installed.

(2) Subject to ORS 813.635 (Consequence for negative reports generated from ignition interlock device), if the department imposes a suspension under subsection (1) of this section for failing to submit proof of installation, the suspension continues until the department receives proof that the ignition interlock device has been installed. If the department does not receive proof that the ignition interlock device has been installed, the suspension shall continue for:

(a) One year after the ending date of the suspension resulting from the first conviction;

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- (b) Except as provided in paragraph (c) of this subsection, two years after the ending date of the suspension resulting from a second or subsequent conviction; or
- (c) Five years after the ending date of the longest running suspension or revocation resulting from a conviction described in ORS 813.602 (Circumstances under which ignition interlock device required) (2).

(3) Subject to ORS 813.635 (Consequence for negative reports generated from ignition interlock device), if the department imposes a suspension under subsection (1) of this section for tampering with an ignition interlock device, the suspension continues until:

- (a) One year after the ending date of the suspension resulting from the first conviction;
- (b) Except as provided in paragraph (c) of this subsection, two years after the ending date of the suspension resulting from a second or subsequent conviction; or
- (c) Five years after the ending date of the longest running suspension or revocation resulting from a conviction described in ORS 813.602 (Circumstances under which ignition interlock device required) (2).

(4) A person whose driving privileges or right to apply for privileges is suspended under subsection (1) of this section is entitled to administrative review, as described in ORS 809.440 (Hearing and administrative review procedures). [2015 c.577 §8; 2015 c.577 §12]

813.630 Notice of IID Installation and Negative Reports

(1) This section applies only to a person who has had an ignition interlock device installed as a condition of a driving while under the influence of intoxicants diversion agreement under ORS 813.602 (Circumstances under which ignition interlock device required) (3).

(2) After an ignition interlock device is installed, the manufacturer's representative that installed the device shall notify:

- (a) The court that required the device to be installed or the court's designee, including but not limited to an agency or organization certified by the Oregon Health Authority under ORS 813.025 (Designation of agency to perform screening interview and treatment program); and

- (b) The district attorney or city prosecutor.

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

(4) Each time a manufacturer's representative has access to an ignition interlock device that the manufacturer's representative installed, the manufacturer's representative shall download all reports recorded on the device. If the manufacturer's representative downloads a negative

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report, the manufacturer's representative shall submit the negative report, in a form prescribed by rule by the department, to:

- (a) The court that required the device to be installed or the court's designee, including but not limited to an agency or organization certified by the Oregon Health Authority under ORS 813.025 (Designation of agency to perform screening interview and treatment program);
- (b) The district attorney or city prosecutor; and
- (c) The Department of State Police.

(5) The manufacturer's representative shall submit a negative report as provided in subsection (4) of this section within seven business days of downloading the report.

813.635 Consequences for Negative Reports Generated from Ignition Interlock Devices

Notwithstanding ORS 813.602 (Circumstances under which ignition interlock device required) (1)(b) or (c), (2) or (3), the requirement to have an ignition interlock device installed in a vehicle continues until the person submits to the Department of Transportation a certificate from the ignition interlock device manufacturer's representative stating that the device did not record a negative report for the last 90 consecutive days of the required installation period. The department shall remove the ignition interlock device requirement from the person's driving record as soon as practicable after the department receives the certificate.

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

(3) If there is a negative report during the last 90 consecutive days that the person believes is in error, the person may request that the Department of State Police review the negative report. The department shall adopt rules prescribing the form and manner for submitting a request under this subsection. If after review the department determines that the negative report was the result of an error, the department shall correct the report and submit a corrected report to the person or shall direct the manufacturer's representative to correct the report and the manufacturer's representative shall submit the corrected report to the person.

(4) This section does not apply to a defendant who is granted an order to vacate the requirement to install an ignition interlock device under ORS 813.645 (Motion to vacate requirement to install and use ignition interlock device).

813.640 Additional Treatment Following Negative Reports

In addition to any other requirement to participate in an alcohol or drug treatment program required by law, if a court receives at least two negative reports, a court may order that the defendant complete, at the defendant's own expense based on the defendant's ability to pay, an alcohol or drug treatment program.

813.645 Motion to Vacate Requirement to Install and Use Ignition Interlock Device

(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 (Diversion agreement) 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 (Circumstances under which ignition interlock device required) (3) for at least six consecutive months and provides a certificate to the court from the ignition interlock device manufacturer's representative 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.

(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 (Circumstances under which ignition interlock device required) (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.

(3) The court shall hold a hearing on a petition filed in accordance with subsection (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.

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

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- (a) Has complied with the condition of the diversion agreement described in ORS 813.602 (Circumstances under which ignition interlock device required) (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.

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

813.660 Service Center Certification

(1) A service center or manufacturer's representative may not operate a service center in Oregon unless both the service center and the manufacturer's representative obtain a certificate from the Department of State Police.

(2) A service center and a manufacturer's representative may apply to the department for a 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 to a manufacturer's representative if the applicant:

- (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) Provides service centers statewide, as defined by the department by rule;
- (d) Provides 24-hour telephone assistance to customers; and
- (e) Pays all required fees.

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

- (a) Meets all of the requirements established by this section and the rules adopted by the department;
- (b) 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 ORS 813.665; and
- (c) Pays all required fees.

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

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

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

(8) The fees charged under this section shall be in an amount adequate to pay all administrative costs incurred by the department in administering ORS [813.599 and] 813.660 to 813.680.

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

- (a) A certificate shall expire one year from the date of issuance unless renewed according to the rules of the department.
- (b) The department may not issue or renew a certificate to a service center or manufacturer's representative unless the service center or manufacturer's representative has paid all required fees under this section.
- (c) A fee for a certificate may not be refunded in the event any certificate is refused, suspended or revoked.

(10) The department may adopt rules for the implementation and administration of ORS 813.599 (Definitions) and 813.660 (Service center certification) to 813.680 (Ignition Interlock Device Management Fund).

813.665 Criminal Background Check for Service Centers

(1) A criminal background 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 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 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

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(d) National Crime Information Center.

(2) The purpose of a criminal background 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;

(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

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

(3) The department shall communicate whether the individual passed or failed the criminal background check conducted under this section to the service center requesting the check.

(4) The department shall prescribe by rule the process for obtaining a criminal background check by the department or, if the department is unable to conduct the check, by the service center requesting the criminal background check.

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

813.670 Service Centers

The Department of State Police shall adopt a procedure for a person to file a complaint with the department concerning the failure of a service center or manufacturer's representative to comply with a requirement of ORS 813.599 (Definitions) and 813.660 (Service center certification) to 813.680 (Ignition Interlock Device Management Fund). The department shall:

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

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

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

813.680 Ignition Interlock Device Management Fund

(1) The Ignition Interlock Device Management Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Ignition Interlock Device Management Fund shall be credited to the fund.

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

- (a) Fees collected under ORS 813.660 (Service center certification) for issuance or renewal of certificates under ORS 813.660 (Service center certification);
- (b) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;
- (c) Interest and other earnings on moneys in the fund; and
- (d) Other amounts deposited in the fund from any source.

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

- (a) The Department of Transportation for the purpose of fulfilling the department's duties, functions and powers related to specifying requirements for ignition interlock devices as required under ORS 813.600 (Ignition interlock program); and
- (b) The Department of State Police for the purpose of carrying out the regulatory functions of the department relating to service centers and manufacturer's representatives, as described in ORS 813.599 (Definitions) and 813.660 (Service center certification) to 813.680 (Ignition Interlock Device Management Fund).

Oregon Administrative Rule / Oregon Revised Statute
Oregon State Police Ignition Interlock Device Oversight Program



Oregon State Police
Ignition Interlock Device Oversight Program
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(503) 934-0180
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“Providing premier ignition interlock services and public safety through increased compliance and oversight of device, technician and service center operations throughout Oregon.”

