

Enrolled House Bill 3622

Sponsored by COMMITTEE ON ELECTIONS, ETHICS AND RULES (at the request of House Interim Committee on Transportation)

CHAPTER

AN ACT

Relating to motor vehicles; creating new provisions; amending ORS 806.320, 811.717 and 818.340; and declaring an emergency.

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

SECTION 1. ORS 818.340 is amended to read:

818.340. (1) A person commits the offense of operating in violation of a variance permit if the person has been issued a variance permit under ORS 818.200 that authorized the movement of anything and the person does any of the following:

(a) Drives, moves or operates anything in violation of the terms of the permit.

(b) Owns anything and causes or permits it to be driven, moved or operated in violation of the permit. Operation in violation of this section is prima facie evidence that the owner caused or permitted the operation and the owner shall be liable for any penalties imposed under subsection (5) of this section as a result of the operation.

(2) A person is in violation of the terms of a permit for purposes of this section if the person misrepresents any size or weight required to be specified when applying for the permit.

(3) It shall be a defense to any charge of violation of this section if the person so charged produces a variance permit issued under ORS 818.200 that authorized the operation and that was issued prior to and valid at the time of operation.

(4) A person does not commit the offense described in this section if the person is driving, moving or operating anything under a variance permit issued under ORS 818.200 and:

(a) The permit authorizes the person to exceed the maximum weight limitations;

(b) The person is operating a vehicle with a fully functional idle reduction system designed to reduce fuel use and emissions from engine idling; and

(c) The total weight of the vehicle is not more than 400 pounds greater than the weight authorized by the variance permit.

(5) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(6) The offense described in this section, operating in violation of a variance permit, is punishable according to the following:

[(a) Violation of any provisions of the permit other than weight provisions is a Class A traffic violation.]

(a) Violation of any provision of the permit, other than the violations described in paragraph (b), (c) or (d) of this subsection, is a Class D violation.

(b) Violation of any weight provision by a vehicle that is authorized by permit to exceed axle or tandem axle weights specified in ORS 818.010 (1) or (2) is subject to penalty under Schedule II of the penalties in ORS 818.430.

(c) Violation of any weight provision by a vehicle listed in ORS 818.210 is subject to penalty under Schedule I of the penalties in ORS 818.430.

(d) Violation related to the required number of pilot vehicles or routing in accordance with the terms, limits or conditions established on a permit under ORS 818.220 (1)(c) is a Class A traffic violation.

SECTION 2. ORS 811.717 is added to and made a part of the Oregon Vehicle Code.

SECTION 3. ORS 811.717 is amended to read:

811.717. (1) The driver of a motor vehicle commits the offense of failure to remove a motor vehicle from the [highway] **roadway** if, after an accident:

(a) [The driver] **A person** has not suffered any apparent personal injury **as a result of the accident;**

(b) The motor vehicle is operable and does not require towing;

(c) It is safe to drive the motor vehicle to a **location off of the roadway as close to the accident scene as possible** [designated parking area along the highway or shoulder of the highway]; and

(d) The driver does not move the motor vehicle to a **location off of the roadway as close to the accident scene as possible.** [designated parking area along the highway or shoulder of the highway.]

(2) The offense described in this section, failure to remove a motor vehicle from the [highway] **roadway**, is a Class C traffic violation.

SECTION 4. ORS 805.320 is amended to read:

805.320. Application for registration described under ORS 805.300 shall be made in a form prescribed by the Department of Transportation and certified to by the applicant and shall include all of the following:

(1) The name and residence or business address of the applicant, except as provided for Address Confidentiality Program participants in ORS 192.846.

(2) The [township and] number of acres as shown on the latest county real property tax statements of one or more of the farms, orchards or ranches upon which the motor vehicle sought to be registered is to be used.

(3) The type and amount of agricultural commodities, agricultural products or livestock produced annually on one or more of the farms, orchards or ranches upon which the motor vehicle sought to be registered is to be used.

(4) The number of trucks used on the one or more farms, orchards or ranches upon which the motor vehicle sought to be registered is to be used and the combined weight of the motor vehicle sought to be registered.

(5) A statement that any motor vehicle registered under ORS 805.300:

(a) Will be used for one or more of the purposes specified under ORS 805.390.

(b) Will not be used, at any time while registered under ORS 805.300, for any other purpose or for the transportation of any other commodities or products for hire except as provided under ORS 825.024.

(c) Is needed in the operation of the one or more farms, orchards or ranches upon which the motor vehicle sought to be registered is to be used.

(6) Any other information required by the department.

(7) Additional information required by law or by the department in making an application for regular registration for the motor vehicle.

(8) The application shall contain a declaration that it is made under penalties for false certification. Violation of this subsection is subject to penalties under ORS 805.370.

SECTION 5. This 2008 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect on its passage.

Passed by House February 12, 2008

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Chief Clerk of House

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Speaker of House

Passed by Senate February 20, 2008

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President of Senate

Received by Governor:

.....M,....., 2008

Approved:

.....M,....., 2008

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Governor

Filed in Office of Secretary of State:

.....M,....., 2008

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Secretary of State