

A-Engrossed
House Bill 3622

Ordered by the House February 8
Including House Amendments dated February 8

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies penalty for operating in violation of variance permit, specifically for failure to have required number of pilot vehicles or to follow route prescribed by Department of Transportation, to include fine not exceeding \$720.

Modifies terms of offense of failure to remove motor vehicle from roadway.

Eliminates requirement that applicant must include township shown on latest county real property tax statement when applying for registration of farm vehicle.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to motor vehicles; creating new provisions; amending ORS 806.320, 811.717 and 818.340; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 818.340 is amended to read:

6 818.340. (1) A person commits the offense of operating in violation of a variance permit if the
7 person has been issued a variance permit under ORS 818.200 that authorized the movement of any-
8 thing and the person does any of the following:

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

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

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

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

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

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

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

24 (c) The total weight of the vehicle is not more than 400 pounds greater than the weight au-
25 thorized by the variance permit.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) Violation of the offense described in this section is subject to civil liability under ORS
2 818.410.

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

5 [(a) Violation of any provisions of the permit other than weight provisions is a Class A traffic vi-
6 olation.]

7 **(a) Violation of any provision of the permit, other than the violations described in para-**
8 **graph (b), (c) or (d) of this subsection, is a Class D violation.**

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

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

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

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

18 **SECTION 3.** ORS 811.717 is amended to read:

19 811.717. (1) The driver of a motor vehicle commits the offense of failure to remove a motor ve-
20 hicle from the [highway] roadway if, after an accident:

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

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

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

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

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

32 **SECTION 4.** ORS 805.320 is amended to read:

33 805.320. Application for registration described under ORS 805.300 shall be made in a form pre-
34 scribed by the Department of Transportation and certified to by the applicant and shall include all
35 of the following:

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

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

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

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

1 sought to be registered.

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

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

4 (b) Will not be used, at any time while registered under ORS 805.300, for any other purpose or
5 for the transportation of any other commodities or products for hire except as provided under ORS
6 825.024.

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

9 (6) Any other information required by the department.

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

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

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

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