

House Bill 2863

Sponsored by Representative CLEM

SUMMARY

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

Defines "agricultural zone." Increases fine for traffic offense committed in agricultural zone if warning signs are posted.

A BILL FOR AN ACT

1 Relating to agricultural zones; creating new provisions; and amending ORS 153.131.

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

3 **SECTION 1. Sections 2 to 4 of this 2009 Act are added to and made a part of the Oregon**
4 **Vehicle Code.**

5 **SECTION 2. "Agricultural zone" means an area identified by advance signing where farm**
6 **tractors and implements of husbandry are operated on a highway adjacent to land zoned**
7 **exclusively for farm use, regardless of whether farm tractors or implements of husbandry**
8 **are actually present.**

9 **SECTION 3. (1) A road authority may post signs designed to give motorists notice of the**
10 **provisions of section 4 of this 2009 Act. The road authority may also develop procedures that**
11 **enable individuals or entities to petition and pay for the erection of signs described in this**
12 **section.**

13 **(2) Signs marking an agricultural zone may include any words, symbols or combination**
14 **of words and symbols that gives notice of the presence of the agricultural zone.**

15 **SECTION 4. (1)(a) If signs authorized by section 3 of this 2009 Act are posted, the base**
16 **fine amount for a person charged with an offense that is listed in subsection (2)(a) or (b) of**
17 **this section and that is committed in a agricultural zone shall be the amount established**
18 **under ORS 153.125 to 153.145 based on the foundation amount calculated under ORS 153.131.**
19 **The minimum fine for a person convicted of an offense that is listed in subsection (2)(a) or**
20 **(b) of this section and that is committed in an agricultural zone is the base fine amount so**
21 **calculated.**

22 **(b) The minimum fine for a person convicted of a misdemeanor offense that is listed in**
23 **subsection (2)(c) to (g) of this section and that is committed in an agricultural zone is 20**
24 **percent of the maximum fine established for the offense.**

25 **(c) The minimum fine for a person convicted of a felony offense that is listed in sub-**
26 **section (2)(c) to (g) of this section and that is committed in an agricultural zone is two per-**
27 **cent of the maximum fine established for the offense.**

28 **(2) This section applies to the following offenses if committed in an agricultural zone:**

29 **(a) Class A or Class B traffic violations.**

30 **(b) Class C or Class D traffic violations related to exceeding a legal speed.**
31

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 (c) Reckless driving, as defined in ORS 811.140.

2 (d) Driving while under the influence of intoxicants, as defined in ORS 813.010.

3 (e) Failure to perform the duties of a driver involved in an accident or collision, as de-
4 scribed in ORS 811.700 or 811.705.

5 (f) Criminal driving while suspended or revoked, as defined in ORS 811.182.

6 (g) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

7 (3) A court shall not waive, reduce or suspend the base fine amount or minimum fine
8 required by this section.

9 (4) For purposes of this section, a traffic offense occurs in an agricultural zone if the
10 offense occurs while the motor vehicle is operated in an agricultural zone and notice of the
11 agricultural zone is indicated plainly by traffic control devices conforming to the require-
12 ments established under ORS 810.200 and posted under authority granted by section 3 of this
13 2009 Act.

14 **SECTION 5.** ORS 153.131 is amended to read:

15 153.131. If a person is charged with a traffic offense, and the enforcement officer issuing the
16 citation notes on the citation that the offense occurred in a highway work zone and is subject to
17 the provisions of ORS 811.230, occurred in a posted school zone and is subject to the provisions of
18 ORS 811.235, **occurred in a posted agricultural zone and is subject to the provisions of section**
19 **4 of this 2009 Act** or occurred in a safety corridor and is subject to the provisions of ORS 811.483,
20 the foundation amount to be used in calculating the base fine under ORS 153.125 to 153.145 is 80
21 percent of the maximum fine established for the violation.

22 **SECTION 6.** Section 4 of this 2009 Act and the amendments to ORS 153.131 by section 5
23 of this 2009 Act apply to offenses committed on or after the effective date of this 2009 Act.
24