

A-Engrossed
Senate Bill 125

Ordered by the House May 18
Including House Amendments dated May 18

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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.

Requires Department of Transportation to reimburse commercial driver training schools for course in traffic safety education that is certified by department.

Requires Department of Transportation to reimburse Department of Human Services for course in traffic safety education provided to certain children if course is certified by Department of Transportation.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to student traffic safety education courses; creating new provisions; amending ORS 336.800,
3 336.805, 336.810 and 802.110; and declaring an emergency.

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

5 **SECTION 1.** ORS 336.805 is amended to read:

6 336.805. [(1) *Each public school offering a course in traffic safety education may charge tuition*
7 *therefor and shall keep accurate records of the cost thereof in the manner required under rules adopted*
8 *by the Department of Transportation under ORS 802.345. As provided in ORS 336.810, each public*
9 *school shall be reimbursed \$210 per pupil completing the course, including any private school pupil*
10 *completing the course in a public school.*]

11 **(1) The Department of Transportation shall reimburse a public school or commercial**
12 **driver training school for the cost of providing a course of traffic safety education that is**
13 **certified by the department. The amount of the reimbursement may not exceed \$210 for each**
14 **pupil completing the course and shall be made in the manner provided by ORS 336.810.**

15 (2) If funds available to the department [*of Transportation*] for the Student Driver Training Fund
16 are not adequate to pay all approved claims in full, public schools **and commercial driver training**
17 **schools** shall receive a pro rata reimbursement **that is** based upon the ratio that the total amount
18 of funds available bears to the total amount of funds required for maximum allowable reimburse-
19 ment.

20 [(3) *Tuition authorized by subsection (1) of this section shall not exceed the cost to the public school*
21 *of providing traffic safety education less the state reimbursement. Tuition may be reduced or waived*
22 *by a public school for low income pupils.*]

23 [(4) *A public school may also offer a traffic safety education course to pupils in neighboring public*
24 *schools that do not offer traffic safety education.*]

25 [(5) *Each public school offering a course in traffic safety education shall adopt written policies and*

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 *procedures regarding reduced or waived tuition for low income pupils.]*

2 *[(6) Each public school offering a course in traffic safety education shall adopt written policies and*
3 *procedures for the admission of pupils from neighboring public schools.]*

4 **(3) A public school or commercial driver training school seeking reimbursement under**
5 **this section may not charge tuition in an amount that is greater than:**

6 **(a) For a public school, the cost to the public school of providing the traffic safety edu-**
7 **cation course less the state reimbursement.**

8 **(b) For a commercial driving school, an amount determined by the department by rule.**

9 **(4) A public school or commercial driver training school seeking reimbursement under**
10 **this section may reduce or waive tuition for low income pupils. A public school or commer-**
11 **cial driver training school offering reduced or waived tuition to low income pupils shall adopt**
12 **written policies and procedures regarding reduced or waived tuition for low income pupils.**

13 **(5) Each public school or commercial driver training school seeking reimbursement under**
14 **this section must keep accurate records of the cost of the traffic safety education course in**
15 **the manner required under rules adopted by the department under ORS 802.345.**

16 **SECTION 2. ORS 336.800 is amended to read:**

17 336.800. (1) Any private school, public school or commercial driver training school may offer a
18 course in traffic safety education **and charge tuition for the course.** The curriculum for the traffic
19 safety education course shall be established by the Department of Transportation under ORS
20 802.345.

21 **(2) A public school may offer a traffic safety education course to private school pupils**
22 **or to pupils in neighboring public schools that do not offer traffic safety education courses.**
23 **A public school offering a traffic safety education course to private school pupils or to pupils**
24 **in neighboring public schools shall adopt written policies and procedures for the admission**
25 **of the pupils.**

26 *[(2)]* **(3) A person employed to teach a traffic safety education course must meet qualifications**
27 **established by the department under ORS 802.345.**

28 **SECTION 3. Section 4 of this 2009 Act is added to and made a part of ORS 336.790 to**
29 **336.815.**

30 **SECTION 4. (1) The Department of Transportation shall reimburse the Department of**
31 **Human Services for the cost of providing a course of traffic safety education that is:**

32 **(a) Certified by the Department of Transportation; and**

33 **(b) Provided to children in the legal custody of the Department of Human Services under**
34 **ORS 419B.337 and in foster homes as defined by ORS 418.625 (3).**

35 **(2) Reimbursement may be provided under this section only upon a showing that:**

36 **(a) The course is used to comply with the requirements for a provisional driver license**
37 **issued under ORS 807.065;**

38 **(b) The pupil passed the course of traffic safety education; and**

39 **(c) The pupil complies with any other requirements established by the Department of**
40 **Human Services by rule.**

41 **(3) Reimbursements made under this section must be made in the manner provided by**
42 **ORS 336.810.**

43 **SECTION 5. ORS 336.810 is amended to read:**

44 336.810. (1) There is created the Student Driver Training Fund, separate and distinct from the
45 General Fund. All payments required under ORS 336.795 to 336.815 and moneys paid into the fund

1 under ORS 802.110 and all expenses incurred in the administration of those sections shall be made
2 to and borne by the fund. Interest earned by the fund shall be credited to the fund.

3 (2) The Department of Transportation shall annually distribute the funds available in the Stu-
4 dent Driver Training Fund in the manner provided in ORS 336.805 **and section 4 of this 2009**
5 **Act.**

6 (3) The department shall make periodic studies to determine the effectiveness of traffic safety
7 education courses conducted under authority of ORS 336.790 to 336.815.

8 **SECTION 6.** ORS 802.110 is amended to read:

9 802.110. Any procedures the Department of Transportation establishes for financial adminis-
10 tration of those functions of the department dealing with driver and motor vehicle services and for
11 the disposition and payment of moneys it receives from the provision of driver and motor vehicle
12 services shall comply with all of the following:

13 (1) The department shall deposit all moneys it receives related to driver and motor vehicle ser-
14 vices in the Department of Transportation Driver and Motor Vehicle Suspense Account for approved
15 expenses and disbursements before payment of general administrative expenses of the department related
16 to the provision of driver and motor vehicle services. Notwithstanding this subsection, the depart-
17 ment may return a bank check or money order when received in incorrect or incomplete form or
18 when not accompanied by the proper application.

19 (2) The department shall pay the following approved expenses and disbursements from the Depart-
20 ment of Transportation Driver and Motor Vehicle Suspense Account before payment of the general
21 administrative expenses of the department related to driver and motor vehicle services:

22 (a) Refunds authorized by any statute administered by the department when such refunds are
23 approved by the department.

24 (b) Amounts transferred to the State Treasurer under ORS 319.410 (2) for the purpose of carry-
25 ing out the state aviation laws, amounts transferred to the Boating Safety, Law Enforcement and
26 Facility Account by ORS 319.415, amounts transferred to the State Aviation Account by ORS 319.417
27 and amounts transferred to the Department of Transportation Operating Fund by ORS 184.643.

28 (c) After deduction of expenses of collection, transfer and administration, the department shall
29 pay moneys collected from the Student Driver Training Fund eligibility fee under ORS 807.040,
30 807.150 and 807.370 to the State Treasurer for deposit in the Student Driver Training Fund. The
31 moneys deposited in the Student Driver Training Fund under this paragraph are continuously ap-
32 propriated to the department for the following purposes:

33 (A) To the extent of not more than 10 percent of the amount transferred into the Student Driver
34 Training Fund in any biennium, to pay the expenses of administering ORS 336.795, 336.800, 336.805,
35 336.810 (2) and 336.815.

36 (B) The remaining moneys, for reimbursing school districts **and commercial driver training**
37 **schools** as provided under ORS 336.805.

38 (d) After deduction of expenses of collection, transfer and administration, the department shall
39 pay moneys collected for the Motorcycle Safety Subaccount under ORS 807.170 to the State Treas-
40 urer for deposit in the Motorcycle Safety Subaccount of the Transportation Safety Account. Moneys
41 paid to the State Treasurer under this paragraph shall be used for the purpose of ORS 802.320.

42 (e) After deduction of expenses for the administration of the issuance of customized registration
43 plates under ORS 805.240, the department shall place moneys received from the sale of customized
44 registration plates in the Passenger Rail Transportation Account. The moneys placed in the account
45 are continuously appropriated to the department and shall be used for the payment of expenses in-

1 curred in administering passenger rail programs.

2 (f) After deduction of expenses of collection, transfer and administration, the department shall
3 pay moneys from any registration fees established by the governing bodies of counties or a district,
4 as defined in ORS 801.237, under ORS 801.041 or 801.042 to the appropriate counties or districts.
5 The department shall make the payments on at least a monthly basis unless another basis is estab-
6 lished by the intergovernmental agreements required by ORS 801.041 and 801.042 between the de-
7 partment and the governing bodies of a county or a district.

8 (g) After deducting the expenses of the department in collecting and transferring the moneys,
9 the department shall make disbursements and payments of moneys collected for or dedicated to any
10 other purpose or fund except the State Highway Fund, including but not limited to, payments to the
11 Department of Transportation Operating Fund established by ORS 184.642 (1) and (2).

12 (3) The department shall refund from the Department of Transportation Driver and Motor Ve-
13 hicle Suspense Account any excess or erroneous payment to a person who made the payment or to
14 the person's legal representative when the department determines that money has been received by
15 it in excess of the amount legally due and payable or that it has received money in which it has
16 no legal interest. Refunds payable under this subsection are continuously appropriated for such
17 purposes in the manner for payment of refunds under this section. If the department determines that
18 a refund is due, the department may refund the amount of excess or erroneous payment without a
19 claim being filed. Except as provided in ORS 319.290, 319.375, 319.820 and 319.831, any claim for a
20 refund from the department must be filed within 12 months after the date payment is received by
21 the department.

22 (4) After payment of those expenses and disbursements approved for payment before general admin-
23 istrative expenses related to the provision of driver and motor vehicle services, the department shall
24 pay from the Department of Transportation Driver and Motor Vehicle Services Administrative Ac-
25 count its general administrative expenses incurred in the administration of any law related to driver
26 and motor vehicle services that the department is charged with administering and any other ex-
27 penses the department is permitted by law to pay from moneys held by the department before
28 transfer of the moneys to the State Highway Fund. The following limitations apply to payments of
29 administrative expenses under this subsection:

30 (a) The department shall make payment of the expenses of administering the issuance of winter
31 recreation parking permits under ORS 811.595 from those moneys received from issuing the permits
32 or from moneys received under ORS 153.630 from violation of the requirement to have the permit.

33 (b) The department shall pay its expenses for administering the registration and titling of
34 snowmobiles under ORS 821.060 and 821.100 from the fees collected from administering those
35 sections. The department shall also pay its expenses for the administration of the snowmobile driver
36 permit program under ORS 821.160 from the moneys otherwise described in this paragraph.

37 (c) The department shall pay its expenses for determining the amount of money to be withheld
38 under ORS 802.120 from the fees collected for administering the registration and titling of
39 snowmobiles. The amount used to pay expenses under this paragraph shall be such sum as necessary
40 but shall not exceed \$10,000 during each biennium.

41 (d) The department shall retain not more than \$15,000 in any biennium for the expenses of col-
42 lecting and transferring moneys to the Student Driver Training Fund under this section and for the
43 administration of ORS 336.810 (3).

44 (5) Except as otherwise provided in this subsection, the department shall transfer to the State
45 Highway Fund the moneys not used for payment of the general administrative expenses or for ap-

1 proved expenses and disbursements before payment of general administrative expenses. The following
2 apply to this subsection:

3 (a) If the Director of Transportation certifies the amount of principal or interest of highway
4 bonds due on any particular date, the department may make available for the payment of such in-
5 terest or principal any sums that may be necessary to the extent of moneys on hand available for
6 the State Highway Fund regardless of the dates otherwise specified under this section.

7 (b) Notwithstanding paragraph (a) of this subsection the department shall not make available for
8 purposes described in paragraph (a) of this subsection any moneys described in ORS 367.605 when
9 there are not sufficient amounts of such moneys in the State Highway Fund for purposes of bonds
10 issued under ORS 367.615.

11 (6) Notwithstanding any other provision of this section, the following moneys shall be trans-
12 ferred to the State Highway Fund at the times described:

13 (a) Moneys received under ORS 802.120 and not used for the payment of administrative expenses
14 of the department shall be transferred before July 31 of each year.

15 (b) Moneys received from the registration of snowmobiles that is not to be used for payment of
16 administrative expenses of the department shall be transferred within 30 days after the end of the
17 quarter.

18 (c) Moneys received from the issuance of winter recreation parking permits or under ORS
19 153.630 from violation of the requirement to have a winter recreation parking permit and that is not
20 used for payment of administrative expenses of the department shall be transferred within 30 days
21 after the end of the quarter.

22 (7) The following moneys transferred to the State Highway Fund under this section may be used
23 only for the purposes described as follows:

24 (a) Moneys collected from the issuance of winter recreation parking permits or under ORS
25 153.630 for violation of the requirement to have a winter recreation parking permit, and the interest
26 on such moneys, shall be used to enforce the requirement for winter recreation parking permits and
27 to remove snow from winter recreation parking locations designated under ORS 810.170. Any re-
28 maining moneys shall, upon approval by the Winter Recreation Advisory Committee:

29 (A) Be used to maintain parking locations developed with moneys obtained under ORS 810.170
30 and snowmobile facilities that are parking lots developed with moneys as provided under this sec-
31 tion;

32 (B) Be used to develop additional winter recreation parking locations under ORS 810.170; or

33 (C) Be carried over to be used in subsequent years for the purposes and in the manner described
34 in this paragraph.

35 (b) Moneys received from the registration of snowmobiles or under ORS 802.120 shall be used
36 for the development and maintenance of snowmobile facilities, including the acquisition of land
37 therefor by any means other than the exercise of eminent domain. Moneys received under ORS
38 802.120 may also be used for the enforcement of ORS 811.590, 821.100 to 821.120, 821.140, 821.150,
39 821.190, 821.210 and 821.240 to 821.290.

40 (8) The department shall maintain the Revolving Account for Emergency Cash Advances sepa-
41 rate from other moneys described in this section. From the account, the department may pay for the
42 taking up of dishonored remittances returned by banks or the State Treasurer and for emergency
43 cash advances to be subsequently reimbursed. The account shall be used only as a revolving fund.
44 The department shall at all times be accountable for the amount of the account, either in cash or
45 unreimbursed items and advances. The moneys in the account are continuously appropriated for the

1 purposes of this subsection. The amount of the account under this subsection shall not exceed
2 \$40,000 from moneys received by the department in the performance of its driver and motor vehicle
3 services functions and moneys otherwise appropriated for purposes of this subsection. The account
4 under this subsection shall be kept on deposit with the State Treasurer. The State Treasurer is au-
5 thorized to honor and pay all properly signed and indorsed checks or warrants drawn against the
6 account.

7 **SECTION 7. Section 4 of this 2009 Act and the amendments to ORS 336.800, 336.805,**
8 **336.810 and 802.110 by sections 1, 2, 5 and 6 of this 2009 Act apply only to reimbursement for**
9 **pupils beginning a course of traffic safety education on or after the effective date of this 2009**
10 **Act.**

11 **SECTION 8. This 2009 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
13 **July 1, 2009.**