

Senate Bill 291

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Bicycle Transportation Alliance)

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**.

Requires filing of accident report when accident involves pedestrian or bicyclist.
Creates offense of failure of pedestrian or bicyclist to make accident report. Punishes by maximum fine of \$360.

A BILL FOR AN ACT

1
2 Relating to reporting vehicle accidents; creating new provisions; and amending ORS 811.720.

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

4 **SECTION 1.** ORS 811.720 is amended to read:

5 811.720. (1) Except as provided in subsection [(4)] (5) of this section, any accident occurring on
6 a highway or upon premises open to the public resulting in injury or death to any person is subject
7 to the reporting requirements under the following sections:

8 (a) The reporting requirements for drivers under ORS 811.725.

9 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

10 (c) The reporting requirements for owners of vehicles under ORS 811.730.

11 (2) Except as provided in subsection [(4)] (5) of this section, an accident occurring on a highway
12 or upon premises open to the public resulting in damage to the property of any person in excess of
13 \$1,500 is subject to the following reporting requirements:

14 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the
15 manner specified under ORS 811.725.

16 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the
17 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

18 (c) If the property damage is to property other than a vehicle involved in the accident, each
19 driver involved in the accident must report the accident in the manner specified under ORS 811.725
20 and each owner of a vehicle involved in the accident must report the accident in the manner spec-
21 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

22 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
23 from the scene of the accident, each driver involved in the accident must report the accident in the
24 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-
25 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in
26 ORS 811.730.

27 (3) **Except as provided in subsection (5) of this section, any accident occurring on a**
28 **highway or upon premises open to the public involving a pedestrian or bicyclist is subject to**
29 **the reporting requirements under the following sections:**

30 (a) **The reporting requirements for drivers under ORS 811.725.**

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 **(b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.**

2 **(c) The reporting requirements for owners of vehicles under ORS 811.730.**

3 **(d) The reporting requirements for pedestrians and bicyclists under section 3 of this 2009**
 4 **Act.**

5 [(3)] (4) The dollar amount specified in subsection (2) of this section may be increased every five
 6 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
 7 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
 8 of the United States Department of Labor or its successor during the preceding 12-month period.
 9 The amount determined under this subsection shall be rounded to the nearest \$100.

10 [(4)] (5) The following are exempt from the reporting requirements of this section:

11 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

12 (b) A law enforcement official acting in the course of official duty if the accident involved a law
 13 enforcement official performing a lawful intervention technique or a law enforcement official and a
 14 person acting during the commission of a criminal offense. As used in this paragraph:

15 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal
 16 laws of this state or a political subdivision of this state and who is employed or volunteers:

17 (i) As a peace officer commissioned by a city, port, school district, mass transit district, county
 18 or county service district authorized to provide law enforcement services under ORS 451.010;

19 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 20 Justice; or

21 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
 22 officer in this state.

23 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
 24 tempts to cause, another motor vehicle to stop.

25 **SECTION 2. Section 3 of this 2009 Act is added to and made a part of the Oregon Vehicle**
 26 **Code.**

27 **SECTION 3. (1) A pedestrian or bicyclist commits the offense of failure of a pedestrian**
 28 **or bicyclist to make an accident report if the pedestrian or bicyclist is involved in an accident**
 29 **required to be reported under ORS 811.720 and does not, within 72 hours of the accident,**
 30 **complete a report of the accident on a form approved by the Department of Transportation**
 31 **and submit the report to the department.**

32 **(2) The offense described in this section, failure of a pedestrian or bicyclist to make an**
 33 **accident report, is a Class B traffic violation.**

34 **SECTION 4. Section 3 of this 2009 Act and the amendments to ORS 811.720 by section 1**
 35 **of this 2009 Act apply to accidents occurring on or after the effective date of this 2009 Act.**

36