

# Senate Bill 546

Sponsored by Senator WALKER

## 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**.

Directs Department of Transportation to include on driver license examination at least two questions pertaining to practices necessary for safe operation of vehicle around motorcyclists.

Requires person of any age applying for first time for motorcycle endorsement to complete motorcycle rider education course.

Increases motorcycle endorsement fees.

Allows person to enter into motorcycle improvement agreement if person is cited for operating motorcycle without holding motorcycle endorsement. Allows dismissal of charge upon successful completion of motorcycle rider education course.

Directs Department of Transportation to phase in motorcycle rider education course program for persons 21 years of age and older.

## A BILL FOR AN ACT

1  
2 Relating to motorcycles; creating new provisions; and amending ORS 807.070, 807.170, 807.175 and  
3 807.370.

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

5 **SECTION 1.** ORS 807.070 is amended to read:

6 807.070. The Department of Transportation shall administer an examination to establish quali-  
7 fication for each class of license and endorsement. The examination for each class of license or  
8 endorsement [*shall*] **must** include all of the following as described:

9 (1) A test of the applicant's eyesight. This subsection does not apply to an applicant with a  
10 limited vision condition as defined in ORS 807.355.

11 (2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe  
12 driving practices and factors that cause accidents. The following all apply to the test under this  
13 subsection:

14 (a) The test [*shall*] **may** not cover any subject that is not presented in the publications of the  
15 department intended for the instruction of applicants for licenses and driver permits.

16 (b) The test for each class of license and endorsement [*shall*] **must** include, but is not limited  
17 to, a test of knowledge and understanding of traffic laws that relate specifically to the type of  
18 driving privileges granted under the specific class of license or endorsement sought.

19 (c) The test [*under this subsection shall*] **must** include, but is not limited to, the following sub-  
20 jects:

21 (A) Rights of pedestrians who are blind.

22 (B) The meaning of official traffic signs and signals.

23 (C) Proper operating procedure in emergency situations.

24 (D) Vehicle safety equipment and its use.

25 (E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

26 **(F) Practices necessary for safe operation of a vehicle around motorcyclists.**

27 **(d) The test must include at least two questions pertaining to the practices necessary for**

**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 **safe operation of a vehicle around motorcyclists.**

2 [(d)] (e) The test may include a question regarding fuel efficient driving techniques.

3 [(e)] (f) The department may waive the test under circumstances described in ORS 807.072.

4 (3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle  
5 without endangering the safety of persons or property. The following apply to this subsection:

6 (a) The actual demonstration for each class of license shall be performed in a vehicle that may  
7 be operated under the class of license sought, but that may not be operated under lower classes of  
8 license.

9 (b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that  
10 is designed to transport 16 or more persons, including the driver.

11 (c) An actual demonstration for a school bus endorsement shall be performed in a school bus.

12 (d) The department may waive the demonstration under circumstances described in ORS 807.072.

13 (4) Any other examination or test, including demonstrations, that the department determines  
14 may be necessary to assist the department in establishing whether the applicant is eligible for a li-  
15 cense under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the  
16 highways of this state. In any examination or test under this subsection, the department shall only  
17 conduct an investigation for facts relating directly to the ability of the applicant to operate a motor  
18 vehicle safely or other facts that are specifically required to show the fitness of the applicant for  
19 license.

20 **SECTION 2.** ORS 807.170 is amended to read:

21 807.170. (1) The Department of Transportation shall provide for the granting of driver license  
22 endorsements in a manner consistent with this section.

23 (2) The department shall grant an endorsement to any person who complies with all of the fol-  
24 lowing requirements:

25 (a) The person must hold a valid license other than a restricted Class C license issued under the  
26 vehicle code.

27 (b) The person must successfully complete any tests and demonstrations referred to in ORS  
28 807.070 that the department determines necessary to determine whether the applicant is qualified for  
29 the type of endorsement sought. The actual demonstration required under ORS 807.070, if any, must  
30 be performed in a vehicle that may be operated under the endorsement sought but that may not be  
31 operated without the endorsement. Tests shall include, but are not limited to, those tests necessary  
32 to determine whether the applicant:

33 (A) Has satisfactory knowledge of laws relating to operation under the type of endorsement  
34 sought, defensive driving skills, the common causes of accidents involving vehicles operated under  
35 the type of endorsement sought; and

36 (B) Can operate under the endorsement in a manner that will not jeopardize the safety of per-  
37 sons or property.

38 (c) The appropriate fee under ORS 807.370 for the endorsement, including the fee for the Mo-  
39 torcycle Safety Subaccount, must be paid.

40 (d) If the person is [*under 21 years of age and an applicant*] **applying** for a motorcycle endorse-  
41 ment, the person must comply with ORS 807.175.

42 (3) An endorsement granted under this section is subject to the following:

43 (a) It is part of the license upon which it is endorsed and is subject to any provisions applicable  
44 to the endorsed license under the statutes of this state.

45 (b) It is valid only if the license endorsed is valid.

1 (c) The appropriate fee under ORS 807.370 must be paid upon renewal of the endorsement in  
2 addition to any fee for renewal of the license endorsed.

3 (d) Except as provided under ORS 807.350 or as specifically provided under ORS 809.419, an  
4 endorsement cannot be canceled, suspended or revoked separately from the license endorsed. When  
5 an endorsed license is canceled, suspended or revoked, all endorsements on the license are subject  
6 to the same cancellation, suspension or revocation as the license.

7 (4) Before the department may renew any license with a motorcycle endorsement, the applicant  
8 shall pay the department the Motorcycle Safety Subaccount fee established under ORS 807.370 in  
9 addition to any fee for renewal of the license.

10 **SECTION 3.** ORS 807.175 is amended to read:

11 807.175. (1) The Department of Transportation may not issue a motorcycle endorsement to  
12 [any] a person [who is under 21 years of age] unless the person shows to the satisfaction of the de-  
13 partment that the person has successfully completed a motorcycle rider education course established  
14 by the department under ORS 802.320. This requirement is in addition to any other requirement for  
15 the endorsement.

16 (2) **Subsection (1) of this section does not apply to a person applying for issuance of a**  
17 **motorcycle endorsement under ORS 807.170 who currently holds a motorcycle endorsement**  
18 **issued by another state.**

19 **SECTION 4.** ORS 807.370, as amended by section 17, chapter 1, Oregon Laws 2008, is amended  
20 to read:

21 807.370. The following are the fees relating to the issuance and renewal of licenses, driver per-  
22 mits and endorsements:

23 (1) Disability golf cart driver permit fees under ORS 807.210, as follows:

24 (a) For issuance, \$43.

25 (b) For renewal fee under ORS 807.210, \$31.

26 (2) Emergency driver permit fee under ORS 807.220, \$22.50.

27 (3) Instruction driver permit fees under ORS 807.280, as follows:

28 (a) For issuance, \$22.50.

29 (b) For renewal, \$22.50.

30 (4)(a) License issuance fee for a Class C license, \$53.

31 (b) Fee to take the knowledge test for a Class C license, \$5.

32 (c) Fee to take the skills test for a Class C license, \$9.

33 (5) License issuance fee for a restricted Class C license, \$53.

34 (6) License issuance fee for a commercial driver license, whether or not the license contains  
35 endorsements, \$74.50.

36 (7) Test fees for a commercial driver license or permit:

37 (a) To take the knowledge test for a Class A commercial license or permit, \$10.

38 (b) To take the skills test for a Class A commercial license, \$70.

39 (c) To take the knowledge test for a Class B commercial license or permit, \$10.

40 (d) To take the skills test for a Class B commercial license, \$70.

41 (e) To take the knowledge test for a Class C commercial license or permit, \$10.

42 (f) To take the skills test for a Class C commercial license, \$70.

43 (8) Notwithstanding subsection (6) of this section, for issuance of a commercial driver license  
44 of any class when the Department of Transportation accepts a certificate of competency issued un-  
45 der ORS 807.080, \$40 in addition to the fee under subsection (6) of this section.

1 (9) Notwithstanding subsection (6) of this section, for original issuance of a school bus  
 2 endorsement to a person who has a commercial driver license with a passenger endorsement:

3 (a) \$21; or

4 (b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.

5 (10) For a farm endorsement, \$26.

6 (11) Test fees for the knowledge test for endorsements other than motorcycle and farm  
 7 endorsements:

8 (a) For a hazardous materials endorsement, \$10.

9 (b) For a tank vehicle endorsement, \$10.

10 (c) For a passenger endorsement, \$10.

11 (d) For a double and triple trailer endorsement, \$10.

12 (e) For a school bus endorsement, \$10.

13 (12) Fee to take an airbrake knowledge test, \$10.

14 (13) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.

15 (14) License renewal fee for a commercial driver license, \$54.50.

16 (15) License renewal fee for a Class C license, \$33.

17 (16) License or driver permit replacement fee under ORS 807.160, \$25.50.

18 (17) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, [~~\$46~~  
 19 **\$51**, in addition to any fees for the endorsed license.

20 (18) Special student driver permit fee under ORS 807.230, \$22.50.

21 (19) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.

22 (20) Motorcycle Safety Subaccount fee as follows:

23 (a) Upon original issuance of motorcycle endorsements under ORS 807.170, [~~\$28~~] **\$38**.

24 (b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.

25 (21) Probationary driver permit application fee under ORS 807.270, \$50.

26 (22) Hardship driver permit application fee under ORS 807.240, \$50.

27 (23) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.

28 (24) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.

29 (25) Fee for reinstatement of right to apply for driving privileges after a delay under ORS  
 30 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.

31 (26) Fee for a special limited vision condition learner's permit under ORS 807.359, \$13.

32 **SECTION 5.** ORS 807.370, as amended by sections 17 and 19, chapter 1, Oregon Laws 2008, is  
 33 amended to read:

34 807.370. The following are the fees relating to the issuance and renewal of licenses, driver per-  
 35 mits and endorsements:

36 (1) Disability golf cart driver permit fees under ORS 807.210, as follows:

37 (a) For issuance, \$44.

38 (b) For renewal fee under ORS 807.210, \$32.

39 (2) Emergency driver permit fee under ORS 807.220, \$23.50.

40 (3) Instruction driver permit fees under ORS 807.280, as follows:

41 (a) For issuance, \$23.50.

42 (b) For renewal, \$23.50.

43 (4)(a) License issuance fee for a Class C license, \$54.

44 (b) Fee to take the knowledge test for a Class C license, \$5.

45 (c) Fee to take the skills test for a Class C license, \$9.

- 1 (5) License issuance fee for a restricted Class C license, \$54.
- 2 (6) License issuance fee for a commercial driver license, whether or not the license contains  
3 endorsements, \$75.50.
- 4 (7) Test fees for a commercial driver license or permit:
- 5 (a) To take the knowledge test for a Class A commercial license or permit, \$10.
- 6 (b) To take the skills test for a Class A commercial license, \$70.
- 7 (c) To take the knowledge test for a Class B commercial license or permit, \$10.
- 8 (d) To take the skills test for a Class B commercial license, \$70.
- 9 (e) To take the knowledge test for a Class C commercial license or permit, \$10.
- 10 (f) To take the skills test for a Class C commercial license, \$70.
- 11 (8) Notwithstanding subsection (6) of this section, for issuance of a commercial driver license  
12 of any class when the Department of Transportation accepts a certificate of competency issued un-  
13 der ORS 807.080, \$40 in addition to the fee under subsection (6) of this section.
- 14 (9) Notwithstanding subsection (6) of this section, for original issuance of a school bus  
15 endorsement to a person who has a commercial driver license with a passenger endorsement:
- 16 (a) \$21; or
- 17 (b) \$61 if the department accepts a certificate of competency issued under ORS 807.080.
- 18 (10) For a farm endorsement, \$26.
- 19 (11) Test fees for the knowledge test for endorsements other than motorcycle and farm  
20 endorsements:
- 21 (a) For a hazardous materials endorsement, \$10.
- 22 (b) For a tank vehicle endorsement, \$10.
- 23 (c) For a passenger endorsement, \$10.
- 24 (d) For a double and triple trailer endorsement, \$10.
- 25 (e) For a school bus endorsement, \$10.
- 26 (12) Fee to take an airbrake knowledge test, \$10.
- 27 (13) Fee to take an airbrake skills test to remove an airbrake restriction, \$56.
- 28 (14) License renewal fee for a commercial driver license, \$55.50.
- 29 (15) License renewal fee for a Class C license, \$34.
- 30 (16) License or driver permit replacement fee under ORS 807.160, \$26.50.
- 31 (17) Original endorsement issuance fee under ORS 807.170 for a motorcycle endorsement, [~~\$46~~  
32 **\$51**, in addition to any fees for the endorsed license.
- 33 (18) Special student driver permit fee under ORS 807.230, \$23.50.
- 34 (19) Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150, \$6.
- 35 (20) Motorcycle Safety Subaccount fee as follows:
- 36 (a) Upon original issuance of motorcycle endorsements under ORS 807.170, [~~\$28~~] **\$38**.
- 37 (b) Upon renewal of a license with a motorcycle endorsement under ORS 807.170, \$28.
- 38 (21) Probationary driver permit application fee under ORS 807.270, \$50.
- 39 (22) Hardship driver permit application fee under ORS 807.240, \$50.
- 40 (23) Fee for reinstatement of revoked driving privileges under ORS 809.390, \$75.
- 41 (24) Fee for reinstatement of suspended driving privileges under ORS 809.380, \$75.
- 42 (25) Fee for reinstatement of right to apply for driving privileges after a delay under ORS  
43 809.280 (10) (1997 Edition), the same as the fee for reinstatement of suspended driving privileges.
- 44 (26) Fee for a special limited vision condition learner's permit under ORS 807.359, \$13.
- 45 (27)(a) License issuance fee for a Class C limited term license, \$23.

1 (b) Fee to take the knowledge test for a Class C limited term license, \$5.

2 (c) Fee to take the skills test for a Class C limited term license, \$9.

3 (28) License issuance fee for a restricted Class C limited term license, \$23.

4 (29) License issuance fee for a limited term commercial driver license, whether or not the li-  
5 cense contains endorsements, \$45.

6 (30) License renewal fee for a limited term commercial driver license, \$14.

7 (31) License renewal fee for a Class C limited term license, \$8.

8 (32) Limited term license or limited term driver permit replacement fee under ORS 807.160,  
9 \$26.50.

10 (33) Limited term Student Driver Training Fund eligibility fee under ORS 807.040 and 807.150,  
11 \$2.

12 **SECTION 6. (1) The court shall inform a defendant charged with the offense of vehicle**  
13 **operating without driving privileges as the result of operating a motorcycle without a mo-**  
14 **torcycle endorsement that a motorcyclist improvement agreement may be available if the**  
15 **defendant files with the court a petition for a motorcyclist improvement agreement.**

16 (2) Petition forms for a motorcyclist improvement agreement shall be available to a de-  
17 fendant at the court.

18 (3) The form of the petition for a motorcyclist improvement agreement and the infor-  
19 mation and blanks contained therein shall be determined by the Supreme Court under ORS  
20 1.525. The petition forms made available to a defendant by any city or state court shall con-  
21 form to the requirements adopted by the Supreme Court.

22 (4) In addition to any other information required by the Supreme Court to be contained  
23 in a petition for a motorcyclist improvement agreement, the petition shall include:

24 (a) A plea of guilty or no contest to the charge of vehicle operating without driving  
25 privileges signed by the defendant; and

26 (b) An agreement by the defendant to:

27 (A) Complete a motorcycle rider education course established by the Department of  
28 Transportation under ORS 802.320; and

29 (B) Keep the court advised of the defendant's current mailing address at all times during  
30 the agreement period.

31 **SECTION 7. After a citation has been filed charging the defendant with vehicle operating**  
32 **without driving privileges as the result of operating a motorcycle without a motorcycle**  
33 **endorsement, a defendant may file with the court a petition for a motorcyclist improvement**  
34 **agreement described in section 6 of this 2009 Act. The petition:**

35 (1) Must be filed within 30 days after the date of the defendant's appearance on the  
36 summons, unless a later filing date is allowed by the court upon a showing of good cause.

37 (2) Notwithstanding subsection (1) of this section, may not be filed after entry of a guilty  
38 plea or a no contest plea or after commencement of any trial on the charge whether or not  
39 a new trial or retrial is ordered for any reason.

40 **SECTION 8. (1) Within 30 days prior to the end of the period specified in section 9 of this**  
41 **2009 Act for a motorcyclist improvement agreement, a defendant may apply by motion to the**  
42 **court in which the agreement was filed for an order extending the agreement period.**

43 (2) Petition forms for an extension under this section shall be available to a defendant  
44 at the court.

45 (3) The form of the petition for an extension under this section shall be determined by

1 the Supreme Court under ORS 1.525. The petition forms made available to a defendant by  
2 any city or state court shall conform to the requirements of the Supreme Court.

3 (4) The court may grant a petition for an extension filed under this section if the court  
4 finds that the defendant made a good faith effort to fulfill the terms of the agreement and  
5 that the defendant can fulfill the terms of the agreement within the requested extended  
6 agreement period.

7 (5) An extension granted under this section may be for no more than 60 days.

8 (6) A court may grant a defendant only one extension of an agreement period under this  
9 section.

10 (7) If the court grants the petition for an extension under this section and:

11 (a) Finds that the defendant has fulfilled the terms of the motorcyclist improvement  
12 agreement within the extended period, the court may dismiss the charge with prejudice un-  
13 der section 10 of this 2009 Act.

14 (b) Finds that the defendant has failed to fulfill the terms of the motorcyclist improve-  
15 ment agreement within the extended period, the court shall enter the guilty plea or no con-  
16 test plea filed as part of the petition for a motorcyclist improvement agreement and shall  
17 enter a judgment of conviction.

18 (8) If the court denies the petition for an extension under this section, the court shall  
19 enter the guilty plea or no contest plea filed as part of the petition for a motorcyclist im-  
20 provement agreement and shall enter a judgment of conviction.

21 **SECTION 9.** (1) After a petition for a motorcyclist improvement agreement is filed as  
22 provided in section 7 of this 2009 Act, the judge shall:

23 (a) Accept the guilty plea or no contest plea filed as part of the petition for a  
24 motorcyclist improvement agreement but withhold entry of a judgment of conviction; and

25 (b) Sign the petition and indicate thereon the date of allowance of the agreement period,  
26 the length of the agreement period and the date upon which the offense of vehicle operating  
27 without driving privileges occurred. The petition, when signed and dated, becomes the  
28 agreement between the defendant and the court. The court shall make the agreement a part  
29 of the record of the case.

30 (2) The court shall notify the Department of Transportation of the motorcyclist im-  
31 provement agreement in a form agreed to by the department and the State Court Adminis-  
32 trator within 48 hours after accepting the petition. The department shall make the  
33 motorcyclist improvement agreement a part of the defendant's operating record.

34 (3) A motorcyclist improvement agreement shall be for a period of 120 days after the date  
35 the court accepts the petition. During the agreement period, the court shall stay the vehicle  
36 operating without driving privileges offense proceeding pending completion or termination  
37 of the agreement.

38 **SECTION 10.** (1) At any time after the conclusion of the period specified in section 9 of  
39 this 2009 Act for a motorcyclist improvement agreement, a defendant who has fulfilled the  
40 terms of the agreement may apply by motion to the court in which the agreement was filed  
41 for an order dismissing the charge with prejudice.

42 (2) If the defendant does not appear as provided in subsection (1) of this section within  
43 six months after the conclusion of the agreement period, and if the court finds that the de-  
44 fendant has fulfilled the terms of the motorcyclist improvement agreement, the court may  
45 on its own motion enter an order dismissing the charge of vehicle operating without driving

1 **privileges with prejudice.**

2 **SECTION 11. (1) At any time before the court dismisses with prejudice the charge of**  
 3 **vehicle operating without driving privileges, the court on its own motion may issue an order**  
 4 **requiring the defendant to appear and show cause why the court should not terminate the**  
 5 **motorcyclist improvement agreement. The order to show cause shall state the reasons for**  
 6 **the proposed termination and shall set an appearance date.**

7 **(2) The order to show cause shall be served on the defendant and on the defendant's at-**  
 8 **torney, if any. Service may be made by first class mail, postage paid, addressed to the de-**  
 9 **fendant at the mailing address shown on the petition and agreement or at any other address**  
 10 **that the defendant provides in writing to the court.**

11 **(3) The court shall terminate the motorcyclist improvement agreement and enter the**  
 12 **guilty plea or no contest plea that was filed as part of the petition for the motorcyclist im-**  
 13 **provement agreement if:**

14 **(a) At the hearing on the order to show cause, the court finds by a preponderance of the**  
 15 **evidence that any of the reasons for termination stated under subsection (1) of this section**  
 16 **exist; or**

17 **(b) The defendant fails to appear at the hearing on the order to show cause.**

18 **(4) If the court terminates the motorcyclist improvement agreement and continues the**  
 19 **offense proceeding, the court:**

20 **(a) On the defendant's motion and for good cause shown, may reinstate the agreement**  
 21 **at any time before conviction, acquittal or dismissal with prejudice.**

22 **(b) If the defendant is convicted, may take into account at time of sentencing any partial**  
 23 **fulfillment by the defendant of the terms of the agreement.**

24 **(5) The court shall terminate a motorcyclist improvement agreement under this section**  
 25 **if the defendant has failed to fulfill the terms of the agreement.**

26 **SECTION 12. Sections 6 to 11 of this 2009 Act apply to citations issued on or after the**  
 27 **effective date of this 2009 Act.**

28 **SECTION 13. The requirement in ORS 807.175, as amended by section 3 of this 2009 Act,**  
 29 **to complete the motorcycle rider education course established by the Department of Trans-**  
 30 **portation under ORS 802.320 applies:**

31 **(1) On or after January 1, 2011, to persons who are under 31 years of age as of that date.**

32 **(2) On or after January 1, 2012, to persons who are under 41 years of age as of that date.**

33 **(3) On or after January 1, 2013, to persons who are under 51 years of age as of that date.**

34 **(4) On or after January 1, 2014, to persons who are under 61 years of age as of that date.**

35 **(5) On or after January 1, 2015, to all persons.**

36