

Senate Bill 669

Sponsored by Senator WINTERS; Senators BOQUIST, FERRIOLI, KRUSE, TELFER, Representative THOMPSON
(at the request of Turner Chief of Police Gary Will)

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**.

Clarifies and modifies basic speed rule and speed limit. Punishes violation of basic speed rule under certain circumstances by fine of \$720.

A BILL FOR AN ACT

1
2 Relating to highway speeds; amending ORS 137.290, 810.180, 811.100, 811.109 and 811.111.

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

4 **SECTION 1.** ORS 811.100 is amended to read:

5 811.100. (1) A person commits the offense of violating the basic speed rule if the person drives
6 a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to
7 all of the following:

- 8 (a) The traffic.
9 (b) The surface and width of the highway.
10 (c) The hazard at intersections.
11 (d) Weather.
12 (e) Visibility.
13 (f) Any other conditions then existing.

14 (2) The following apply to the offense described in this section:

15 (a) The offense is as applicable on an alley as on any other highway.

16 (b) Speeds that are prima facie evidence of violation of this section are established by ORS
17 811.105.

18 (c) This section and ORS 811.105 establish limitation on speeds that are in addition to speed
19 limits established in ORS 811.111.

20 *[(3) Except as provided in subsection (4) of this section, violation of the basic speed rule by ex-*
21 *ceeding a designated speed posted under ORS 810.180 is punishable as provided in ORS 811.109.]*

22 *[(4)]* **(3)** The offense described in this section, violating the basic speed rule, is:

23 **(a)** A Class B traffic violation if the person drives a vehicle upon a highway at a speed that is
24 not reasonable and prudent under the circumstances described in subsection (1) of this section even
25 though the speed is lower than the appropriate speed specified in ORS 811.105 as prima facie evi-
26 dence of violation of the basic speed rule[.]; **or**

27 **(b)** A Class A traffic violation if the person drives a vehicle upon a highway at a speed
28 **that is not reasonable and prudent under the circumstances described in subsection (1) of**
29 **this section and is greater than the appropriate speed specified in ORS 811.105.**

30 **SECTION 2.** ORS 811.109 is amended to read:

31 811.109. (1) Violation of a specific speed limit imposed under law or of a posted speed limit is

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 punishable as follows:

2 (a) One to 10 miles per hour in excess of the speed limit is a Class D traffic violation.

3 (b) 11 to 20 miles per hour in excess of the speed limit is a Class C traffic violation.

4 (c) 21 to 30 miles per hour in excess of the speed limit is a Class B traffic violation.

5 (d) Over 30 miles per hour in excess of the speed limit is a Class A traffic violation.

6 (2) Notwithstanding subsection (1) of this section, if the speed limit is 65 miles per hour or
7 greater and:

8 (a) The person is exceeding the speed limit by 10 miles per hour or less, the offense is a Class
9 C traffic violation.

10 (b) The person is exceeding the speed limit by more than 10 miles per hour but not more than
11 20 miles per hour, the offense is a Class B traffic violation.

12 (c) The person is exceeding the speed limit by more than 20 miles per hour, the offense is a
13 Class A traffic violation.

14 [(3) *Violation of the basic speed rule by exceeding a designated speed posted under ORS 810.180*
15 *is punishable as follows:*]

16 [(a) *One to 10 miles per hour in excess of the designated speed is a Class D traffic violation.*]

17 [(b) *11 to 20 miles per hour in excess of the designated speed is a Class C traffic violation.*]

18 [(c) *21 to 30 miles per hour in excess of the designated speed is a Class B traffic violation.*]

19 [(d) *Over 30 miles per hour in excess of the designated speed is a Class A traffic violation.*]

20 [(4)] (3) In addition to a fine imposed under **ORS 811.100 and** subsection (1)[,] **or** (2) [or (3)] of
21 this section, a court may impose a suspension of driving privileges for up to 30 days if a person
22 exceeds a speed limit or designated speed by more than 30 miles per hour and the person has re-
23 ceived at least one prior conviction under ORS 811.100 or 811.111 within 12 months of the date of
24 the current offense.

25 [(5)] (4) If a person drives 100 miles per hour or greater when the person commits a violation
26 described in this section, a court shall impose the following in lieu of a punishment otherwise im-
27 posed under this section:

28 (a) A fine of \$1,000; and

29 (b) A suspension of driving privileges for not less than 30 days nor more than 90 days.

30 [(6)] (5) When a court imposes a suspension under subsection [(4) or (5)] (3) **or** (4) of this section,
31 the court shall prepare and send to the Department of Transportation an order of suspension of
32 driving privileges of the person. Upon receipt of an order under this subsection, the department shall
33 take action as directed under ORS 809.280.

34 **SECTION 3.** ORS 811.111 is amended to read:

35 811.111. [(1) *A person commits the offense of violating a speed limit if the person:*]

36 [(a) *Drives a vehicle on an interstate highway at a speed greater than 65 miles per hour or, if a*
37 *different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.*]

38 [(b) *Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a*
39 *speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS*
40 *810.180 (3), at a speed greater than the posted speed.*]

41 [(A) *A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a truck*
42 *tractor with a gross vehicle weight rating of more than 8,000 pounds.*]

43 [(B) *A school bus.*]

44 [(C) *A school activity vehicle.*]

45 [(D) *A worker transport bus.*]

1 *[(E) A bus operated for transporting children to and from church or an activity or function au-*
 2 *thorized by a church.]*

3 *[(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided*
 4 *in ORS 825.017 (9).]*

5 **(1) A person commits the offense of violating a speed limit if the person:**

6 **(a) Drives a vehicle at a speed greater than the posted speed.**

7 *[(c)] (b) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed*
 8 *greater than any of the following:*

9 (A) Any designated speed for ocean shores that is established and posted under ORS 810.180.

10 (B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

11 *[(d)] (c) Drives a vehicle upon a highway in any city at a speed greater than a speed posted by*
 12 *authority granted under ORS 810.180 or, if no speed is posted, the following:*

13 (A) Fifteen miles per hour when driving on an alley or a narrow residential roadway.

14 (B) Twenty miles per hour in a business district.

15 (C) Twenty-five miles per hour in a public park.

16 (D) Twenty-five miles per hour on a highway in a residence district if the highway is not an
 17 arterial highway.

18 (E) Sixty-five miles per hour on an interstate highway.

19 (F) Fifty-five miles per hour in locations not otherwise described in this paragraph.

20 *[(e)] (d) Drives a vehicle in a school zone at a speed greater than 20 miles per hour if the school*
 21 *zone is:*

22 (A) A segment of highway described in ORS 801.462 (1)(a) and:

23 (i) The school zone has a flashing light used as a traffic control device and operated under ORS
 24 811.106 and the flashing light indicates that children may be arriving at or leaving school; or

25 (ii) If the school zone does not have a flashing light used as a traffic control device, the person
 26 drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.

27 (B) A crosswalk described in ORS 801.462 (1)(b) and:

28 (i) A flashing light used as a traffic control device and operated under ORS 811.106 indicates
 29 that children may be arriving at or leaving school; or

30 (ii) Children are present, as described in ORS 811.124.

31 (2) The offense described in this section, violating a speed limit, is punishable as provided in
 32 ORS 811.109.

33 **SECTION 4.** ORS 137.290 is amended to read:

34 137.290. (1) In all cases of conviction for the commission of a crime or violation, excluding
 35 parking violations, the trial court, whether a circuit, justice or municipal court, shall impose upon
 36 the defendant, in addition to any other monetary obligation imposed, a unitary assessment under this
 37 section. Except when the person successfully asserts the defense set forth in ORS 419C.522, the
 38 unitary assessment shall also be imposed by the circuit court and county court in juvenile cases
 39 under ORS 419C.005 (1). The unitary assessment is a penal obligation in the nature of a fine and
 40 shall be in an amount as follows:

41 (a) \$107 in the case of a felony.

42 (b) \$67 in the case of a misdemeanor.

43 (c) \$97 in the case of a conviction for driving under the influence of intoxicants.

44 (d) \$37 in the case of a violation as described in ORS 153.008.

45 (2) The unitary assessment shall include, in addition to the amount in subsection (1) of this

1 section:

2 (a) \$42 if the defendant was driving a vehicle that requires a commercial driver license to op-
 3 erate and the conviction was for violating[:]

4 [(A)] ORS 811.100 by driving at a speed at least 10 miles per hour greater than is reasonable
 5 and prudent under the circumstances; [or]

6 [(B) ORS 811.111 (1)(b) by driving at least 65 miles per hour;]

7 (b) \$500 if the crime of conviction is a crime found in ORS chapter 163;

8 (c) \$500 if the crime of conviction is a violation of ORS 475.890 or 475.892; and

9 (d) \$1,000 if the crime of conviction is a violation of ORS 475.886 or 475.888.

10 (3) Subject to subsection (4) of this section, the court in any case may waive payment of the
 11 unitary assessment, in whole or in part, if, upon consideration, the court finds that payment of the
 12 assessment or portion thereof would impose upon the defendant a total monetary obligation incon-
 13 sistent with justice in the case. In making its determination under this subsection, the court shall
 14 consider:

15 (a) The financial resources of the defendant and the burden that payment of the unitary as-
 16 sessment will impose, with due regard to the other obligations of the defendant; and

17 (b) The extent to which such burden can be alleviated by allowing the defendant to pay the
 18 monetary obligations imposed by the court on an installment basis or on other conditions to be fixed
 19 by the court.

20 (4) If a defendant is convicted of an offense, the court:

21 (a) May waive all or part of the unitary assessment required under subsections (1) and (2)(a) of
 22 this section only if the court imposes no fine on the defendant.

23 (b) May not waive the portion of the unitary assessment required under subsection (2)(c) or (d)
 24 of this section, except in juvenile cases under ORS 419C.005 (1).

25 **SECTION 5.** ORS 810.180 is amended to read:

26 810.180. (1) As used in this section:

27 (a) "Designated speed" means the speed that is designated by a road authority as the maximum
 28 permissible speed for a highway and that may be different from the statutory speed for the highway.

29 (b) "Statutory speed" means the speed that is established as a speed limit under ORS 811.111,
 30 or is established as the speed the exceeding of which is prima facie evidence of violation of the basic
 31 speed rule under ORS 811.105.

32 (2)(a) A designated speed established under this section is a speed limit if the highway for which
 33 the speed is designated is subject to a statutory speed limit under ORS 811.111 [*that is in addition*
 34 *to the speed limit established under ORS 811.111 (1)(b)*].

35 (b) A speed greater than a designated speed established under this section is prima facie evi-
 36 dence of violation of the basic speed rule if the designated speed is established for a highway on
 37 which there is no speed limit [*other than the limit established under ORS 811.111 (1)(b)*].

38 (3) The Department of Transportation may establish by rule designated speeds on any specified
 39 section of interstate highway if the department determines that speed limits established under ORS
 40 811.111 (1) are greater or less than is reasonable or safe under the conditions that exist with respect
 41 to that section of the interstate highway. Designated speeds established under this subsection are
 42 subject to all of the following:

43 (a) The department may not establish a designated speed under this subsection of more than:

44 (A) Sixty-five miles per hour for [*vehicles described in ORS 811.111 (1)(b)*] **any of the following**
 45 **vehicles:**

1 (i) A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a
2 truck tractor with a gross vehicle weight rating of more than 8,000 pounds;

3 (ii) A school bus;

4 (iii) A school activity vehicle;

5 (iv) A worker transport bus;

6 (v) A bus operated for transporting children to and from church or an activity or func-
7 tion authorized by a church; or

8 (vi) Any vehicle used in the transportation of persons for hire by a nonprofit entity as
9 provided in ORS 825.017 (9); and

10 (B) Seventy miles per hour for all other vehicles.

11 (b) If the department establishes designated speeds under this subsection that are greater than
12 65 miles per hour, the designated speed for vehicles described in [ORS 811.111 (1)(b)] **paragraph**
13 **(a)(A) of this subsection** must be at least five miles per hour lower than the designated speed for
14 all other vehicles on the specified section of interstate highway.

15 (c) The department may establish a designated speed under this subsection only if an engineer-
16 ing and traffic investigation indicates that the statutory speed for the interstate highway is greater
17 or less than is reasonable or safe under conditions the department finds to exist.

18 (d) A designated speed established under this subsection is effective when appropriate signs
19 giving notice of the designated speed are posted on the section of interstate highway where the
20 designated speed is imposed.

21 (4)(a) The department may establish, pursuant to a process established by rule, a designated
22 speed on a state highway outside of a city. The authority granted under this subsection includes,
23 but is not limited to, the authority to establish different designated speeds for different kinds or
24 classes of vehicles as the department determines reasonable and safe. A designated speed established
25 under this subsection for any kind or class of vehicles may not exceed the speed limit for the high-
26 way [for that kind or class of vehicles] as established in ORS 811.111 or, if there is no speed limit for
27 the highway [other than the limit established in ORS 811.111 (1)(b)], may not exceed 55 miles per
28 hour.

29 (b) The department may establish a designated speed under this subsection only if an engineer-
30 ing and traffic investigation indicates that the statutory speed for the highway is greater or less
31 than is reasonable or safe under conditions the department finds to exist.

32 (c) A designated speed established under this subsection is effective when appropriate signs
33 giving notice of the designated speed are posted on the portion of highway where the designated
34 speed is imposed.

35 (5) After a written request is received from a road authority for a highway other than a highway
36 described in subsection (3) or (4) of this section, the department, pursuant to a process established
37 by rule, may establish a designated speed for the highway. The authority granted under this sub-
38 section includes, but is not limited to, the authority to establish different designated speeds for dif-
39 ferent kinds or classes of vehicles as the department determines reasonable and safe. The authority
40 granted under this subsection is subject to all of the following:

41 (a) The written request from the road authority must state a recommended designated speed.

42 (b) The department may establish a designated speed under this subsection only if an engineer-
43 ing and traffic investigation indicates that the statutory speed for the highway is greater or less
44 than is reasonable or safe under conditions the department finds to exist.

45 (c) The department may not make a final decision to establish a designated speed under this

1 subsection without providing the affected road authorities with notice and opportunity for a hearing.

2 (d) A road authority may file a written objection to a designated speed that is proposed by the
3 department under this subsection and that affects the road authority.

4 (e) A designated speed established under this subsection is effective when appropriate signs
5 giving notice of the designated speed are posted on the portion of the highway where the designated
6 speed is imposed. The expense of erecting any sign under this subsection shall be borne by the road
7 authority having jurisdiction over the portion of the highway where the designated speed is imposed.

8 (f) The department, pursuant to a process established by rule, may delegate its authority under
9 this subsection with respect to highways that are low volume or unpaved to a city or county with
10 jurisdiction over the highway. The department shall delegate authority under this paragraph only
11 if it determines that the city or county will exercise the authority according to criteria adopted by
12 the department.

13 (6) The department may override the speed limit established for ocean shores under ORS 811.111
14 [(1)(c)] (1)(b) and establish a designated speed of less than 25 miles per hour on any specified section
15 of ocean shore if the department determines that the speed limit established under ORS 811.111
16 [(1)(c)] (1)(b) is greater than is reasonable or safe under the conditions that exist with respect to
17 that part of the ocean shore. The authority granted under this subsection is subject to all of the
18 following:

19 (a) The department may make the determination required under this subsection only on the basis
20 of an investigation.

21 (b) A designated speed established under this subsection is effective when posted upon appro-
22 priate fixed or variable signs on the portion of ocean shore where the designated speed is imposed.

23 (7) A road authority may adopt a designated speed to regulate the speed of vehicles in parks
24 under the jurisdiction of the road authority. A road authority regulating the speed of vehicles under
25 this subsection shall post and maintain signs at all park entrances to give notice of any designated
26 speed.

27 (8) A road authority may establish by ordinance or order a temporary designated speed for
28 highways in its jurisdiction that is lower than the statutory speed. A temporary designated speed
29 may be established under this subsection if, in the judgment of the road authority, the temporary
30 designated speed is necessary to protect any portion of the highway from being unduly damaged, or
31 to protect the safety of the public and workers when temporary conditions such as construction or
32 maintenance activities constitute a danger. The following apply to the authority granted under this
33 subsection:

34 (a) Statutory speeds may be overridden by a temporary designated speed only:

35 (A) For a specific period of time for all vehicles; or

36 (B) For a specified period of time for a specific kind or class of vehicle that is causing identified
37 damage to highways.

38 (b) This subsection may not be used to establish a permanent designated speed.

39 (c) The authority granted by this subsection may be exercised only if the ordinance or order that
40 imposes the temporary designated speed:

41 (A) Specifies the hazard, damage or other condition requiring the temporary designated speed;
42 and

43 (B) Is effective only for a specified time that corresponds to the hazard, damage or other con-
44 dition specified.

45 (d) A temporary designated speed imposed under this subsection must be imposed by a proper

1 written ordinance or order. A sign giving notice of the temporary designated speed must be posted
2 at each end of the portion of highway where the temporary designated speed is imposed and at such
3 other places on the highway as may be necessary to inform the public. The temporary designated
4 speed shall be effective when signs giving notice of the temporary designated speed are posted.

5 (9) A road authority may establish an emergency speed on any highway under the jurisdiction
6 of the road authority that is different from the existing speed on the highway. The authority granted
7 under this subsection is subject to all of the following:

8 (a) A speed established under this subsection is effective when appropriate signs giving notice
9 thereof are posted upon the highway or portion of highway where the emergency speed is imposed.
10 All signs posted under this subsection must comply with ORS 810.200.

11 (b) The expense of posting any sign under this subsection shall be borne by the road authority
12 having jurisdiction over the highway or portion of highway where the emergency speed is imposed.

13 (c) A speed established under this subsection may be effective for not more than 120 days.

14