

A-Engrossed Senate Bill 825

Ordered by the Senate April 29
Including Senate Amendments dated April 29

Sponsored by Senator WINTERS, Representative CAMERON; Senators BOQUIST, FERRIOLI, GEORGE, GIROD, KRUSE, MORSE, TELFER, WHITSETT, Representatives BENTZ, BERGER, ESQUIVEL, FREEMAN, GARRARD, GILMAN, HANNA, JENSON, KENNEMER, KRIEGER, OLSON, THOMPSON, WHISNANT

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.

[Directs police officer to confiscate registration card and to mark registration plate with special sticker if driver is arrested for or issued citation for driving while suspended or revoked.]

[Creates offense of removal of special stickers. Punishes by maximum fine of \$180.]

[Creates offense of knowingly furnishing motor vehicle to person who is not authorized to drive. Punishes by maximum fine of \$720.]

[Increases penalty for second and subsequent offenses of vehicle operating without driving privileges to maximum of \$6,250 fine, one year's imprisonment, or both.]

[Increases penalty for driving while suspended or revoked to maximum of \$6,250 fine, one year's imprisonment, or both.]

Makes definition of "highway work zone" for provisions relating to highway work zones contingent on presence of workers.

A BILL FOR AN ACT

1
2 Relating to transportation; amending ORS 811.230.

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

4 **SECTION 1.** ORS 811.230 is amended to read:

5 811.230. (1) As used in **this section and** ORS [811.230,] 811.231, 811.232 and 811.233:

6 (a) "Flagger" means a person who controls the movement of vehicular traffic through con-
7 struction projects using sign, hand or flag signals.

8 (b) "Highway work zone" means an area identified by advance warning where road construction,
9 repair or maintenance work is being done by highway workers on or adjacent to a highway, [*re-*
10 *gardless of whether or not*] **when** highway workers are actually present. As used in this paragraph,
11 "road construction, repair or maintenance work" includes, but is not limited to, the setting up and
12 dismantling of advance warning systems.

13 (c) "Highway worker" means an employee of a government agency, private contractor or utility
14 company working in a highway work zone.

15 (2)(a) The base fine amount for a person charged with an offense that is listed in subsection
16 (3)(a) or (b) of this section and that is committed in a highway work zone shall be the amount es-
17 tablished under ORS 153.125 to 153.145 based on the foundation amount calculated under ORS
18 153.131. The minimum fine for a person convicted of an offense that is listed in subsection (3)(a) or
19 (b) of this section and that is committed in a highway work zone is the base fine amount so calcu-
20 lated.

21 (b) The minimum fine for a person convicted of a misdemeanor offense that is listed in sub-
22 section (3)(c) to (g) of this section and that is committed in a highway work zone is 20 percent of

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 the maximum fine established for the offense.

2 (c) The minimum fine for a person convicted of a felony offense that is listed in subsection (3)(c)
3 to (g) of this section and that is committed in a highway work zone is two percent of the maximum
4 fine established for the offense.

5 (3) This section applies to the following offenses if committed in a highway work zone:

6 (a) Class A or Class B traffic violations.

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

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

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

10 (e) Failure to perform the duties of a driver involved in an accident or collision, as described
11 in ORS 811.700 or 811.705.

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

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

14 (4) A court shall not waive, reduce or suspend the base fine amount or minimum fine required
15 by this section.

16 (5) When a highway work zone is created, the agency, contractor or company responsible for the
17 work may post signs designed to give motorists notice of the provisions of this section.

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