

SENATE AMENDMENTS TO SENATE BILL 825

By COMMITTEE ON BUSINESS AND TRANSPORTATION

April 29

1 On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line and in-
2 sert “amending ORS 811.230.”.

3 Delete lines 4 through 26 and delete pages 2 through 8 and insert:

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
23 the maximum fine established for the offense.

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

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

28 “(a) Class A or Class B traffic violations.

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

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

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

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

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

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

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

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

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