

House Bill 3676

Sponsored by COMMITTEE ON TRANSPORTATION

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**.

Eliminates required contribution for statewide multimodal study after December 31, 2009.

Makes technical correction to law governing allocation of amounts generated by increases in vehicle registration fees.

Alters requirements for low-speed vehicle and medium-speed electric vehicle safety standards.

Provides that moneys received by Oregon Historical Society from issuance of Pacific Wonderland registration plates may be used for purposes other than establishing and maintaining Oregon History Center at State Capitol.

Permits Oregon Department of Administrative Services to make available, sell, distribute and dispense alternative fuel to private entities. Sunsets January 2, 2014.

Permits Travel Information Council to borrow money.

Modifies offense of failure to maintain safe distance from emergency vehicle, roadside assistance vehicle, tow vehicle or ambulance to include designated speeds.

Restricts requirement that parents and other persons responsible for safety and welfare of child who is under 16 years of age secure child with safety system, safety belt or safety harness when child operates or is passenger in or on certain all-terrain vehicles to operation of vehicles on public lands.

Expands scope of variance permits.

Directs Department of Transportation to submit quarterly report on revenue raised from certain increased fees and taxes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 366.752, 377.840, 805.092, 811.147,
3 811.210 and 818.200 and section 2, chapter 859, Oregon Laws 2007, sections 3 and 4, chapter 823,
4 Oregon Laws 2009, and section 5, chapter 865, Oregon Laws 2009; and declaring an emergency.

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

6 **SECTION 1.** Section 2, chapter 859, Oregon Laws 2007, is amended to read:

7 **Sec. 2.** (1) To the extent that proposed transportation projects meet the qualifications estab-
8 lished by the Oregon Transportation Commission by rule, the commission shall allocate at least 10
9 percent of the net proceeds of the lottery bonds authorized by section 1, **chapter 859, Oregon Laws**
10 **2007**, [*of this 2007 Act*] to each region described in this section. For purposes of this section, the
11 regions are as follows:

12 (a) Region one consists of Clackamas, Columbia, Hood River, Multnomah and Washington
13 Counties.

14 (b) Region two consists of Benton, Clatsop, Lane, Lincoln, Linn, Marion, Polk, Tillamook and
15 Yamhill Counties.

16 (c) Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties.

17 (d) Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Sherman, Wasco
18 and Wheeler Counties.

19 (e) Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and
20 Wallowa Counties.

21 (2) In addition to any other fees or payments required for grants or loans from the Multimodal

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 Transportation Fund, between July 1, 2007, and [*July 1, 2013*] **December 31, 2009**, each recipient
 2 of moneys from the fund shall pay two percent of the recipient's total project costs to the Depart-
 3 ment of Transportation. The department shall use the funds received under this subsection to con-
 4 duct a statewide multimodal study of the transportation system. The study shall include an
 5 assessment of the infrastructure, capacity demand and constraints, development of criteria for stra-
 6 tegic investments and return on investment and identification of potential funding sources and
 7 strategies. The department may not use the funds received under this subsection for any components
 8 of the study if the department has other available and eligible funds.

9 **SECTION 2.** Section 5, chapter 865, Oregon Laws 2009, is amended to read:

10 **Sec. 5.** (1) The Department of Transportation shall provide information on the department's
 11 website about:

12 (a) Transportation projects described in section 64, **chapter 865, Oregon Laws 2009** [*of this*
 13 *2009 Act*]; and

14 (b) Any other transportation projects funded by the increase in taxes and fees by the amend-
 15 ments to:

16 (A) ORS 803.090 by section 42, **chapter 865, Oregon Laws 2009** [*of this 2009 Act*];

17 (B) ORS 803.420 by section 43, **chapter 865, Oregon Laws 2009** [*of this 2009 Act*];

18 **(C) ORS 803.420 by section 43a, chapter 865, Oregon Laws 2009;**

19 [*(C)*] **(D) ORS 803.570 by section 44, chapter 865, Oregon Laws 2009** [*of this 2009 Act*];

20 [*(D)*] **(E) ORS 803.645 by section 44a, chapter 865, Oregon Laws 2009** [*of this 2009 Act*];

21 [*(E)*] **(F) ORS 319.020 by section 48, chapter 865, Oregon Laws 2009** [*of this 2009 Act*];

22 [*(F)*] **(G) ORS 319.530 by section 49, chapter 865, Oregon Laws 2009** [*of this 2009 Act*];

23 [*(G)*] **(H) ORS 818.225 by section 51, chapter 865, Oregon Laws 2009** [*of this 2009 Act*];

24 [*(H)*] **(I) ORS 825.476 by section 52, chapter 865, Oregon Laws 2009** [*of this 2009 Act*]; and

25 [*(I)*] **(J) ORS 825.480 by section 53, chapter 865, Oregon Laws 2009** [*of this 2009 Act*].

26 (2) The department shall make the information accessible directly from the department's website
 27 home page.

28 (3) For each project listed, the department shall provide a short description of the project, the
 29 intended benefit of the project, an estimated date for inviting bids and entering into contracts, an
 30 estimated contract cost, an estimated completion date, any change in the estimated completion date
 31 and any change in the project cost. The department shall also provide explanation for any change
 32 in the estimated completion date or change in project cost.

33 (4) The department shall update the information required by this section each week until all
 34 projects are completed.

35 (5) The department shall report to the interim House and Senate committees related to trans-
 36 portation on the progress the department is making toward achieving the goals of this section.

37 **SECTION 3.** ORS 366.752, as operative until January 1, 2011, is amended to read:

38 366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this
 39 section:

40 (a) The amount attributable to the fee increases by the amendments to ORS 803.090 by section
 41 42, chapter 865, Oregon Laws 2009.

42 (b) The amount attributable to the fee increases by the amendments to ORS 803.420 by section
 43 43, chapter 865, Oregon Laws 2009.

44 (c) **The amount attributable to the fee increases by the amendments to ORS 803.420 by**
 45 **section 43a, chapter 865, Oregon Laws 2009.**

1 [(c)] (d) The amount attributable to the fee increases by the amendments to ORS 803.570 by
 2 section 44, chapter 865, Oregon Laws 2009.

3 [(d)] (e) The amount attributable to the fee increase by the amendments to ORS 803.645 by
 4 section 44a, chapter 865, Oregon Laws 2009.

5 (2) The moneys described in subsection (1) of this section shall be allocated first in an amount
 6 of \$24 million per year in monthly installments to the Department of Transportation for the purposes
 7 described in the long-range plan developed pursuant to ORS 184.618 and on January 1 of each year
 8 an amount of \$3 million per year to the Travel Information Council for management, maintenance
 9 and improvement of the roadside rest areas that the Travel Information Council is responsible for
 10 under section 32, chapter 865, Oregon Laws 2009. The remainder of the moneys shall be allocated
 11 as provided in subsection (3) of this section.

12 (3) The moneys described in subsection (1) of this section that remain after the allocation of
 13 moneys described in subsection (2) of this section shall be allocated as follows:

14 (a) 50 percent to the Department of Transportation.

15 (b) 30 percent to counties for distribution as provided in ORS 366.762.

16 (c) 20 percent to cities for distribution as provided in ORS 366.800.

17 (4) Except as provided in subsection (5) of this section, the moneys described in subsection (3)(a)
 18 of this section or equivalent amounts that become available to the Department of Transportation
 19 shall be allocated as follows:

20 (a) 68 percent for maintenance, preservation and safety of highways.

21 (b) 32 percent for the state modernization program for highways as described in ORS 366.507.

22 (5) The moneys allocated in subsection (4) of this section may be used to secure and pay bond
 23 debt service on Highway User Tax Bonds issued under ORS 367.615.

24 (6) For the purposes of this section:

25 (a) "Bond" has the meaning given that term in ORS 367.010.

26 (b) "Bond debt service" has the meaning given that term in ORS 367.010.

27 **SECTION 4.** ORS 366.752, as amended by section 57, chapter 865, Oregon Laws 2009, is
 28 amended to read:

29 366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this
 30 section:

31 (a) The amount attributable to the fee increases by the amendments to ORS 803.090 by section
 32 42, chapter 865, Oregon Laws 2009.

33 (b) The amount attributable to the fee increases by the amendments to ORS 803.420 by section
 34 43, chapter 865, Oregon Laws 2009.

35 **(c) The amount attributable to the fee increases by the amendments to ORS 803.420 by**
 36 **section 43a, chapter 865, Oregon Laws 2009.**

37 [(c)] (d) The amount attributable to the fee increases by the amendments to ORS 803.570 by
 38 section 44, chapter 865, Oregon Laws 2009.

39 [(d)] (e) The amount attributable to the fee increase by the amendments to ORS 803.645 by
 40 section 44a, chapter 865, Oregon Laws 2009.

41 [(e)] (f) The amount attributable to the increase in fees and tax rates by the amendments to ORS
 42 319.020, 319.530, 818.225, 825.476 and 825.480 by sections 48, 49 and 51 to 53, chapter 865, Oregon
 43 Laws 2009.

44 (2) The moneys described in subsection (1) of this section shall be allocated first in an amount
 45 of \$24 million per year in monthly installments to the Department of Transportation for the purposes

1 described in the long-range plan developed pursuant to ORS 184.618 and on January 1 of each year
 2 \$3 million per year to the Travel Information Council for management, maintenance and improve-
 3 ment of the roadside rest areas that the Travel Information Council is responsible for under section
 4 32, chapter 865, Oregon Laws 2009. The remainder of the moneys shall be allocated as provided in
 5 subsection (3) of this section.

6 (3) The moneys described in subsection (1) of this section that remain after the allocation of
 7 moneys described in subsection (2) of this section shall be allocated as follows:

8 (a) 50 percent to the Department of Transportation.

9 (b) 30 percent to counties for distribution as provided in ORS 366.762.

10 (c) 20 percent to cities for distribution as provided in ORS 366.800.

11 (4) Except as provided in subsection (5) of this section, the moneys described in subsection (3)(a)
 12 of this section or equivalent amounts that become available to the Department of Transportation
 13 shall be allocated as follows:

14 (a) 33 percent for maintenance, preservation and safety of highways.

15 (b) 15.75 percent for the state modernization program for highways as described in ORS 366.507.

16 (c) 51.25 percent for the purposes described in ORS 367.620 (3)(c) and section 64, chapter 865,
 17 Oregon Laws 2009.

18 (5) The moneys allocated in subsection (4) of this section may be used to secure and pay bond
 19 debt service on Highway User Tax Bonds issued under ORS 367.615.

20 (6) For the purposes of this section:

21 (a) "Bond" has the meaning given that term in ORS 367.010.

22 (b) "Bond debt service" has the meaning given that term in ORS 367.010.

23 **SECTION 5.** ORS 366.752, as amended by sections 57 and 59, chapter 865, Oregon Laws 2009,
 24 is amended to read:

25 366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this
 26 section:

27 (a) The amount attributable to the fee increases by the amendments to ORS 803.090 by section
 28 42, chapter 865, Oregon Laws 2009.

29 (b) The amount attributable to the fee increases by the amendments to ORS 803.420 by section
 30 43, chapter 865, Oregon Laws 2009.

31 **(c) The amount attributable to the fee increases by the amendments to ORS 803.420 by**
 32 **section 43a, chapter 865, Oregon Laws 2009.**

33 [(c)] (d) The amount attributable to the fee increases by the amendments to ORS 803.570 by
 34 section 44, chapter 865, Oregon Laws 2009.

35 [(d)] (e) The amount attributable to the fee increase by the amendments to ORS 803.645 by
 36 section 44a, chapter 865, Oregon Laws 2009.

37 [(e)] (f) The amount attributable to the increase in fees and tax rates by the amendments to ORS
 38 319.020, 319.530, 818.225, 825.476 and 825.480 by sections 48, 49 and 51 to 53, chapter 865, Oregon
 39 Laws 2009.

40 (2) The moneys described in subsection (1) of this section shall be allocated first in an amount
 41 of \$24 million per year in monthly installments to the Department of Transportation for the purposes
 42 described in the long-range plan developed pursuant to ORS 184.618. The remainder of the moneys
 43 shall be allocated as provided in subsection (3) of this section.

44 (3) The moneys described in subsection (1) of this section that remain after the allocation of
 45 moneys described in subsection (2) of this section shall be allocated as follows:

1 (a) 50 percent to the Department of Transportation.

2 (b) 30 percent to counties for distribution as provided in ORS 366.762.

3 (c) 20 percent to cities for distribution as provided in ORS 366.800.

4 (4) Except as provided in subsection (5) of this section, the moneys described in subsection (3)(a)
5 of this section or equivalent amounts that become available to the Department of Transportation
6 shall be allocated as follows:

7 (a) 33 percent for maintenance, preservation and safety of highways.

8 (b) 15.75 percent for the state modernization program for highways as described in ORS 366.507.

9 (c) 51.25 percent for the purposes described in ORS 367.620 (3)(c) and section 64, chapter 865,
10 Oregon Laws 2009.

11 (5) The moneys allocated in subsection (4) of this section may be used to secure and pay bond
12 debt service on Highway User Tax Bonds under ORS 367.615.

13 (6) For the purposes of this section:

14 (a) "Bond" has the meaning given that term in ORS 367.010.

15 (b) "Bond debt service" has the meaning given that term in ORS 367.010.

16 **SECTION 6.** ORS 805.092 is amended to read:

17 805.092. (1) The Department of Transportation shall adopt, by rule, minimum safety standards for
18 low-speed vehicles and medium-speed electric vehicles. [*Standards adopted by the department under*
19 *this section must be consistent with, but may exceed, any vehicle safety standards established under*
20 *federal regulations.*]

21 (2) The department may not issue registration to a low-speed vehicle or medium-speed electric
22 vehicle if the department has reason to believe the vehicle does not meet the safety standards
23 adopted pursuant to this section.

24 **SECTION 7.** Section 3, chapter 823, Oregon Laws 2009, is amended to read:

25 **Sec. 3.** (1) After deduction of the cost of administration of the Pacific Wonderland registration
26 plate program, the Department of Transportation shall transfer 50 percent of the moneys from the
27 surcharge imposed by section 2, **chapter 823, Oregon Laws 2009**, [*of this 2009 Act*] to the Oregon
28 State Capitol Foundation **for the purpose of establishing and maintaining an Oregon History**
29 **Center at the State Capitol or on the grounds of the State Capitol State Park** and 50 percent
30 to the Oregon Historical Society [*for the purpose of establishing and maintaining an Oregon History*
31 *Center at the State Capitol or on the grounds of the State Capitol State Park*].

32 (2) As used in this section, the cost of administration of the Pacific Wonderland registration
33 plate program is the sum of all department expenses for the issuance or transfer of Pacific
34 Wonderland registration plates under section 2, **chapter 823, Oregon Laws 2009**, [*of this 2009*
35 *Act*] that are above the normal costs of issuing, renewing and transferring registration plates in the
36 normal course of the business of the department. These expenses include, but are not limited to, the
37 costs of collecting the Pacific Wonderland registration plate surcharge and transferring Pacific
38 Wonderland registration plates.

39 **SECTION 8.** Section 4, chapter 823, Oregon Laws 2009, is amended to read:

40 **Sec. 4.** (1) Notwithstanding ORS 184.642, the Department of Transportation may pay an amount
41 up to \$150,000 from the Department of Transportation Operating Fund for expenses incurred in ini-
42 tiating the Pacific Wonderland registration plate program established in section 2, **chapter 823,**
43 **Oregon Laws 2009** [*of this 2009 Act*], including but not limited to registration plate design, computer
44 programming and production setup. Any portion of the amount paid that is not used for initiating
45 the Pacific Wonderland registration plate program shall be transferred to the account established

1 under subsection (2) of this section.

2 (2) Notwithstanding section 3, **chapter 823, Oregon Laws 2009** [of this 2009 Act], after de-
 3 duction of the cost of administration of the Pacific Wonderland registration plate program, the de-
 4 partment shall transfer the moneys from the surcharge imposed by section 2, **chapter 823, Oregon**
 5 **Laws 2009**, [of this 2009 Act] to an account in the Department of Transportation Operating Fund
 6 until sufficient funds have accumulated for the purpose described in subsection (3) of this section.

7 (3) When the department determines that moneys in sufficient amount are available in the ac-
 8 count established under subsection (2) of this section, the department shall reimburse the Depart-
 9 ment of Transportation Operating Fund, without interest, in an amount equal to the amount paid
 10 from the Department of Transportation Operating Fund for the costs of initiating the Pacific
 11 Wonderland registration plate program.

12 (4) Any moneys remaining in the account established under subsection (2) of this section after
 13 deduction of the reimbursement required under subsection (3) of this section shall be transferred to
 14 the Oregon State Capitol Foundation **for the purpose of establishing and maintaining an Oregon**
 15 **History Center at the State Capitol or on the grounds of the State Capitol State Park** and to
 16 the Oregon Historical Society [for the purpose of establishing and maintaining an Oregon History
 17 Center at the State Capitol]. Of the moneys transferred under this subsection, 50 percent shall be
 18 transferred to the Oregon State Capitol Foundation and 50 percent shall be transferred to the
 19 Oregon Historical Society.

20 **SECTION 9. Section 10 of this 2010 Act is added to and made a part of ORS 283.305 to**
 21 **283.350.**

22 **SECTION 10. The Oregon Department of Administrative Services, by rule, may imple-**
 23 **ment a program to make available, sell, distribute and dispense alternative fuel to private**
 24 **entities. The department, by order, may establish and adjust the prices for alternative fuel.**
 25 **The department shall set the price for alternative fuel at a level that does not:**

- 26 (1) **Subsidize any of the operations of any private entity; or**
- 27 (2) **Substantially exceed the total costs to the department of making the alternative fuel**
 28 **available.**

29 **SECTION 11. Section 10 of this 2010 Act is repealed on January 2, 2014.**

30 **SECTION 12. ORS 377.840 is amended to read:**

31 377.840. (1) All moneys collected, **borrowed** or received by the Travel Information Council shall
 32 be deposited into a Travel Information Council account established in a depository insured by the
 33 Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. In a
 34 manner consistent with the requirements of ORS 295.001 to 295.108, the chairperson of the council
 35 shall insure that sufficient collateral secures any amount of funds on deposit that exceeds the limits
 36 of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share
 37 Insurance Fund. Subject to the chairperson's approval, the council may invest moneys collected,
 38 **borrowed** or received by the council. Investments made by the council are limited to the types of
 39 investments listed in ORS 294.035. Interest earned from any amounts invested shall be made avail-
 40 able to the council in a manner consistent with the council's approved biennial budget.

41 (2) Subject to the approval of the chairperson or director of the Travel Information Council, all
 42 necessary council expenses shall be paid from the moneys collected, **borrowed** or earned by the
 43 council.

44 (3) **Upon approval of a majority of the Travel Information Council, the director may**
 45 **borrow money. The council may not borrow an amount that exceeds the estimated revenues**

1 **from amounts collected, received or earned by the council for the year.**

2 **(4) The Travel Information Council may not borrow money under subsection (3) of this**
 3 **section unless the indebtedness or other obligations of the council attributable to the bor-**
 4 **rowing are payable solely out of the council's own resources. Such indebtedness or other**
 5 **obligations of the council do not constitute a pledge of the full faith and credit of the State**
 6 **of Oregon or any of the revenues of this state.**

7 [(3)(a)] **(5)(a)** The Travel Information Council shall adopt a budget on a biennial basis using the
 8 classifications of expenditures and revenues required by ORS 291.206 (1). However, the budget shall
 9 not be subject to review and approval by the Legislative Assembly or to future modification by the
 10 Emergency Board or Legislative Assembly.

11 (b) The council shall adopt a budget only after a public hearing thereon. At least 15 days prior
 12 to any public hearing on the budget, the council shall give notice of the hearing to all persons
 13 known to be interested in the proceedings of the council and to any person who requests notice.

14 [(4)] **(6)** All expenditures from the Travel Information Council account are exempt from any state
 15 expenditure limitation. The Travel Information Council shall follow generally accepted accounting
 16 principles and keep such other financial and statistical information as may be necessary to com-
 17 pletely and accurately disclose the financial condition and financial operations of the council as may
 18 be required by the Secretary of State.

19 [(5)] **(7)** As used in this section, “depository” has the meaning given in ORS 295.001.

20 **SECTION 13.** ORS 811.147 is amended to read:

21 811.147. (1) As used in this section, “roadside assistance vehicle” means a vehicle with warning
 22 lights that responds to requests for repair assistance from motorists with disabled vehicles.

23 (2) A person operating a motor vehicle commits the offense of failure to maintain a safe distance
 24 from an emergency vehicle, roadside assistance vehicle, tow vehicle or ambulance if the person ap-
 25 proaches an emergency vehicle, roadside assistance vehicle, tow vehicle or ambulance that is
 26 stopped and is displaying required warning lights and the person:

27 (a) On a highway having two or more lanes for traffic in a single direction, fails to:

28 (A) Make a lane change to a lane not adjacent to that of the emergency vehicle, roadside as-
 29 sistance vehicle, tow vehicle or ambulance; or

30 (B) Reduce the speed of the motor vehicle to a speed that is at least five miles per hour under
 31 the [posted] speed limit **established in ORS 811.111 or a designated speed posted under ORS**
 32 **810.180**, if making a lane change is unsafe.

33 (b) On a two directional, two-lane highway, fails to reduce the speed of the motor vehicle to a
 34 speed that is at least five miles per hour under the [posted] speed limit **established in ORS 811.111**
 35 **or a designated speed posted under ORS 810.180.**

36 (3) The offense described in this section, failure to maintain a safe distance from an emergency
 37 vehicle, roadside assistance vehicle, tow vehicle or ambulance, is a Class B traffic violation.

38 **SECTION 14.** ORS 811.210 is amended to read:

39 811.210. (1)(a) **Except as provided in ORS 811.215**, a person commits the offense of failure to
 40 properly use safety belts if the person:

41 [(a)] **(A)** Operates a motor vehicle on the highways of this state and is not properly secured with
 42 a safety belt or safety harness as required by subsection (2) of this section[.].

43 [(b)] **(B)** Is the parent, legal guardian or person with legal responsibility for the safety and
 44 welfare of a child who is under 16 years of age and the child, while operating **on public lands** a
 45 Class I or Class II all-terrain vehicle that is not registered under ORS 803.420, is not properly se-

1 cured with a safety belt or safety harness[;].

2 [(c)] (C) Is the parent, legal guardian or person with legal responsibility for the safety and wel-
 3 fare of a child who is under 16 years of age and the child, while operating **on public lands** a Class
 4 II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or
 5 safety harness as required by subsection (2) of this section[;].

6 [(d)] (D) [*Except as provided in paragraphs (e) and (f) of this subsection,*] Operates a motor ve-
 7 hicle on the highways of this state [*or on premises open to the public*] with a passenger who is under
 8 16 years of age and the passenger is not properly secured with a child safety system, safety belt or
 9 safety harness as required by subsection (2) of this section[;].

10 [(e)] (E) Is the parent, legal guardian or person with legal responsibility for the safety and
 11 welfare of a child who is under 16 years of age and the child, while riding **on public lands** in or
 12 on a Class I or Class II all-terrain vehicle that is not registered under ORS 803.420, is not properly
 13 secured with a safety belt or safety harness[;].

14 [(f)] (F) Is the parent, legal guardian or person with legal responsibility for the safety and wel-
 15 fare of a child who is under 16 years of age and the child, while riding **on public lands** in or on a
 16 Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt
 17 or safety harness as required by subsection (2) of this section[;].

18 [(g)] (G) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that
 19 is designed and used for the transportation of 15 or fewer persons, including the driver, and the
 20 person is 16 years of age or older and is responsible for another passenger who is not properly se-
 21 cured with a child safety system as required under subsection (2)(a), (b) or (c) of this section[; *or*].

22 [(h)] (H) Is a passenger in a motor vehicle being operated on the highways of this state who is
 23 16 years of age or older and who is not properly secured with a safety belt or safety harness as
 24 required by subsection (2) of this section.

25 **(b) As used in this subsection, “public lands” includes privately owned land that is open**
 26 **to the general public for the use of all-terrain vehicles as the result of funding from the**
 27 **All-Terrain Vehicle Account under ORS 390.560.**

28 (2) To comply with this section:

29 (a) A person who is under one year of age, regardless of weight, or a person who weighs 20
 30 pounds or less must be properly secured with a child safety system in a rear-facing position.

31 (b) A person who weighs 40 pounds or less must be properly secured with a child safety system
 32 that meets the minimum standards and specifications established by the Department of Transporta-
 33 tion under ORS 815.055 for child safety systems designed for children weighing 40 pounds or less.

34 (c) Except as provided in subsection (3) of this section, a person who weighs more than 40
 35 pounds and who is four feet nine inches or shorter must be properly secured with a child safety
 36 system that elevates the person so that a safety belt or safety harness properly fits the person. As
 37 used in this paragraph, “properly fits” means the lap belt of the safety belt or safety harness is po-
 38 sitioned low across the thighs and the shoulder belt is positioned over the collarbone and away from
 39 the neck. The child safety system shall meet the minimum standards and specifications established
 40 by the Department of Transportation under ORS 815.055 for child safety systems designed for chil-
 41 dren who are four feet nine inches or shorter.

42 (d) A person who is taller than four feet nine inches must be properly secured with a safety belt
 43 or safety harness that meets requirements under ORS 815.055.

44 (e) Notwithstanding paragraphs (b) and (c) of this subsection, a person who is eight years of age
 45 or older need not be secured with a child safety system but must be properly secured with a safety

1 belt or safety harness that meets requirements under ORS 815.055.

2 (3) If the rear seat of a vehicle is not equipped with shoulder belts, the requirements of sub-
 3 section (2)(c) of this section do not apply provided the person is secured by a lap belt.

4 (4) The offense described in this section, failure to properly use safety belts, is a Class D traffic
 5 violation.

6 **SECTION 15.** ORS 818.200 is amended to read:

7 818.200. (1) A road authority, or a private contractor authorized by a road authority to do so,
 8 may issue a variance permit if it determines the public interests will be served. A variance permit
 9 issued under this section may allow any vehicle, combination of vehicles, load article, property,
 10 machine or thing to move over any highway or street under the jurisdiction of the road authority
 11 without violation of any of the following:

- 12 (a) Maximum weight limits under ORS 818.020.
- 13 (b) Posted weight limits under ORS 818.040.
- 14 (c) Administratively imposed weight or size limits under ORS 818.060.
- 15 (d) Maximum size limits under ORS 818.090.
- 16 (e) Maximum number of vehicles in combination under ORS 818.110.
- 17 (f) Posted limits on use of road under ORS 818.130.
- 18 (g) Towing safety requirements under ORS 818.160.
- 19 (h) Use of devices without wheels under ORS 815.155.
- 20 (i) Use of metal objects on tires under ORS 815.160.
- 21 (j) Operation without pneumatic tires under ORS 815.170.
- 22 **(k) Misuse of a special left turn lane under ORS 811.346.**
- 23 **(L) Improper use of the center lane on three-lane road under ORS 811.380.**
- 24 **(m) Operation of a motor vehicle on a bicycle trail under ORS 811.435.**
- 25 **(n) Failure to drive within a lane under ORS 811.370.**

26 (2) The fee for issuance of a variance permit under this section is the fee established under ORS
 27 818.270. No fee shall be charged for issuance of a permit to the federal government, agencies of the
 28 State of Oregon, cities or counties.

29 (3) A permit issued under this section is subject to all of the provisions under ORS 818.220 and
 30 to any limits under ORS 818.210.

31 (4) Prohibitions and penalties relating to the use of the permit are provided under ORS 818.340
 32 and 818.350.

33 (5) Violation of the conditions of the permit is subject to civil penalties as provided under ORS
 34 818.410.

35 **SECTION 16.** The Department of Transportation shall report quarterly to the legislative
 36 committees on revenue if the Legislative Assembly is in session or, if the Legislative As-
 37 sembly is not in session, to the Legislative Revenue Officer. The department's report shall
 38 include an estimate of the amounts received in the previous quarter from the increased taxes
 39 and fees established in chapter 865, Oregon Laws 2009, and an estimate of the projected re-
 40 venue in the current quarter from the increased taxes and fees established in chapter 865,
 41 Oregon Laws 2009.

42 **SECTION 17.** The amendments to ORS 366.752 by sections 3 to 5 of this 2010 Act apply
 43 to amounts collected on or after January 1, 2010, pursuant to the amendments to ORS 803.420
 44 by section 43a, chapter 865, Oregon Laws 2009.

45 **SECTION 18.** This 2010 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
2 **on its passage.**

3
