

Senate Bill 1019

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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.

Requires that, under certain circumstances, photo radar sign indicate school is in session.

Expands scope of variance permits.

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.

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, 805.092, 810.438, 811.210
3 and 818.200 and section 2, chapter 859, Oregon Laws 2007, sections 3 and 4, chapter 823, Oregon
4 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
22 Transportation Fund, between July 1, 2007, and [*July 1, 2013*] **December 31, 2009**, each recipient

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this
 38 section:

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

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

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

45 [*(c)*] **(d)** The amount attributable to the fee increases by the amendments to ORS 803.570 by

1 section 44, chapter 865, Oregon Laws 2009.

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

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

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

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

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

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

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

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

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

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

23 (6) For the purposes of this section:

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

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

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

28 366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this
 29 section:

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

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

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

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

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

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

43 (2) The moneys described in subsection (1) of this section shall be allocated first in an amount
 44 of \$24 million per year in monthly installments to the Department of Transportation for the purposes
 45 described in the long-range plan developed pursuant to ORS 184.618 and on January 1 of each year

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

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

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

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

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

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

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

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

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

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

19 (6) For the purposes of this section:

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

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

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

24 366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this
 25 section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (6) For the purposes of this section:

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

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

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

16 805.092. (1) The Department of Transportation shall adopt, by rule, minimum safety standards for
 17 low-speed vehicles and medium-speed electric vehicles. [*Standards adopted by the department under*
 18 *this section must be consistent with, but may exceed, any vehicle safety standards established under*
 19 *federal regulations.*]

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

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

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

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

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

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

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

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

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

19 **SECTION 9.** ORS 810.438 is amended to read:

20 810.438. (1) The following jurisdictions may, at their own cost, operate photo radar:

- 21 (a) Albany.
- 22 (b) Beaverton.
- 23 (c) Bend.
- 24 (d) Eugene.
- 25 (e) Gladstone.
- 26 (f) Medford.
- 27 (g) Milwaukie.
- 28 (h) Oregon City.
- 29 (i) Portland.
- 30 (j) Tigard.

31 (2) A photo radar system operated under this section:

- 32 (a) May be used on streets in residential areas or school zones.
- 33 (b) May be used in other areas if the governing body of the city makes a finding that speeding
 34 has had a negative impact on traffic safety in those areas.
- 35 (c) May not be used for more than four hours per day in any one location.
- 36 (d) May not be used on controlled access highways.
- 37 (e) May not be used unless a sign is posted announcing "Traffic Laws Photo Enforced." The sign
 38 posted under this paragraph must [be all of the following]:

- 39 (A) **Be** on the street on which the photo radar unit is being used[.];
- 40 (B) **Be** between 100 and 400 yards before the location of the photo radar unit[.];
- 41 (C) **Be** at least two feet above ground level[.]; **and**

42 **(D) If posted in a school zone not otherwise marked by a flashing light used as a traffic**
 43 **control device, indicate that school is in session.**

44 (3) A city that operates a photo radar system under this section shall, once each biennium,
 45 conduct a process and outcome evaluation for the purposes of subsection (4) of this section that in-

1 cludes:

2 (a) The effect of the use of the photo radar system on traffic safety;

3 (b) The degree of public acceptance of the use of the photo radar system; and

4 (c) The process of administration of the use of the photo radar system.

5 (4) By March 1 of the year of each regular session of the Legislative Assembly:

6 (a) The Department of Transportation shall provide to the Legislative Assembly an executive
7 summary of the process and outcome evaluations conducted under subsection (3) of this section; and

8 (b) Each city that operates a photo radar system under this section shall present to the Legis-
9 lative Assembly the process and outcome evaluation conducted by the city under subsection (3) of
10 this section.

11 **SECTION 10.** ORS 811.210 is amended to read:

12 811.210. (1)(a) **Except as provided in ORS 811.215**, a person commits the offense of failure to
13 properly use safety belts if the person:

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

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

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

24 [(d)] (D) [*Except as provided in paragraphs (e) and (f) of this subsection,*] Operates a motor ve-
25 hicle on the highways of this state [*or on premises open to the public*] with a passenger who is under
26 16 years of age and the passenger is not properly secured with a child safety system, safety belt or
27 safety harness as required by subsection (2) of this section[;].

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

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

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

40 [(h)] (H) Is a passenger in a motor vehicle being operated on the highways of this state who is
41 16 years of age or older and who is not properly secured with a safety belt or safety harness as
42 required by subsection (2) of this section.

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

(2) To comply with this section:

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

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

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

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

(e) Notwithstanding paragraphs (b) and (c) of this subsection, a person who is eight years of age or older need not be secured with a child safety system but must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

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

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

SECTION 11. ORS 818.200 is amended to read:

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

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

(2) The fee for issuance of a variance permit under this section is the fee established under ORS 818.270. No fee shall be charged for issuance of a permit to the federal government, agencies of the

1 State of Oregon, cities or counties.

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

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

6 (5) Violation of the conditions of the permit is subject to civil penalties as provided under ORS
7 818.410.

8 **SECTION 12. The Department of Transportation shall report quarterly to the legislative**
9 **committees on revenue if the Legislative Assembly is in session or, if the Legislative As-**
10 **sembly is not in session, to the Legislative Revenue Officer. The department's report shall**
11 **include an estimate of the amounts received in the previous quarter from the increased taxes**
12 **and fees established in chapter 865, Oregon Laws 2009, and an estimate of the projected re-**
13 **venue in the current quarter from the increased taxes and fees established in chapter 865,**
14 **Oregon Laws 2009.**

15 **SECTION 13. The amendments to ORS 366.752 by sections 3 to 5 of this 2010 Act apply**
16 **to amounts collected on or after January 1, 2010, pursuant to the amendments to ORS 803.420**
17 **by section 43a, chapter 865, Oregon Laws 2009.**

18 **SECTION 14. This 2010 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
20 **on its passage.**

21
