

SENATE AMENDMENTS TO SENATE BILL 1019

By COMMITTEE ON BUSINESS AND TRANSPORTATION

February 10

1 On page 1 of the printed bill, line 2, after “366.752,” delete the rest the line and insert “377.840,
2 805.092, 810.438, 811.147, 811.210, 811.230”.

3 On page 9, after line 7, insert:

4 “**SECTION 12.** Section 13 of this 2010 Act is added to and made a part of ORS 283.305 to
5 **283.350.**

6 “**SECTION 13.** The Oregon Department of Administrative Services, by rule, may imple-
7 ment a program to make available, sell, distribute and dispense compressed natural gas to
8 private entities for use in motor vehicles. The department, by order, may establish and ad-
9 just the prices for compressed natural gas. The department shall set the price for com-
10 pressed natural gas at a level that does not:

11 “(1) Subsidize any of the operations of any private entity; or

12 “(2) Substantially exceed the total costs to the department of making the compressed
13 natural gas available.

14 “**SECTION 14.** Section 13 of this 2010 Act is repealed on January 2, 2014.

15 “**SECTION 15.** For the biennium beginning July 1, 2009, notwithstanding ORS 367.084, if
16 a rural airport receives federal grants on or after July 1, 2009, for a transportation project,
17 as defined in ORS 367.010, that has already been completed or is under construction, the
18 Oregon Transportation Commission shall provide to the rural airport grants or loans from
19 the Multimodal Transportation Fund to be used as matching funds.

20 “**SECTION 16.** ORS 377.840 is amended to read:

21 “377.840. (1) All moneys collected, **borrowed** or received by the Travel Information Council
22 shall be deposited into a Travel Information Council account established in a depository insured by
23 the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. In
24 a manner consistent with the requirements of ORS 295.001 to 295.108, the chairperson of the council
25 shall insure that sufficient collateral secures any amount of funds on deposit that exceeds the limits
26 of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share
27 Insurance Fund. Subject to the chairperson’s approval, the council may invest moneys collected,
28 **borrowed** or received by the council. Investments made by the council are limited to the types of
29 investments listed in ORS 294.035. Interest earned from any amounts invested shall be made avail-
30 able to the council in a manner consistent with the council’s approved biennial budget.

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

34 “(3) Upon approval of a majority of the Travel Information Council, the director may
35 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
15 state expenditure limitation. The Travel Information Council shall follow generally accepted ac-
16 counting principles and keep such other financial and statistical information as may be necessary
17 to completely and accurately disclose the financial condition and financial operations of the council
18 as may 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 17.** 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 dis-
24 tance from an emergency vehicle, roadside assistance vehicle, tow vehicle or ambulance if the per-
25 son approaches an emergency vehicle, roadside assistance vehicle, tow vehicle or ambulance that
26 is 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
34 a speed that is at least five miles per hour under the [posted] speed limit **established in ORS**
35 **811.111 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 18.** ORS 811.230 is amended to read:

39 “811.230. (1) As used in **this section and** ORS [811.230,] 811.231, 811.232 and 811.233:

40 “(a) ‘Flagger’ means a person who controls the movement of vehicular traffic through con-
41 struction projects using sign, hand or flag signals.

42 “(b) ‘Highway work zone’ means an area identified by advance warning where road construction,
43 repair or maintenance work is being done by highway workers on or adjacent to a highway, [re-
44 gardless of whether or not] **when** highway workers are actually present. As used in this paragraph,
45 ‘road construction, repair or maintenance work’ includes, but is not limited to, the setting up and

1 dismantling of advance warning systems.

2 “(c) ‘Highway worker’ means an employee of a government agency, private contractor or utility
3 company working in a highway work zone.

4 “(2)(a) The base fine amount for a person charged with an offense that is listed in subsection
5 (3)(a) or (b) of this section and that is committed in a highway work zone shall be the amount es-
6 tablished under ORS 153.125 to 153.145 based on the foundation amount calculated under ORS
7 153.131. The minimum fine for a person convicted of an offense that is listed in subsection (3)(a) or
8 (b) of this section and that is committed in a highway work zone is the base fine amount so calcu-
9 lated.

10 “(b) The minimum fine for a person convicted of a misdemeanor offense that is listed in sub-
11 section (3)(c) to (g) of this section and that is committed in a highway work zone is 20 percent of
12 the maximum fine established for the offense.

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

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

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

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

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

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

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

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

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

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

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

29 In line 8, delete “12” and insert “19”.

30 Delete lines 15 through 17 and insert:

31 “**SECTION 20. (1) The amendments to ORS 366.752 by sections 3 to 5 of this 2010 Act**
32 **apply to amounts collected on or after January 1, 2010, pursuant to the amendments to ORS**
33 **803.420 by section 43a, chapter 865, Oregon Laws 2009.**

34 “**(2) The amendments to ORS 811.230 by section 18 of this 2010 Act apply to offenses**
35 **committed on or after the effective date of this 2010 Act.**”.

36 In line 18, delete “14” and insert “21”.

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