

House Bill 3483

Sponsored by Representative WHISNANT; Representative THOMPSON

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**.

Requires use of headlights when windshield wipers are on. Punishes by maximum fine of \$90.
Takes effect July 1, 2012.

A BILL FOR AN ACT

1
2 Relating to vehicle lighting; creating new provisions; amending ORS 811.515 and 811.520; and pre-
3 scribing an effective date.

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

5 **SECTION 1.** ORS 811.515 is amended to read:

6 811.515. This section establishes requirements for ORS 811.520. Except where an exemption un-
7 der ORS 811.525 specifically provides otherwise, a vehicle that does not comply with this section is
8 in violation of ORS 811.520. Where specific types of lighting equipment are mentioned in this section,
9 those types are types described in ORS 816.040 to 816.290. The requirements under this section are
10 as follows:

11 (1) Subject to any other provision of this section, any lighting equipment a vehicle is required
12 to be equipped with under ORS 816.040 to 816.290 must be displayed when the vehicle is upon a
13 highway within this state:

14 (a) At any time limited visibility conditions exist.

15 (b) **At any time the windshield wipers of the vehicle are in operation, unless the**
16 **windshield wipers are being operated solely for the purpose of cleaning the windshield.** [*The*
17 *provisions of this subsection apply during the times stated when the required visibility is measured on*
18 *a straight, level unlighted highway.*]

19 (2) Parking lights and lights other than clearance, identification and marker lights that are
20 mounted on the front of a vehicle and are designed to be displayed primarily when the vehicle is
21 parked [*shall*] **may** not be lighted when a vehicle is driven upon a highway at times when limited
22 visibility conditions exist except when:

23 (a) The lights are being used as turn signals; or

24 (b) The headlights are also lighted at the same time.

25 (3) Any vehicle parked or stopped upon a roadway or shoulder adjacent thereto, whether at-
26 tended or unattended, during times when limited visibility conditions exist must display parking
27 lights.

28 (4) All vehicles not specifically required by ORS 816.320 to be equipped with lighting equipment
29 shall at times when limited visibility conditions exist display exempt-vehicle safety lighting equip-
30 ment. This section includes, but is not limited to, animal drawn vehicles and vehicles exempted from
31 required lighting equipment under ORS 816.340.

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 (5) Tow vehicle warning lights on tow vehicles shall be activated when the tow vehicles are
 2 engaged in connecting with other vehicles and drawing such vehicles onto highways or while ser-
 3 vicing disabled vehicles.

4 (6) When limited visibility conditions exist a person shall use a distribution of light or composite
 5 beam that is directed sufficiently high and that is of such intensity so as to reveal persons and ve-
 6 hicles on the highway at a safe distance in advance of the vehicle. A person violates this subsection
 7 if the person does not comply with the following:

8 (a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver
 9 must use a distribution of light or composite beam so aimed that the glaring rays are not projected
 10 into the eyes of the oncoming driver. The use of the low beams of the vehicle headlight system is
 11 in compliance with this paragraph at all times regardless of road contour and loading of the vehicle.

12 (b) Except when in the act of overtaking or passing, a driver of a vehicle following another ve-
 13 hicle within 350 feet to the rear must use the low beams of the vehicle headlight system.

14 (7) When a vehicle is upon a highway a person *[shall light not]* **may not light** more than a total
 15 of four lights at any one time that are mounted on the front of a vehicle and that each projects a
 16 beam of intensity greater than 300 candlepower.

17 (8)(a) A light, other than a headlight, that projects a beam of light of an intensity greater than
 18 300 candlepower *[shall]* **may not** be operated on a vehicle:

19 (A) Unless the beam is so directed that no part of the high intensity portion of the beam will
 20 strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from
 21 the vehicle; or

22 (B) Except as provided in paragraph (b) of this subsection, when use of the low beams of the
 23 vehicle headlight system is required under subsection (6) of this section.

24 (b) Notwithstanding paragraph (a)(B) of this subsection, a light, other than a headlight, may be
 25 lighted on a motorcycle provided that the intensity of the light does not exceed the intensity of the
 26 low beams of the headlight system. A motorcycle may not be operated with more than two lights,
 27 other than headlights, under this paragraph.

28 (9) A spotlight *[shall]* **may not** be lighted upon approaching another vehicle unless the spotlight
 29 is so aimed and used so that no part of the high-intensity portion of the beam will be directed to the
 30 left of the prolongation of the extreme left side of the vehicle upon which it is mounted, more than
 31 100 feet ahead of the vehicle.

32 (10) Auxiliary lights mounted higher than 54 inches *[shall]* **may not** be lighted when the vehicle
 33 is used on a highway.

34 (11) A back-up light *[shall]* **may not** be lighted when the vehicle is in forward motion.

35 (12) Bus safety lights shall only be operated in accordance with the following:

36 (a) The lights may be operated when the vehicle is stopping or has stopped for the purpose of
 37 loading or unloading students who are going to or from any school or authorized school activity or
 38 function.

39 (b) The lights may be operated when the vehicle is stopping or has stopped for the purpose of
 40 loading or unloading workers from worker transport buses.

41 (c) The lights may be operated when the vehicle is stopping or has stopped for the purpose of
 42 loading or unloading children being transported to or from religious services or an activity or
 43 function authorized by a religious organization.

44 (d) The lights may be operated when the vehicle is stopping or has stopped in a place that ob-
 45 structs other drivers' ability to see the bus safety lights on another vehicle.

1 (e) Notwithstanding any other paragraph of this subsection, the lights [*shall*] **may** not be oper-
 2 ated if the vehicle is stopping or has stopped at an intersection where traffic is controlled by elec-
 3 trical traffic control signals, other than flashing signals, or by a police officer.

4 (f) Notwithstanding any other paragraph of this subsection, the lights [*shall*] **may** not be oper-
 5 ated if the vehicle is stopping or has stopped at a loading or unloading area where the vehicle is
 6 completely off the roadway.

7 (13)(a) Hazard lights shall be used for the purpose of warning the operators of other vehicles
 8 of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching,
 9 overtaking or passing.

10 (b) Hazard lights shall be used by the first and last vehicles in a funeral procession.

11 (14) Mail delivery lights may be used only while in active service transporting United States
 12 mail for the purpose of warning other vehicle operators of the vehicle's presence and to exercise
 13 caution in approaching, overtaking or passing. A vehicle with mail delivery lights is in compliance
 14 with this subsection if the lights are flashed continuously while the vehicle is in motion in active
 15 service transporting mail or if the lights are actuated by application of the service brake while the
 16 vehicle is parked.

17 (15) A pilot vehicle warning light may be activated only when the vehicle equipped with the
 18 light is an escort accompanying a motor vehicle carrying or towing a load of a size or description
 19 not permitted under ORS 818.020, 818.060, 818.090 or 818.160.

20 (16) Fire company warning lights authorized under a permit granted under ORS 818.250 may be
 21 used by the persons authorized under the permit while being driven to a fire station or fire location
 22 in response to a fire alarm. Fire company warning lights authorized under ORS 811.800 may be used
 23 by funeral escort vehicle or funeral lead vehicle drivers while driving in a funeral procession. The
 24 lights shall be covered or otherwise concealed when not being displayed as provided in this sub-
 25 section.

26 (17) Any lighted headlights upon a parked vehicle shall be dimmed.

27 (18) Commercial vehicle warning lights may be used only:

28 (a) To warn operators of other vehicles of the presence of a traffic hazard requiring the exercise
 29 of unusual care in approaching, overtaking or passing the commercial vehicle; and

30 (b) When the commercial vehicle is being used for commercial purposes and the vehicle is:

31 (A) Stopped, parked or left standing at a commercial or work site; or

32 (B) In a highway work zone as defined in ORS 811.230.

33 **SECTION 2.** ORS 811.520 is amended to read:

34 811.520. (1) A person commits the offense of unlawful use or failure to use lights if the person
 35 does any of the following:

36 (a) Drives or moves on any highway any vehicle at a time when vehicle lighting is required to
 37 be operated or is prohibited from being operated under ORS 811.515 and operates or fails to operate
 38 lighting equipment as required under ORS 811.515.

39 (b) Owns a vehicle or combination of vehicles and causes or knowingly permits the vehicle or
 40 combination of vehicles to be driven or moved on any highway at a time when ORS 811.515 requires
 41 or prohibits the operation of vehicle lighting equipment without compliance with the requirements
 42 under ORS 811.515.

43 (c) Drives any vehicle in a funeral procession without using the low beam headlights.

44 (2) The application of this section is subject to the exemptions from this section established
 45 under ORS 811.525.

1 **(3) Notwithstanding ORS 810.410, a police officer may enforce ORS 811.515 (1)(b) only as**
2 **a secondary action when a driver of a motor vehicle has been detained for a separate sus-**
3 **pected traffic violation or some other offense.**

4 [(3)] (4) The offense described in this section, unlawful use of or failure to use lights, is a Class
5 B traffic violation, except that violation of ORS 811.515 (1)(b), (3), (4), (13) or (17) or subsection (1)(c)
6 of this section is a Class D traffic violation.

7 **SECTION 3.** **The amendments to ORS 811.515 and 811.520 by sections 1 and 2 of this 2011**
8 **Act apply to offenses that occur on or after the effective date of this 2011 Act.**

9 **SECTION 4.** **This 2011 Act takes effect on July 1, 2012.**

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