

Enrolled
House Bill 2264

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Transportation)

CHAPTER

AN ACT

Relating to traffic safety education; creating new provisions; and amending ORS 336.805.

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

SECTION 1. ORS 336.805 is amended to read:

336.805. (1) The Department of Transportation shall reimburse a public school, commercial driver training school or county for the cost of providing a [*course of*] traffic safety education **course** that is certified by the department. **Except as provided in subsection (2) of this section and section 3 of this 2013 Act**, the amount of the reimbursement may not exceed \$210 for each pupil completing the course and shall be made in the manner provided by ORS 336.810.

(2) If a public school, commercial driver training school or county that provides a traffic safety education course certified by the department offers reduced tuition based on the income of the pupil or of the pupil’s family, the department may reimburse the provider for the reduction. By rule, the department shall establish one or more levels of reduced tuition, eligibility criteria for receiving reduced tuition and conditions for receiving reimbursement for reduced tuition. Any provider that receives reimbursement under this subsection must give notice of the availability of reduced tuition based on income, in all advertisements and printed informational material for the course and on all websites maintained for the course.

[(2)] (3) If funds available to the department for the Student Driver Training Fund are not adequate to pay all approved claims in full, public schools, commercial driver training schools and counties shall receive a pro rata reimbursement that is based upon the ratio that the total amount of funds available bears to the total amount of funds required for maximum allowable reimbursement.

[(3)] (4) A public school, commercial driver training school or county seeking reimbursement under this section may not charge tuition in an amount that is greater than:

(a) For a public school or county, the cost to the public school or county of providing the traffic safety education course less the state reimbursement.

(b) For a commercial driving school, an amount determined by the department by rule.

[(4) *A public school, commercial driver training school or county seeking reimbursement under this section may reduce or waive tuition for low income pupils. A public school, commercial driver training school or county offering reduced or waived tuition to low income pupils shall adopt written policies and procedures regarding reduced or waived tuition for low income pupils.*]

(5) Each public school, commercial driver training school or county seeking reimbursement under this section must keep accurate records of the cost of the traffic safety education course in the manner required under rules adopted by the department under ORS 802.345.

SECTION 2. Sections 3 and 4 of this 2013 Act are added to and made a part of ORS 336.790 to 366.815.

SECTION 3. (1) If the Department of Transportation determines that a traffic safety education course is not available to the inhabitants of a specific geographic area within this state, the department may offer incentives for providers to offer courses to inhabitants of the area, including:

(a) Waiver of conditions and requirements that are otherwise applicable to providers for the purposes of courses offered to inhabitants of the area; and

(b) Reimbursement rates that are higher than those provided for in ORS 336.805 for courses offered to inhabitants of the area.

(2) If the department determines that a traffic safety education course will not be available to the inhabitants of a specific geographic area within this state despite any incentives offered under subsection (1) of this section, the department may provide a traffic safety education course in the area, or contract with any public or private entity to provide the course on behalf of the department within the area. The costs of providing a traffic safety education course under this subsection shall be paid from the Student Driver Training Fund.

SECTION 4. (1) The Department of Transportation may impose sanctions against the provider of a traffic safety education course certified under ORS 802.345 if the department determines that the provider has violated any provision of ORS 336.790 to 336.815 or any rule adopted by the department under ORS 336.790 to 336.815.

(2) Sanctions that may be imposed under this section include, but are not limited to:

(a) A warning;

(b) Reduction or denial of reimbursement under ORS 336.805; and

(c) Suspension or revocation of certification under ORS 802.345.

(3) For the purpose of deciding appropriate sanctions under this section, the department may consider the severity of the violation, the impact of the violation on pupils and public safety, the number of similar or related violations by the provider, whether the violation was willful and the history of prior sanctions imposed against the provider.

(4) Sanctions under this section are in addition to any other penalty provided by law.

SECTION 5. ORS 802.345 is added to and made a part of ORS 336.790 to 366.815.

Passed by House March 5, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 2, 2013

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State