

# House Bill 2404

Sponsored by Representatives OLSON, FREEMAN, BAILEY; Representatives HANNA, MATTHEWS, WEIDNER  
(Pre-session filed.)

## 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**.

Permits person 21 years of age or older to operate motorcycle without wearing approved motorcycle helmet if person has motor vehicle liability insurance that provides personal injury protection benefits.

Creates offense of failure to carry proof of personal injury protection benefits. Punishes by maximum fine of \$1,000.

Sunsets January 2, 2018.

## A BILL FOR AN ACT

1  
2 Relating to motorcycles; creating new provisions; and amending ORS 742.447, 742.580, 806.010,  
3 807.280 and 814.290.

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

5 **SECTION 1.** ORS 814.290 is amended to read:

6 814.290. (1) [*This section establishes exemptions from the requirements and penalties relating to the*  
7 *use of motorcycle helmets under ORS 814.260 to 814.280.*] A person is not in violation of ORS 814.260,  
8 [814.269,] 814.275 or 814.280 if the person [*is any of the following*]:

9 [(1)] (a) **Is within an enclosed cab[.]; or**

10 [(2)] (b) **Is operating or riding a vehicle designed to travel with three wheels in contact with**  
11 **the ground at speeds of less than 15 miles per hour.**

12 **(2) The operator of a motorcycle under 21 years of age is not in violation of ORS 814.269**  
13 **if the person:**

14 (a) **Is within an enclosed cab; or**

15 (b) **Is operating a vehicle designed to travel with three wheels in contact with the ground**  
16 **at speeds of less than 15 miles per hour.**

17 **(3) The operator of a motorcycle 21 years of age or older is not in violation of ORS 814.269**  
18 **if the person:**

19 (a) **Is within an enclosed cab;**

20 (b) **Is operating a vehicle designed to travel with three wheels in contact with the ground**  
21 **at speeds of less than 15 miles per hour; or**

22 (c) **Has a motor vehicle liability insurance policy that provides personal injury protection**  
23 **benefits as defined in ORS 742.518.**

24 **SECTION 2.** ORS 814.290, as amended by section 1 of this 2013 Act, is amended to read:

25 814.290. [(1)] A person is not in violation of ORS 814.260, **814.269**, 814.275 or 814.280 if the per-  
26 son **is any of the following:**

27 [(a)] (1) [*Is*] **Within an enclosed cab; or**

28 [(b)] (2) [*Is*] **Operating or riding a vehicle designed to travel with three wheels in contact with**

**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 the ground at speeds of less than 15 miles per hour.

2 [(2) *The operator of a motorcycle under 21 years of age is not in violation of ORS 814.269 if the*  
 3 *person.*]

4 [(a) *Is within an enclosed cab; or*]

5 [(b) *Is operating a vehicle designed to travel with three wheels in contact with the ground at speeds*  
 6 *of less than 15 miles per hour.*]

7 [(3) *The operator of a motorcycle 21 years of age or older is not in violation of ORS 814.269 if the*  
 8 *person.*]

9 [(a) *Is within an enclosed cab;*]

10 [(b) *Is operating a vehicle designed to travel with three wheels in contact with the ground at speeds*  
 11 *of less than 15 miles per hour; or*]

12 [(c) *Has a motor vehicle liability insurance policy that provides personal injury protection benefits*  
 13 *as defined in ORS 742.518.*]

14 **SECTION 3. The amendments to ORS 814.290 by section 2 of this 2013 Act become oper-**  
 15 **ative January 2, 2018.**

16 **SECTION 4.** ORS 806.010 is amended to read:

17 806.010. (1) A person commits the offense of driving uninsured if the person operates a motor  
 18 vehicle in this state on any highway or premises open to the public [*in this state*] without either:

19 (a) The person being insured while driving the vehicle under a motor vehicle liability insurance  
 20 policy that meets the requirements described under ORS 806.080; or

21 (b) The person or the owner of the vehicle providing the Department of Transportation with  
 22 other satisfactory proof of compliance with the financial responsibility requirements of this state.

23 **(2) A person 21 years of age or older commits the offense of driving uninsured if the**  
 24 **person operates a motorcycle in this state without wearing an approved motorcycle helmet**  
 25 **on any highway or premises open to the public and without a motor vehicle liability insur-**  
 26 **ance policy that provides personal injury protection benefits as defined in ORS 742.518.**

27 [(2)] (3) Exemptions from this section are established under ORS 806.020.

28 [(3)] (4) In addition to other penalties under this section the following apply:

29 (a) A person who is involved in a motor vehicle accident at any time the person is in violation  
 30 of this section is subject to suspension of the person's driving privileges under ORS 809.417.

31 (b) A person who is convicted of violating this section is subject to ORS 806.230, if the person  
 32 does not make future responsibility filings as required by that section.

33 [(4)] (5) A person convicted for violation of this section must file with the department, and  
 34 thereafter maintain for a period of three years, proof of financial responsibility that complies with  
 35 ORS 806.060. Failure to comply with this subsection is subject to ORS 809.415.

36 [(5)] (6) The offense described in this section, driving uninsured, is a Class B traffic violation.

37 **SECTION 5.** ORS 806.010, as amended by section 4 of this 2013 Act, is amended to read:

38 806.010. (1) A person commits the offense of driving uninsured if the person operates a motor  
 39 vehicle in this state on any highway or premises open to the public without either:

40 (a) The person being insured while driving the vehicle under a motor vehicle liability insurance  
 41 policy that meets the requirements described under ORS 806.080; or

42 (b) The person or the owner of the vehicle providing the Department of Transportation with  
 43 other satisfactory proof of compliance with the financial responsibility requirements of this state.

44 [(2) *A person 21 years of age or older commits the offense of driving uninsured if the person op-*  
 45 *erates a motorcycle in this state without wearing an approved motorcycle helmet on any highway or*

1 *premises open to the public and without a motor vehicle liability insurance policy that provides per-*  
 2 *sonal injury protection benefits as defined in ORS 742.518.]*

3 [(3)] (2) Exemptions from this section are established under ORS 806.020.

4 [(4)] (3) In addition to other penalties under this section the following apply:

5 (a) A person who is involved in a motor vehicle accident at any time the person is in violation  
 6 of this section is subject to suspension of the person's driving privileges under ORS 809.417.

7 (b) A person who is convicted of violating this section is subject to ORS 806.230, if the person  
 8 does not make future responsibility filings as required by that section.

9 [(5)] (4) A person convicted for violation of this section must file with the department, and  
 10 thereafter maintain for a period of three years, proof of financial responsibility that complies with  
 11 ORS 806.060. Failure to comply with this subsection is subject to ORS 809.415.

12 [(6)] (5) The offense described in this section, driving uninsured, is a Class B traffic violation.

13 **SECTION 6. The amendments to ORS 806.010 by section 5 of this 2013 Act become oper-**  
 14 **ative January 2, 2018.**

15 **SECTION 7. Section 8 of this 2013 Act is added to and made a part of the Oregon Vehicle**  
 16 **Code.**

17 **SECTION 8. (1) A person commits the offense of failure to carry proof of personal injury**  
 18 **proof of personal injury protection benefits if the person operates a motorcycle in this state without wearing an ap-**  
 19 **proved motorcycle helmet and does not have with the person while operating the motorcycle**  
 20 **current proof that the person is insured under a motor vehicle liability insurance policy that**  
 21 **provides personal injury protection benefits as defined in ORS 742.518.**

22 **(2) The Department of Transportation shall determine by rule what constitutes proof of**  
 23 **personal injury protection benefits for the purposes of this section.**

24 **(3) The court shall dismiss any charge under this section if, prior to the court appearance**  
 25 **date listed on the citation, the person charged delivers to the clerk of the court named on**  
 26 **the citation proof of personal injury protection benefits that were in effect at the time the**  
 27 **citation was issued.**

28 **(4) The offense described in this section, failure to carry proof of personal injury pro-**  
 29 **tection benefits, is a Class B traffic violation.**

30 **SECTION 9. Section 8 of this 2013 Act is repealed on January 2, 2018.**

31 **SECTION 10. A violation of section 8 of this 2013 Act committed before January 2, 2018,**  
 32 **shall continue to be governed by section 8 of this 2013 Act as in effect immediately before**  
 33 **January 2, 2018.**

34 **SECTION 11. ORS 807.280 is amended to read:**

35 807.280. The Department of Transportation shall provide for the issuance of instruction driver  
 36 permits in a manner consistent with this section. A person who is issued an instruction driver per-  
 37 mit may exercise the same driving privileges as those under the class of license or endorsement for  
 38 which the permit is issued except as provided in this section or under the permit. Except as other-  
 39 wise provided in this section, an instruction driver permit is subject to the fees, provisions, condi-  
 40 tions, prohibitions and penalties applicable to a license or endorsement granting the same driving  
 41 privileges. The following apply to an instruction driver permit:

42 (1) An instruction driver permit is subject to the same classifications and endorsements as a li-  
 43 cense. The department may issue an instruction driver permit to grant the same driving privileges  
 44 as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as  
 45 a motorcycle endorsement, but the permit will also be subject to the provisions of this section.

1 (2) The department may issue an instruction driver permit to a person who is qualified to obtain  
2 the same driving privileges under the corresponding class of license or type of endorsement except  
3 for the person's age or lack of experience in the operation of motor vehicles subject to the following:

4 (a) An applicant must be 15 years of age or older to receive the same driving privileges as are  
5 granted under a Class C license.

6 (b) An applicant must be 16 years of age or older and have a commercial driver license or a  
7 Class C license to receive the same driving privileges as are granted under a motorcycle endorse-  
8 ment.

9 (c) An applicant must be 18 years of age or older to receive the same driving privileges as are  
10 granted under any class of license not otherwise provided for under this subsection.

11 (3) The fees required for issuance or renewal of an instruction driver permit are the instruction  
12 driver permit fees under ORS 807.370.

13 (4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance.  
14 All other instruction driver permits issued under this section shall be valid for one year from the  
15 date of issuance.

16 (5) When a permit expires or is about to expire, the department shall renew the permit if the  
17 holder of the permit qualifies for renewal of the permit under this section and applies for renewal:

18 (a) Within one year of the expiration of a permit issued under this section; or

19 (b) Within six months after the applicant is discharged from the Armed Forces of the United  
20 States if the applicant held a permit issued by this state at the time of the applicant's entry into the  
21 Armed Forces.

22 (6) To qualify for renewal of a permit, a person must meet all of the requirements for the type  
23 of permit sought to be renewed, except that the department may waive the examination unless the  
24 department has reason to believe that the applicant is not qualified for the permit.

25 (7) A permit that is renewed under this section may be used on or after the date of issuance.  
26 If the department issues a permit renewal to a person under this section before the expiration of the  
27 permit being renewed, the older permit is invalid. A permit that becomes invalid under this sub-  
28 section shall be surrendered to the department.

29 (8) The holder of the permit may not operate a motor vehicle unless the holder has the permit  
30 in the holder's immediate possession and is accompanied by a person with a class of license granting  
31 the same driving privileges or a license with an endorsement granting the same driving privileges  
32 who is not less than 21 years of age. The accompanying person must be occupying a seat beside the  
33 holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting  
34 motorcycle driving privileges, the holder of the permit must be in the company and under the  
35 supervision and visual observation of the accompanying person and the accompanying person must  
36 be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial  
37 motor vehicle, the accompanying person must have a commercial driver license and the proper  
38 endorsements for the vehicle being operated by the holder of the permit. The holder of the permit  
39 may not operate any motor vehicle transporting hazardous materials.

40 (9) The holder of a permit granting motorcycle driving privileges is subject to the following in  
41 addition to any other requirements under this section:

42 (a) The holder may *only* operate a motorcycle **only** during daylight hours.

43 (b) The holder may not carry any passengers on the motorcycle.

44 (c) **Except as provided in ORS 814.290**, the holder of the permit must wear an approved **mo-**  
45 **torcycle** helmet while operating a motorcycle.

1 (10)(a) The department may issue an instruction driver permit to a person with a limited vision  
 2 condition if a rehabilitation training specialist certifies to the department that the person has suc-  
 3 cessfully completed a rehabilitation training program.

4 (b) As used in this subsection, “limited vision condition,” “rehabilitation training specialist” and  
 5 “rehabilitation training program” have the meanings given those terms in ORS 807.355.

6 (11) In addition to any other requirements under this section, the holder of a permit issued under  
 7 subsection (10) of this section may operate a motor vehicle only when using a bioptic telescopic lens.

8 **SECTION 12.** ORS 807.280, as amended by section 11 of this 2013 Act, is amended to read:

9 807.280. The Department of Transportation shall provide for the issuance of instruction driver  
 10 permits in a manner consistent with this section. A person who is issued an instruction driver per-  
 11 mit may exercise the same driving privileges as those under the class of license or endorsement for  
 12 which the permit is issued except as provided in this section or under the permit. Except as other-  
 13 wise provided in this section, an instruction driver permit is subject to the fees, provisions, condi-  
 14 tions, prohibitions and penalties applicable to a license or endorsement granting the same driving  
 15 privileges. The following apply to an instruction driver permit:

16 (1) An instruction driver permit is subject to the same classifications and endorsements as a li-  
 17 cense. The department may issue an instruction driver permit to grant the same driving privileges  
 18 as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as  
 19 a motorcycle endorsement, but the permit will also be subject to the provisions of this section.

20 (2) The department may issue an instruction driver permit to a person who is qualified to obtain  
 21 the same driving privileges under the corresponding class of license or type of endorsement except  
 22 for the person’s age or lack of experience in the operation of motor vehicles subject to the following:

23 (a) An applicant must be 15 years of age or older to receive the same driving privileges as are  
 24 granted under a Class C license.

25 (b) An applicant must be 16 years of age or older and have a commercial driver license or a  
 26 Class C license to receive the same driving privileges as are granted under a motorcycle endorse-  
 27 ment.

28 (c) An applicant must be 18 years of age or older to receive the same driving privileges as are  
 29 granted under any class of license not otherwise provided for under this subsection.

30 (3) The fees required for issuance or renewal of an instruction driver permit are the instruction  
 31 driver permit fees under ORS 807.370.

32 (4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance.  
 33 All other instruction driver permits issued under this section shall be valid for one year from the  
 34 date of issuance.

35 (5) When a permit expires or is about to expire, the department shall renew the permit if the  
 36 holder of the permit qualifies for renewal of the permit under this section and applies for renewal:

37 (a) Within one year of the expiration of a permit issued under this section; or

38 (b) Within six months after the applicant is discharged from the Armed Forces of the United  
 39 States if the applicant held a permit issued by this state at the time of the applicant’s entry into the  
 40 Armed Forces.

41 (6) To qualify for renewal of a permit, a person must meet all of the requirements for the type  
 42 of permit sought to be renewed, except that the department may waive the examination unless the  
 43 department has reason to believe that the applicant is not qualified for the permit.

44 (7) A permit that is renewed under this section may be used on or after the date of issuance.  
 45 If the department issues a permit renewal to a person under this section before the expiration of the

1 permit being renewed, the older permit is invalid. A permit that becomes invalid under this sub-  
 2 section shall be surrendered to the department.

3 (8) The holder of the permit may not operate a motor vehicle unless the holder has the permit  
 4 in the holder’s immediate possession and is accompanied by a person with a class of license granting  
 5 the same driving privileges or a license with an endorsement granting the same driving privileges  
 6 who is not less than 21 years of age. The accompanying person must be occupying a seat beside the  
 7 holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting  
 8 motorcycle driving privileges, the holder of the permit must be in the company and under the  
 9 supervision and visual observation of the accompanying person and the accompanying person must  
 10 be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial  
 11 motor vehicle, the accompanying person must have a commercial driver license and the proper  
 12 endorsements for the vehicle being operated by the holder of the permit. The holder of the permit  
 13 may not operate any motor vehicle transporting hazardous materials.

14 (9) The holder of a permit granting motorcycle driving privileges is subject to the following in  
 15 addition to any other requirements under this section:

16 (a) The holder may operate a motorcycle only during daylight hours.

17 (b) The holder may not carry any passengers on the motorcycle.

18 (c) *[Except as provided in ORS 814.290,]* The holder of the permit must wear an approved mo-  
 19 torcycle helmet while operating a motorcycle.

20 (10)(a) The department may issue an instruction driver permit to a person with a limited vision  
 21 condition if a rehabilitation training specialist certifies to the department that the person has suc-  
 22 cessfully completed a rehabilitation training program.

23 (b) As used in this subsection, “limited vision condition,” “rehabilitation training specialist” and  
 24 “rehabilitation training program” have the meanings given those terms in ORS 807.355.

25 (11) In addition to any other requirements under this section, the holder of a permit issued under  
 26 subsection (10) of this section may operate a motor vehicle only when using a bioptic telescopic lens.

27 **SECTION 13. The amendments to ORS 807.280 by section 12 of this 2013 Act become op-**  
 28 **erative January 2, 2018.**

29 **SECTION 14.** ORS 742.447 is amended to read:

30 742.447. (1) Every insurer that issues motor vehicle insurance that is designed to meet either  
 31 the financial or future responsibility requirements of ORS chapter 806 shall issue with the policy a  
 32 card that shows the effective date and the expiration date of the insurance.

33 **(2) In addition to the information required under subsection (1) of this section, every**  
 34 **insurer that issues motor vehicle insurance that provides personal injury protection benefits,**  
 35 **as defined in ORS 742.518, to a person who operates a motorcycle without wearing an ap-**  
 36 **proved motorcycle helmet, as defined in ORS 801.366, shall include on the card a statement**  
 37 **indicating that the person’s motor vehicle liability insurance policy provides personal injury**  
 38 **protection benefits as required under ORS 814.290.**

39 **SECTION 15.** ORS 742.447, as amended by section 14 of this 2013 Act, is amended to read:

40 742.447. *[(1)]* Every insurer that issues motor vehicle insurance that is designed to meet either  
 41 the financial or future responsibility requirements of ORS chapter 806 shall issue with the policy a  
 42 card that shows the effective date and the expiration date of the insurance.

43 *[(2) In addition to the information required under subsection (1) of this section, every insurer that*  
 44 *issues motor vehicle insurance that provides personal injury protection benefits, as defined in ORS*  
 45 *742.518, to a person who operates a motorcycle without wearing an approved motorcycle helmet, as*

1 *defined in ORS 801.366, shall include on the card a statement indicating that the person's motor vehicle*  
 2 *liability insurance policy provides personal injury protection benefits as required under ORS 814.290.]*

3 **SECTION 16. The amendments to ORS 742.447 by section 15 of this 2013 Act become op-**  
 4 **erative January 2, 2018.**

5 **SECTION 17.** ORS 742.580 is amended to read:

6 742.580. Every insurer that issues motor vehicle insurance that is designed to meet either the  
 7 financial or future responsibility requirements of ORS chapter 806, **or that provides personal in-**  
 8 **jury protection benefits, as defined in ORS 742.518, to a person who operates a motorcycle**  
 9 **without wearing an approved motorcycle helmet, as defined in ORS 801.366,** shall report to the  
 10 Department of Transportation within 30 days of the day that a person or the insurer cancels or fails  
 11 to renew such a policy and within 15 days of the day that an insurer issues such a policy. The  
 12 insurer shall report the person's name and residence address, the vehicle identification number of  
 13 each vehicle covered by the policy, whether the policy was bought, canceled or not renewed and  
 14 any other information required by the department by rule under ORS 806.195.

15 **SECTION 18.** ORS 742.580, as amended by section 17 of this 2013 Act, is amended to read:

16 742.580. Every insurer that issues motor vehicle insurance that is designed to meet either the  
 17 financial or future responsibility requirements of ORS chapter 806[, *or that provides personal injury*  
 18 *protection benefits, as defined in ORS 742.518, to a person who operates a motorcycle without wearing*  
 19 *an approved motorcycle helmet, as defined in ORS 801.366,]* shall report to the Department of  
 20 Transportation within 30 days of the day that a person or the insurer cancels or fails to renew such  
 21 a policy and within 15 days of the day that an insurer issues such a policy. The insurer shall report  
 22 the person's name and residence address, the vehicle identification number of each vehicle covered  
 23 by the policy, whether the policy was bought, canceled or not renewed and any other information  
 24 required by the department by rule under ORS 806.195.

25 **SECTION 19. The amendments to ORS 742.580 by section 18 of this 2013 Act become op-**  
 26 **erative January 2, 2018.**

27 **SECTION 20. Section 8 of this 2013 Act and the amendments to ORS 742.447, 742.580,**  
 28 **806.010, 807.280 and 814.290 by sections 1, 4, 11, 14 and 17 of this 2013 Act apply to policies**  
 29 **issued or renewed on or after the effective date of this 2013 Act.**

30