

DRAFT

SUMMARY

Deletes obsolete and outdated provisions in transportation and motor vehicle laws.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 164.805,
3 184.610, 184.654, 184.656, 366.785, 366.815, 801.455, 801.555, 802.179, 802.320,
4 802.325, 805.266, 806.020, 810.438, 811.525, 814.470, 814.484, 815.135, 815.190,
5 815.235, 815.250, 815.255, 815.280, 816.310, 816.340, 816.370, 820.010, 822.033
6 and 825.005; repealing ORS 184.658, 184.664, 184.666, 366.015, 366.317,
7 366.440, 366.915, 367.826 and 802.150 and sections 21 and 22, chapter 4,
8 Oregon Laws 2013; and declaring an emergency.

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

10 **SECTION 1. This 2015 Act is prepared pursuant to section 1, chapter**
11 **101, Oregon Laws 2014.**

12 **SECTION 2.** ORS 164.805 is amended to read:

13 164.805. (1) A person commits the crime of offensive littering if the person
14 creates an objectionable stench or degrades the beauty or appearance of
15 property or detracts from the natural cleanliness or safety of property by
16 intentionally:

17 (a) Discarding or depositing any rubbish, trash, garbage, debris or other
18 refuse upon the land of another without permission of the owner, or upon
19 any public way or in or upon any public transportation facility;

20 (b) Draining, or causing or permitting to be drained, sewage or the

1 drainage from a cesspool, septic tank, recreational or camping vehicle waste
2 holding tank or other contaminated source, upon the land of another without
3 permission of the owner, or upon any public way; or

4 (c) Permitting any rubbish, trash, garbage, debris or other refuse to be
5 thrown from a vehicle that the person is operating. This subsection does
6 not apply to a person operating a vehicle transporting passengers for hire
7 subject to regulation by the [*Interstate Commerce Commission or the*] De-
8 partment of Transportation or a person operating a school bus described
9 under ORS 801.460.

10 (2) As used in this section:

11 (a) "Public transportation facility" has the meaning given that term in
12 ORS 164.365.

13 (b) "Public way" includes, but is not limited to, roads, streets, alleys,
14 lanes, trails, beaches, parks and all recreational facilities operated by the
15 state, a county or a local municipality for use by the general public.

16 (3) Offensive littering is a Class C misdemeanor.

17 **NOTE:** Deletes obsolete reference to abolished Interstate Commerce
18 Commission in law creating crime of offensive littering.

19 **SECTION 3. ORS 184.658 is repealed.**

20 **NOTE:** Repeals duplicative requirement that Department of Transporta-
21 tion produce biennial Highway Construction Plan to accompany Governor's
22 proposed budget for department.

23 **SECTION 4. ORS 184.664 is repealed.**

24 **NOTE:** Repeals duplicative requirement that Department of Transporta-
25 tion produce quarterly Highway Construction Plan status report for Legis-
26 lative Assembly.

27 **SECTION 5. ORS 184.666 is repealed.**

28 **NOTE:** Repeals duplicative requirement that Department of Transporta-
29 tion provide a biennial summary for the Legislative Assembly of how de-
30 partment costs for maintenance, preservation and modernization are affected
31 by certain factors.

1 **SECTION 6.** ORS 184.610 is amended to read:

2 184.610. As used in ORS 184.610 to 184.666, unless the context requires
3 otherwise:

4 (1) "Commission" means the Oregon Transportation Commission.

5 (2) "Department" means the Department of Transportation.

6 (3) "Director" means the Director of Transportation.

7 [(4) "*Highway Construction Plan*" or "*plan*" means the plan described in
8 ORS 184.658.]

9 [(5)] (4) "STIP" means the Statewide Transportation Improvement Pro-
10 gram, which is a list of transportation projects that:

11 (a) Are to be implemented within four years following adoption or mod-
12 ification of the list;

13 (b) Are consistent with the long-range transportation plan developed
14 pursuant to ORS 184.618 and with metropolitan plans; and

15 (c) Can be implemented with resources reasonably expected to be avail-
16 able.

17 **NOTE:** Conforming amendment for repeal of ORS 184.658 by section 3 of
18 this 2015 Act.

19 **SECTION 7.** ORS 184.654 is amended to read:

20 184.654. ORS 184.656 [*to 184.666*] shall be known and may be cited as the
21 "Transportation Spending Accountability Act."

22 **NOTE:** Conforming amendment for repeal of ORS 184.666 by section 5 of
23 this 2015 Act.

24 **SECTION 8.** ORS 184.656 is amended to read:

25 184.656. [(1)] The Governor shall submit to the Legislative Assembly a
26 proposed biennial program budget for the Department of Transportation that
27 specifies how existing revenues from all sources will be spent. The program
28 budget shall include proposed expenditures for each program or item specif-
29 ically listed in the budget bills for the department enacted during the pre-
30 ceding odd-numbered year regular session of the Legislative Assembly.

31 [(2)] *The budget shall be accompanied by the Highway Construction Plan*

1 *described in ORS 184.658.]*

2 **NOTE:** Conforming amendment for repeal of ORS 184.658 by section 3 of
3 this 2015 Act.

4 **SECTION 9. ORS 366.015 is repealed.**

5 **NOTE:** Repeals obsolete definition of “hard surfaced highways.”

6 **SECTION 10. ORS 366.317 is repealed.**

7 **NOTE:** Repeals obsolete statute allowing members of the public to re-
8 move trees and shrubs along state highway before construction project.

9 **SECTION 11. ORS 366.440 is repealed.**

10 **NOTE:** Repeals obsolete statute regarding payment of Department of
11 Transportation employees by voucher or payroll.

12 **SECTION 12.** ORS 366.785 is amended to read:

13 366.785. As used in ORS 366.785 to 366.820, unless the context requires
14 otherwise:

15 (1) “Year” means a calendar year.

16 (2) “City” means only cities of this state which are regularly operating
17 as such through elected governmental officers.

18 (3) “Population” means population as given in the latest determination
19 of Portland State University[, *except that for a city of more than 100,000*
20 *population according to the latest such determination, the term means 74 per-*
21 *cent of the number of population given for the city in the determination for*
22 *computation of its share for 1964, 78 percent for computation of its share for*
23 *1965, 82 percent for 1966, 86 percent for 1967, 90 percent for 1968, 94 percent*
24 *for 1969, 98 percent for 1970; and for 1971 and subsequent years computation*
25 *shall be made on the basis of full number of population].*

26 **NOTE:** Deletes outdated language in definition of “population” in laws
27 governing highway fund distributions to cities.

28 **SECTION 13.** ORS 366.815 is amended to read:

29 366.815. [(1)] A city shall set aside in a state tax street fund all money
30 which it receives under ORS 366.785 to 366.820.

31 [(2) *No money allocated to a city may be allowed to accumulate over two*

1 *successive years unless the city perfects plans for a definite construction pro-*
2 *gram allowable under ORS 366.785 to 366.820 which will necessitate the use*
3 *of more than two years' estimated allocations. The program shall receive the*
4 *approval of the Chief Engineer before money allocated may be accumulated. If*
5 *any city accumulates allocated funds for over two years, and a definite con-*
6 *struction program is not established, the funds shall revert to the State*
7 *Treasurer to be reallocated to other cities as though they were an additional*
8 *credit to the cities' appropriation under ORS 366.785 to 366.820.]*

9 **NOTE:** Deletes outdated reference in laws governing highway fund dis-
10 tributions to cities to construction program that is no longer used.

11 **SECTION 14. ORS 366.915 is repealed.**

12 **NOTE:** Repeals outdated law regarding Crooked River highway project
13 that has been completed.

14 **SECTION 15. ORS 367.826 is repealed.**

15 **NOTE:** Repeals reporting requirement to Emergency Board regarding
16 Department of Transportation activities under the Oregon Innovative Part-
17 nerships Program.

18 **SECTION 16.** ORS 801.455 is amended to read:

19 801.455. "School activity vehicle" means a vehicle, other than a school
20 bus, that is used to transport students to or from authorized school activities
21 and that is not described by any of the following:

22 (1) A vehicle subject to ORS 825.100 or a vehicle under regulation of the
23 United States Department of Transportation [*or the Interstate Commerce*
24 *Commission*].

25 (2) A vehicle, commonly known as a private passenger car or private
26 passenger van, that is used by the owner of the vehicle or a relative of the
27 owner of the vehicle for personal transportation of students to or from school
28 activities and is not used for compensation except for the sharing of expenses
29 in a ridesharing arrangement or reimbursement of mileage.

30 (3) A vehicle that is exempted from regulation as a school activity vehicle
31 under ORS 820.150.

1 **NOTE:** Deletes obsolete reference to abolished Interstate Commerce
2 Commission in definition of “school activity vehicle.”

3 **SECTION 17.** ORS 801.555 is amended to read:

4 801.555. “Traffic offense” means any of the following offenses:

5 (1) Any violation of a traffic ordinance of a city, municipal or quasi-
6 municipal corporation, except ordinances governing parking of vehicles.

7 (2) Any provision of law for which a criminal or traffic violation penalty
8 is provided in the vehicle code.

9 *[(3) Any provision of law for which a criminal or traffic violation penalty*
10 *is provided in ORS chapter 825.]*

11 **NOTE:** Deletes redundant reference to ORS chapter 825 in definition of
12 “traffic offense” because definition applies to provisions of law for which a
13 penalty is provided in the vehicle code and ORS chapter 825 is part of the
14 vehicle code.

15 **SECTION 18. ORS 802.150 is repealed.**

16 **NOTE:** Eliminates the Motor Vehicle Records Account because the ac-
17 count is empty and no longer used. Moneys in the account were used to re-
18 imburse the Department of Transportation for costs of furnishing motor
19 vehicle records to prosecuting attorneys.

20 **SECTION 19. (1) The Motor Vehicle Records Account is abolished.**

21 **(2) Any moneys remaining in the account on the effective date of**
22 **this 2015 Act that are unexpended, unobligated and not subject to any**
23 **conditions shall be transferred to the General Fund.**

24 **NOTE:** Transition language for the repeal of the Motor Vehicle Records
25 Account by section 18 of this 2015 Act. Specifies that if any moneys remain
26 in the Motor Vehicles Records Account, the moneys are transferred to the
27 General Fund.

28 **SECTION 20.** ORS 802.179 is amended to read:

29 802.179. (1) The Department of Transportation, upon request or as re-
30 quired by law, shall disclose personal information from a motor vehicle re-
31 cord to a government agency for use in carrying out its governmental

1 functions.

2 (2) The department shall disclose personal information from a motor ve-
3 hicle record for use in connection with matters of motor vehicle or driver
4 safety and theft, motor vehicle emissions, motor vehicle product alterations,
5 recalls or advisories, performance monitoring of motor vehicles and dealers
6 by motor vehicle manufacturers, and removal of nonowner records from the
7 original owner records of motor vehicle manufacturers to carry out the pur-
8 poses of any of the following federal Acts:

- 9 (a) The Automobile Information Disclosure Act.
- 10 (b) The Motor Vehicle Information and Cost Saving Act.
- 11 (c) The National Traffic and Motor Vehicle Safety Act of 1966.
- 12 (d) The Anti-Car Theft Act of 1992.
- 13 (e) The Clean Air Act.

14 (3)(a) If the department determines that a business is a legitimate busi-
15 ness, the department shall disclose personal information to the business for
16 use in the normal course of business in:

17 (A) Verifying the accuracy of personal information submitted to the
18 business; or

19 (B) Correcting personal information submitted to the business, but only
20 in order to:

- 21 (i) Prevent fraud;
- 22 (ii) Pursue legal remedies against the individual who submitted the per-
23 sonal information; or
- 24 (iii) Recover a debt from, or satisfy a security interest against, the indi-
25 vidual.

26 (b) The department shall adopt rules specifying the kind of information
27 that the department will accept as evidence that a business is a legitimate
28 business.

29 (4) The department shall disclose personal information to:

30 (a) An attorney, a financial institution as defined in ORS chapter 706 or
31 a collection agency registered under ORS 697.031 for use in connection with

1 a civil, criminal, administrative or arbitration proceeding in any court, gov-
2 ernment agency or self-regulatory body. Permissible uses of personal infor-
3 mation under this paragraph include, but are not limited to, service of
4 process, investigation in anticipation of litigation and the execution and
5 enforcement of judgments and orders.

6 (b) A process server acting as an agent for an individual for use in serv-
7 ing documents in connection with an existing civil, criminal, administrative
8 or arbitration proceeding, or a judgment, in any court, government agency
9 or self-regulatory body. Nothing in this paragraph limits the activities of a
10 process server when acting as an agent for an attorney, collection agency
11 or like person or for a government agency.

12 (5) The department shall disclose personal information other than names
13 to a researcher for use in researching health and educational questions and
14 providing statistical reports, as long as the personal information is not pub-
15 lished, redisclosed or used to contact individuals. The department may dis-
16 close information under this subsection only for research sponsored by an
17 educational institution or a health research institution.

18 (6) The department shall disclose personal information to an insurer, an
19 insurance support organization or a self-insured entity in connection with
20 claims investigation activities, antifraud activities, underwriting or rating.

21 (7) The department shall disclose personal information regarding owner-
22 ship or other financial interests in a vehicle to a person who is required by
23 the state or federal Constitution, a statute or an ordinance to give notice to
24 another person concerning the vehicle. Personal information disclosed under
25 this subsection may be used only for giving the required notice. Persons
26 authorized to receive personal information under this subsection include, but
27 are not limited to:

28 (a) Tow companies;

29 (b) Persons who have or are entitled to have liens on the vehicle; and

30 (c) Persons taking an action that could affect ownership rights to the
31 vehicle.

1 (8) The department shall disclose personal information to any private se-
2 curity professional certified under ORS 181.878, to be used for the purpose
3 of determining ownership of vehicles parked in a place over which the pri-
4 vate security professional, acting within the scope of the professional's em-
5 ployment, exercises control.

6 (9) The department shall disclose personal information to the employer
7 of an individual who holds a commercial driver license, or the insurer of the
8 employer, to obtain or verify information about the holder of the commercial
9 driver license.

10 (10) The department shall disclose personal information to the operator
11 of a private toll facility for use in collecting tolls.

12 (11) The department may not disclose personal information for bulk dis-
13 tributors of surveys, marketing materials or solicitations except as provided
14 in this subsection. The department shall implement methods and procedures
15 to ensure:

16 (a) That individuals are offered an opportunity to request that personal
17 information about themselves be disclosed to bulk distributors; and

18 (b) That the personal information provided by the department will be
19 used, rented or sold solely for bulk distribution of surveys, marketing mate-
20 rials and solicitations.

21 (12) The department shall disclose personal information to a person who
22 requests the information if the requester provides the department with writ-
23 ten permission from the individual whose personal information is requested.
24 The written permission from the individual must be notarized.

25 (13) The department shall disclose personal information to a person who
26 is in the business of disseminating such information under the following
27 conditions:

28 (a) In addition to any other requirements under the contract executed
29 pursuant to paragraph (b) of this subsection, the person requesting the in-
30 formation must file a performance bond with the department in the amount
31 of \$25,000. The bond must be executed in favor of the State of Oregon and

1 its form is subject to approval by the Attorney General.

2 (b) The disseminator shall enter into a contract with the department. A
3 contract under this paragraph shall contain at least the following provisions:

4 (A) That the disseminator will not reproduce or distribute the personal
5 information in bulk but only in response to an individual record inquiry.

6 (B) That the disseminator will provide the personal information only to
7 a person or government agency authorized to receive the information under
8 this section and only if the person or government agency has been authorized
9 by the department to receive the information.

10 (C) That the disseminator will have a method of ensuring that the
11 disseminator can delay for a period of up to two days the giving of personal
12 information to a requester who is not a subscriber.

13 (14) The department shall disclose personal information to representatives
14 of the news media for the gathering or dissemination of information related
15 to the operation of a motor vehicle or to public safety.

16 (15) The department shall disclose personal information as provided in
17 ORS 802.220 (5).

18 (16) The department shall adopt rules providing for the release of personal
19 information from motor vehicle records to a person who has a financial in-
20 terest in the vehicle. Rules adopted under this subsection may include, but
21 need not be limited to, rules establishing procedures for the department to
22 verify the financial interest of the person making the request for personal
23 information.

24 (17) The department shall adopt rules providing for the release of personal
25 information from motor vehicle records to a person who is injured by the
26 unsafe operation of a vehicle or who owns property that is damaged because
27 of the unsafe operation of a vehicle.

28 (18) The department shall disclose personal information to a private in-
29 vestigator licensed by any licensing authority within the State of Oregon,
30 to be used for any purpose permitted [*any person*] under this section. A li-
31 censed private investigator requesting information must prove to the de-

1 partment that the person has a corporate surety bond, an irrevocable letter
2 of credit issued by an insured institution as defined in ORS 706.008 or such
3 other security as the Department of Public Safety Standards and Training
4 may prescribe by rule in the minimum amount of \$5,000 or errors and omis-
5 sions insurance in the minimum amount of \$5,000.

6 (19) The department shall disclose personal information to a procurement
7 organization as defined in ORS 97.953 for the purpose of facilitating the
8 making of anatomical gifts under the provisions of ORS 97.955.

9 **NOTE:** Deletes superfluous words in law governing exemptions from
10 prohibition on release of personal information for motor vehicle records.

11 **SECTION 21.** ORS 802.179, as amended by section 35, chapter 237, Oregon
12 Laws 2013, is amended to read:

13 802.179. (1) The Department of Transportation, upon request or as re-
14 quired by law, shall disclose personal information from a motor vehicle re-
15 cord to a government agency for use in carrying out its governmental
16 functions.

17 (2) The department shall disclose personal information from a motor ve-
18 hicle record for use in connection with matters of motor vehicle or driver
19 safety and theft, motor vehicle emissions, motor vehicle product alterations,
20 recalls or advisories, performance monitoring of motor vehicles and dealers
21 by motor vehicle manufacturers, and removal of nonowner records from the
22 original owner records of motor vehicle manufacturers to carry out the pur-
23 poses of any of the following federal Acts:

- 24 (a) The Automobile Information Disclosure Act.
- 25 (b) The Motor Vehicle Information and Cost Saving Act.
- 26 (c) The National Traffic and Motor Vehicle Safety Act of 1966.
- 27 (d) The Anti-Car Theft Act of 1992.
- 28 (e) The Clean Air Act.

29 (3)(a) If the department determines that a business is a legitimate busi-
30 ness, the department shall disclose personal information to the business for
31 use in the normal course of business in:

1 (A) Verifying the accuracy of personal information submitted to the
2 business; or

3 (B) Correcting personal information submitted to the business, but only
4 in order to:

5 (i) Prevent fraud;

6 (ii) Pursue legal remedies against the individual who submitted the per-
7 sonal information; or

8 (iii) Recover a debt from, or satisfy a security interest against, the indi-
9 vidual.

10 (b) The department shall adopt rules specifying the kind of information
11 that the department will accept as evidence that a business is a legitimate
12 business.

13 (4) The department shall disclose personal information to:

14 (a) An attorney, a financial institution as defined in ORS chapter 706 or
15 a collection agency registered under ORS 697.031 for use in connection with
16 a civil, criminal, administrative or arbitration proceeding in any court, gov-
17 ernment agency or self-regulatory body. Permissible uses of personal infor-
18 mation under this paragraph include, but are not limited to, service of
19 process, investigation in anticipation of litigation and the execution and
20 enforcement of judgments and orders.

21 (b) A process server acting as an agent for an individual for use in serv-
22 ing documents in connection with an existing civil, criminal, administrative
23 or arbitration proceeding, or a judgment, in any court, government agency
24 or self-regulatory body. Nothing in this paragraph limits the activities of a
25 process server when acting as an agent for an attorney, collection agency
26 or like person or for a government agency.

27 (5) The department shall disclose personal information other than names
28 to a researcher for use in researching health and educational questions and
29 providing statistical reports, as long as the personal information is not pub-
30 lished, redisclosed or used to contact individuals. The department may dis-
31 close information under this subsection only for research sponsored by an

1 educational institution or a health research institution.

2 (6) The department shall disclose personal information to an insurer, an
3 insurance support organization or a self-insured entity in connection with
4 claims investigation activities, antifraud activities, underwriting or rating.

5 (7) The department shall disclose personal information regarding owner-
6 ship or other financial interests in a vehicle to a person who is required by
7 the state or federal Constitution, a statute or an ordinance to give notice to
8 another person concerning the vehicle. Personal information disclosed under
9 this subsection may be used only for giving the required notice. Persons
10 authorized to receive personal information under this subsection include, but
11 are not limited to:

12 (a) Tow companies;

13 (b) Persons who have or are entitled to have liens on the vehicle; and

14 (c) Persons taking an action that could affect ownership rights to the
15 vehicle.

16 (8) The department shall disclose personal information to any private se-
17 curity professional certified under ORS 181.878, to be used for the purpose
18 of determining ownership of vehicles parked in a place over which the pri-
19 vate security professional, acting within the scope of the professional's em-
20 ployment, exercises control.

21 (9) The department shall disclose personal information to the employer
22 of an individual who holds commercial driving privileges, or the insurer of
23 the employer, to obtain or verify information about the individual.

24 (10) The department shall disclose personal information to the operator
25 of a private toll facility for use in collecting tolls.

26 (11) The department may not disclose personal information for bulk dis-
27 tributors of surveys, marketing materials or solicitations except as provided
28 in this subsection. The department shall implement methods and procedures
29 to ensure:

30 (a) That individuals are offered an opportunity to request that personal
31 information about themselves be disclosed to bulk distributors; and

1 (b) That the personal information provided by the department will be
2 used, rented or sold solely for bulk distribution of surveys, marketing mate-
3 rials and solicitations.

4 (12) The department shall disclose personal information to a person who
5 requests the information if the requester provides the department with writ-
6 ten permission from the individual whose personal information is requested.
7 The written permission from the individual must be notarized.

8 (13) The department shall disclose personal information to a person who
9 is in the business of disseminating such information under the following
10 conditions:

11 (a) In addition to any other requirements under the contract executed
12 pursuant to paragraph (b) of this subsection, the person requesting the in-
13 formation must file a performance bond with the department in the amount
14 of \$25,000. The bond must be executed in favor of the State of Oregon and
15 its form is subject to approval by the Attorney General.

16 (b) The disseminator shall enter into a contract with the department. A
17 contract under this paragraph shall contain at least the following provisions:

18 (A) That the disseminator will not reproduce or distribute the personal
19 information in bulk but only in response to an individual record inquiry.

20 (B) That the disseminator will provide the personal information only to
21 a person or government agency authorized to receive the information under
22 this section and only if the person or government agency has been authorized
23 by the department to receive the information.

24 (C) That the disseminator will have a method of ensuring that the
25 disseminator can delay for a period of up to two days the giving of personal
26 information to a requester who is not a subscriber.

27 (14) The department shall disclose personal information to representatives
28 of the news media for the gathering or dissemination of information related
29 to the operation of a motor vehicle or to public safety.

30 (15) The department shall disclose personal information as provided in
31 ORS 802.220 (5).

1 (16) The department shall adopt rules providing for the release of personal
2 information from motor vehicle records to a person who has a financial in-
3 terest in the vehicle. Rules adopted under this subsection may include, but
4 need not be limited to, rules establishing procedures for the department to
5 verify the financial interest of the person making the request for personal
6 information.

7 (17) The department shall adopt rules providing for the release of personal
8 information from motor vehicle records to a person who is injured by the
9 unsafe operation of a vehicle or who owns property that is damaged because
10 of the unsafe operation of a vehicle.

11 (18) The department shall disclose personal information to a private in-
12 vestigator licensed by any licensing authority within the State of Oregon,
13 to be used for any purpose permitted [*any person*] under this section. A li-
14 censed private investigator requesting information must prove to the de-
15 partment that the person has a corporate surety bond, an irrevocable letter
16 of credit issued by an insured institution as defined in ORS 706.008 or such
17 other security as the Department of Public Safety Standards and Training
18 may prescribe by rule in the minimum amount of \$5,000 or errors and omis-
19 sions insurance in the minimum amount of \$5,000.

20 (19) The department shall disclose personal information to a procurement
21 organization as defined in ORS 97.953 for the purpose of facilitating the
22 making of anatomical gifts under the provisions of ORS 97.955.

23 **NOTE:** Deletes superfluous words in law governing exemptions from
24 prohibition on release of personal information for motor vehicle records.

25 **SECTION 22.** ORS 802.320 is amended to read:

26 802.320. (1) In addition to any duties under ORS 802.310, the Department
27 of Transportation, in consultation with the Transportation Safety Committee,
28 shall establish a motorcycle safety program that complies with this section
29 to the extent moneys are available for such program from the Motorcycle
30 Safety Subaccount under ORS 802.340. The program established may include
31 the following:

1 (a) Motorcycle safety promotion and public education.

2 (b) The development of training sites for courses approved by the depart-
3 ment to teach safe and proper operation of motorcycles and mopeds.

4 (c) Classroom instruction and actual driving instruction necessary to
5 teach safe and proper operation of motorcycles and mopeds.

6 (d) The development of a mobile training unit.

7 (e) The acquisition of films and equipment that may be loaned to the
8 public for the encouragement of motorcycle and moped safety.

9 *[(f) The department may charge a fee for services provided under the pro-
10 gram. Any fee charged by the department under this paragraph shall be es-
11 tablished by rule and shall not be in an amount that will discourage persons
12 from participating in safety programs offered by the department under this
13 section.]*

14 *[(g)]* (f) Advice and assistance, including monetary assistance, for motor-
15 cycle safety programs operated by government or nongovernment organiza-
16 tions.

17 *[(h)]* (g) Other education or safety programs the department determines
18 will help promote the safe operation of motorcycles and mopeds, promote safe
19 and lawful driving habits, assist in accident prevention and reduce the need
20 for intensive highway policing.

21 (2) Subject to the State Personnel Relations Law under ORS chapter 240,
22 the department shall employ such employees as the department determines
23 necessary to carry out the purposes of this section to:

24 (a) Advise and assist motorcycle safety programs in this state.

25 (b) Act as a liaison between government agencies and advisory commit-
26 tees and interested motorcyclist groups.

27 (3) The department may provide for the performance of training and other
28 functions of the program established under this section by contracting with
29 any private or public organizations or entities the department determines
30 appropriate to achieve the purposes of this section. The organizations the
31 department may contract with under this subsection include, but are not

1 limited to, nonprofit private organizations, private organizations that are
2 operated for profit, public or private schools, community colleges or public
3 agencies or political subdivision.

4 **(4) The department may charge a fee for services provided under**
5 **the program established under this section. Any fee charged by the**
6 **department under this subsection must be established by rule and may**
7 **not be in an amount that will discourage persons from participating**
8 **in safety programs offered by the department under this section.**

9 **NOTE:** Remedies problem with read-in of subsection in law relating to
10 Department of Transportation motorcycle safety program.

11 **SECTION 23.** ORS 802.325 is amended to read:

12 802.325. (1) The Department of Transportation, in consultation with the
13 Transportation Safety Committee, shall establish a bicycle safety program
14 that complies with this section to the extent moneys are available for such
15 program. The program established may include the following:

16 (a) Bicycle safety promotion and public education.

17 (b) Advice and assistance for bicycle safety programs operated by gov-
18 ernment or nongovernment organizations.

19 (c) Classroom instruction and actual riding instruction necessary to teach
20 safe and proper operation of bicycles.

21 (d) Bicycle education and information that assist police agencies in the
22 enforcement of bicycle laws.

23 (e) Other education or safety programs the department determines will
24 help promote the safe operation of bicycles, promote safe and lawful riding
25 habits and assist in accident prevention.

26 *[(f) The department may charge a fee for services provided under the pro-*
27 *gram. Any fee charged by the department under this paragraph shall be es-*
28 *tablished by rule and shall not be in an amount that will discourage persons*
29 *from participating in safety programs offered by the department under this*
30 *section.]*

31 (2) The department shall act as a liaison between government agencies

1 and advisory committees and interested bicyclist groups.

2 (3) The department may accept donations and solicit grants to enable the
3 department to carry out the functions of this section.

4 (4) **The department may charge a fee for services provided under
5 the program established under this section. Any fee charged by the
6 department under this subsection must be established by rule and may
7 not be in an amount that will discourage persons from participating
8 in safety programs offered by the department under this section.**

9 **NOTE:** Remedies problem with read-in of subsection in law relating to
10 Department of Transportation bicycle safety program.

11 **SECTION 24.** ORS 805.266 is amended to read:

12 805.266. (1) [*Except as provided in section 3, chapter 709, Oregon Laws*
13 *2011,*] The Department of Transportation shall establish a wine country reg-
14 istration plate program to issue special registration plates called “wine
15 country registration plates” upon request to owners of motor vehicles regis-
16 tered under the provisions of ORS 803.420 (1).

17 (2) In addition to any other fee authorized by law, for each set of wine
18 country registration plates issued under subsection (1) of this section, the
19 department shall collect a surcharge of \$30 payable when the plates are is-
20 sued and upon each subsequent renewal of registration of a vehicle bearing
21 the plates. The department shall transfer the moneys from the surcharge as
22 provided in ORS 805.272.

23 **NOTE:** Deletes obsolete language relating to date Department of Trans-
24 portation may begin creating or issuing wine country registration plates.

25 **SECTION 25.** ORS 810.438 is amended to read:

26 810.438. (1) The following jurisdictions may, at their own cost, operate
27 photo radar:

28 (a) Albany.

29 (b) Beaverton.

30 (c) Bend.

31 (d) Eugene.

1 (e) Gladstone.

2 (f) Medford.

3 (g) Milwaukie.

4 (h) Oregon City.

5 (i) Portland.

6 (j) Tigard.

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

8 (a) May be used on streets in residential areas or school zones.

9 (b) May be used in other areas if the governing body of the city makes
10 a finding that speeding has had a negative impact on traffic safety in those
11 areas.

12 (c) May not be used for more than four hours per day in any one location.

13 (d) May not be used on controlled access highways.

14 (e) May not be used unless a sign is posted announcing "Traffic Laws
15 Photo Enforced." The sign posted under this paragraph must:

16 (A) Be on the street on which the photo radar unit is being used;

17 (B) Be between 100 and 400 yards before the location of the photo radar
18 unit;

19 (C) Be at least two feet above ground level; and

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

22 (3) A city that operates a photo radar system under this section shall,
23 once each biennium, conduct a process and outcome evaluation for the pur-
24 poses of subsection (4) of this section that includes:

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

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

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

29 (4) By March 1 of each odd-numbered year,[:]

30 [(a) *The Department of Transportation shall provide to the Legislative As-*
31 *sembly an executive summary of the process and outcome evaluations conducted*

1 *under subsection (3) of this section; and]*

2 [(b)] each city that operates a photo radar system under this section shall
3 present to the Legislative Assembly the process and outcome evaluation
4 conducted by the city under subsection (3) of this section.

5 **NOTE:** Deletes duplicative Department of Transportation reporting re-
6 quirement relating to photo radar because information is provided by cities.

7 **SECTION 26.** ORS 814.470 is amended to read:

8 814.470. (1) A person commits the offense of failure to use a bicycle seat
9 if the person is operating a bicycle and the person rides other than upon or
10 astride a permanent and regular seat attached to the bicycle.

11 [(2) *A person operating an electric personal assistive mobility device is not*
12 *subject to this section.*]

13 [(3)] (2) The offense described in this section, failure to use a bicycle seat,
14 is a Class D traffic violation.

15 **NOTE:** Deletes unnecessary language excluding electric personal
16 assistive mobility devices from offense of failure to use a bicycle seat because
17 an electric personal assistive mobility device is not a bicycle.

18 **SECTION 27.** ORS 815.280 is amended to read:

19 815.280. (1) A person commits the offense of violation of bicycle equipment
20 requirements if the person does any of the following:

21 (a) Operates on any highway a bicycle in violation of the requirements
22 of this section.

23 (b) Is the parent or guardian of a minor child or ward and authorizes or
24 knowingly permits the child or ward to operate a bicycle on any highway in
25 violation of the requirements of this section.

26 (2) A bicycle is operated in violation of the requirements of this section
27 if any of the following requirements are violated:

28 (a) A bicycle must be equipped with a brake that enables the operator of
29 the bicycle to stop the bicycle within 15 feet from a speed of 10 miles per
30 hour on dry, level, clean pavement.

31 (b) A person shall not install or use any siren or whistle upon a bicycle.

1 This paragraph does not apply to bicycles used by police officers.

2 (c) At the times described in the following, a bicycle or its rider must be
3 equipped with lighting equipment that meets the described requirements:

4 (A) The lighting equipment must be used during limited visibility condi-
5 tions.

6 (B) The lighting equipment must show a white light visible from a dis-
7 tance of at least 500 feet to the front of the bicycle.

8 (C) The lighting equipment must have a red reflector or lighting device
9 or material of such size or characteristic and so mounted as to be visible
10 from all distances up to 600 feet to the rear when directly in front of lawful
11 lower beams of headlights on a motor vehicle.

12 (3) Nothing contained in this section shall be construed to prohibit the
13 use of additional parts and accessories on any bicycle consistent with this
14 section.

15 *[(4) This section does not apply to electric personal assistive mobility de-*
16 *VICES. Equipment requirements for electric personal assistive mobility devices*
17 *are provided in ORS 815.284.]*

18 [(5)] (4) The offense described in this section, violation of bicycle equip-
19 ment requirements, is a Class D traffic violation.

20 **NOTE:** Deletes unnecessary language excluding electric personal
21 assistive mobility devices from offense of violation of bicycle equipment re-
22 quirements because an electric personal assistive mobility device is not a
23 bicycle.

24 **SECTION 28.** ORS 814.484 is amended to read:

25 814.484. (1) For purposes of ORS 814.485, 814.486, 815.052 and 815.281, "bi-
26 cycle" has the meaning given in ORS 801.150 except that:

27 (a) It also includes vehicles that meet the criteria specified in ORS 801.150
28 (1) to (4) but that have wheels [*less than*] **that are 14 inches or less** in di-
29 ameter.

30 (b) It does not include tricycles designed to be ridden by children.

31 (2) For purposes of the offenses defined in ORS 814.485, 814.486 and

1 815.281 (2), a person shall not be considered to be operating or riding on a
2 bicycle on a highway or on premises open to the public if the person is op-
3 erating or riding on a three-wheeled nonmotorized vehicle on a beach while
4 it is closed to motor vehicle traffic.

5 **NOTE:** Clarifies that certain traffic laws applicable to bicycles apply to
6 bicycles with wheels that are exactly 14 inches in diameter.

7 **SECTION 29.** ORS 806.020 is amended to read:

8 806.020. This section provides exemptions from the necessity for compli-
9 ance with or proof of compliance with financial responsibility requirements
10 in accident reports under ORS 811.725, when applying for vehicle registration
11 under ORS 803.370 or 803.460 and for operating a vehicle under ORS 806.010.
12 The owner or operator of a vehicle is exempt, as provided by this section,
13 from financial responsibility requirements if the vehicle involved in the ac-
14 cident, sought to be registered or operated is any of the following:

15 (1) An antique [*motor*] vehicle issued permanent registration under ORS
16 805.010.

17 (2) A farm trailer.

18 (3) A farm tractor.

19 (4) An implement of husbandry.

20 (5) A [*motor*] vehicle of special interest that is maintained as a collector's
21 item and used for exhibitions, parades, club activities and similar uses, but
22 not used primarily for the transportation of persons or property.

23 (6) A snowmobile or a Class I, Class III or Class IV all-terrain vehicle.

24 (7) Any motor vehicle not operated on any highway or premises open to
25 the public in this state.

26 (8) A motor assisted scooter.

27 (9) An electric personal assistive mobility device.

28 **NOTE:** Corrects errors in motor vehicles laws to references to defined
29 terms "antique vehicle" and "vehicle of special interest."

30 **SECTION 30.** ORS 811.525 is amended to read:

31 811.525. This section establishes exemptions from ORS 811.515 and 811.520.

1 The exemptions under this section are in addition to any exemptions under
2 ORS 801.026. The exemptions established under this section are partial or
3 complete as described in the following:

4 (1) ORS 811.515 and 811.520 shall not be construed to prohibit the use of
5 additional parts and accessories on any vehicle not inconsistent with the
6 provisions of those sections.

7 (2) Except for the provisions relating to exempt-vehicle safety lighting
8 equipment, ORS 811.515 and 811.520 do not apply to any of the following:

9 (a) Road machinery.

10 (b) Road rollers.

11 (c) Farm tractors.

12 (d) Antique [*motor*] vehicles that are maintained as a collector's item and
13 used for exhibitions, parades, club activities and similar uses, but not used
14 primarily for the transportation of persons or property.

15 (3) Whenever motor and other vehicles are operated in combination dur-
16 ing the time that lights are required, any lighting equipment, except the
17 taillight, which by reason of its location on a vehicle of the combination
18 would be obscured by another vehicle of the combination, need not be
19 lighted. This subsection shall not affect the requirement that lighted clear-
20 ance lights be displayed on the front of the foremost vehicle required to have
21 clearance lights nor the requirement that all lights on the rear of the
22 rearmost vehicle of the combination be lighted.

23 (4) Lighting equipment on bicycles shall be lighted as required under ORS
24 815.280.

25 (5) Parked or stopped vehicles are not required to display parking lights
26 if the road authority for the highway provides by ordinance or resolution
27 that no lights need be displayed upon a vehicle parked on the highway in
28 accordance with legal parking regulations where there is sufficient light to
29 render clearly discernible any person or object within a distance of 500 feet
30 from the highway.

31 (6) Nothing under ORS 811.515 and 811.520 limits the ability to use the

1 following lights with any other lights during the day or at night:

2 (a) Public vehicle warning lights.

3 (b) Pilot vehicle warning lights.

4 (c) Tow vehicle warning lights.

5 (d) Police lights.

6 (e) Warning lights on vehicles at the scene of an actual or potential re-
7 lease of hazardous materials, as described in ORS 816.280.

8 (f) Warning lights on vehicles being used by medical examiners to reach
9 the scene of an accident or of a death investigation, as described in ORS
10 816.280.

11 (g) Commercial vehicle warning lights.

12 (7) Requirements for use of motorcycle and moped headlights are under
13 ORS 814.320.

14 (8) Requirements for lighting equipment for an electric personal assistive
15 mobility device are under ORS 815.284.

16 **NOTE:** Corrects error in motor vehicles laws to reference to defined term
17 "antique vehicle."

18 **SECTION 31.** ORS 815.135 is amended to read:

19 815.135. This section establishes exemptions from ORS 815.130. The ex-
20 emptions under this section are in addition to any exemptions under ORS
21 801.026. The exemptions under this section are partial or complete as de-
22 scribed in the following:

23 (1) The following vehicles shall be deemed in compliance with the brake
24 requirements if the vehicles are equipped with original manufacturer's
25 equipment and accessories, or their equivalent, and maintained in safe oper-
26 ating condition:

27 (a) Except as provided in subsection (2) of this section, [*motor*] vehicles
28 of special interest that are registered under ORS 805.020.

29 (b) Antique [*motor*] vehicles that are registered under ORS 805.010.

30 (2) [*Motor*] Vehicles of special interest that are registered under ORS
31 805.020 and that are street rods, as defined in ORS 801.513, shall be deemed

1 in compliance with the brake requirements if the street rods conform to ORS
2 815.107.

3 (3) The following vehicles are exempt from the brake requirements:

4 (a) Road machinery.

5 (b) Road rollers.

6 (c) Farm tractors.

7 (d) Electric personal assistive mobility devices.

8 **NOTE:** Corrects errors in motor vehicles laws to references to defined
9 terms “antique vehicle” and “vehicle of special interest.”

10 **SECTION 32.** ORS 815.190 is amended to read:

11 815.190. This section establishes exemptions from ORS 815.182 and 815.185.
12 The exemptions under this section are in addition to any exemptions under
13 ORS 801.026. The exemptions established under this section are partial or
14 complete as described in the following:

15 (1) Vehicles of special interest that are registered under ORS 805.020 are
16 deemed in compliance with the requirements and standards if:

17 (a) The vehicles are equipped with original manufacturer’s equipment and
18 accessories, or their equivalent, and maintained in safe operating condition;
19 or

20 (b) The vehicles are street rods that conform to ORS 815.107.

21 (2) Road machinery, road rollers and farm tractors are exempt from the
22 standards and requirements.

23 (3) Antique [*motor*] vehicles are exempt from the standards and require-
24 ments if the vehicles are maintained as collectors’ items and used for exhi-
25 bitions, parades, club activities and similar uses, but not used primarily for
26 the transportation of persons or property.

27 (4) A motor truck is exempt from the requirements to be equipped with
28 fenders or mudguards if the vehicle has just a chassis that is not equipped
29 for hauling a load.

30 (5) Fenders or mudguards are not required on any modified American-
31 made pre-1935 vehicle, or any identifiable vintage or replica thereof that is

1 titled as a later assembled vehicle or replica and is used for show and
2 pleasure use when such vehicle is used and driven only during fair weather
3 on well-maintained, hard-surfaced roads.

4 **NOTE:** Corrects error in motor vehicles laws to reference to defined term
5 “antique vehicle.”

6 **SECTION 33.** ORS 815.235 is amended to read:

7 815.235. (1) A person commits the offense of operation without a rearview
8 mirror if the person does any of the following:

9 (a) Drives or moves on any highway any motor vehicle that is not
10 equipped with a rearview mirror or device that meets the requirements under
11 this section.

12 (b) Owns a motor vehicle and causes or knowingly permits the vehicle to
13 be driven or moved on any highway when the vehicle is not equipped with
14 a rearview mirror or device that meets the requirements under this section.

15 (2) A rearview mirror or device only meets the requirements of this sec-
16 tion if it enables the driver of the vehicle to have such a clear and unob-
17 structed view of the rear at all times and under all conditions of load as will
18 enable the driver to see any other vehicle approaching from not less than
19 200 feet in the rear on an unobstructed road.

20 (3) This section does not apply to the following vehicles:

21 (a) Vehicles of special interest that are registered under ORS 805.020 and
22 that were not equipped with rearview mirrors when originally manufactured.

23 (b) Road machinery, road rollers or farm tractors.

24 (c) Antique [*motor*] vehicles that are registered under ORS 805.010 and
25 that were not equipped with rearview mirrors when originally manufactured.

26 (4) The offense described in this section, operation without a rearview
27 mirror, is a Class C traffic violation.

28 **NOTE:** Corrects error in motor vehicles laws to reference to defined term
29 “antique vehicle.”

30 **SECTION 34.** ORS 815.250 is amended to read:

31 815.250. (1) A person commits the offense of operation without proper ex-

1 haust system if the person drives or moves on any highway or owns and
 2 causes or knowingly permits to be driven or moved on any highway a motor
 3 vehicle that is not equipped with an exhaust system that meets the require-
 4 ments under this section.

5 (2) An exhaust system only meets the requirements of this section if all
 6 of the following apply:

7 (a) The exhaust system must be in good working order.

8 (b) The exhaust system must be in constant operation.

9 (c) The exhaust system must meet noise emission standards determined
 10 by the Department of Environmental Quality to be substantially equivalent
 11 to the following standards based upon a stationary test conducted at a dis-
 12 tance of 25 feet in accordance with procedures established by the Department
 13 of Environmental Quality:

	Maximum	Model,
	level,	Year
Vehicle type	dBA	Year
19 I. Motor vehicles 20 required to 21 establish a 22 registration 23 weight under 24 ORS 803.430 25 and commercial	94before
		1976
	911976 and
		after
30 II. Motorcycles and 31 mopeds	94before

1 and causes or knowingly permits to be driven or moved on any highway a
2 motor vehicle used for carrying passengers for hire that is not equipped with
3 a speedometer or other registering device capable of registering accurately
4 the speed at which the vehicle is operated.

5 (2) This section is subject to the following exemptions in addition to any
6 exemptions under ORS 801.026.

7 (a) A motor vehicle equipped with a governor or other regulating device
8 to control its speed within the limits specified by law is not required to be
9 equipped as this section specifies.

10 (b) Vehicles of special interest that are registered under ORS 805.020 are
11 deemed in compliance with the requirements of this section if:

12 (A) The vehicles are equipped with original manufacturer's equipment and
13 accessories, or their equivalent, and maintained in safe operating condition;
14 or

15 (B) The vehicles are street rods that conform to ORS 815.107.

16 (c) Antique [*motor*] vehicles are exempt from the requirements of this
17 section if the vehicles are maintained as collector's items and used for ex-
18 hibitions, parades, club activities and similar uses, but not used primarily for
19 the transportation of persons or property.

20 (3) The offense described in this section, operation of a vehicle for hire
21 without a speedometer, is a Class C traffic violation.

22 **NOTE:** Corrects error in motor vehicles laws to reference to defined term
23 "antique vehicle."

24 **SECTION 36.** ORS 816.310 is amended to read:

25 816.310. This section establishes exemptions from ORS 816.040 to 816.300.
26 The exemptions under this section are in addition to any exemptions under
27 ORS 801.026. The exemptions established under this section are partial or
28 complete as described in the following:

29 (1) ORS 816.040 to 816.300 shall not be construed to prohibit the use of
30 additional parts and accessories on any vehicle not inconsistent with the
31 provisions of those sections.

1 (2) Lighting equipment used on vehicles of special interest that are reg-
2 istered under ORS 805.020 shall be deemed in compliance with ORS 816.040
3 to 816.300 if the equipment is original manufacturer's equipment and acces-
4 sories, or their equivalent and if the equipment is maintained in safe oper-
5 ating condition.

6 (3) ORS 816.040 to 816.300 do not apply to equipment on any of the fol-
7 lowing:

8 (a) Road machinery.

9 (b) Road rollers.

10 (c) Farm tractors.

11 (d) Antique [*motor*] vehicles that are maintained as a collector's item and
12 used for exhibitions, parades, club activities and similar uses, but not used
13 primarily for the transportation of persons or property.

14 (e) Motorized wheelchairs when used as permitted under ORS 811.440.

15 (4) On any combination of vehicles, only the lighting equipment on the
16 rearmost vehicle in the combination of vehicles need be visible from dis-
17 tances specified under ORS 816.040 to 816.290 for lighting equipment on the
18 rear of vehicles.

19 (5) Lighting equipment on bicycles shall meet the requirements estab-
20 lished for such equipment under ORS 815.280.

21 (6) Vehicle lighting equipment requirements for ambulances and emer-
22 gency vehicles are established in ORS 820.350.

23 (7) Lighting equipment on electric personal assistive mobility devices
24 shall meet the requirements established in ORS 815.284.

25 **NOTE:** Corrects error in motor vehicles laws to reference to defined term
26 "antique vehicle."

27 **SECTION 37.** ORS 816.340 is amended to read:

28 816.340. This section establishes exemptions from ORS 816.320 and 816.330.
29 The exemptions established under this section are in addition to any ex-
30 emptions under ORS 801.026. The exemptions under this section are partial
31 or complete as described in the following:

1 (1) ORS 816.320 and 816.330 shall not be construed to prohibit the use of
2 additional parts and accessories on any vehicle consistent with the pro-
3 visions of those sections.

4 (2) [*Motor*] Vehicles of special interest that are registered under ORS
5 805.020 shall be deemed in compliance with ORS 816.320 and 816.330 if:

6 (a) The vehicles are equipped with original manufacturer's equipment and
7 accessories, or their equivalent, and if the equipment is maintained in safe
8 operating condition; or

9 (b) The vehicles are street rods that conform to ORS 815.107.

10 (3) ORS 816.320 and 816.330 do not apply to any of the following vehicles:

11 (a) Road machinery.

12 (b) Road rollers.

13 (c) Farm tractors, implements of husbandry and farm trailers.

14 (d) Antique [*motor*] vehicles that are maintained as a collector's item and
15 used for exhibitions, parades, club activities and similar uses, but not used
16 primarily for the transportation of persons or property.

17 (4) Motorcycles manufactured before 1973 are not required to be equipped
18 with turn signals if the motorcycle is not driven during limited visibility
19 conditions under ORS 811.405 and 811.515.

20 (5) Truck tractors are not required to be equipped with rear reflectors.

21 (6) Pole trailers are not required to be equipped with side reflectors, side
22 marker lights, clearance lights or identification lights.

23 (7) Motor vehicles registered in this state on or before January 1, 1940,
24 are not required to be equipped with a high-beam indicator.

25 (8) Bicycles shall be equipped with lighting equipment as required under
26 ORS 815.280.

27 (9) Requirements for warning lights on ambulances are provided under
28 ORS 820.350 and 820.360.

29 (10) Electric personal assistive mobility devices shall be equipped with
30 lighting equipment as required under ORS 815.284.

31 **NOTE:** Corrects errors in motor vehicles laws to references to defined

1 terms “antique vehicle” and “vehicle of special interest.”

2 **SECTION 38.** ORS 816.370 is amended to read:

3 816.370. This section establishes exemptions from ORS 816.350 and 816.360.
4 The exemptions established under this section are in addition to any ex-
5 emptions under ORS 801.026. The exemptions under this section are partial
6 or complete as described in the following:

7 (1) ORS 816.350 and 816.360 shall not be construed to prohibit the use of
8 additional parts and accessories on any vehicle not inconsistent with the
9 provisions of those sections.

10 (2) Lighting equipment used on [*motor*] vehicles of special interest that
11 are registered under ORS 805.020 shall be deemed in compliance with ORS
12 816.350 and 816.360 if the equipment is original manufacturer’s equipment
13 and accessories, or their equivalent and if the equipment is maintained in
14 safe operating condition.

15 (3) ORS 816.350 and 816.360 do not apply to equipment on any of the fol-
16 lowing:

17 (a) Road machinery.

18 (b) Road rollers.

19 (c) Farm tractors.

20 (d) Antique [*motor*] vehicles that are maintained as a collector’s item and
21 used for exhibitions, parades, club activities and similar uses, but not used
22 primarily for the transportation of persons or property.

23 (4) Ambulances and emergency vehicles are subject to the provisions un-
24 der ORS 820.350 and 820.360.

25 **NOTE:** Corrects errors in motor vehicles laws to references to defined
26 terms “antique vehicle” and “vehicle of special interest.”

27 **SECTION 39.** ORS 822.033 is amended to read:

28 822.033. A certificate of insurance required to qualify for a vehicle dealer
29 certificate under ORS 822.020 or to qualify for renewal of a certificate under
30 ORS 822.040 must comply with all of the following:

31 (1) The certificate shall:

1 (a) Be issued by an insurance carrier licensed to do business within this
2 state;

3 (b) Show that the dealer is insured by a policy that provides the minimum
4 limits of coverage required under ORS 806.070;

5 (c) Show that the dealer is insured by a policy that provides for payment
6 of judgments of the type described in ORS 806.040;

7 (d) Show that the dealer is insured by a policy covering all vehicles
8 manufactured, owned, operated, used or maintained by or under the control
9 of the dealer;

10 (e) Show that the dealer is insured by a policy that also covers all other
11 persons who, with the consent of the dealer, use or operate vehicles manu-
12 factured, owned or maintained by or under the control of the dealer;

13 (f) Be dated as of the date of the motor vehicle policy for which it is
14 given;

15 (g) Contain the policy number; and

16 (h) Provide that the insurer shall give the Department of Transportation
17 written notice of any cancellation of the policy and that the insurer shall
18 continue to be liable under the policy until the department receives the no-
19 tice required by this paragraph or until the cancellation date specified in the
20 notice, whichever is later.

21 (2) The certificate of insurance must be filed and held in the office of the
22 department.

23 (3) A dealer is exempt from the requirement to file the certificate of in-
24 surance described in this section if the dealer certifies, in such form as may
25 be required by the department, that the dealer will be dealing exclusively in
26 one or more of the following:

27 (a) Antique [*motor*] vehicles issued permanent registration under ORS
28 805.010;

29 (b) Farm trailers;

30 (c) Farm tractors;

31 (d) Implements of husbandry; or

1 (e) Snowmobiles, Class I or Class III all-terrain vehicles.

2 **NOTE:** Corrects error in motor vehicles laws to reference to defined term
3 “antique vehicle.”

4 **SECTION 40.** ORS 820.010 is amended to read:

5 820.010. (1) A motor vehicle is subject to safety regulation under ORS
6 820.030 to 820.070, if the vehicle is furnished by an employer and is used to
7 transport one or more workers to and from their places of employment. All
8 of the following apply to this subsection:

9 (a) The employer must be an individual who employs or uses two or more
10 workers.

11 (b) The workers employed or transported may be any individuals who are
12 employed for any period in any work for which the workers are compensated,
13 whether full- or part-time.

14 (c) The place of employment to and from which the vehicle is used to
15 transport workers must be a location where one or more workers are actu-
16 ally performing the labor incident to their employment.

17 (d) Vehicles may include passenger automobiles [*and station wagons*] op-
18 erated by or on behalf of employers.

19 (2) If vehicles described in this section are worker transport buses, the
20 vehicles may be subject to additional regulation for the use of bus safety
21 lights under ORS 811.520 and 816.300 in addition to safety measures under
22 ORS 811.155.

23 (3) The Department of Consumer and Business Services has concurrent
24 jurisdiction with the Department of Transportation in the adoption, under
25 ORS 820.030, of rules relating to vehicles described in this section and in the
26 enforcement of those rules under ORS 820.040 and 820.050 as applied to ve-
27 hicles described in this section.

28 (4) Vehicles described in this section are in addition to any vehicles sub-
29 jected to regulation under ORS 820.020.

30 **NOTE:** Deletes redundant reference to “station wagons” in law describing
31 motor vehicles subject to safety regulation when furnished by employers and

1 used to transport workers.

2 **SECTION 41.** ORS 825.005 is amended to read:

3 825.005. As used in this chapter:

4 (1) "Carrier" or "motor carrier" means for-hire carrier or private carrier.

5 (2) "Cartage carrier" means any person who undertakes to transport any
6 class of property by motor vehicle for compensation when the transportation
7 is performed wholly within an incorporated city or a commercial zone adja-
8 cent to an incorporated city.

9 (3) "Certificate" means an authority issued to a for-hire carrier under
10 ORS 825.110.

11 (4) "Combined weight" means the weight of the motor vehicle plus the
12 weight of the maximum load which the applicant has declared such vehicle
13 will carry. Any declared combined weight is subject to audit and approval
14 by the Department of Transportation. The combined weight of motor buses
15 or bus trailers is the light weight of the vehicle plus the weight of the
16 maximum seating capacity including the driver's seat estimated at 170
17 pounds per seat, exclusive of emergency seats, except that transit-type motor
18 vehicles may use 150 pounds per seat in determining combined weight. In
19 cases where a bus has a seating capacity which is not arranged for separate
20 or individual seats, 18 lineal inches of such capacity shall be deemed the
21 equivalent of a passenger seat.

22 (5) "Department" means the Department of Transportation.

23 (6) "Extreme miles" or "extreme mileage" means the total miles operated
24 by a vehicle over the public highways, except the extra miles necessarily
25 operated in traversing detours or temporary routes on account of road
26 blockades in the state.

27 (7) "For-hire carrier" means:

28 (a) Any person who transports persons or property for hire or who pub-
29 licly purports to be willing to transport persons or property for hire by motor
30 vehicle; or

31 (b) Any person who leases, rents or otherwise provides a motor vehicle

1 to the public and who in connection therewith in the regular course of
2 business provides, procures or arranges for, directly, indirectly or by course
3 of dealing, a driver or operator therefor.

4 (8) "Household goods" means the personal effects or other property used
5 or to be used in a dwelling but does not include property transported from
6 a store or factory or property exclusively for office use.

7 (9) "Motor vehicle" means any self-propelled vehicle and any such vehicle
8 in combination with any trailing units, used or physically capable of being
9 used upon any public highway in this state in the transportation of persons
10 or property, except vehicles operating wholly on fixed rails or tracks and
11 electric trolley buses. "Motor vehicle" includes overdimension vehicles or
12 vehicles permitted excessive weights pursuant to a special authorization is-
13 sued by a city, county or the Department of Transportation.

14 (10) "Permit" means an authority issued to a carrier under ORS 825.102,
15 825.106, 825.108 or 825.127.

16 (11) "Private carrier" means any person who operates a motor vehicle
17 over the public highways of this state for the purpose of transporting persons
18 or property when the transportation is incidental to a primary business en-
19 terprise, other than transportation, in which such person is engaged.

20 (12) "Privilege taxes" means the weight-mile tax and fees prescribed in
21 this chapter.

22 (13) "Property" includes, but is not limited to, permanent loads such as
23 equipment, appliances, devices, or ballast that are attached to, carried on,
24 or made a part of the vehicle and that are designed to serve some functional
25 purpose.

26 (14) "Public highway" means every street, alley, road, highway and
27 thoroughfare in this state used by the public or dedicated or appropriated
28 to public use.

29 [(15) "Safe for operation" means mechanical safety and compliance with
30 rules regarding equipment and operation as are specified by law or by rule of
31 the Department of Transportation.]

1 [(16)] (15) "Transit-type motor vehicle" means any passenger-carrying ve-
2 hicle that does not have a separate space for transporting baggage or ex-
3 press.

4 [(17)] (16) "Transporter" has the meaning given that term in ORS 466.005.

5 **NOTE:** Deletes unnecessary defined term "safe for operation" in defi-
6 nitions applicable to ORS chapter 825 on motor carriers. The term is not
7 used in ORS chapter 825.

8 **SECTION 42. Sections 21 and 22, chapter 4, Oregon Laws 2013, are**
9 **repealed.**

10 **NOTE:** Repeals obsolete statutes requiring Department of Transportation
11 to provide quarterly reports on the progress of the Interstate 5 bridge re-
12 placement project.

13 **SECTION 43. This 2015 Act being necessary for the immediate**
14 **preservation of the public peace, health and safety, an emergency is**
15 **declared to exist, and this 2015 Act takes effect on its passage.**

16