

# House Bill 2989

Sponsored by Representative VEGA PEDERSON, Senators JOHNSON, KRUSE; Representatives CLEM, EVANS, HUFFMAN, OLSON, POST, WEIDNER, Senators FERRIOLI, GIROD, THATCHER, WHITSETT

## 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 18 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.

## 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) A motorcycle operator under 18 years of age is not in violation of ORS 814.269 if the**  
13 **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) A motorcycle operator 18 years of age or older is not in violation of ORS 814.269 if the**  
18 **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 806.010 is amended to read:

25 806.010. (1) A person commits the offense of driving uninsured if the person operates a motor  
26 vehicle in this state on any highway or premises open to the public *[in this state]* without either:

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

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

2 **(2) A person 18 years of age or older commits the offense of driving uninsured if the**  
 3 **person operates a motorcycle in this state without wearing an approved motorcycle helmet**  
 4 **on any highway or premises open to the public and without a motor vehicle liability insur-**  
 5 **ance policy that provides personal injury protection benefits as defined in ORS 742.518.**

6 [(2)] (3) Exemptions from this section are established under ORS 806.020.

7 [(3)] (4) In addition to other penalties under this section the following apply:

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

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

12 [(4)] (5) A person convicted for violation of this section must file with the department, and  
 13 thereafter maintain for a period of three years, proof of financial responsibility that complies with  
 14 ORS 806.060. Failure to comply with this subsection is subject to ORS 809.415.

15 [(5)] (6) The offense described in this section, driving uninsured, is a Class B traffic violation.

16 **SECTION 3. Section 4 of this 2015 Act is added to and made a part of the Oregon Vehicle**  
 17 **Code.**

18 **SECTION 4. (1) A person commits the offense of failure to carry proof of personal injury**  
 19 **protection benefits if the person operates a motorcycle in this state without wearing an ap-**  
 20 **proved motorcycle helmet and does not have with the person while operating the motorcycle**  
 21 **current proof that the person is insured under a motor vehicle liability insurance policy that**  
 22 **provides personal injury protection benefits as defined in ORS 742.518.**

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

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

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

31 **SECTION 5. A violation of ORS 806.010 or section 4 of this 2015 Act committed before**  
 32 **January 2, 2020, shall continue to be governed by ORS 806.010 or section 4 of this 2015 Act**  
 33 **as those statutes are in effect immediately before January 2, 2020.**

34 **SECTION 6.** ORS 807.280, as amended by section 45, chapter 237, Oregon Laws 2013, is  
 35 amended to read:

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

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

1 also be subject to the provisions of this section.

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

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

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

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

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

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

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

20 (a) Within one year of the expiration of an instruction driver permit issued under this section;  
21 or

22 (b) Within six months after the applicant is discharged from the Armed Forces of the United  
23 States if the applicant held an instruction driver permit issued by this state at the time of the  
24 applicant's entry into the Armed Forces.

25 (6) To qualify for renewal of an instruction driver permit, a person must meet all of the re-  
26 quirements for the type of instruction driver permit sought to be renewed, except that the depart-  
27 ment may waive the examination unless the department has reason to believe that the applicant is  
28 not qualified for the instruction driver permit.

29 (7) An instruction driver permit that is renewed under this section may be used on or after the  
30 date of issuance. If the department issues an instruction driver permit renewal to a person under  
31 this section before the expiration of the instruction driver permit being renewed, the older permit  
32 is invalid. An instruction driver permit that becomes invalid under this subsection shall be surren-  
33 dered to the department.

34 (8) The holder of the instruction driver permit may not operate a motor vehicle unless the  
35 holder has the instruction driver permit in the holder's immediate possession and is accompanied  
36 by a person with a class of license granting the same driving privileges or a license with an  
37 endorsement granting the same driving privileges who is not less than 21 years of age. The accom-  
38 panying person must be occupying a seat beside the holder of the instruction driver permit unless  
39 the instruction driver permit is for motorcycle driving privileges. For an instruction driver permit  
40 granting motorcycle driving privileges, the holder of the instruction driver permit must be in the  
41 company and under the supervision and visual observation of the accompanying person and the ac-  
42 companying person must be operating a separate motorcycle.

43 (9) The holder of an instruction driver permit granting motorcycle driving privileges is subject  
44 to the following in addition to any other requirements under this section:

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

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

2 (c) **Except as provided in ORS 814.290**, the holder of the instruction driver permit must wear  
3 an approved **motorcycle** helmet while operating a motorcycle.

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

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

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

12 **SECTION 7.** ORS 742.447 is amended to read:

13 742.447. (1) Every insurer that issues motor vehicle insurance that is designed to meet either the  
14 financial or future responsibility requirements of ORS chapter 806 shall issue with the policy proof  
15 of insurance that shows the effective date and the expiration date of the insurance.

16 (2) An insurer may provide proof of insurance under this section by issuing a card or, if the  
17 insured agrees, through electronic means.

18 (3) Nothing in this section requires an insurer to provide proof of insurance at any time other  
19 than when the policy is issued or renewed.

20 (4) **In addition to the information required under subsection (1) of this section, every**  
21 **insurer that issues motor vehicle insurance that provides personal injury protection benefits,**  
22 **as defined in ORS 742.518, to a person who operates a motorcycle without wearing an ap-**  
23 **proved motorcycle helmet, as defined in ORS 801.366, shall include in the proof of insurance**  
24 **a statement indicating that the person’s motor vehicle liability insurance policy provides**  
25 **personal injury protection benefits as required under ORS 814.290.**

26 **SECTION 8.** ORS 742.580 is amended to read:

27 742.580. Every insurer that issues motor vehicle insurance that is designed to meet either the  
28 financial or future responsibility requirements of ORS chapter 806, **or that provides personal in-**  
29 **jury protection benefits, as defined in ORS 742.518, to a person who operates a motorcycle**  
30 **without wearing an approved motorcycle helmet, as defined in ORS 801.366,** shall report to the  
31 Department of Transportation within 30 days of the day that a person or the insurer cancels or fails  
32 to renew such a policy and within 15 days of the day that an insurer issues such a policy. The  
33 insurer shall report the person’s name and residence address, the vehicle identification number of  
34 each vehicle covered by the policy, whether the policy was bought, canceled or not renewed and  
35 any other information required by the department by rule under ORS 806.195.

36 **SECTION 9. Section 4 of this 2015 Act and the amendments to ORS 742.447, 742.580,**  
37 **806.010, 807.280 and 814.290 by sections 1, 2 and 6 to 8 of this 2015 Act apply to policies issued**  
38 **or renewed on or after the effective date of this 2015 Act.**

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