

Enrolled House Bill 3035

Sponsored by Representatives HACK, WILLIAMSON; Representatives BARRETO, BENTZ, ESQUIVEL, GORSEK, HEARD, KRIEGER, MCKEOWN, MCLANE, NEARMAN, PILUSO, POST, SMITH, TAYLOR, WEIDNER, WHISNANT, Senator WINTERS

CHAPTER

AN ACT

Relating to flashing lights in school zones; amending ORS 810.243, 811.111 and 811.235; and declaring an emergency.

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

SECTION 1. ORS 810.243 is amended to read:

810.243. (1) **Except as provided in subsection (2) of this section,** a flashing light used as a traffic control device to indicate that children may be arriving at or leaving school [*that is*] and operated to [*give*] **provide** notice under ORS 811.111 or 811.235 may be operated only at times when children are scheduled to arrive at or leave the school.

(2) A flashing light may be used to provide notice under ORS 811.111 or 811.235 of the presence of a school zone and may be operated between 7 a.m. and 5 p.m. on a day when school is in session if:

- (a) The school has a parking lot located across the street from the school; and**
- (b) That street has a speed limit, or designated speed posted by authority granted under ORS 810.180, of 45 miles per hour or greater.**

SECTION 2. ORS 811.111 is amended to read:

811.111. (1) A person commits the offense of violating a speed limit if the person:
(a) Drives a vehicle on an interstate highway at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.

(b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed:

- (A) A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a truck tractor with a gross vehicle weight rating of more than 8,000 pounds.
- (B) A school bus.
- (C) A school activity vehicle.
- (D) A worker transport bus.
- (E) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 825.017 (9).

(c) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

- (A) Any designated speed for ocean shores that is established and posted under ORS 810.180.
- (B) If no designated speed is posted under ORS 810.180, 25 miles per hour.
- (d) Drives a vehicle upon a highway in any city at a speed greater than a speed posted by authority granted under ORS 810.180 or, if no speed is posted, the following:
 - (A) Fifteen miles per hour when driving on an alley or a narrow residential roadway.
 - (B) Twenty miles per hour in a business district.
 - (C) Twenty-five miles per hour in a public park.
 - (D) Twenty-five miles per hour on a highway in a residence district if the highway is not an arterial highway.
 - (E) Sixty-five miles per hour on an interstate highway.
 - (F) Fifty-five miles per hour in locations not otherwise described in this paragraph.
- (e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour if the school zone is:

- (A) A segment of highway described in ORS 801.462 (1)(a) and:
 - (i) The school zone has a flashing light used as a traffic control device and operated **as provided** under ORS 810.243 [*and the flashing light indicates that children may be arriving at or leaving school*]; or
 - (ii) If the school zone does not have a flashing light used as a traffic control device, the person drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.
- (B) A crosswalk described in ORS 801.462 (1)(b) and:
 - (i) A flashing light **is** used as a traffic control device and operated **as provided** under ORS 810.243 [*indicates that children may be arriving at or leaving school*]; or
 - (ii) Children are present, as described in ORS 811.124.
- (2) The offense described in this section, violating a speed limit, is punishable as provided in ORS 811.109.

SECTION 3. ORS 811.235 is amended to read:

811.235. (1)(a) If signs authorized by ORS 810.245 are posted, the presumptive fine for a person charged with an offense that is listed in subsection (2)(a) or (b) of this section and that is committed in a school zone shall be the amount established under ORS 153.020 for the offense.

(b) If signs authorized by ORS 810.245 are posted, the minimum fine for a person convicted of a misdemeanor offense that is listed in subsection (2)(c) to (g) of this section and that is committed in a school zone is 20 percent of the maximum fine established for the offense.

(c) If signs authorized by ORS 810.245 are posted, the minimum fine for a person convicted of a felony offense that is listed in subsection (2)(c) to (g) of this section and that is committed in a school zone is two percent of the maximum fine established for the offense.

(2) This section applies to the following offenses if committed in a school zone:

- (a) Class A or Class B traffic violations.
- (b) Class C or Class D traffic violations related to exceeding a legal speed.
- (c) Reckless driving, as defined in ORS 811.140.
- (d) Driving while under the influence of intoxicants, as defined in ORS 813.010.
- (e) Failure to perform the duties of a driver involved in an accident or collision, as described in ORS 811.700 or 811.705.
- (f) Criminal driving while suspended or revoked, as defined in ORS 811.182.
- (g) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

(3) For purposes of this section, a traffic offense occurs in a school zone if the offense occurs while the motor vehicle is in a school zone, notice of the school zone is indicated plainly by traffic control devices conforming to the requirements established under ORS 810.200 and posted under authority granted by ORS 810.210 and:

- (a) Children are present as described in ORS 811.124; or
- (b) A flashing light **is** used as a traffic control device and operated **as provided** under ORS 810.243 [*indicates that children may be arriving at or leaving school*].

SECTION 4. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House April 6, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 12, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State