

Enrolled Senate Bill 35

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of Transportation)

CHAPTER

AN ACT

Relating to motor vehicle accident reports; creating new provisions; and amending ORS 811.720 and 811.745.

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

SECTION 1. ORS 811.720 is amended to read:

811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a highway or upon premises open to the public resulting in injury or death to any person is subject to the reporting requirements under the following sections:

- (a) The reporting requirements for drivers under ORS 811.725.
- (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.
- (c) The reporting requirements for owners of vehicles under ORS 811.730.

(2) Except as provided in subsection (4) of this section, an accident occurring on a highway or upon premises open to the public resulting in damage to the property of any person in excess of ~~[\$1,500]~~ **\$2,500** is subject to the following reporting requirements:

- (a) The driver of a vehicle that has more than ~~[\$1,500]~~ **\$2,500** damage must report the accident in the manner specified under ORS 811.725.
- (b) The owner of a vehicle that has more than ~~[\$1,500]~~ **\$2,500** damage must report the accident in the manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.
- (c) If the property damage is to property other than a vehicle involved in the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must report the accident in the manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.
- (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed from the scene of the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must report the accident in the manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

(3) The dollar amount specified in subsection (2) of this section may be increased every five years by the Department of Transportation based upon any increase in the Portland-Salem Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this subsection shall be rounded to the nearest \$100.

(4) The following are exempt from the reporting requirements of this section:

- (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.
- (b) A law enforcement official acting in the course of official duty if the accident involved a law enforcement official performing a lawful intervention technique or a law enforcement official and a person acting during the commission of a criminal offense. As used in this paragraph:
 - (A) "Law enforcement official" means a person who is responsible for enforcing the criminal laws of this state or a political subdivision of this state and who is employed or volunteers:
 - (i) As a peace officer commissioned by a city, university that has established a police department under ORS 352.121 or 353.125, port, school district, mass transit district, county or county service district authorized to provide law enforcement services under ORS 451.010;
 - (ii) With the Department of State Police or the Criminal Justice Division of the Department of Justice;
 - (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace officer in this state; or
 - (iv) As an authorized tribal police officer as defined in ORS 181A.680.
 - (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or attempts to cause, another motor vehicle to stop.

SECTION 2. ORS 811.745 is amended to read:

811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a highway or upon premises open to the public resulting in injury or death to any person is subject to the reporting requirements under the following sections:

- (a) The reporting requirements for drivers under ORS 811.748.
- (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.
- (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or upon premises open to the public resulting in damage to the property of any person in excess of ~~[\$1,500]~~ **\$2,500** is subject to the following reporting requirements:
 - (a) The driver of a vehicle that has more than ~~[\$1,500]~~ **\$2,500** damage must report the accident in the manner specified under ORS 811.748.
 - (b) If the property damage is to property other than a vehicle involved in the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.748.
 - (c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed from the scene of the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.748.

(3) The dollar amount specified in subsection (2) of this section may be increased every five years by the Department of Transportation based upon any increase in the Portland-Salem Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this subsection shall be rounded to the nearest \$100.

(4) The following are exempt from the reporting requirements of this section:

- (a) Operators of snowmobiles and Class I, Class III and Class IV all-terrain vehicles.
- (b) A law enforcement official acting in the course of official duty if the accident involved a law enforcement official performing a lawful intervention technique or involved a law enforcement official and a person acting during the commission of a criminal offense. As used in this paragraph:
 - (A) "Law enforcement official" means a person who is responsible for enforcing the criminal laws of this state or a political subdivision of this state and who is employed or volunteers:
 - (i) As a peace officer commissioned by a city, port, university that has established a police department under ORS 352.121 or 353.125, school district, mass transit district, county or service district authorized to provide law enforcement services under ORS 451.010;
 - (ii) With the Department of State Police or the Criminal Justice Division of the Department of Justice; or
 - (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace officer in this state.

(B) "Lawful intervention technique" means a method by which one motor vehicle causes, or attempts to cause, another motor vehicle to stop.

(5) The reporting requirements under this section are in addition to, and not in lieu of, the reporting requirements under ORS 811.720.

SECTION 3. The amendments to ORS 811.720 and 811.745 by sections 1 and 2 of this 2017 Act apply to motor vehicle accidents that occur on or after the effective date of this 2017 Act.

Passed by Senate February 28, 2017

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 23, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State