

B-Engrossed
House Bill 4055

Ordered by the Senate February 22
Including House Amendments dated February 12 and Senate Amendments
dated February 22

Sponsored by Representatives OLSON, BARKER; Representatives ESQUIVEL, EVANS, HELFRICH, LEWIS,
NEARMAN, POST, RESCHKE, SMITH DB, SMITH G, STARK (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies laws related to vehicular hit and run.

A BILL FOR AN ACT

1
2 Relating to vehicles; creating new provisions; and amending ORS 137.751, 801.026, 807.072, 807.252,
3 810.415, 811.230, 811.235, 811.483, 811.700, 811.705, 811.707 and 811.710.

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

5 **SECTION 1.** ORS 811.700 is amended to read:

6 811.700. (1) A *[person]* **driver of a vehicle who knows or has reason to believe that the**
7 **driver's vehicle was involved in a collision** commits the offense of failure to perform the duties
8 of a driver when property is damaged if the *[person is the driver of any vehicle and the person]*
9 **driver's vehicle is involved in a collision that results in damage to property and the driver**
10 does not perform duties required under any of the following:

11 **(a) Immediately stop the driver's vehicle at the scene of the collision or as close to the**
12 **scene of the collision as possible and reasonably investigate what the driver's vehicle struck.**
13 **Every stop required under this paragraph should be made without obstructing traffic more**
14 **than is necessary.**

15 *[(a)]* **(b) If the *[person is the driver of any vehicle]* the driver's vehicle has been** involved in
16 *[an accident]* **a collision** that results only in damage to a vehicle that is driven or attended by any
17 other person, the *[person must]* **driver shall** perform all of the following duties:

18 *[(A)]* **Immediately stop the vehicle at the scene of the accident or as close thereto as possible. Every**
19 **stop required under this subparagraph shall be made without obstructing traffic more than is neces-**
20 **sary.]**

21 *[(B)]* **(A) Remain at the scene of the *[accident]* collision** until the driver has fulfilled all of the
22 requirements under this paragraph.

23 *[(C)]* **(B) Give to the other driver or passenger:**

24 **(i) The driver's name and address, the name and address of the owner of the driver's ve-**
25 **hicle and *[of the driver and the registration number of the vehicle that the driver is driving,]* the name**
26 **and address of any other occupants of the *[vehicle and,]* driver's vehicle; and**

27 **(ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle,**
28 **the name of the insurance carrier *[and]* covering the motor vehicle, the insurance policy number**

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 of the insurance policy insuring the motor vehicle[.] **and the phone number of the insurance**
2 **carrier.**

3 [(D)] (C) Upon request and if available, exhibit and give to the occupant of or person attending
4 any vehicle damaged the number of any [documents] **document** issued as evidence of driving privi-
5 leges granted to the driver.

6 [(b)] (c) If the [person is the driver of any vehicle that collides with] **driver's vehicle has been**
7 **involved in a collision resulting in damage to** any vehicle that is unattended, the [person shall
8 *immediately stop and*] **driver shall perform all the following duties:**

9 (A) Locate [*and notify*] the operator or owner of the **unattended vehicle and notify the oper-**
10 **ator or owner of:**

11 (i) The **driver's** name and address [*of the driver*] and **the name and address of the** owner of
12 the vehicle [*striking*] **that struck** the unattended vehicle [*and,*]; **and**

13 (ii) If the **driver's** vehicle is a motor vehicle, **the registration number of the motor vehicle,**
14 the name of the insurance carrier [*and*] **covering the motor vehicle,** the insurance policy number
15 of the insurance policy insuring the motor vehicle **and the phone number of the insurance car-**
16 **rier;** or

17 (B) Leave in a conspicuous place in the **unattended** vehicle [*struck*] a written notice giving:

18 (i) The **driver's** name and address [*of the driver*] and **the name and address** of the owner of
19 the vehicle [*doing the striking*] **that struck the unattended vehicle** and a statement of the cir-
20 cumstances [*thereof*] **of the collision;** and

21 (ii) If the **driver's** vehicle is a motor vehicle, **the registration number of the motor vehicle,**
22 the name of the insurance carrier [*and*] **covering the motor vehicle,** the insurance policy number
23 of the insurance policy insuring the motor vehicle **and the phone number of the insurance car-**
24 **rier.**

25 [(c)] (d) If the [person is the driver of any vehicle] **driver's vehicle has been** involved in [*an*
26 *accident*] **a collision** resulting only in damage to fixtures or property legally upon or adjacent to a
27 highway, the [person] **driver** shall [*do*] **perform** all of the following **duties:**

28 (A) Take reasonable steps to notify the owner or person in charge of the property of [*such*
29 *fact*] **the collision** and of the driver's name and address, **the vehicle owner's name and address**
30 and, if the **driver's** vehicle is a motor vehicle, **the registration number of the motor vehicle,** the
31 name of the insurance carrier [*and*] **covering the motor vehicle,** the insurance policy number of
32 the insurance policy insuring the motor vehicle **and the phone number of the insurance carrier**
33 [*and of the registration number of the vehicle the driver is driving*].

34 (B) Upon request and if available, exhibit any document issued as [*official*] evidence of [*a grant*
35 *of*] driving privileges **granted** to the driver.

36 (e) **If the driver discovers only after leaving the scene of the collision that the driver's**
37 **vehicle may have been involved in a collision that resulted in damage to another vehicle,**
38 **fixture or property, the driver shall as soon as reasonably possible make a good faith effort**
39 **to comply with the requirements of this subsection.**

40 (2) **As used in this section, "reason to believe" means that the driver is aware of a cir-**
41 **cumstance that would cause a reasonable person to be aware of a substantial and unjustifi-**
42 **able risk that the driver's vehicle has been in a collision. The risk must be of such nature**
43 **or degree that failure to be aware of it constitutes a gross deviation from the standard of**
44 **care that a reasonable person would observe in the situation.**

45 [(2)] (3) The offense described in this section, failure to perform the duties of a driver when

1 property is damaged, is a Class A misdemeanor and is applicable on any premises open to the public.

2 **SECTION 2.** ORS 811.705 is amended to read:

3 811.705. (1) A *[person commits the offense of failure to perform the duties of a driver to injured*
4 *persons if the person is the driver of any]* **driver of a vehicle who knows or has reason to believe**
5 **that the driver's vehicle was** involved in *[an accident]* **a collision** *[that results in injury or death*
6 *to any person and does not do all of the following]* **commits the offense of failure to perform the**
7 **duties of a driver to injured persons if the driver's vehicle has been in a collision that results**
8 **in injury or death to a person and the driver does not perform all of the following duties:**

9 (a) Immediately stop the **driver's** vehicle at the scene of the *[accident]* **collision** or as close
10 *[thereto]* **to the scene of the collision** as possible **and reasonably investigate what the driver's**
11 **vehicle struck.** Every stop required under this paragraph *[shall]* **should** be made without obstruct-
12 ing traffic more than is necessary.

13 (b) Remain at the scene of the *[accident]* **collision** until the driver has fulfilled all of the re-
14 quirements under this subsection.

15 (c) Give to the other driver or **a** surviving passenger or any person not a passenger who is in-
16 jured as a result of the *[accident]* **collision:**

17 (A) The **driver's** name and address, **the name and address of the owner of the driver's ve-**
18 **hicle and** *[of the driver and the registration number of the vehicle that the driver is driving,]* the name
19 and address of any other occupants of the *[vehicle and,]* **driver's vehicle; and**

20 (B) If the **driver's** vehicle is a motor vehicle, **the registration number of the motor vehicle,**
21 the name of the insurance carrier *[and]* **covering the motor vehicle,** the insurance policy number
22 of the insurance policy insuring the motor vehicle*[,] and the phone number of the insurance*
23 **carrier.**

24 (d) Upon request and if available, exhibit and give to the persons injured **and** *[or]* to the occu-
25 pant of or person attending any vehicle damaged the number of any document issued as official ev-
26 idence of *[a grant of]* driving privileges **granted to the driver.**

27 (e) Render to any person injured in the *[accident]* **collision** reasonable assistance, including the
28 conveying, or the making of arrangements for the conveying, of *[such]* **an injured** person to a phy-
29 sician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment
30 is necessary or if such conveying is requested by any injured person.

31 (f) Remain at the scene of *[an accident]* **a collision** until a police officer has arrived and has
32 received the required information, if all persons required to be given information under paragraph
33 (c) of this subsection are killed in the *[accident]* **collision** or are unconscious or otherwise incapable
34 of receiving the information. The requirement of this paragraph to remain at the scene of *[an acci-*
35 *dent]* **a collision** until a police officer arrives does not apply to a driver who needs immediate
36 medical care, who needs to leave the scene in order to secure medical care for another person in-
37 jured in the *[accident]* **collision** or who needs to leave the scene in order to report the *[accident]*
38 **collision** to the authorities, *[so]* **as** long as the driver who leaves takes reasonable steps to return
39 to the scene or to contact the nearest police *[agency]* **officer.**

40 (g) **If the driver discovers only after leaving the scene of the collision that the driver's**
41 **vehicle may have been involved in a collision that resulted in injury or death to any person,**
42 **shall as soon as reasonably possible make a good faith effort to comply with the require-**
43 **ments of this subsection. The driver shall immediately contact 9-1-1 and provide to the dis-**
44 **patcher any requested information described in paragraph (c) of this subsection and the**
45 **location and approximate time of the collision.**

1 **(2) As used in this section, “reason to believe” means that the driver is aware of a cir-**
2 **cumstance that would cause a reasonable person to be aware of a substantial and unjustifi-**
3 **able risk that the driver’s vehicle has been in a collision. The risk must be of such nature**
4 **or degree that failure to be aware of it constitutes a gross deviation from the standard of**
5 **care that a reasonable person would observe in the situation.**

6 [(2)(a)] **(3)(a)** Except as otherwise provided in paragraph (b) of this subsection, the offense de-
7 scribed in this section, failure to perform the duties of a driver to injured persons, is a Class C fel-
8 ony and is applicable on any premises open to the public.

9 (b) Failure to perform the duties of a driver to injured persons is a Class B felony if a person
10 suffers serious physical injury as defined in ORS 161.015 or dies as a result of the [accident]
11 **collision.**

12 **SECTION 3.** ORS 811.707 is amended to read:

13 811.707. The Oregon Criminal Justice Commission shall classify the crime of failure to perform
14 the duties of a driver to injured persons as crime category 8 of the sentencing guidelines grid of the
15 commission if a person suffers serious physical injury as defined in ORS 161.015 or dies as a result
16 of the [accident] **collision** that forms the basis of the conviction.

17 **SECTION 4.** ORS 811.710 is amended to read:

18 811.710. (1) A [person] **driver of a vehicle who knows or has reason to believe that the**
19 **driver’s vehicle was involved in a collision** commits the offense of failure to perform the duties
20 of a driver when an animal is injured if the [person knowingly strikes and injures a domestic animal
21 and the person] **driver’s vehicle injures or kills a domestic animal and the driver** does not [do]
22 **perform** all of the following duties:

23 (a) [Stop at once.] **Immediately stop the driver’s vehicle at the scene of the collision or as**
24 **close to the scene of the collision as possible and reasonably investigate what the driver’s**
25 **vehicle struck. Every stop required under this paragraph should be made without obstructing**
26 **traffic more than is necessary.**

27 (b) Make a reasonable effort to determine the nature of the animal’s injuries.

28 (c) Give reasonable attention to the animal.

29 (d) Immediately report the injury to the animal’s owner.

30 (e) If unable to contact the owner of the animal, notify a police officer.

31 **(f) If the driver discovers only after leaving the scene of the collision that the driver’s**
32 **vehicle may have been involved in a collision that injured or killed a domestic animal, the**
33 **driver shall as soon as reasonably possible make a good faith effort to comply with the re-**
34 **quirements of this section.**

35 (2) The requirements under this section for a driver to stop and attend an injured animal depend
36 on the traffic hazards then existing.

37 **(3) As used in this section, “reason to believe” means that the driver is aware of a cir-**
38 **cumstance that would cause a reasonable person to be aware of a substantial and unjustifi-**
39 **able risk that the driver’s vehicle has been in a collision. The risk must be of such nature**
40 **or degree that failure to be aware of it constitutes a gross deviation from the standard of**
41 **care that a reasonable person would observe in the situation.**

42 [(3)] **(4)** The offense described in this section, failure to perform the duties of a driver when an
43 animal is injured, is a Class B traffic violation.

44 **SECTION 4a.** ORS 137.751 is amended to read:

45 137.751. (1) When a court sentences a defendant to a term of incarceration that exceeds one

1 year, the defendant may request a determination of the defendant's eligibility for release on post-
2 prison supervision under ORS 421.508 (4). The court shall order in the judgment that the Department
3 of Corrections may release the defendant on post-prison supervision under ORS 421.508 (4) only if,
4 after a hearing, the court finds that:

5 (a) The defendant meets the eligibility requirements of subsections (2) and (3) of this section;

6 (b) The defendant was not on probation, parole or post-prison supervision for an offense listed
7 in ORS 137.712 (4) or 811.705 [(2)(b)] **(3)(b)** at the time of the commission of the current crime of
8 conviction;

9 (c) The defendant has not previously been released on post-prison supervision under ORS 421.508
10 (4);

11 (d) The harm or loss caused by the crime is not greater than usual for that type of crime;

12 (e) The crime was not part of an organized criminal operation; and

13 (f) After considering the nature of the offense and the harm to the victim, the defendant's suc-
14 cessful completion of the program would:

15 (A) Increase public safety;

16 (B) Enhance the likelihood that the defendant would be rehabilitated; and

17 (C) Not unduly reduce the appropriate punishment.

18 (2) Except as provided in subsection (4) of this section, a defendant may not be released on
19 post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime under
20 ORS 163.145, 163.165 (1)(a) or (b), 163.525 or 811.705 [(2)(b)] **(3)(b)**.

21 (3) A defendant may not be released on post-prison supervision under ORS 421.508 (4) if the de-
22 fendant is being sentenced for a crime listed in ORS 137.700, 137.707 or 163.095 or a sex crime as
23 defined in ORS 163A.005.

24 (4) Notwithstanding subsection (1) of this section, the parties may stipulate to a defendant's el-
25 igibility for release on post-prison supervision under ORS 421.508 (4). If the court accepts the stip-
26 ulation, the court does not need to make explicit findings regarding the factors described in
27 subsection (1)(b) to (f) of this section. The parties may not stipulate to the defendant's release on
28 post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime de-
29 scribed in subsection (3) of this section.

30 (5) If the court makes the findings described in subsection (1) of this section or accepts the
31 stipulation of the parties under subsection (4) of this section, the court shall:

32 (a) Order on the record in open court as part of the sentence imposed that the defendant may
33 be considered by the department for release on post-prison supervision under ORS 421.508 (4); and

34 (b) Include the order described in paragraph (a) of this subsection in the judgment.

35 (6) Subject to the requirements of this section, the court may order that the defendant serve a
36 minimum period of incarceration before the defendant is released on post-prison supervision under
37 ORS 421.508 (4). Nothing in this section authorizes the release of the defendant on post-prison
38 supervision before the defendant has served the period of time described in ORS 421.508 (4)(b).

39 **SECTION 5.** ORS 801.026 is amended to read:

40 801.026. (1) Persons, motor vehicles and equipment employed or used by a public or telecommu-
41 nications utility, electric cooperative or by the United States, this state or any political subdivision
42 of this state are exempt from the provisions of the vehicle code specified in subsection (3) of this
43 section while on a highway and working or being used to service, construct, maintain or repair the
44 facilities of a utility.

45 (2) Persons, motor vehicles and equipment employed or being used in the construction or re-

1 construction of a street or highway are exempt from the provisions of the vehicle code specified in
2 subsection (3) of this section if:

3 (a) They are within the immediate construction project as described in the governmental agency
4 contract, if there is a contract; and

5 (b) The work is being done in an area that is signed in accordance with the manual adopted
6 under ORS 810.200.

7 (3) Persons, motor vehicles and equipment described in subsections (1) and (2) of this section are
8 exempt from provisions of the vehicle code relating to rules of the road as described in ORS chapter
9 811, except that this subsection does not apply to:

10 (a) Reckless driving, as defined in ORS 811.140.

11 (b) Driving while under the influence of intoxicants, as defined in ORS 813.010.

12 (c) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as described
13 in ORS 811.700 or 811.705.

14 (d) Criminal driving while suspended or revoked, as defined in ORS 811.182.

15 (e) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

16 (f) The provisions of ORS 811.145, 811.155, 811.170 and 811.175.

17 (4) Motor vehicles and equipment being used in the area and in the manner described in sub-
18 section (2) of this section are also exempt from the provisions of the vehicle code relating to vehicle
19 size and weight to the extent set out in the governmental agency contract.

20 (5) Devices moved exclusively on stationary rail tracks are exempt from the vehicle code.

21 (6) Devices that are powered exclusively by human power are not subject to those provisions
22 of the vehicle code that relate to vehicles. Notwithstanding this subsection, bicycles are generally
23 subject to the vehicle code as provided under ORS 814.400.

24 (7) The exemptions in subsection (3) of this section do not apply to the persons and vehicles
25 when traveling to or from the facilities or construction project.

26 **SECTION 6.** ORS 807.072 is amended to read:

27 807.072. (1) The Department of Transportation, by rule, may waive any examination, test or
28 demonstration required under ORS 807.065 (1)(b) or 807.070 (2) or (3) if the department receives
29 satisfactory proof that the person required to take the examination, test or demonstration has
30 passed an examination, test or demonstration approved by the department that:

31 (a) Is given in conjunction with a traffic safety education course certified by the department
32 under ORS 336.802;

33 (b) Is given in conjunction with a motorcycle rider education course established under ORS
34 802.320;

35 (c) Is given in conjunction with a course conducted by a commercial driver training school
36 certified by the department under ORS 822.515; or

37 (d) Is given in conjunction with an application for a special limited vision condition learner's
38 permit under ORS 807.359.

39 (2) The department, by rule, may waive the actual demonstration required under ORS 807.070
40 (3) for a person who is applying for a commercial driver license or a Class C license if the person
41 holds a valid out-of-state license or applies for an Oregon license within one year of the expiration
42 of a valid out-of-state license. A demonstration may be waived under this subsection only if the
43 person has applied for the same driving privileges as those granted under the person's out-of-state
44 license or for privileges granted by a lower class of license.

45 (3) The department may waive the actual demonstration required under ORS 807.070 for a per-

1 son who is applying for a commercial driver license, an endorsement related to a commercial driver
2 license or the removal of a restriction from a commercial driver license:

3 (a) If the person has been certified, as defined by rule, under ORS 807.080 or a similar statute
4 of another jurisdiction as competent to safely exercise the driving privileges granted by a Class A
5 commercial driver license, a Class B commercial driver license or a Class C commercial driver li-
6 cense; or

7 (b) Under circumstances, established by the department by rule, that establish the person's
8 ability to drive without an actual demonstration.

9 (4) The department may issue a Class A farm endorsement without requiring additional tests to
10 a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to
11 the department that the person is experienced in driving a vehicle that may be driven only by per-
12 sons who have a Class A commercial driver license and the person's two-part driving record does
13 not show either a traffic accident within two years of the date of application for the endorsement
14 or a conviction for one of the following traffic crimes within five years of the date of application for
15 the endorsement:

16 (a) Reckless driving, as defined in ORS 811.140.

17 (b) Driving while under the influence of intoxicants, as defined in ORS 813.010.

18 (c) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as described
19 in ORS 811.700 or 811.705.

20 (d) Criminal driving while suspended or revoked, as defined in ORS 811.182.

21 (e) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

22 (5) The department may issue a Class B farm endorsement without requiring additional tests to
23 a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to
24 the department that the person is experienced in driving a vehicle that may be driven only by per-
25 sons who have a Class B commercial driver license and the person's two-part driving record does
26 not show either a conviction for a traffic crime specified in subsection (4) of this section within five
27 years of the date of application for the endorsement or a traffic accident within two years of the
28 date of application for the endorsement.

29 (6) The department by rule may establish other circumstances under which a farm endorsement
30 may be issued without an actual demonstration. The authority granted by this subsection includes,
31 but is not limited to, authority to adopt rules specifying circumstances under which the endorsement
32 may be granted to a person despite the appearance of traffic accidents on the person's record.

33 (7) The department by rule may waive the test required under ORS 807.070 (2) for a person who
34 applies for a motorcycle endorsement if the person:

35 (a) Holds a valid out-of-state driver license that authorizes the person to operate a motorcycle;
36 or

37 (b) Applies for a motorcycle endorsement within one year after the expiration date of a valid
38 out-of-state driver license that authorizes the person to operate a motorcycle.

39 (8) The department by rule may waive the actual demonstration required under ORS 807.070 (3)
40 for a person who is applying for a restricted motorcycle endorsement that only authorizes the person
41 to operate a motorcycle with more than two wheels.

42 **SECTION 7.** ORS 807.252 is amended to read:

43 807.252. (1) The Department of Transportation may not issue a hardship permit to a person
44 whose driving privileges are suspended for conviction of assault in the second, third or fourth degree
45 if the person, within 10 years preceding application for the permit, has been convicted of:

1 (a) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from
2 the operation of a motor vehicle;

3 (b) Reckless driving, as defined in ORS 811.140;

4 (c) Driving while under the influence of intoxicants, as defined in ORS 813.010;

5 (d) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as described
6 in ORS 811.700 or 811.705;

7 (e) Criminal driving while suspended or revoked, as defined in ORS 811.182;

8 (f) Fleeing or attempting to elude a police officer, as defined in ORS 811.540; or

9 (g) Aggravated vehicular homicide, as defined in ORS 163.149, or aggravated driving while sus-
10 pended or revoked, as defined in ORS 163.196.

11 (2) A conviction arising out of the same episode as the current suspension is not considered a
12 conviction for purposes of subsection (1) of this section.

13 (3) The department may not issue a hardship permit to a person whose driving privileges are
14 suspended for a conviction of assault in the second, third or fourth degree:

15 (a) For a period of four years from the date the department suspends driving privileges if the
16 person's driving privileges are suspended for conviction of assault in the second degree and the
17 person was not incarcerated for that conviction.

18 (b) For a period of four years from the date the person is released from incarceration for the
19 conviction if the person's driving privileges are suspended for conviction of assault in the second
20 degree and the person was incarcerated for that conviction.

21 (c) For a period of two years from the date the department suspends driving privileges if the
22 person's driving privileges are suspended for conviction of assault in the third degree and the person
23 was not incarcerated for that conviction.

24 (d) For a period of two years from the date the person is released from incarceration for the
25 conviction if the person's driving privileges are suspended for conviction of assault in the third de-
26 gree and the person was incarcerated for that conviction.

27 (e) For a period of six months from the date the department suspends driving privileges if the
28 person's driving privileges are suspended for conviction of assault in the fourth degree and the
29 person is not incarcerated for that conviction.

30 (f) For a period of six months from the date the person is released from incarceration for the
31 conviction if the person's driving privileges are suspended for conviction of assault in the fourth
32 degree and the person was incarcerated for that conviction.

33 (4) A hardship permit issued to a person whose driving privileges are suspended because of a
34 conviction for assault in the second, third or fourth degree shall limit the person's driving privileges:

35 (a) To the times, places, routes and days the department determines to be minimally necessary
36 for the person to seek or retain employment, to attend any gambling addiction, alcohol or drug
37 treatment or rehabilitation program or to obtain required medical treatment for the person or a
38 member of the person's immediate family; and

39 (b) To times, places, routes and days that are specifically stated.

40 (5) The person's driving privileges under the permit are subject to suspension or revocation if
41 the person does not maintain a good driving record, as defined by the administrative rules of the
42 department, during the term of the permit.

43 (6) The department may require the person to complete a driver improvement program under
44 ORS 809.480 as a condition of the permit.

45 (7) The department shall condition the permit so that the permit will be revoked if the person

1 is convicted of any of the following:

- 2 (a) Reckless driving under ORS 811.140.
- 3 (b) Driving while under the influence of intoxicants under ORS 813.010.
- 4 (c) Failure to perform the duties of a driver under ORS 811.700 or 811.705.
- 5 (d) Fleeing or attempting to elude a police officer under ORS 811.540.
- 6 (e) Driving while suspended or revoked under ORS 811.175 or 811.182.
- 7 (f) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from
- 8 the operation of a motor vehicle.
- 9 (g) Aggravated vehicular homicide under ORS 163.149 or aggravated driving while suspended
- 10 or revoked under ORS 163.196.

11 **SECTION 8.** ORS 810.415 is amended to read:

12 810.415. A law enforcement officer who comes to the scene of [*an accident*] **a collision** described

13 in ORS 811.700 may remove or direct the driver of a vehicle involved in the [*accident*] **collision** to

14 remove from the roadway any vehicle, cargo or debris resulting from the [*accident*] **collision**. A

15 person acting under the authority granted by this section is not liable for damage to a vehicle, cargo

16 or debris caused by reasonable efforts at removal.

17 **SECTION 9.** ORS 811.230 is amended to read:

18 811.230. (1) As used in ORS 811.230, 811.231, 811.232 and 811.233:

19 (a) “Flagger” means a person who controls the movement of vehicular traffic through con-

20 struction projects using sign, hand or flag signals.

21 (b) “Highway work zone” means an area identified by advance warning where road construction,

22 repair or maintenance work is being done by highway workers on or adjacent to a highway, re-

23 gardless of whether or not highway workers are actually present. As used in this paragraph, “road

24 construction, repair or maintenance work” includes, but is not limited to, the setting up and dis-

25 mantling of advance warning systems.

26 (c) “Highway worker” means an employee of a government agency, private contractor or utility

27 company working in a highway work zone.

28 (2)(a) The presumptive fine for a person convicted of an offense that is listed in subsection (3)(a)

29 or (b) of this section and that is committed in a highway work zone is the presumptive fine for the

30 offense established under ORS 153.020.

31 (b) The minimum fine for a person convicted of a misdemeanor offense that is listed in sub-

32 section (3)(c) to (g) of this section and that is committed in a highway work zone is 20 percent of

33 the maximum fine established for the offense.

34 (c) The minimum fine for a person convicted of a felony offense that is listed in subsection (3)(c)

35 to (g) of this section and that is committed in a highway work zone is two percent of the maximum

36 fine established for the offense.

37 (3) This section applies to the following offenses if committed in a highway work zone:

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

1 (4) When a highway work zone is created, the agency, contractor or company responsible for the
2 work may post signs designed to give motorists notice of the provisions of this section.

3 **SECTION 10.** ORS 811.235 is amended to read:

4 811.235. (1)(a) If signs authorized by ORS 810.245 are posted, the presumptive fine for a person
5 charged with an offense that is listed in subsection (2)(a) or (b) of this section and that is committed
6 in a school zone shall be the amount established under ORS 153.020 for the offense.

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

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

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

14 (a) Class A or Class B traffic violations.

15 (b) Class C or Class D traffic violations related to exceeding a legal speed.

16 (c) Reckless driving, as defined in ORS 811.140.

17 (d) Driving while under the influence of intoxicants, as defined in ORS 813.010.

18 (e) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as described
19 in ORS 811.700 or 811.705.

20 (f) Criminal driving while suspended or revoked, as defined in ORS 811.182.

21 (g) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

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

26 (a) Children are present as described in ORS 811.124; or

27 (b) A flashing light is used as a traffic control device and operated as provided under ORS
28 810.243.

29 **SECTION 11.** ORS 811.483 is amended to read:

30 811.483. (1) The Department of Transportation shall post signs in safety corridors chosen by the
31 department indicating that fines for traffic offenses committed in those safety corridors will be
32 doubled.

33 (2)(a) The presumptive fine for a person charged with an offense that is listed in subsection (3)(a)
34 or (b) of this section and that is committed in a safety corridor chosen by the department under
35 subsection (1) of this section shall be the amount established under ORS 153.020.

36 (b) The minimum fine for a person convicted of a misdemeanor offense that is listed in sub-
37 section (3)(c) to (g) of this section and that is committed in a safety corridor is 20 percent of the
38 maximum fine established for the offense.

39 (c) The minimum fine for a person convicted of a felony offense that is listed in subsection (3)(c)
40 to (g) of this section and that is committed in a safety corridor is two percent of the maximum fine
41 established for the offense.

42 (3) This section applies to the following offenses if committed in the designated safety corridors:

43 (a) Class A or Class B traffic violations.

44 (b) Class C or Class D traffic violations related to exceeding a legal speed.

45 (c) Reckless driving, as defined in ORS 811.140.

1 (d) Driving while under the influence of intoxicants, as defined in ORS 813.010.

2 (e) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as described
3 in ORS 811.700 or 811.705.

4 (f) Criminal driving while suspended or revoked, as defined in ORS 811.182.

5 (g) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

6 **SECTION 12. The amendments to ORS 811.700, 811.705, 811.707 and 811.710 by sections 1**
7 **to 4 of this 2018 Act apply to conduct occurring on or after the effective date of this 2018**
8 **Act.**

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