

A-Engrossed House Bill 2770

Ordered by the House May 30
Including House Amendments dated May 30

Sponsored by Representative MCLAIN, Senators MANNING JR, GELSER, Representative MEEK; Representative NOSSE, Senators BENTZ, ROBLAN

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.

Permits testing of highly automated vehicles on highways of this state under certain circumstances. Prescribes testing permit application requirements. Directs automated vehicle manufacturers to obtain additional umbrella liability insurance policies prior to testing. Directs Department of Transportation to adopt rules for testing of highly automated vehicles on highways of this state. **Permits department to grant automated vehicle manufacturers testing highly automated vehicles exemptions to state equipment requirements.** Imposes civil penalty for testing highly automated vehicles without testing permit.

Creates offense of testing a highly automated vehicle without a testing permit or sticker. Punishes by maximum fine of \$500.

Defines "testing operator" to include both onboard operator and remote operator of highly automated vehicle. Requires testing operator to monitor operation of test vehicle at all times and be prepared to take control of test vehicle if necessary. Identifies testing operator as operator or driver of highly automated vehicle for purposes of certain provisions.

Exempts persons testing highly automated vehicles without onboard operator on highways of this state from certain provisions of Oregon Vehicle Code if manufacturer has valid testing permit.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to highly automated vehicles; creating new provisions; amending ORS 192.355, 366.505,
3 801.026, 805.200, 806.011, 806.012, 806.060, 806.080, 807.020, 807.570 and 811.507; and declaring an
4 emergency.

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

TESTING PERMIT

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9 **SECTION 1. Sections 2 to 13a of this 2019 Act are added to and made a part of the Oregon**
10 **Vehicle Code.**

11 **SECTION 2. Definitions. As used in sections 2 to 13a of this 2019 Act:**

12 (1) "Automated driving system" means the hardware and software installed on a motor
13 vehicle that are collectively capable of performing the dynamic driving task on a sustained
14 basis for at least part of the motor vehicle's trip.

15 (2) "Automated mode" means the status of a highly automated vehicle when it is oper-
16 ating with the automated driving system engaged.

17 (3) "Automated vehicle manufacturer" means any person that builds highly automated
18 vehicles or installs automated driving systems in motor vehicles that were not originally
19 built as highly automated vehicles.

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 (4) “Conventional mode” means the status of a highly automated vehicle when it is under
2 the active physical control of a natural person operating the motor vehicle with the auto-
3 mated driving system disengaged.

4 (5)(a) “Dynamic driving task” means the real-time operational and tactical functions re-
5 quired to operate a motor vehicle on a public highway or on premises open to the public.

6 (b) “Dynamic driving task” includes but is not limited to monitoring the driving envi-
7 ronment and executing appropriate responses to objects and events.

8 (c) “Dynamic driving task” does not include trip planning, including decisions regarding
9 whether, when and where to go or the route to take.

10 (6) “Highly automated vehicle” means a motor vehicle equipped with an automated driv-
11 ing system.

12 (7) “Minimal risk condition” means a condition to which an onboard operator, a remote
13 operator or an automated driving system may bring a highly automated vehicle to reduce the
14 risk of a collision when a given trip cannot or should not be completed.

15 (8)(a) “Onboard operator” means a natural person who is seated in a highly automated
16 vehicle and is able to assume control of and operate the highly automated vehicle.

17 (b) “Onboard operator” includes a remote operator who is seated in the highly automated
18 vehicle.

19 (9) “Operational design domain” means the conditions for which a highly automated ve-
20 hicle is specifically designed to function, including but not limited to environmental, ge-
21 ographic and time-of-day restrictions, and the requisite presence or absence of certain traffic
22 or roadway characteristics.

23 (10) “Remote operator” means a natural person who is not seated in a position to phys-
24 ically engage in-vehicle braking, accelerating, steering and transmission gear selection input
25 devices but is able to assume control of and operate the highly automated vehicle remotely.

26 (11) “Testing operator” means an onboard operator or a remote operator of a test ve-
27 hicle, whether the vehicle is in automated mode or conventional mode.

28 (12) “Test vehicle” means a highly automated vehicle that is undergoing testing described
29 in section 4 of this 2019 Act.

30 SECTION 3. Levels of driving automation. The Department of Transportation, by rule,
31 taking into consideration the recommendations in the Society of Automotive Engineers’
32 “Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road
33 Motor Vehicles, Standard J3016,” June 2018 Edition, shall define the driving automation lev-
34 els of automated driving systems.

35 SECTION 4. Testing highly automated vehicles. An automated vehicle manufacturer tests
36 a highly automated vehicle when the manufacturer’s employees, contractors or designees
37 operate a highly automated vehicle on the highways of this state for the purpose of assess-
38 ing, demonstrating or validating the capabilities of the highly automated vehicle’s automated
39 driving system.

40 SECTION 5. Testing permit. (1) Prior to testing highly automated vehicles, as described
41 in section 4 of this 2019 Act, an automated vehicle manufacturer shall apply to the Depart-
42 ment of Transportation for a testing permit.

43 (2) An application submitted under this section may apply to the manufacturer’s testing
44 of one or more highly automated vehicles.

45 (3) An application submitted under this section must:

1 (a) Establish, at a minimum, that:

2 (A) Each highly automated vehicle and automated driving system meets all requirements
3 of section 7 of this 2019 Act; and

4 (B) Each highly automated vehicle will be operated only in the manner prescribed by
5 sections 2 to 13a of this 2019 Act and any rules adopted by the department under sections 2
6 to 13a of this 2019 Act; and

7 (b) Include, at a minimum, the following:

8 (A) Contact information of the automated vehicle manufacturer, any other testing entity,
9 registered agents and facility.

10 (B) Vehicle information for each highly automated vehicle, including vehicle identification
11 number, year, make, model, license plate number, vehicle type and driving automation level
12 as defined by the department under section 3 of this 2019 Act.

13 (C) A description of the operational design domain of each highly automated vehicle and
14 the conditions under which testing will be conducted, including the geographic testing area.

15 (D) Testing operator information, including name, date of birth, driver license number
16 and the name of the state that issued the license.

17 (E) Information regarding the automated vehicle manufacturer's testing in any other
18 jurisdictions.

19 (F) Any additional information required by the department by rule.

20 (4) An automated vehicle manufacturer must submit each of the following with an ap-
21 plication submitted under this section:

22 (a) The testing permit fee described in subsection (5) of this section.

23 (b) Proof of liability insurance meeting at least the minimum financial responsibility re-
24 quirements under ORS chapter 806, and an additional umbrella liability insurance policy in
25 an amount of not less than \$5 million per event.

26 (c) A law enforcement and first responder interaction plan that meets the requirements
27 under section 10 of this 2019 Act.

28 (d) The following self-certifications:

29 (A) That each automated driving system is engineered to perform in all real-world con-
30 ditions in which the automated vehicle manufacturer intends to test the highly automated
31 vehicles.

32 (B) That each highly automated vehicle complies with all applicable Federal Motor Vehi-
33 cle Safety Standards for new motor vehicles and new motor vehicle equipment or, if not, that
34 an exemption has been granted by the National Highway Traffic Safety Administration or by
35 provision of federal law.

36 (C) That each highly automated vehicle is capable of complying with all state vehicle laws
37 or, if not, that an exemption has been granted by the department.

38 (D) That each highly automated vehicle is capable of complying with all state rules of the
39 road within its operational design domain.

40 (E) That each highly automated vehicle has a mechanism to engage and disengage the
41 automated driving system that is easily accessible to the testing operator.

42 (F) That each highly automated vehicle has an indicator inside the cabin to indicate when
43 the automated driving system is engaged.

44 (G) That a testing operator will be ready to assume control or have the highly automated
45 vehicle achieve minimal risk condition at all times.

1 (H) That each highly automated vehicle meets all appropriate and applicable current in-
2 dustry standards or policies to defend against, detect and respond to cyberattacks, unau-
3 thorized intrusions or false vehicle control commands.

4 (I) That each testing operator meets the requirements under section 8 of this 2019 Act.

5 (J) That each highly automated vehicle is capable of complying with all local rules of the
6 road within its operational design domain.

7 (5)(a) A testing permit fee is \$3,600 and is due when an automated vehicle manufacturer
8 submits the testing permit application and when the automated vehicle manufacturer renews
9 the testing permit.

10 (b) Each testing permit application or renewal is subject to one testing permit fee, re-
11 gardless of the number of highly automated vehicles disclosed in the application or renewal.

12 (6)(a) The department may approve an application for and issue a testing permit under
13 this section only if the automated vehicle manufacturer has made all of the self-certifications
14 required under subsection (4) of this section.

15 (b) The department, at its discretion, may require an automated vehicle manufacturer
16 to provide nonconfidential documents and records supporting the automated vehicle
17 manufacturer's self-certifications required under subsection (4) of this section.

18 (7)(a) The department may deny an application for a testing permit under this section
19 and may suspend, revoke or refuse to renew any testing permit issued under this section
20 upon determining that the applicant for or holder of the testing permit has done any of the
21 following:

22 (A) Used fraud or deception in attempting to obtain or in securing the testing permit.

23 (B) Failed to notify state police and city and local law enforcement officials as required
24 under section 9 of this 2019 Act.

25 (C) Failed to maintain the amounts and types of insurance required under subsection (4)
26 of this section.

27 (D) Violated any provision of sections 2 to 13a of this 2019 Act or any rules adopted by
28 the department implementing sections 2 to 13a of this 2019 Act.

29 (b) The department's denial of an application for a testing permit or suspension, revoca-
30 tion or refusal to renew a testing permit issued under this section is subject to review in the
31 manner prescribed under ORS chapter 183 for contested cases.

32 (8) Prior to making any changes to a highly automated vehicle's driving automation level,
33 adding any testing operators or altering any testing conditions, including the geographic
34 testing area, an automated vehicle manufacturer that has submitted an application for a
35 testing permit under this section shall provide notice of the changes to the department and
36 any local government, as defined in ORS 174.116, in whose jurisdiction the manufacturer will
37 conduct testing.

38 (9) A testing permit issued under this section expires two years after the date of issu-
39 ance.

40 (10) A testing permit described in this section is in addition to and not in lieu of any
41 other registration, title or driving privileges required to operate a vehicle on the highways
42 of this state.

43 **SECTION 6. Rules.** (1) The Department of Transportation shall adopt rules for testing
44 highly automated vehicles under sections 2 to 13a of this 2019 Act.

45 (2) The rules adopted under this section must prescribe the form and requirements for

1 applications under section 5 of this 2019 Act.

2 (3) The rules adopted under this section may provide for renewal, suspension, revocation
3 or denial of testing permits issued under section 5 of this 2019 Act.

4 (4) The rules adopted under this section may not establish a new class of license or
5 endorsement for testing highly automated vehicles.

6 **SECTION 7. Test vehicle requirements.** A highly automated vehicle may be tested on the
7 highways of this state only if all of the following requirements are met:

8 (1) The automated vehicle manufacturer has a valid testing permit issued under section
9 5 of this 2019 Act.

10 (2) The testing operator:

11 (a) Meets all of the requirements under section 8 of this 2019 Act;

12 (b) Is monitoring the operation of the highly automated vehicle at all times and, in the
13 event of a failure of the automated driving system or other emergency, is capable of as-
14 suming immediate control of the dynamic driving tasks as an onboard operator or as a re-
15 mote operator; and

16 (c) Is seated in the driver's seat of the highly automated vehicle if the highly automated
17 vehicle is equipped with an automated driving system that has a driving automation system
18 that requires a natural person to be in the vehicle and prepared to respond if the vehicle
19 requests that the person intervene.

20 (3) The highly automated vehicle is equipped with all of the following:

21 (a) A mechanism to engage and disengage the automated driving system that is easily
22 accessible to the testing operator.

23 (b) An indicator that informs the testing operator when the automated driving system
24 is engaged.

25 (c) A system to preserve and store data from a crash or similar event in a manner and
26 for a length of time defined by the Department of Transportation by rule.

27 (d) A failure alert system that:

28 (A) Notifies the testing operator if a system failure is detected;

29 (B) Clearly indicates when the automated driving system is disengaged; and

30 (C) Allows the testing operator to assume immediate control of the highly automated
31 vehicle, or to have the vehicle achieve minimal risk condition, at all times.

32 **SECTION 8. Testing operators.** (1) A person may be a testing operator only if the person:

33 (a) Is a natural person;

34 (b) Is an employee, contractor or other designee of an automated vehicle manufacturer;

35 (c) Has passed a criminal background check; and

36 (d) Meets any other requirements established by the Department of Transportation by
37 rule.

38 (2)(a) A person may not be a testing operator if the person has been convicted of a traffic
39 crime or violation, or entered into a diversion program for a traffic crime or violation, within
40 a period of time prescribed by the department by rule.

41 (b) The department, by rule, shall identify the traffic crimes and violations that disqualify
42 a person from becoming a testing operator. Disqualifying traffic crimes or violations under
43 this subsection may not include parking or pedestrian offenses or bicycling offenses, exclu-
44 sive of a conviction, or entry into a diversion program, for driving under the influence of
45 intoxicants.

1 (3) A testing operator must possess the proper class of license or endorsement for the
2 type of highly automated vehicle being tested.

3 (4) A testing operator is subject to the provisions applicable to, and has the same rights
4 and duties as, the operator of any other motor vehicle operating on the highways of this
5 state except:

6 (a) Those provisions that by their very nature can have no application.

7 (b) When otherwise specifically provided under the Oregon Vehicle Code.

8 **SECTION 9. Law enforcement notification.** (1) An automated vehicle manufacturer test-
9 ing highly automated vehicles on the highways of this state shall notify state police and city
10 and local law enforcement officials as follows:

11 (a) If the test vehicle is a passenger vehicle, as defined by the Department of Transpor-
12 tation by rule, the automated vehicle manufacturer shall affix to the rear window of the test
13 vehicle the highly automated vehicle testing permit sticker prescribed by the department
14 under ORS 805.200.

15 (b) If the test vehicle is a commercial motor vehicle, the automated vehicle manufacturer
16 shall provide the department and state police with images of the test vehicle, information
17 about testing routes and notification of testing dates and times.

18 (2) The department may notify state police and city and local law enforcement officials
19 of the communities in which testing will take place of the issuance of testing permits under
20 section 5 of this 2019 Act and any conditions or limits placed upon a testing permit.

21 (3) The department, in consultation with the Department of State Police, by rule shall
22 establish the procedure for automated vehicle manufacturers to comply with the notification
23 requirements under this section.

24 **SECTION 10. Law enforcement and first responder interaction plan.** (1) Prior to testing
25 a highly automated vehicle as described in section 4 of this 2019 Act, an automated vehicle
26 manufacturer shall provide state police, and all law enforcement agencies and first
27 responders within the test vehicle's geographic testing area, with its law enforcement and
28 first responder interaction plan.

29 (2) The law enforcement and first responder interaction plan must include, but is not
30 limited to, the following:

31 (a) If the testing operator is a remote operator, how to communicate with the remote
32 operator.

33 (b) The location in the test vehicle of the owner information, vehicle registration and
34 proof of insurance, or how to otherwise obtain such information at the scene of a collision.

35 (c) How to safely remove the test vehicle from the roadway.

36 (d) How to recognize whether the automated driving system is engaged.

37 (e) How to disengage the automated driving system and how to determine if it is safe to
38 do so.

39 (f) How to detect whether and ensure that the automated driving system has been dis-
40 engaged.

41 (g) When applicable, how to safely interact with hybrid or electric test vehicles.

42 (h) A description of the operational design domain of the test vehicle.

43 (i) Any other information the Department of Transportation, in consultation with the
44 Department of State Police, requires by rule.

45 **SECTION 11. Liability of manufacturer.** If an automated driving system is installed in a

1 motor vehicle by a person other than the person that originally manufactured the motor
2 vehicle, the person that originally manufactured the motor vehicle is not liable to any person
3 for injury, death or damage resulting from the failure of the automated driving system.

4 **SECTION 12. Penalties.** (1) If an automated vehicle manufacturer tests a highly auto-
5 mated vehicle without obtaining a testing permit under section 5 of this 2019 Act, the De-
6 partment of Transportation may assess a civil penalty up to \$100,000 per offense.

7 (2) A civil penalty imposed under subsection (1) of this section may be remitted or re-
8 duced upon such terms and conditions as the department considers proper and consistent
9 with the public health and safety.

10 **SECTION 13. Testing a highly automated vehicle without a testing permit or sticker.** (1)
11 A person commits the offense of testing a highly automated vehicle without a testing permit
12 or sticker if the person tests a highly automated vehicle as described in section 4 of this 2019
13 Act without a testing permit issued under section 5 of this 2019 Act or, if applicable, a testing
14 permit sticker prescribed by the Department of Transportation under ORS 805.200.

15 (2) The offense described in this section, testing a highly automated vehicle without a
16 testing permit or sticker, is a Class C traffic violation.

17 **SECTION 13a. Exemption to state equipment requirements.** The Department of Trans-
18 portation may grant an automated vehicle manufacturer that is or will be testing a highly
19 automated vehicle, as described in section 4 of this 2019 Act, an exemption to any state
20 equipment requirements under ORS chapter 815 or 816.

21 **SECTION 14. Driver and passenger of highly automated vehicle.** (1) As used in this sec-
22 tion, “dynamic driving task,” “highly automated vehicle” and “testing operator” have the
23 meanings given those terms in section 2 of this 2019 Act.

24 (2) For the purposes of the laws of this state and any administrative rule adopted pur-
25 suant to the laws, unless the context or a specifically applicable definition requires other-
26 wise, while a highly automated vehicle is being tested as described in section 4 of this 2019
27 Act:

28 (a) The testing operator is the driver or operator of the highly automated vehicle; and

29 (b) Any natural person, other than the testing operator, who is an occupant in the highly
30 automated vehicle but who has no role in the dynamic driving task or other operation of the
31 vehicle is a passenger.

32 **SECTION 15.** ORS 805.200 is amended to read:

33 805.200. (1) The Department of Transportation by rule:

34 (a) Shall design plates, stickers, plate and sticker combinations or other devices or indicia that
35 distinguish government-owned vehicles registered under the provisions of ORS 805.040 from other
36 vehicles.

37 (b) May design plates, stickers, plate and sticker combinations or other devices or indicia for
38 distinguishing vehicles registered under specific provisions of the Oregon Vehicle Code other than
39 ORS 805.040, 805.105 or 805.205. Plates designed under this paragraph shall comply with the re-
40 quirements of ORS 803.535. The fees for plates or indicia described in this paragraph are provided
41 under ORS 805.250.

42 (c) Shall prescribe the requirements for highly automated vehicle testing permit stickers
43 that distinguish passenger vehicles, as defined by the department by rule, that are test ve-
44 hicles, as defined in section 2 of this 2019 Act, from other passenger vehicles.

45 (2) Unless otherwise provided by statute or by rule of the department, indicia of registration

1 that distinguish one kind of registration from another may not be transferred unless the new owner
2 of the vehicle qualifies for that specific kind of registration.

3 (3) The department may adopt rules concerning the disposition of plates, stickers, devices or
4 other indicia of registration upon transfer of ownership of the vehicle or when the owner or the
5 vehicle is no longer eligible for the particular indicia. The department may cancel or revoke regis-
6 tration for failure to comply with rules adopted under this section.

7
8 **FINANCIAL RESPONSIBILITY**

9
10 **SECTION 16.** ORS 806.060 is amended to read:

11 806.060. A person who is required to comply with the financial responsibility requirements of
12 this state must be able to respond in damages, in amounts required under this section, for liability
13 on account of accidents arising out of the ownership, operation, maintenance or use of motor vehi-
14 cles and must establish that ability by one of the methods required by this section. All of the fol-
15 lowing apply to the financial responsibility requirements of this state:

16 (1) To meet the financial responsibility requirements, a person must be able to respond in dam-
17 ages in amounts not less than those established under the payment schedule under ORS 806.070.

18 (2) A person may only comply with the financial responsibility requirements of this state by es-
19 tablishing the required ability to respond in damages in one of the following ways:

20 (a) Obtaining a motor vehicle liability policy meeting the requirements under ORS 806.080 that
21 will provide at least minimum limits necessary to pay amounts established under the payment
22 schedule under ORS 806.070.

23 (b)(A) Becoming self-insured as provided under ORS 806.130.

24 **(B) Notwithstanding subparagraph (A) of this paragraph, the automated vehicle man-**
25 **ufacturer of a highly automated vehicle, as defined in section 2 of this 2019 Act, may not**
26 **comply with the financial responsibility requirements of this state by becoming self-insured**
27 **under ORS 806.130.**

28 **SECTION 17.** ORS 806.080 is amended to read:

29 806.080. (1) A motor vehicle liability insurance policy used to comply with financial responsi-
30 bility requirements under ORS 806.060 must meet all of the following requirements:

31 (a) It must be a policy or part of a policy designating, by explicit description or by appropriate
32 reference, all motor vehicles for which coverage is provided by the policy.

33 (b) It must insure the named insured and all other persons insured under the terms of the policy
34 against loss from the liabilities imposed by law for damages arising out of the ownership, operation,
35 use or maintenance of those motor vehicles by persons insured under the policy. The policy must
36 include in its coverage all persons who, with the consent of the named insured, use the motor ve-
37 hicles insured under the policy, except for any person specifically excluded from coverage under
38 ORS 742.450.

39 (c) It must provide the minimum limits of coverage required under ORS 806.070.

40 **(2) If the motor vehicle liability insurance policy provides insurance for a highly auto-**
41 **mated vehicle, as defined in section 2 of this 2019 Act, the policy must expressly provide**
42 **coverage for testing of a highly automated vehicle under sections 2 to 13a of this 2019 Act**
43 **and any rules adopted by the Department of Transportation implementing the provisions of**
44 **sections 2 to 13a of this 2019 Act.**

45 [(2)] (3) The requirements for the insurance may be fulfilled by the policies of one or more in-

1 surance carriers which policies together meet such requirements.

2
3 **DRIVING PRIVILEGES, DUTIES AND RULES OF THE ROAD**

4
5 **SECTION 18.** ORS 801.026, as amended by section 5, chapter 22, Oregon Laws 2018, is amended
6 to read:

7 801.026. (1) Persons, motor vehicles and equipment employed or used by a public or telecommu-
8 nications utility, electric cooperative or by the United States, this state or any political subdivision
9 of this state are exempt from the provisions of the vehicle code specified in subsection (3) of this
10 section while on a highway and working or being used to service, construct, maintain or repair the
11 facilities of a utility.

12 (2) Persons, motor vehicles and equipment employed or being used in the construction or re-
13 construction of a street or highway are exempt from the provisions of the vehicle code specified in
14 subsection (3) of this section if:

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

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

19 (3) Persons, motor vehicles and equipment described in subsections (1) and (2) of this section are
20 exempt from provisions of the vehicle code relating to rules of the road as described in ORS chapter
21 811, except that this subsection does not apply to:

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

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

24 (c) Failure to perform the duties of a driver involved in a collision, as described in ORS 811.700
25 or 811.705.

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

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

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

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

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

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

36 **(7)(a) Testing operators testing highly automated vehicles on the highways of this state,**
37 **as described in section 4 of this 2019 Act, without an onboard operator are exempt from the**
38 **following provisions of the vehicle code if the automated vehicle manufacturer conducting**
39 **the testing has a valid testing permit issued by the Department of Transportation under**
40 **section 5 of this 2019 Act and the highly automated vehicle is operating within the geographic**
41 **testing area described in the testing permit:**

42 **(A) Failure to post warnings for a disabled vehicle, as described in ORS 811.530.**

43 **(B) Failure to carry or present license, as described in ORS 807.570.**

44 **(C) Failure to perform the duties of a driver described in ORS 811.700, 811.705, 811.710 and**
45 **811.715.**

1 **(b) Notwithstanding the exceptions under paragraph (a)(C) of this subsection, a testing**
2 **operator shall ensure that a highly automated vehicle remains at the scene of an accident**
3 **described in ORS 811.700 or 811.710 until a police officer has arrived and has received the**
4 **information required under ORS 811.700 or 811.710 or, if a police officer will not arrive at the**
5 **scene of the accident, until the information required under ORS 811.700 or 811.710 is con-**
6 **veyed to the other driver or any other person who is entitled to receive the information as**
7 **a result of the accident.**

8 **(c) As used in this subsection, “automated vehicle manufacturer,” “highly automated**
9 **vehicle,” “onboard operator” and “testing operator” have the meanings given those terms in**
10 **section 2 of this 2019 Act.**

11 [(7)] (8) The exemptions in subsection (3) of this section do not apply to the persons and vehicles
12 when traveling to or from the facilities or construction project.

13 **SECTION 19.** ORS 807.020, as amended by section 36, chapter 76, Oregon Laws 2018, is
14 amended to read:

15 807.020. A person who is granted a driving privilege by this section may exercise the driving
16 privilege described without violation of the requirements under ORS 807.010. A grant of driving
17 privileges to operate a motor vehicle under this section is subject to suspension and revocation the
18 same as other driving privileges granted under the vehicle code. This section is in addition to any
19 exemptions from the vehicle code under ORS 801.026. The following persons are granted the de-
20 scribed driving privileges:

21 (1) A person who is not a resident of this state or who has been a resident of this state for less
22 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person
23 holds a current out-of-state license issued to the person. For the purpose of this subsection, a person
24 is a resident of this state if the person meets the residency requirements described in ORS 807.062.
25 To qualify under this subsection, the person must have the out-of-state license or driver permit in
26 the person’s possession. A person is not granted driving privileges under this subsection:

27 (a) If the person is under the minimum age required to be eligible for driving privileges under
28 ORS 807.060;

29 (b) During a period of suspension or revocation by this state or any other jurisdiction of driving
30 privileges or of the right to apply for a license or driver permit issued by this state or any other
31 jurisdiction; or

32 (c) That exceed the driving privileges granted to the person by the out-of-state license or driver
33 permit.

34 (2) A person who is a member of the Armed Forces of the United States or a member of the
35 commissioned corps of the National Oceanic and Atmospheric Administration may operate a motor
36 vehicle without an Oregon license or driver permit if the person is operating a motor vehicle in the
37 course of the person’s duties in the Armed Forces or the National Oceanic and Atmospheric Ad-
38 ministration.

39 (3) A person without a license or driver permit may operate a road roller or road machinery
40 that is not required to be registered under the laws of this state.

41 (4) A person without a license or driver permit may temporarily operate, draw, move or propel
42 a farm tractor or implement of husbandry.

43 (5) A person without a license or driver permit may operate a motor vehicle to demonstrate
44 driving ability during the course of an examination administered under ORS 807.070 for the purpose
45 of qualifying for a license or driver permit. This subsection only applies when an authorized exam-

1 iner is in a seat beside the driver of the motor vehicle.

2 (6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

3 (7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170,
4 unless a person is operating a Class I all-terrain vehicle on an all-terrain vehicle highway access
5 route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles.

6 (8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS
7 821.172, unless a person is operating a Class III all-terrain vehicle on an all-terrain vehicle highway
8 access route that is designated by the commission as open to all-terrain vehicles.

9 (9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS
10 821.176, unless a person is operating a Class IV all-terrain vehicle on an all-terrain vehicle highway
11 access route that is designated by the commission as open to all-terrain vehicles.

12 (10) A person without a license or driver permit may operate a golf cart in accordance with an
13 ordinance adopted under ORS 810.070.

14 (11) The spouse of a member of the Armed Forces of the United States on active duty or the
15 spouse of a member of the commissioned corps of the National Oceanic and Atmospheric Adminis-
16 tration who is accompanying the member on assignment in this state may operate a motor vehicle
17 if the spouse has a current out-of-state license or driver permit issued to the spouse by another state
18 in the spouse's possession.

19 (12) A person who is a member of the Armed Forces of the United States on active duty or a
20 member of the commissioned corps of the National Oceanic and Atmospheric Administration may
21 operate a motor vehicle if the person has a current out-of-state license or driver permit in the
22 person's possession that is issued to the person by the person's state of domicile or by the Armed
23 Forces of the United States in a foreign country. Driving privileges described under this subsection
24 that are granted by the Armed Forces apply only for a period of 45 days from the time the person
25 returns to the United States.

26 (13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the
27 person is:

28 (a) Within an enclosed cab;

29 (b) Operating a vehicle designed to travel with three wheels in contact with the ground at
30 speeds of less than 15 miles per hour; or

31 (c) Operating an auticycle.

32 (14) A person may operate a bicycle that is not an electric assisted bicycle without any grant
33 of driving privileges.

34 (15) A person may operate an electric assisted bicycle without a driver license or driver permit
35 if the person is 16 years of age or older.

36 (16) A person may operate a motor assisted scooter without a driver license or driver permit if
37 the person is 16 years of age or older.

38 (17) A person who is not a resident of this state or who has been a resident of this state for less
39 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person
40 is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a
41 Class C instruction driver permit issued to the person. For the purpose of this subsection, a person
42 is a resident of this state if the person meets the residency requirements described in ORS 807.062.
43 A person operating a motor vehicle under authority of this subsection has the same privileges and
44 is subject to the same restrictions as a person operating under the authority of a Class C instruction
45 driver permit issued as provided in ORS 807.280.

1 (18) A person may operate an electric personal assistive mobility device without any grant of
2 driving privileges if the person is 16 years of age or older.

3 **(19)(a) A person who has a valid testing permit issued under section 5 of this 2019 Act**
4 **may test a highly automated vehicle, as described in section 4 of this 2019 Act.**

5 **(b) As used in this subsection, “highly automated vehicle” has the meaning given that**
6 **term in section 2 of this 2019 Act.**

7 **SECTION 20.** ORS 811.507, as amended by section 1, chapter 32, Oregon Laws 2018, is amended
8 to read:

9 811.507. (1) As used in this section:

10 (a)(A) “Driving” means operating a motor vehicle on a highway or premises open to the public,
11 and while temporarily stationary because of traffic, a traffic control device or other momentary de-
12 lays.

13 (B) “Driving” does not include when the motor vehicle has stopped in a location where it can
14 safely remain stationary and:

15 (i) Is pulled over on the side of, or is pulled off, a roadway;

16 (ii) Is in a designated parking space; or

17 (iii) Is required to park in the roadway to conduct construction or utility maintenance work.

18 (b) “Hands-free accessory” means an attachment or built-in feature for or an addition to a mo-
19 bile electronic device that gives a person the ability to keep both hands on the steering wheel at
20 all times while using the device or requires only the minimal use of a finger, via a swipe or tap, to
21 activate or deactivate a function of the device.

22 (c) “Livestock” has the meaning given that term in ORS 609.125.

23 (d)(A) “Mobile electronic device” means an electronic device that is not permanently installed
24 in a motor vehicle.

25 (B) “Mobile electronic device” includes but is not limited to a device capable of text messaging,
26 voice communication, entertainment, navigation, accessing the Internet or producing electronic mail.

27 (e) “Using a mobile electronic device” includes but is not limited to using a mobile electronic
28 device for text messaging, voice communication, entertainment, navigation, accessing the Internet
29 or producing electronic mail.

30 (2) A person commits the offense of driving a motor vehicle while using a mobile electronic de-
31 vice if the person, while driving a motor vehicle on a highway or premises open to the public:

32 (a) Holds a mobile electronic device in the person’s hand; or

33 (b) Uses a mobile electronic device for any purpose.

34 (3) This section does not apply to a person:

35 (a) Who is employed as a commercial motor vehicle driver, or as a school bus driver, and is
36 using a mobile electronic device within the scope of the person’s employment if the use is permitted
37 under regulations promulgated pursuant to 49 U.S.C. 31136;

38 (b) Who is employed as a driver of a vehicle having a gross vehicle weight rating or gross ve-
39 hicle weight of at least 10,001 pounds and is using a mobile electronic device within the scope of
40 the person’s employment and as required under regulations promulgated pursuant to 49 U.S.C. 31137;

41 (c) Who is operating a two-way radio device that transmits radio communication transmitted by
42 a station operating on an authorized frequency within the business, citizens’ or family radio service
43 bands in accordance with rules of the Federal Communications Commission while transporting forest
44 products, or while operating a vehicle to assist in logging operations, within the scope of the
45 person’s employment;

1 (d) Who is using a two-way radio device while operating a school bus or school activity vehicle
2 within the scope of the person's employment;

3 (e) Who is using a two-way radio device or operating a two-way radio device that transmits ra-
4 dio communication transmitted by a station operating on an authorized frequency within the busi-
5 ness, citizens' or family radio service bands in accordance with rules of the Federal Communications
6 Commission while operating a vehicle owned or contracted by a utility for the purpose of installing,
7 repairing, maintaining, operating or upgrading utility service, including but not limited to natural
8 gas, electricity, water or telecommunications, within the scope of the person's employment;

9 (f) Who is using a two-way radio device while operating a vehicle wider than the lane of travel,
10 a vehicle transporting livestock or a vehicle requiring a slow-moving vehicle emblem under ORS
11 815.110, and the use of the device facilitates the safe operation of the vehicle; [or]

12 (g) Who is using a two-way radio device while operating a pilot or safety vehicle used to assist
13 the safe movement of a vehicle described in paragraph (f) of this subsection, and the use of the de-
14 vice facilitates the safe movement of the vehicle described in paragraph (f) of this subsection[.]; or

15 **(h) Who is a remote operator testing a highly automated vehicle as described in section**
16 **4 of this 2019 Act and using an electronic device to operate the highly automated vehicle.**
17 **As used in this paragraph, "highly automated vehicle" and "remote operator" have the**
18 **meanings given those terms in section 2 of this 2019 Act.**

19 (4) It is an affirmative defense to a prosecution of a person under this section that the person:

20 (a) Used the mobile electronic device to communicate if the person was summoning or providing
21 medical or other emergency help if no other person in the vehicle was capable of summoning help;

22 (b) Was 18 years of age or older and was using a hands-free accessory;

23 (c) Was driving an ambulance or emergency vehicle while acting within the scope of the person's
24 employment;

25 (d) Was a police officer, firefighter or emergency medical services provider and was acting
26 within the scope of the person's employment;

27 (e) Was 18 years of age or older, held a valid amateur radio operator license issued or any other
28 license issued by the Federal Communications Commission and was operating an amateur radio;

29 (f) Was operating a two-way radio device that transmits radio communication transmitted by a
30 station operating on an authorized frequency within the business, citizens' or family radio service
31 bands in accordance with rules of the Federal Communications Commission to summon medical or
32 other emergency help; or

33 (g) Was using a medical device.

34 (5) The offense described in this section, driving a motor vehicle while using a mobile electronic
35 device, is:

36 (a) Except as provided in paragraph (b) of this subsection, for a person's first conviction, a Class
37 B traffic violation.

38 (b) For a person's first conviction, if commission of the offense contributes to an accident de-
39 scribed in ORS 811.720, a Class A traffic violation.

40 (c) For a person's second conviction within a 10-year period following the date of the person's
41 first conviction, a Class A traffic violation.

42 (d) For a person's third or subsequent conviction within a 10-year period preceding the date of
43 the person's current conviction, a Class B misdemeanor.

44 (6) In addition to any other sentence that may be imposed, the court shall impose a minimum
45 fine of \$2,000 on a person convicted of a Class B misdemeanor under subsection (5)(d) of this section.

1 (7) For purposes of this section, sentences for two or more convictions that are imposed in the
2 same sentencing proceeding are considered to be one sentence.

3 (8)(a) For a person's first conviction of driving a motor vehicle while using a mobile electronic
4 device, the court may suspend the fine to be imposed under subsection (5)(a) of this section on the
5 condition that the person, within 120 days of sentencing:

6 (A) Complete at the person's own expense a distracted driving avoidance course approved by the
7 Department of Transportation under ORS 811.508; and

8 (B) Provide proof of completion to the court.

9 (b) The court may schedule a hearing to determine whether the person successfully completed
10 the distracted driving avoidance course.

11 (c) If the person has successfully completed the requirements described in paragraph (a) of this
12 subsection, the court shall enter a sentence of discharge. Notwithstanding ORS 153.021, a sentence
13 of discharge imposed under this paragraph may not include a fine.

14 (d) If the person has not successfully completed the requirements described in paragraph (a) of
15 this subsection, the court shall:

16 (A) Grant the person an extension based on good cause shown; or

17 (B) Impose the fine under subsection (5)(a) of this section.

18 (9) The department shall place signs on state highways to notify drivers that it is unlawful to
19 drive a motor vehicle on the highways of this state while using a mobile electronic device and vi-
20 olators are subject to criminal penalties.

21
22 **INTERACTION WITH LAW ENFORCEMENT**
23

24 **SECTION 21.** ORS 806.011 is amended to read:

25 806.011. (1) Proof of insurance issued as provided in ORS 742.447, or other current proof of
26 compliance with financial or future responsibility requirements approved by rule by the Department
27 of Transportation, shall be carried in each motor vehicle that is operating in this state and that is
28 not exempt from compliance with financial or future responsibility requirements.

29 (2) The use of an electronic device to display proof of insurance does not constitute consent for
30 a police officer to access other contents of the electronic device.

31 (3)(a) Failure of the driver of a motor vehicle to show proof of insurance or other current proof
32 of compliance when asked to do so by a police officer is reasonable grounds for the officer to believe
33 that the person is operating the vehicle in violation of ORS 806.010.

34 **(b) If the vehicle is a highly automated vehicle being tested, as described in section 4 of**
35 **this 2019 Act, without an onboard operator, failure of the automated vehicle manufacturer**
36 **to file a law enforcement and first responder interaction plan described in section 10 of this**
37 **2019 Act is reasonable grounds for a police officer to believe that the vehicle is being oper-**
38 **ated in violation of ORS 806.010.**

39 **(c) As used in this subsection, "automated vehicle manufacturer," "highly automated**
40 **vehicle" and "onboard operator" have the meanings given those terms in section 2 of this**
41 **2019 Act.**

42 (4) The registered owner of the motor vehicle may black out or otherwise obscure the residence
43 address, business address, mailing address or vehicle address shown on the proof of insurance, or
44 other current proof of compliance with financial or future responsibility requirements approved by
45 rule by the department. No other information may be blacked out or otherwise obscured.

1 **SECTION 22.** ORS 806.012 is amended to read:

2 806.012. (1)(a) A person commits the offense of failure to carry proof of compliance with finan-
3 cial responsibility requirements if:

4 (A) The person operates a motor vehicle in this state and does not have in the vehicle current
5 proof of compliance with financial responsibility requirements[.]; **or**

6 (B) **The person is the automated vehicle manufacturer of a highly automated vehicle be-**
7 **ing tested, as described in section 4 of this 2019 Act, without an onboard operator, and the**
8 **automated vehicle manufacturer has not filed a law enforcement and first responder inter-**
9 **action plan described in section 10 of this 2019 Act.**

10 (b) **As used in this subsection, “automated vehicle manufacturer,” “highly automated**
11 **vehicle” and “onboard operator” have the meanings given those terms in section 2 of this**
12 **2019 Act.**

13 (2) The Department of Transportation shall determine by rule what constitutes proof of compli-
14 ance with financial responsibility requirements.

15 (3) This section does not apply:

16 (a) To persons operating motor vehicles that are exempt from financial responsibility require-
17 ments by ORS 806.020; **or**

18 (b) If a police officer verifies proof of compliance with financial responsibility requirements
19 through the Law Enforcement Data System.

20 (4) The court shall dismiss any charge under this section if, prior to the court appearance date
21 listed on the citation, the person charged delivers to the clerk of the court named on the citation
22 proof of compliance with financial responsibility requirements at the time of the violation.

23 (5) The offense described in this section, failure to carry proof of compliance with financial re-
24 sponsibility requirements, is a Class B traffic violation.

25 **SECTION 23.** ORS 807.570 is amended to read:

26 807.570. (1) A person commits the offense of failure to carry a license or to present a license to
27 a police officer if the person [*either*] **does one of the following:**

28 (a) Drives any motor vehicle upon a highway in this state without a license, driver permit or
29 out-of-state license in the person’s possession; [*or*]

30 (b) Does not present and deliver such license or permit to a police officer when requested by
31 the police officer under any of the following circumstances:

32 (A) Upon being lawfully stopped or detained when driving a vehicle[.]; **or**

33 (B) When the vehicle that the person was driving is involved in an accident[.]; **or**

34 (c) **Is the automated vehicle manufacturer of a highly automated vehicle being tested,**
35 **as described in section 4 of this 2019 Act, without an onboard operator, and the automated**
36 **vehicle manufacturer has not filed a law enforcement and first responder interaction plan**
37 **described in section 10 of this 2019 Act. As used in this paragraph, “automated vehicle**
38 **manufacturer,” “highly automated vehicle” and “onboard operator” have the meanings given**
39 **those terms in section 2 of this 2019 Act.**

40 (2) [*This section does*] **Subsection (1)(a) and (b) of this section do** not apply to any person
41 expressly exempted under ORS 807.020 from the requirement to have a driver license or driver
42 permit.

43 (3) Except as provided in ORS 813.110, it is a defense to any charge under **subsection (1)(a)**
44 **and (b) of this section** that the person so charged produce a license, driver permit or out-of-state
45 license that had been issued to the person and was valid at the time of violation of this section.

1 (4) A police officer may detain a person arrested or cited for the offense described in this section
2 only for such time as reasonably necessary to investigate and verify the person's identity.

3 (5) The offense described in this section, failure to carry a license or to present a license to a
4 police officer, is a Class C misdemeanor.

5
6 **PUBLIC RECORDS**
7

8 **SECTION 24.** ORS 192.355 is amended to read:

9 192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

10 (1) Communications within a public body or between public bodies of an advisory nature to the
11 extent that they cover other than purely factual materials and are preliminary to any final agency
12 determination of policy or action. This exemption shall not apply unless the public body shows that
13 in the particular instance the public interest in encouraging frank communication between officials
14 and employees of public bodies clearly outweighs the public interest in disclosure.

15 (2)(a) Information of a personal nature such as but not limited to that kept in a personal, med-
16 ical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless
17 the public interest by clear and convincing evidence requires disclosure in the particular instance.
18 The party seeking disclosure shall have the burden of showing that public disclosure would not
19 constitute an unreasonable invasion of privacy.

20 (b) Images of a dead body, or parts of a dead body, that are part of a law enforcement agency
21 investigation, if public disclosure would create an unreasonable invasion of privacy of the family of
22 the deceased person, unless the public interest by clear and convincing evidence requires disclosure
23 in the particular instance. The party seeking disclosure shall have the burden of showing that public
24 disclosure would not constitute an unreasonable invasion of privacy.

25 (3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses,
26 residential telephone numbers, personal cellular telephone numbers, personal electronic mail ad-
27 dresses, driver license numbers, employer-issued identification card numbers, emergency contact in-
28 formation, Social Security numbers, dates of birth and other telephone numbers contained in
29 personnel records maintained by the public body that is the employer or the recipient of volunteer
30 services. This exemption:

31 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
32 unteers who are elected officials, except that a judge or district attorney subject to election may
33 seek to exempt the judge's or district attorney's address or telephone number, or both, under the
34 terms of ORS 192.368;

35 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
36 shows by clear and convincing evidence that the public interest requires disclosure in a particular
37 instance pursuant to ORS 192.363;

38 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-
39 fessional education association of which the substitute teacher may be a member; and

40 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

41 (4) Information submitted to a public body in confidence and not otherwise required by law to
42 be submitted, where such information should reasonably be considered confidential, the public body
43 has obliged itself in good faith not to disclose the information, and when the public interest would
44 suffer by the disclosure.

45 (5) Information or records of the Department of Corrections, including the State Board of Parole

1 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
2 a person in custody of the department or substantially prejudice or prevent the carrying out of the
3 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
4 terest in disclosure.

5 (6) Records, reports and other information received or compiled by the Director of the Depart-
6 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
7 otherwise required by law to be made public, to the extent that the interests of lending institutions,
8 their officers, employees and customers in preserving the confidentiality of such information out-
9 weighs the public interest in disclosure.

10 (7) Reports made to or filed with the court under ORS 137.077 or 137.530.

11 (8) Any public records or information the disclosure of which is prohibited by federal law or
12 regulations.

13 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-
14 wise made confidential or privileged under Oregon law.

15 (b) Subject to ORS 192.360, paragraph (a) of this subsection does not apply to factual information
16 compiled in a public record when:

17 (A) The basis for the claim of exemption is ORS 40.225;

18 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
19 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.311
20 to 192.478;

21 (C) The factual information was compiled by or at the direction of an attorney as part of an
22 investigation on behalf of the public body in response to information of possible wrongdoing by the
23 public body;

24 (D) The factual information was not compiled in preparation for litigation, arbitration or an
25 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
26 or against the public body; and

27 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
28 characterizing or partially disclosing the factual information compiled by or at the attorney's di-
29 rection.

30 (10) Public records or information described in this section, furnished by the public body ori-
31 ginally compiling, preparing or receiving them to any other public officer or public body in con-
32 nection with performance of the duties of the recipient, if the considerations originally giving rise
33 to the confidential or exempt nature of the public records or information remain applicable.

34 (11) Records of the Energy Facility Siting Council concerning the review or approval of security
35 programs pursuant to ORS 469.530.

36 (12) Employee and retiree address, telephone number and other nonfinancial membership records
37 and employee financial records maintained by the Public Employees Retirement System pursuant to
38 ORS chapters 238 and 238A.

39 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
40 agents of the treasurer or the council relating to active or proposed publicly traded investments
41 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
42 liquidation of the investments. For the purposes of this subsection:

43 (a) The exemption does not apply to:

44 (A) Information in investment records solely related to the amount paid directly into an invest-
45 ment by, or returned from the investment directly to, the treasurer or council; or

1 (B) The identity of the entity to which the amount was paid directly or from which the amount
2 was received directly.

3 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange
4 or liquidation of the investment has been concluded.

5 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the
6 Oregon Growth Board or the agents of the treasurer, council or board relating to actual or proposed
7 investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset
8 including but not limited to records regarding the solicitation, acquisition, deployment, exchange or
9 liquidation of the investments including but not limited to:

10 (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership
11 or to their respective investment vehicles.

12 (B) Financial statements of an investment fund, an asset ownership or their respective invest-
13 ment vehicles.

14 (C) Meeting materials of an investment fund, an asset ownership or their respective investment
15 vehicles.

16 (D) Records containing information regarding the portfolio positions in which an investment
17 fund, an asset ownership or their respective investment vehicles invest.

18 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-
19 spective investment vehicles.

20 (F) Investment agreements and related documents.

21 (b) The exemption under this subsection does not apply to:

22 (A) The name, address and vintage year of each privately placed investment fund.

23 (B) The dollar amount of the commitment made to each privately placed investment fund since
24 inception of the fund.

25 (C) The dollar amount of cash contributions made to each privately placed investment fund since
26 inception of the fund.

27 (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State
28 Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer,
29 council or board from each privately placed investment fund.

30 (E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately
31 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment
32 Council, the Oregon Growth Board or the agents of the treasurer, council or board.

33 (F) The net internal rate of return of each privately placed investment fund since inception of
34 the fund.

35 (G) The investment multiple of each privately placed investment fund since inception of the fund.

36 (H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end
37 basis to each privately placed investment fund.

38 (I) The dollar amount of cash profit received from each privately placed investment fund on a
39 fiscal year-end basis.

40 (15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the
41 Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as
42 exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

43 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted
44 by ORS 98.352.

45 (17)(a) The following records, communications and information submitted to the Oregon Business

1 Development Commission, the Oregon Business Development Department, the State Department of
2 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
3 777.005, or a county or city governing body and any board, department, commission, council or
4 agency thereof, by applicants for investment funds, grants, loans, services or economic development
5 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

6 (A) Personal financial statements.

7 (B) Financial statements of applicants.

8 (C) Customer lists.

9 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
10 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
11 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
12 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
13 ery or deposition statutes to a party to litigation or potential litigation.

14 (E) Production, sales and cost data.

15 (F) Marketing strategy information that relates to applicant's plan to address specific markets
16 and applicant's strategy regarding specific competitors.

17 (b) The following records, communications and information submitted to the State Department
18 of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:

19 (A) Personal financial statements.

20 (B) Financial statements of applicants.

21 (C) Customer lists.

22 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
23 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
24 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
25 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
26 ery or deposition statutes to a party to litigation or potential litigation.

27 (E) Production, sales and cost data.

28 (F) Marketing strategy information that relates to applicant's plan to address specific markets
29 and applicant's strategy regarding specific competitors.

30 (18) Records, reports or returns submitted by private concerns or enterprises required by law
31 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
32 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
33 information is in a form which would permit identification of the individual concern or enterprise.
34 Nothing in this subsection shall limit the use which can be made of such information for regulatory
35 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
36 payer of the delinquency immediately by certified mail. However, in the event that the payment or
37 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
38 public body shall disclose, upon the request of any person, the following information:

39 (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the
40 payment or delivery of the taxes.

41 (b) The period for which the taxes are delinquent.

42 (c) The actual, or estimated, amount of the delinquency.

43 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
44 pointed counsel, and all information supplied to the court from whatever source for the purpose of
45 verifying the financial eligibility of a person pursuant to ORS 151.485.

1 (20) Workers' compensation claim records of the Department of Consumer and Business Services,
2 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
3 ness Services, in any of the following circumstances:

4 (a) When necessary for insurers, self-insured employers and third party claim administrators to
5 process workers' compensation claims.

6 (b) When necessary for the director, other governmental agencies of this state or the United
7 States to carry out their duties, functions or powers.

8 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
9 to identify any worker who is the subject of a claim.

10 (d) When a worker or the worker's representative requests review of the worker's claim record.

11 (21) Sensitive business records or financial or commercial information of the Oregon Health and
12 Science University that is not customarily provided to business competitors.

13 (22) Records of Oregon Health and Science University regarding candidates for the position of
14 president of the university.

15 (23) The records of a library, including:

16 (a) Circulation records, showing use of specific library material by a named person;

17 (b) The name of a library patron together with the address or telephone number of the patron;
18 and

19 (c) The electronic mail address of a patron.

20 (24) The following records, communications and information obtained by the Housing and Com-
21 munity Services Department in connection with the department's monitoring or administration of
22 financial assistance or of housing or other developments:

23 (a) Personal and corporate financial statements and information, including tax returns.

24 (b) Credit reports.

25 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
26 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
27 of as part of the project, but only after the transactions have closed and are concluded.

28 (d) Market studies and analyses.

29 (e) Articles of incorporation, partnership agreements and operating agreements.

30 (f) Commitment letters.

31 (g) Project pro forma statements.

32 (h) Project cost certifications and cost data.

33 (i) Audits.

34 (j) Project tenant correspondence.

35 (k) Personal information about a tenant.

36 (L) Housing assistance payments.

37 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
38 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
39 that is not otherwise required by law to be submitted.

40 (26) Sensitive business, commercial or financial information furnished to or developed by a
41 public body engaged in the business of providing electricity or electricity services, if the information
42 is directly related to a transaction described in ORS 261.348, or if the information is directly related
43 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
44 disclosure of the information would cause a competitive disadvantage for the public body or its re-
45 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-

1 velopment or review of generally applicable rate schedules.

2 (27) Sensitive business, commercial or financial information furnished to or developed by the
3 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
4 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
5 and disclosure of the information would cause a competitive disadvantage for the Klamath
6 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
7 ment or review of generally applicable rate schedules.

8 (28) Personally identifiable information about customers of a municipal electric utility or a
9 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
10 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
11 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
12 lease personally identifiable information about a customer, and a public body providing water, sewer
13 or storm drain services may release the name, date of birth, driver license number, telephone num-
14 ber, electronic mail address or Social Security number of a customer, if the customer consents in
15 writing or electronically, if the disclosure is necessary for the utility, district or other public body
16 to render services to the customer, if the disclosure is required pursuant to a court order or if the
17 disclosure is otherwise required by federal or state law. The utility, district or other public body
18 may charge as appropriate for the costs of providing such information. The utility, district or other
19 public body may make customer records available to third party credit agencies on a regular basis
20 in connection with the establishment and management of customer accounts or in the event such
21 accounts are delinquent.

22 (29) A record of the street and number of an employee's address submitted to a special district
23 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

24 (30) Sensitive business records, capital development plans or financial or commercial information
25 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

26 (31) Documents, materials or other information submitted to the Director of the Department of
27 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
28 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
29 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
30 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code
31 when:

32 (a) The document, material or other information is received upon notice or with an under-
33 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
34 the document, material or other information; and

35 (b) The director has obligated the Department of Consumer and Business Services not to dis-
36 close the document, material or other information.

37 (32) A county elections security plan developed and filed under ORS 254.074.

38 (33) Information about review or approval of programs relating to the security of:

39 (a) Generation, storage or conveyance of:

40 (A) Electricity;

41 (B) Gas in liquefied or gaseous form;

42 (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

43 (D) Petroleum products;

44 (E) Sewage; or

45 (F) Water.

1 (b) Telecommunication systems, including cellular, wireless or radio systems.

2 (c) Data transmissions by whatever means provided.

3 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
4 ignates the information as confidential by rule under ORS 1.002.

5 (35)(a) Employer account records of the State Accident Insurance Fund Corporation.

6 (b) As used in this subsection, "employer account records" means all records maintained in any
7 form that are specifically related to the account of any employer insured, previously insured or un-
8 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
9 mation obtained or developed by the corporation in connection with providing, offering to provide
10 or declining to provide insurance to a specific employer. "Employer account records" includes, but
11 is not limited to, an employer's payroll records, premium payment history, payroll classifications,
12 employee names and identification information, experience modification factors, loss experience and
13 dividend payment history.

14 (c) The exemption provided by this subsection may not serve as the basis for opposition to the
15 discovery documents in litigation pursuant to applicable rules of civil procedure.

16 (36)(a) Claimant files of the State Accident Insurance Fund Corporation.

17 (b) As used in this subsection, "claimant files" includes, but is not limited to, all records held
18 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all
19 records pertaining to such a claim.

20 (c) The exemption provided by this subsection may not serve as the basis for opposition to the
21 discovery documents in litigation pursuant to applicable rules of civil procedure.

22 (37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge
23 or other separation from military service.

24 (38) Records of or submitted to a domestic violence service or resource center that relate to the
25 name or personal information of an individual who visits a center for service, including the date of
26 service, the type of service received, referrals or contact information or personal information of a
27 family member of the individual. As used in this subsection, "domestic violence service or resource
28 center" means an entity, the primary purpose of which is to assist persons affected by domestic or
29 sexual violence by providing referrals, resource information or other assistance specifically of ben-
30 efit to domestic or sexual violence victims.

31 (39) Information reported to the Oregon Health Authority under ORS 431A.860, except as pro-
32 vided in ORS 431A.860 (2)(b) information disclosed by the authority under ORS 431A.865 and any
33 information related to disclosures made by the authority under ORS 431A.865, including information
34 identifying the recipient of the information.

35 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the
36 executive department, as defined in ORS 174.112, the legislative department, as defined in ORS
37 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-
38 ernment body, as defined in ORS 174.117.

39 (b) This subsection does not apply to electronic mail addresses assigned by a public body to
40 public employees for use by the employees in the ordinary course of their employment.

41 (c) This subsection and ORS 244.040 do not prohibit the campaign office of the current
42 officeholder or current candidates who have filed to run for that elective office from receiving upon
43 request the electronic mail addresses used by the current officeholder's legislative office for news-
44 letter distribution, except that a campaign office that receives electronic mail addresses under this
45 paragraph may not make a further disclosure of those electronic mail addresses to any other person.

1 (41) Residential addresses, residential telephone numbers, personal cellular telephone numbers,
2 personal electronic mail addresses, driver license numbers, emergency contact information, Social
3 Security numbers, dates of birth and other telephone numbers of individuals currently or previously
4 certified or licensed by the Department of Public Safety Standards and Training contained in the
5 records maintained by the department.

6 (42) Personally identifiable information and contact information of veterans as defined in ORS
7 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the
8 United States, National Guard or other reserve component that was obtained by the Department of
9 Veterans' Affairs in the course of performing its duties and functions, including but not limited to
10 names, residential and employment addresses, dates of birth, driver license numbers, telephone
11 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-
12 acter of discharge from military service, military rating or rank, that the person is a veteran or has
13 provided military service, information relating to an application for or receipt of federal or state
14 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-
15 formation relating to a home loan or grant application, including but not limited to financial infor-
16 mation provided in connection with the application.

17 **(43)(a) Personal information, as defined in ORS 802.175, of highly automated vehicle**
18 **testing operators reported to the Department of Transportation as part of an application for**
19 **a testing permit under section 5 of this 2019 Act.**

20 **(b) As used in this subsection, "highly automated vehicle" and "testing operator" have**
21 **the meanings given those terms in section 2 of this 2019 Act.**

22
23 **PENALTIES**
24

25 **SECTION 25. Civil penalties under section 12 of this 2019 Act shall be imposed in the**
26 **manner provided by ORS 183.745.**

27 **SECTION 26. Notwithstanding ORS 670.335, civil penalties recovered by the Department**
28 **of Transportation under section 12 of this 2019 Act shall be deposited in the State Highway**
29 **Fund established under ORS 366.505.**

30 **SECTION 26a. ORS 366.505 is amended to read:**

31 366.505. (1) The State Highway Fund shall consist of:

32 (a) All moneys and revenues derived under and by virtue of the sale of bonds, the sale of which
33 is authorized by law and the proceeds thereof to be dedicated to highway purposes.

34 (b) All moneys and revenues accruing from the licensing of motor vehicles, operators and
35 chauffeurs.

36 (c) Moneys and revenues derived from any tax levied upon gasoline, distillate, liberty fuel or
37 other volatile and inflammable liquid fuels, except moneys and revenues described in ORS 184.642
38 (2)(a) that become part of the Department of Transportation Operating Fund.

39 (d) Moneys and revenues derived from the road usage charges imposed under ORS 319.885.

40 (e) Moneys and revenues derived from the use tax imposed under ORS 320.410.

41 **(f) Moneys and revenues derived from the civil penalties recovered by the Department**
42 **of Transportation under section 12 of this 2019 Act.**

43 **[(f)] (g) Moneys and revenues derived from or made available by the federal government for road**
44 **construction, maintenance or betterment purposes.**

45 **[(g)] (h) All moneys and revenues received from all other sources which by law are allocated**

1 or dedicated for highway purposes.

2 (2) The State Highway Fund shall be deemed and held as a trust fund, separate and distinct from
3 the General Fund, and may be used only for the purposes authorized by law and is continually ap-
4 propriated for such purposes.

5 (3) Moneys in the State Highway Fund may be invested as provided in ORS 293.701 to 293.857.
6 All interest earnings on any of the funds designated in subsection (1) of this section shall be placed
7 to the credit of the highway fund.

8
9 **MISCELLANEOUS**

10
11 **SECTION 27. Applicability.** Sections 2 to 13a and 14 of this 2019 Act and the amendments
12 to ORS 192.355, 366.505, 801.026, 805.200, 806.011, 806.012, 806.060, 806.080, 807.020, 807.570 and
13 811.507 by sections 15 to 24 and 26a of this 2019 Act do not apply to a motor vehicle solely
14 by reason that the motor vehicle has systems for collision avoidance, electronic blind spot
15 detection, automatic emergency braking, parking assist, adaptive cruise control, lane keeping
16 assist, lane departure warning or other similar systems that enhance safety or assist drivers
17 but that are not capable of operating the motor vehicle without the active control or moni-
18 toring of a human operator.

19 **SECTION 28. Operative date.** (1) Sections 2 to 13a, 14, 25 and 26 of this 2019 Act and the
20 amendments to ORS 192.355, 366.505, 801.026, 805.200, 806.011, 806.012, 806.060, 806.080, 807.020,
21 807.570 and 811.507 by sections 15 to 24 and 26a of this 2019 Act become operative January
22 1, 2020.

23 (2) The Department of Transportation may take any action before the operative date
24 specified in subsection (1) of this section that is necessary for the department to exercise,
25 on and after the operative date specified in subsection (1) of this section, all of the duties,
26 functions and powers conferred on the department by sections 2 to 13a, 14, 25 and 26 of this
27 2019 Act and the amendments to ORS 192.355, 366.505, 801.026, 805.200, 806.011, 806.012,
28 806.060, 806.080, 807.020, 807.570 and 811.507 by sections 15 to 24 and 26a of this 2019 Act.

29 **SECTION 29. Captions.** The unit and section captions used in this 2019 Act are provided
30 only for the convenience of the reader and do not become part of the statutory law of this
31 state or express any legislative intent in the enactment of this 2019 Act.

32 **SECTION 30. Effective date.** This 2019 Act being necessary for the immediate preserva-
33 tion of the public peace, health and safety, an emergency is declared to exist, and this 2019
34 Act takes effect on its passage.