

House Bill 2770

Sponsored by Representative MCLAIN, Senators MANNING JR, GELSER, Representative MEEK; 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 **as introduced**.

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. 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, 801.026,
3 805.200, 806.011, 806.012, 806.060, 806.080, 807.020, 807.570 and 811.507; and declaring an emer-
4 gency.

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

TESTING PERMIT

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9 **SECTION 1. Sections 2 to 13 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 13 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.

20 (4) "Automation level" means "conditional driving automation," "high driving
21 automation" or "full driving automation," as those terms are described in section 3 of this
22 2019 Act.

23 (5) "Conventional mode" means the status of a highly automated vehicle when it is under
24 the active physical control of a natural person operating the motor vehicle with the auto-

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 mated driving system disengaged.

2 (6)(a) “Dynamic driving task” means the real-time operational and tactical functions re-
3 quired to operate a motor vehicle in on-road traffic.

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

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

8 (7) “Fallback-ready user” means a natural person who is the user of a highly automated
9 vehicle equipped with conditional driving automation, as described in section 3 of this 2019
10 Act, who is able to operate the vehicle and is prepared to respond if the vehicle requests that
11 the user intervene.

12 (8) “Highly automated vehicle” means a motor vehicle equipped with an automated driv-
13 ing system.

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

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

19 (b) “Onboard operator” includes:

20 (A) A fallback-ready user; and

21 (B) If a remote operator is seated in the highly automated vehicle, the remote operator.

22 (11) “Operational design domain” means the geographic and environmental conditions for
23 which a highly automated vehicle is engineered and in which it can safely operate.

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

27 (13) “Testing operator” means an onboard operator or a remote operator of a test vehi-
28 cle, whether the vehicle is in automated mode or conventional mode.

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

31 **SECTION 3. Levels of driving automation.** A highly automated vehicle is equipped with:

32 (1) Conditional driving automation if the automated driving system is capable of per-
33 forming the dynamic driving task only with a fallback-ready user and only within a specific
34 operational design domain.

35 (2) High driving automation if the automated driving system is capable of performing the
36 dynamic driving task without a fallback-ready user but only within a specific operational
37 design domain.

38 (3) Full driving automation if the automated driving system is capable of performing the
39 dynamic driving task without a fallback-ready user and under any geographic and environ-
40 mental conditions that a natural person could reasonably navigate.

41 **SECTION 4. Testing highly automated vehicles.** An automated vehicle manufacturer tests
42 a highly automated vehicle when the manufacturer’s employees, contractors or designees
43 operate a highly automated vehicle on the highways of this state for the purpose of assess-
44 ing, demonstrating or validating the capabilities of the highly automated vehicle’s automated
45 driving system.

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

4 (2) An application submitted under this section must:

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

6 (A) The highly automated vehicle and the automated driving system meet all require-
7 ments of section 7 of this 2019 Act; and

8 (B) The highly automated vehicle will be operated only in the manner prescribed by
9 sections 2 to 13 of this 2019 Act and any rules adopted by the department under sections 2
10 to 13 of this 2019 Act; and

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

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

14 (B) Vehicle information for each highly automated vehicle.

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

17 (D) Testing operator information.

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

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

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

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

28 (c) The following self-certifications:

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

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 department.

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

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

40 (E) That each highly automated vehicle has a visual indicator inside the cabin to indicate
41 when the automated driving system is engaged.

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

44 (G) That each highly automated vehicle meets all appropriate and applicable current in-
45 dustry standards to defend against, detect and respond to cyberattacks, unauthorized intru-

1 sions or false vehicle control commands.

2 (H) That the highly automated vehicle can be operated in conformity with the rules of
 3 the road or, if not, that an exemption has been granted by the department.

4 (4) The department may approve an application for a testing permit under this section
 5 only if the automated vehicle manufacturer has made all of the self-certifications required
 6 under subsection (3) of this section.

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

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

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

14 (C) Failed to maintain the amounts and types of insurance required under subsection (3)
 15 of this section.

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

18 (b) The department's denial of an application for a testing permit application or suspen-
 19 sion, revocation or refusal to renew a testing permit issued under this section is subject to
 20 review in the manner prescribed under ORS chapter 183 for contested cases.

21 (6) An automated vehicle manufacturer that has submitted an application for a testing
 22 permit under this section shall notify the department prior to making any changes to a
 23 highly automated vehicle's automation level or any testing conditions, including the ge-
 24 ographic testing area.

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

27 (b) The rules adopted under this subsection must prescribe the form and requirements
 28 for applications under section 5 of this 2019 Act.

29 (c) The rules adopted under this subsection may limit the number of highly automated
 30 vehicles being tested on the highways of this state, impose special license requirements for
 31 testing operators of highly automated vehicles and provide for renewal, revocation, suspen-
 32 sion or denial of testing permits issued under section 5 of this 2019 Act.

33 (2) The department by rule shall establish fees for applications under section 5 of this
 34 2019 Act. The fees must be in an amount adequate to pay all administrative costs incurred
 35 by the department in implementing and administering sections 2 to 13 of this 2019 Act.

36 (3) The department by rule shall establish fees for highly automated vehicle testing per-
 37 mit stickers authorized under ORS 805.200. The fees must be in an amount adequate to pay
 38 all administrative costs incurred by the department in designing and issuing the testing
 39 permit stickers.

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

42 (1) The automated vehicle manufacturer has a valid testing permit issued under section
 43 5 of this 2019 Act.

44 (2) The testing operator:

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

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

5 (c) If the highly automated vehicle is equipped with conditional driving automation, as
6 described in section 3 of this 2019 Act, is seated in the driver's seat of the highly automated
7 vehicle.

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

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

11 (b) An indicator visible to the testing operator to indicate when the automated driving
12 system is engaged.

13 (c) A system that captures and stores the automated driving system sensor data for the
14 highly automated vehicle for at least the preceding 30 seconds and, in the event of a collision,
15 stores the data for the period preceding the collision in a read-only format for a period of
16 not less than three years after the date of the collision.

17 (d) A failure alert system that:

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

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

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

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

23 (a) Is a natural person;

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

25 (c) Has not been cited for a traffic offense in this state or another jurisdiction, not in-
26 cluding a parking offense, pedestrian offense or bicycling offense;

27 (d) Has passed a criminal background check; and

28 (e) Meets any other requirements established by the Department of Transportation by
29 rule.

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

32 (3) A testing operator may not be a remote operator for more than one highly automated
33 vehicle at a time.

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

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

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

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

42 (a) If the test vehicle is a passenger vehicle, as defined by the Department of Transpor-
43 tation by rule, the automated vehicle manufacturer shall affix to the rear window of the test
44 vehicle the highly automated vehicle testing permit sticker issued by the department under
45 ORS 805.200.

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

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

7 (3) The department by rule shall establish the procedure for automated vehicle man-
 8 ufacturers to comply with the notification requirements under this section.

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

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

16 (a) If the testing operator is a remote operator, how to communicate with the remote
 17 operator.

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

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

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

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

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

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

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

28 (i) Any other information the Department of Transportation requires by rule.

29 **SECTION 11. Liability of manufacturer.** If an automated driving system is installed in a
 30 motor vehicle by a person other than the person that originally manufactured the motor
 31 vehicle, the person that originally manufactured the motor vehicle is not liable to any person
 32 for injury, death or damage resulting from the failure of the automated driving system.

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

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

39 **SECTION 13. Testing a highly automated vehicle without a testing permit or sticker.** (1)
 40 A person commits the offense of testing a highly automated vehicle without a testing permit
 41 or sticker if the person tests a highly automated vehicle as described in section 4 of this 2019
 42 Act without a testing permit issued under section 5 of this 2019 Act or, if applicable, a testing
 43 permit sticker issued under ORS 805.200.

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

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

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

- 8 (a) The testing operator is the driver or operator of the highly automated vehicle; and
- 9 (b) Any natural person, other than the testing operator, who is an occupant in the highly
 10 automated vehicle but who has no role in the dynamic driving task or other operation of the
 11 vehicle is a passenger.

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

13 805.200. (1) The Department of Transportation by rule:

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

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

22 (c) Shall design highly automated vehicle testing permit stickers that distinguish pas-
 23 senger vehicles, as defined by the department by rule, that are test vehicles, as defined in
 24 section 2 of this 2019 Act, from other passenger vehicles. The fees for testing permit stickers
 25 described in this paragraph are established by rule under section 6 of this 2019 Act.

26 (2) Unless otherwise provided by statute or by rule of the department, indicia of registration
 27 that distinguish one kind of registration from another may not be transferred unless the new owner
 28 of the vehicle qualifies for that specific kind of registration.

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

33

34 **FINANCIAL RESPONSIBILITY**

35

36 **SECTION 16.** ORS 806.060 is amended to read:

37 806.060. A person who is required to comply with the financial responsibility requirements of
 38 this state must be able to respond in damages, in amounts required under this section, for liability
 39 on account of accidents arising out of the ownership, operation, maintenance or use of motor vehi-
 40 cles and must establish that ability by one of the methods required by this section. All of the fol-
 41 lowing apply to the financial responsibility requirements of this state:

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

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

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

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

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

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

10 806.080. (1) A motor vehicle liability insurance policy used to comply with financial responsi-
 11 bility requirements under ORS 806.060 must meet all of the following requirements:

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

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

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

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

26 [(2)] (3) The requirements for the insurance may be fulfilled by the policies of one or more in-
 27 surance carriers which policies together meet such requirements.

28
 29 **DRIVING PRIVILEGES, DUTIES AND RULES OF THE ROAD**

30
 31 **SECTION 18.** ORS 801.026, as amended by section 5, chapter 22, Oregon Laws 2018, is amended
 32 to read:

33 801.026. (1) Persons, motor vehicles and equipment employed or used by a public or telecommu-
 34 nications utility, electric cooperative or by the United States, this state or any political subdivision
 35 of this state are exempt from the provisions of the vehicle code specified in subsection (3) of this
 36 section while on a highway and working or being used to service, construct, maintain or repair the
 37 facilities of a utility.

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

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

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

45 (3) Persons, motor vehicles and equipment described in subsections (1) and (2) of this section are

1 exempt from provisions of the vehicle code relating to rules of the road as described in ORS chapter
 2 811, except that this subsection does not apply to:

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

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

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

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

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

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

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

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

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

17 **(7)(a) Test operators testing highly automated vehicles on the highways of this state, as**
 18 **described in section 4 of this 2019 Act, without an onboard operator are exempt from the**
 19 **following provisions of the vehicle code if the automated vehicle manufacturer conducting**
 20 **the testing has a valid testing permit issued by the Department of Transportation under**
 21 **section 5 of this 2019 Act and the highly automated vehicle is operating within the geographic**
 22 **testing area described in the testing permit:**

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

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

25 **(C) Failure to perform the duties of a driver described in ORS 811.700, 811.705, 811.710 and**
 26 **811.715.**

27 **(b) As used in this subsection, “automated vehicle manufacturer,” “highly automated**
 28 **vehicle” and “onboard operator” have the meanings given those terms in section 2 of this**
 29 **2019 Act.**

30 [(7)] (8) The exemptions in subsection (3) of this section do not apply to the persons and vehicles
 31 when traveling to or from the facilities or construction project.

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

34 807.020. A person who is granted a driving privilege by this section may exercise the driving
 35 privilege described without violation of the requirements under ORS 807.010. A grant of driving
 36 privileges to operate a motor vehicle under this section is subject to suspension and revocation the
 37 same as other driving privileges granted under the vehicle code. This section is in addition to any
 38 exemptions from the vehicle code under ORS 801.026. The following persons are granted the de-
 39 scribed driving privileges:

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

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

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

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

8 (2) A person who is a member of the Armed Forces of the United States or a member of the
9 commissioned corps of the National Oceanic and Atmospheric Administration may operate a motor
10 vehicle without an Oregon license or driver permit if the person is operating a motor vehicle in the
11 course of the person's duties in the Armed Forces or the National Oceanic and Atmospheric Ad-
12 ministration.

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

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

17 (5) A person without a license or driver permit may operate a motor vehicle to demonstrate
18 driving ability during the course of an examination administered under ORS 807.070 for the purpose
19 of qualifying for a license or driver permit. This subsection only applies when an authorized exam-
20 iner is in a seat beside the driver of the motor vehicle.

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

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

25 (8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS
26 821.172, unless a person is operating a Class III all-terrain vehicle on an all-terrain vehicle highway
27 access route that is designated by the commission as open to all-terrain vehicles.

28 (9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS
29 821.176, unless a person is operating a Class IV all-terrain vehicle on an all-terrain vehicle highway
30 access route that is designated by the commission as open to all-terrain vehicles.

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

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

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

45 (13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the

1 person is:

2 (a) Within an enclosed cab;

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

5 (c) Operating an autocycle.

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

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

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

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

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

22 **(19)(a) Driving privileges to test highly automated vehicles, as described in section 4 of
23 this 2019 Act, are exclusively as provided in sections 2 to 13 of this 2019 Act.**

24 **(b) As used in this subsection, "highly automated vehicle" has the meaning given that
25 term in section 2 of this 2019 Act.**

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

28 811.507. (1) As used in this section:

29 (a)(A) "Driving" means operating a motor vehicle on a highway or premises open to the public,
30 and while temporarily stationary because of traffic, a traffic control device or other momentary de-
31 lays.

32 (B) "Driving" does not include when the motor vehicle has stopped in a location where it can
33 safely remain stationary and:

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

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

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

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

41 (c) "Livestock" has the meaning given that term in ORS 609.125.

42 (d)(A) "Mobile electronic device" means an electronic device that is not permanently installed
43 in a motor vehicle.

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

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

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

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

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

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

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

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

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

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

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

28 (f) Who is using a two-way radio device while operating a vehicle wider than the lane of travel,
 29 a vehicle transporting livestock or a vehicle requiring a slow-moving vehicle emblem under ORS
 30 815.110, and the use of the device facilitates the safe operation of the vehicle; [or]

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

34 **(h) Who is a remote operator testing a highly automated vehicle as described in section**
 35 **4 of this 2019 Act and using an electronic device to operate the highly automated vehicle.**
 36 **As used in this paragraph, “highly automated vehicle” and “remote operator” have the**
 37 **meanings given those terms in section 2 of this 2019 Act.**

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

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

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

42 (c) Was driving an ambulance or emergency vehicle while acting within the scope of the person’s
 43 employment;

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

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

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

7 (g) Was using a medical device.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40
41 **INTERACTION WITH LAW ENFORCEMENT**

42
43 **SECTION 21.** ORS 806.011 is amended to read:

44 806.011. (1) Proof of insurance issued as provided in ORS 742.447, or other current proof of
45 compliance with financial or future responsibility requirements approved by rule by the Department

1 of Transportation, shall be carried in each motor vehicle that is operating in this state and that is
 2 not exempt from compliance with financial or future responsibility requirements.

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

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

8 **(b) If the vehicle is a highly automated vehicle being tested, as described in section 4 of**
 9 **this 2019 Act, without an onboard operator, failure of the automated vehicle manufacturer**
 10 **to file a law enforcement and first responder interaction plan described in section 10 of this**
 11 **2019 Act is reasonable grounds for a police officer to believe that the vehicle is being oper-**
 12 **ated in violation of ORS 806.010.**

13 **(c) As used in this subsection, “automated vehicle manufacturer,” “highly automated**
 14 **vehicle” and “onboard operator” have the meanings given those terms in section 2 of this**
 15 **2019 Act.**

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

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

21 806.012. (1)(a) A person commits the offense of failure to carry proof of compliance with finan-
 22 cial responsibility requirements if:

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

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

29 **(b) As used in this subsection, “automated vehicle manufacturer,” “highly automated**
 30 **vehicle” and “onboard operator” have the meanings given those terms in section 2 of this**
 31 **2019 Act.**

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

34 (3) This section does not apply:

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

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

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

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

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

45 807.570. (1) A person commits the offense of failure to carry a license or to present a license to

1 a police officer if the person *[either]* **does one of the following:**

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

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

6 (A) Upon being lawfully stopped or detained when driving a vehicle~~[,]~~; **or**

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

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

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

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

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

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

24
25 **PUBLIC RECORDS**

26
27 **SECTION 24.** ORS 192.355 is amended to read:

28 192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

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

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

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

44 (3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses,
45 residential telephone numbers, personal cellular telephone numbers, personal electronic mail ad-

1 dresses, driver license numbers, employer-issued identification card numbers, emergency contact in-
 2 formation, Social Security numbers, dates of birth and other telephone numbers contained in
 3 personnel records maintained by the public body that is the employer or the recipient of volunteer
 4 services. This exemption:

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

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

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

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

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

19 (5) Information or records of the Department of Corrections, including the State Board of Parole
 20 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
 21 a person in custody of the department or substantially prejudice or prevent the carrying out of the
 22 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
 23 terest in disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (a) The exemption does not apply to:

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

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

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

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

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

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

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

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

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

39 (F) Investment agreements and related documents.

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

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

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

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

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

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

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

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

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

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

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

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

19 (17)(a) The following records, communications and information submitted to the Oregon Business
20 Development Commission, the Oregon Business Development Department, the State Department of
21 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
22 777.005, or a county or city governing body and any board, department, commission, council or
23 agency thereof, by applicants for investment funds, grants, loans, services or economic development
24 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

25 (A) Personal financial statements.

26 (B) Financial statements of applicants.

27 (C) Customer lists.

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

33 (E) Production, sales and cost data.

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

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

38 (A) Personal financial statements.

39 (B) Financial statements of applicants.

40 (C) Customer lists.

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

1 (E) Production, sales and cost data.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (b) Credit reports.

44 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
45 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed

1 of as part of the project, but only after the transactions have closed and are concluded.

2 (d) Market studies and analyses.

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

4 (f) Commitment letters.

5 (g) Project pro forma statements.

6 (h) Project cost certifications and cost data.

7 (i) Audits.

8 (j) Project tenant correspondence.

9 (k) Personal information about a tenant.

10 (L) Housing assistance payments.

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

14 (26) Sensitive business, commercial or financial information furnished to or developed by a
15 public body engaged in the business of providing electricity or electricity services, if the information
16 is directly related to a transaction described in ORS 261.348, or if the information is directly related
17 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
18 disclosure of the information would cause a competitive disadvantage for the public body or its re-
19 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
20 velopment or review of generally applicable rate schedules.

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

27 (28) Personally identifiable information about customers of a municipal electric utility or a
28 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
29 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
30 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
31 lease personally identifiable information about a customer, and a public body providing water, sewer
32 or storm drain services may release the name, date of birth, driver license number, telephone num-
33 ber, electronic mail address or Social Security number of a customer, if the customer consents in
34 writing or electronically, if the disclosure is necessary for the utility, district or other public body
35 to render services to the customer, if the disclosure is required pursuant to a court order or if the
36 disclosure is otherwise required by federal or state law. The utility, district or other public body
37 may charge as appropriate for the costs of providing such information. The utility, district or other
38 public body may make customer records available to third party credit agencies on a regular basis
39 in connection with the establishment and management of customer accounts or in the event such
40 accounts are delinquent.

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

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

45 (31) Documents, materials or other information submitted to the Director of the Department of

1 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
 2 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
 3 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
 4 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code
 5 when:

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

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

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

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

13 (a) Generation, storage or conveyance of:

14 (A) Electricity;

15 (B) Gas in liquefied or gaseous form;

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

17 (D) Petroleum products;

18 (E) Sewage; or

19 (F) Water.

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

21 (c) Data transmissions by whatever means provided.

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

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

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

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

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

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

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

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

43 (38) Records of or submitted to a domestic violence service or resource center that relate to the
 44 name or personal information of an individual who visits a center for service, including the date of
 45 service, the type of service received, referrals or contact information or personal information of a

1 family member of the individual. As used in this subsection, “domestic violence service or resource
 2 center” means an entity, the primary purpose of which is to assist persons affected by domestic or
 3 sexual violence by providing referrals, resource information or other assistance specifically of ben-
 4 efit to domestic or sexual violence victims.

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

9 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the
 10 executive department, as defined in ORS 174.112, the legislative department, as defined in ORS
 11 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-
 12 ernment body, as defined in ORS 174.117.

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

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

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

25 (42) Personally identifiable information and contact information of veterans as defined in ORS
 26 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the
 27 United States, National Guard or other reserve component that was obtained by the Department of
 28 Veterans’ Affairs in the course of performing its duties and functions, including but not limited to
 29 names, residential and employment addresses, dates of birth, driver license numbers, telephone
 30 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-
 31 acter of discharge from military service, military rating or rank, that the person is a veteran or has
 32 provided military service, information relating to an application for or receipt of federal or state
 33 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-
 34 formation relating to a home loan or grant application, including but not limited to financial infor-
 35 mation provided in connection with the application.

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

39
 40 **PENALTIES**

41
 42 **SECTION 25. Civil penalties under section 12 of this 2019 Act shall be imposed in the**
 43 **manner provided by ORS 183.745.**

44 **SECTION 26. All penalties recovered under section 12 of this 2019 Act shall be paid into**
 45 **the State Treasury and credited to the General Fund and are available for general govern-**

1 **mental expenses.**

2
3 **MISCELLANEOUS**

4
5 **SECTION 27. Applicability.** Sections 2 to 13 and 14 of this 2019 Act do not apply to a
6 **motor vehicle solely by reason that the motor vehicle has systems for collision avoidance,**
7 **electronic blind spot detection, automatic emergency braking, parking assist, adaptive cruise**
8 **control, lane keeping assist, lane departure warning or other similar systems that enhance**
9 **safety or assist drivers but that are not capable of operating the motor vehicle without the**
10 **active control or monitoring of a human operator.**

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

14 (2) The Department of Transportation may take any action before the operative date
15 **specified in subsection (1) of this section that is necessary for the department to exercise,**
16 **on and after the operative date specified in subsection (1) of this section, all of the duties,**
17 **functions and powers conferred on the department by sections 2 to 13, 14, 25 and 26 of this**
18 **2019 Act and the amendments to ORS 192.355, 801.026, 805.200, 806.011, 806.012, 806.060,**
19 **806.080, 807.020, 807.570 and 811.507 by sections 15 to 24 of this 2019 Act.**

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

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