

Requested by Senator BEYER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2770**

1 On page 1 of the printed bill, line 2, delete “192.355,”.

2 In line 3, delete “805.200,” and “806.060, 806.080,” and before the semicolon
3 insert “section 1, chapter 94, Oregon Laws 2018”.

4 Delete lines 6 through 24 and delete pages 2 through 23 and insert:
5

6 **“TESTING PERMIT**

7
8 **“SECTION 1. Sections 2 to 9 of this 2019 Act are added to and made
9 a part of the Oregon Vehicle Code.**

10 **“SECTION 2. Definitions. As used in sections 2 to 8 of this 2019 Act:**

11 **“(1) ‘Automated driving system’ means the hardware and software
12 installed on a motor vehicle that are collectively capable of performing
13 all aspects of the dynamic driving task on a sustained basis regardless
14 of whether the automated driving system is limited to a specific op-
15 erational design domain.**

16 **“(2) ‘Automated mode’ means the status of a vehicle equipped with
17 an automated driving system when it is operating with the automated
18 driving system engaged.**

19 **“(3) ‘Conventional human driver’ means a natural person who
20 manually exercises in-vehicle braking, accelerating, steering and
21 transmission gear selection input devices to operate a motor vehicle.**

1 “(4) ‘Conventional mode’ means the status of a vehicle equipped
2 with an automated driving system when it is under the active physical
3 control of a natural person operating the motor vehicle with the au-
4 tomated driving system disengaged.

5 “(5)(a) ‘Dynamic driving task’ means the real-time operational and
6 tactical functions required to operate a motor vehicle within the mo-
7 tor vehicle’s operational design domain on a public highway or on
8 premises open to the public.

9 “(b) ‘Dynamic driving task’ does not include trip planning, includ-
10 ing decisions regarding whether, when and where to go or the best
11 route to take.

12 “(6)(a) ‘Onboard operator’ means a natural person who is seated in
13 a vehicle equipped with an automated driving system and is able to
14 assume control of and operate the vehicle equipped with an automated
15 driving system.

16 “(b) ‘Onboard operator’ includes:

17 “(A) A conventional human driver; and

18 “(B) A remote operator, if the remote operator is seated in the ve-
19 hicle equipped with an automated driving system that the remote op-
20 erator is operating.

21 “(7)(a) ‘Operational design domain’ means the environmental and
22 specific conditions for which a vehicle equipped with an automated
23 driving system is designed to properly operate.

24 “(b) ‘Operational design domain’ includes roadway types, speed
25 range, environmental conditions and other domain constraints.

26 “(8) ‘Remote operator’ means a natural person who is not seated in
27 a position to manually exercise in-vehicle braking, accelerating,
28 steering and transmission gear selection input devices to operate a
29 vehicle equipped with an automated driving system but who is able to
30 assume control of and remotely operate the vehicle equipped with an

1 automated driving system.

2 “(9) ‘Test driver’ means an onboard operator or a remote operator
3 of a test vehicle, whether the vehicle is in automated mode or con-
4 ventional mode.

5 “(10) ‘Test entity’ means a person who is testing or intends to test
6 a vehicle equipped with an automated driving system, as described in
7 section 4 of this 2019 Act.

8 “(11) ‘Test vehicle’ means a vehicle, equipped with an automated
9 driving system that is undergoing testing, as described in section 4 of
10 this 2019 Act.

11 **“SECTION 3. Levels of driving automation. (1) The Department of**
12 **Transportation, by rule, consistent with the recommendations in the**
13 **SAE International’s ‘Taxonomy and Definitions for Terms Related to**
14 **Driving Automation Systems for On-Road Motor Vehicles, Standard**
15 **J3016,’ June 2018 edition, shall define the driving automation levels of**
16 **automated driving systems.**

17 “(2) As used in this section, ‘SAE’ means the Society of Automotive
18 Engineers.

19 **“SECTION 4. Testing vehicles equipped with automated driving**
20 **systems. A person tests a vehicle equipped with an automated driving**
21 **system when the person’s employees, contractors or designees operate**
22 **the person’s vehicle equipped with an automated driving system on the**
23 **highways of this state for the purpose of assessing, demonstrating or**
24 **validating the capabilities of the vehicle’s automated driving system.**

25 **“SECTION 5. Testing notification. (1) A test entity shall notify the**
26 **Department of Transportation prior to testing a vehicle equipped with**
27 **an automated driving system, as described in section 4 of this 2019 Act.**
28 **The notification must include:**

29 “(a) The test entity’s name and business address.

30 “(b) The name, phone number, electronic mail address and physical

1 address in this state, if applicable, for the contact person overseeing
2 the testing.

3 “(c) Identification information for each test vehicle, including
4 make, model and license plate numbers.

5 “(d) A description of each test vehicle’s operational design domain.

6 “(e) The geographic areas within this state in which the test entity
7 intends to test the test vehicles.

8 “(f) A copy of the test entity’s federal voluntary safety self-
9 assessment or a detailed summary of the safety training given to test
10 drivers, including copies of any documentation or illustration pro-
11 vided.

12 “(g) Evidence of the test entity’s financial ability to satisfy judg-
13 ment for damages for public liability, personal injury or property
14 damage arising out of the test entity’s testing of vehicles equipped
15 with automated driving systems for an amount not less than \$5,000,000,
16 which may be in the form of an issued insurance policy, a bond or
17 other financial instrument.

18 “(h) Self-certifications that:

19 “(A) Each test vehicle is in compliance with all applicable federal
20 laws and regulations or has an exemption under federal law.

21 “(B) Each test vehicle is designed to comply with all traffic and
22 motor vehicle safety laws and regulations of this state that govern the
23 performance of the dynamic driving task, unless an exemption has
24 been granted by the department.

25 “(C) The automated driving system has been tested in controlled
26 conditions and has demonstrated functionality ready to test on public
27 highways or premises open to the public.

28 “(D) Each test vehicle will be operated only by trained employees
29 or other authorized persons who have received training on the safe
30 operation of vehicles equipped with automated driving systems.

1 “(E) Each test driver holds a valid driver license that is recognized
2 by this state as affording the individual the privilege of legally oper-
3 ating a motor vehicle on the highways of this state.

4 “(F) Each test driver meets the requirements under section 7 of this
5 2019 Act.

6 “(2)(a) Upon receiving the notification described in subsection (1)
7 of this section, the department shall review the materials submitted
8 to ensure compliance with the requirements under subsection (1) of
9 this section.

10 “(b) If the notification does not meet the requirements under sub-
11 section (1) of this section, the department may request, in writing,
12 that the test entity submit additional information.

13 “(c) The department may not require the test entity to release in-
14 formation that is proprietary or confidential business information.

15 “(d) If the department requests additional information, the test
16 entity shall provide the requested information or request an exception
17 from the department no later than 15 business days following the date
18 the department requested the additional information.

19 “(e) No later than 15 days following the date the department re-
20 ceives the test entity’s additional information or grants the test entity
21 an exception, the department shall provide the test entity with a
22 written acknowledgement that all questions have been answered.

23 “(3) The test entity shall remit to the department a fee in the
24 amount of \$500 with a notification under this section.

25 “(4)(a) The department may prohibit a test entity from testing ve-
26 hicles equipped with automated driving systems in this state if:

27 “(A) The department finds that one or more of the test entity’s
28 vehicles equipped with automated driving systems have significant and
29 recurring failures to comply with the rules of the road in this state
30 and present an undue risk to public safety.

1 **“(B) The department finds that the test entity made material mis-**
2 **statements on the materials submitted to the department with the test**
3 **entity’s notification required under subsection (1) of this section.**

4 **“(C) The department finds that the test entity failed to maintain**
5 **the test entity’s financial ability to satisfy judgment for damages for**
6 **public liability, personal injury and property damage as required by**
7 **subsection (1)(g) of this section throughout the testing period.**

8 **“(b) If the department prohibits a test entity from testing or con-**
9 **tinuing to test vehicles equipped with automated driving systems un-**
10 **der this subsection, the department shall provide the test entity**
11 **written notice detailing the reasons for the department’s prohibition**
12 **not more than 48 hours following the effective date of the prohibition.**

13 **“(c) The department’s prohibition on testing under this subsection**
14 **is subject to review in the manner prescribed under ORS chapter 183**
15 **for contested cases.**

16 **“SECTION 6. Test vehicle requirements. A test entity may test a**
17 **vehicle equipped with an automated driving system on the highways**
18 **of this state only if all of the following requirements are met:**

19 **“(1) The test entity has provided the notice required under section**
20 **5 of this 2019 Act to the Department of Transportation.**

21 **“(2) The test driver:**

22 **“(a) Meets all of the requirements under section 7 of this 2019 Act;**

23 **“(b) Is able to identify if a failure of the automated driving system**
24 **is detected and identify when the automated driving system is disen-**
25 **gaged; and**

26 **“(c) Is monitoring the operation of the vehicle equipped with an**
27 **automated driving system at all times and, in the event of a failure**
28 **of the automated driving system or other emergency, is capable of**
29 **assuming immediate control of the dynamic driving tasks as an**
30 **onboard operator or as a remote operator.**

1 **“(3) The vehicle is equipped with an automated driving system that**
2 **is capable of bringing the vehicle to a reasonably safe state, including**
3 **bringing the vehicle to a complete stop and activating the hazard**
4 **lights, upon experiencing a failure of the vehicle’s automated driving**
5 **system that renders the automated driving system unable to perform**
6 **the dynamic driving tasks.**

7 **“SECTION 7. Test drivers. (1) A person may be a test driver only**
8 **if the person:**

9 **“(a) Is a natural person; and**

10 **“(b) Is an employee, contractor or other designee of a test entity.**

11 **“(2) A test driver must possess the proper class of license or**
12 **endorsement for the type of motor vehicle being tested.**

13 **“(3) A test driver may not be a remote operator for more than one**
14 **test vehicle at a time.**

15 **“(4) A test driver is subject to the provisions applicable to, and has**
16 **the same rights and duties as, the operator of any other motor vehicle**
17 **operating on the highways of this state except:**

18 **“(a) Those provisions that by their very nature can have no appli-**
19 **cation.**

20 **“(b) When otherwise specifically provided under the Oregon Vehicle**
21 **Code.**

22 **“SECTION 8. Notification of testing without test driver in vehicle.**

23 **(1) Prior to testing a vehicle equipped with an automated driving sys-**
24 **tem without a test driver in the vehicle, a test entity shall provide**
25 **notice to the Department of Transportation. The notice must include:**

26 **“(a) The test entity’s acknowledgment that the test vehicle meets**
27 **the requirements under section 6 (3) of this 2019 Act.**

28 **“(b) A description of the geographic area in the vicinity of the test**
29 **entity’s testing area.**

30 **“(c) A copy of the test entity’s emergency response guide that must**

1 include, at a minimum, instructions for law enforcement, fire depart-
2 ment and emergency medical response personnel for safe interaction
3 with the test vehicle in emergency and traffic enforcement situations.

4 “(2) The department shall distribute the emergency response guide
5 to all law enforcement, fire department and emergency medical re-
6 sponse personnel with jurisdiction over the geographic area in the vi-
7 cinity of the test entity’s testing area.

8 “SECTION 9. Driver and passenger of vehicle equipped with an au-
9 tomated driving system. (1) As used in this section, ‘automated driving
10 system,’ ‘dynamic driving task’ and ‘test driver’ have the meanings
11 given those terms in section 2 of this 2019 Act.

12 “(2) For the purposes of the laws of this state and any administra-
13 tive rule adopted pursuant to the laws of this state, unless the context
14 or a specifically applicable definition requires otherwise, while a vehi-
15 cle equipped with an automated driving system is being tested as de-
16 scribed in section 4 of this 2019 Act:

17 “(a) The test driver is the driver or operator of the vehicle equipped
18 with an automated driving system; and

19 “(b) Any natural person, other than the test driver, who is an oc-
20 cupant in the vehicle equipped with an automated driving system but
21 who has no role in the dynamic driving task or other operation of the
22 vehicle is a passenger.

23 “SECTION 10. Section 1, chapter 94, Oregon Laws 2018, is amended to
24 read:

25 **“Sec. 1. (1)** The Department of Transportation is the lead agency re-
26 sponsible for coordination **and administration** of [*autonomous vehicle*] pro-
27 grams and policies **regarding vehicles equipped with automated driving**
28 **systems.**

29 “(2) The provisions of sections 2 to 8 and 9 of this 2019 Act, the
30 amendments to section 1, chapter 94, Oregon Laws 2018, by section 10

1 of this 2019 Act and the amendments to ORS 801.026, 806.011, 806.012,
2 807.020, 807.570 and 811.507 by sections 11 to 16 of this 2019 Act preempt
3 any ordinances, rules, regulations or laws of the political subdivisions
4 of this state relating to the regulation of the testing of vehicles
5 equipped with automated driving systems.

6

7 **“DRIVING PRIVILEGES, DUTIES AND RULES OF THE ROAD**

8

9 **“SECTION 11.** ORS 801.026, as amended by section 5, chapter 22, Oregon
10 Laws 2018, is amended to read:

11 “801.026. (1) Persons, motor vehicles and equipment employed or used by
12 a public or telecommunications utility, electric cooperative or by the United
13 States, this state or any political subdivision of this state are exempt from
14 the provisions of the vehicle code specified in subsection (3) of this section
15 while on a highway and working or being used to service, construct, main-
16 tain or repair the facilities of a utility.

17 “(2) Persons, motor vehicles and equipment employed or being used in the
18 construction or reconstruction of a street or highway are exempt from the
19 provisions of the vehicle code specified in subsection (3) of this section if:

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

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

24 “(3) Persons, motor vehicles and equipment described in subsections (1)
25 and (2) of this section are exempt from provisions of the vehicle code relating
26 to rules of the road as described in ORS chapter 811, except that this sub-
27 section does not apply to:

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

29 “(b) Driving while under the influence of intoxicants, as defined in ORS
30 813.010.

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

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

5 “(e) Fleeing or attempting to elude a police officer, as defined in ORS
6 811.540.

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

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

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

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

18 **“(7)(a) Test drivers testing vehicles equipped with automated driv-**
19 **ing systems on the highways of this state, as described in section 4 of**
20 **this 2019 Act, without an onboard operator are exempt from the fol-**
21 **lowing provisions of the vehicle code if the test entity has notified the**
22 **Department of Transportation as required under sections 5 and 8 of**
23 **this 2019 Act and the vehicle equipped with an automated driving sys-**
24 **tem is operating within the geographic testing area described in the**
25 **notification:**

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

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

29 **“(C) Failure to perform the duties of a driver described in ORS**
30 **811.700, 811.705, 811.710 and 811.715.**

1 **“(b) Notwithstanding the exceptions under paragraph (a)(C) of this**
2 **subsection, a test driver shall ensure that a vehicle equipped with an**
3 **automated driving system remains at the scene of a collision described**
4 **in ORS 811.700 or 811.710 until a police officer has arrived and has re-**
5 **ceived the information required under ORS 811.700 or 81.710 or, if a**
6 **police officer will not arrive at the scene of the collision, until the**
7 **information required under ORS 811.700 or 811.710 is conveyed to the**
8 **other driver or any other person who is entitled to receive the infor-**
9 **mation as a result of the collision.**

10 **“(c) As used in this subsection, ‘automated driving system,’**
11 **‘onboard operator,’ ‘test driver’ and ‘test entity’ have the meanings**
12 **given those terms in section 2 of this 2019 Act.**

13 **“[(7)] (8) The exemptions in subsection (3) of this section do not apply to**
14 **the persons and vehicles when traveling to or from the facilities or con-**
15 **struction project.**

16 **“SECTION 12. ORS 807.020, as amended by section 36, chapter 76, Oregon**
17 **Laws 2018, is amended to read:**

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

25 **“(1) A person who is not a resident of this state or who has been a resi-**
26 **dent of this state for less than 30 days may operate a motor vehicle without**
27 **an Oregon license or driver permit if the person holds a current out-of-state**
28 **license issued to the person. For the purpose of this subsection, a person is**
29 **a resident of this state if the person meets the residency requirements de-**
30 **scribed in ORS 807.062. To qualify under this subsection, the person must**

1 have the out-of-state license or driver permit in the person's possession. A
2 person is not granted driving privileges under this subsection:

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

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

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

10 "(2) A person who is a member of the Armed Forces of the United States
11 or a member of the commissioned corps of the National Oceanic and Atmo-
12 spheric Administration may operate a motor vehicle without an Oregon li-
13 cense or driver permit if the person is operating a motor vehicle in the
14 course of the person's duties in the Armed Forces or the National Oceanic
15 and Atmospheric Administration.

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

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

21 "(5) A person without a license or driver permit may operate a motor
22 vehicle to demonstrate driving ability during the course of an examination
23 administered under ORS 807.070 for the purpose of qualifying for a license
24 or driver permit. This subsection only applies when an authorized examiner
25 is in a seat beside the driver of the motor vehicle.

26 "(6) Driving privileges for snowmobiles are exclusively as provided in
27 ORS 821.150.

28 "(7) Driving privileges for Class I all-terrain vehicles are exclusively as
29 provided in ORS 821.170, unless a person is operating a Class I all-terrain
30 vehicle on an all-terrain vehicle highway access route that is designated by

1 the Oregon Transportation Commission as open to all-terrain vehicles.

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

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

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

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

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

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

29 “(a) Within an enclosed cab;

30 “(b) Operating a vehicle designed to travel with three wheels in contact

1 with the ground at speeds of less than 15 miles per hour; or

2 “(c) Operating an autocycle.

3 “(14) A person may operate a bicycle that is not an electric assisted bi-
4 cycle without any grant of driving privileges.

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

7 “(16) A person may operate a motor assisted scooter without a driver li-
8 cense or driver permit if the person is 16 years of age or older.

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

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

22 “(19)(a) **A test entity who has notified the Department of Trans-**
23 **portation as required under section 5 of this 2019 Act and, if applicable,**
24 **section 8 of this 2019 Act may test a vehicle equipped with an auto-**
25 **ated driving system as described in section 4 of this 2019 Act.**

26 “(b) **As used in this subsection, ‘automated driving system’ and**
27 **‘test entity’ have the meanings given those terms in section 2 of this**
28 **2019 Act.**

29 “**SECTION 13.** ORS 811.507, as amended by section 1, chapter 32, Oregon
30 Laws 2018, is amended to read:

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

2 “(a)(A) ‘Driving’ means operating a motor vehicle on a highway or prem-
3 ises open to the public, and while temporarily stationary because of traffic,
4 a traffic control device or other momentary delays.

5 “(B) ‘Driving’ does not include when the motor vehicle has stopped in a
6 location where it can safely remain stationary and:

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

8 “(ii) Is in a designated parking space; or

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

11 “(b) ‘Hands-free accessory’ means an attachment or built-in feature for or
12 an addition to a mobile electronic device that gives a person the ability to
13 keep both hands on the steering wheel at all times while using the device
14 or requires only the minimal use of a finger, via a swipe or tap, to activate
15 or deactivate a function of the device.

16 “(c) ‘Livestock’ has the meaning given that term in ORS 609.125.

17 “(d)(A) ‘Mobile electronic device’ means an electronic device that is not
18 permanently installed in a motor vehicle.

19 “(B) ‘Mobile electronic device’ includes but is not limited to a device ca-
20 pable of text messaging, voice communication, entertainment, navigation,
21 accessing the Internet or producing electronic mail.

22 “(e) ‘Using a mobile electronic device’ includes but is not limited to using
23 a mobile electronic device for text messaging, voice communication, enter-
24 tainment, navigation, accessing the Internet or producing electronic mail.

25 “(2) A person commits the offense of driving a motor vehicle while using
26 a mobile electronic device if the person, while driving a motor vehicle on a
27 highway or premises open to the public:

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

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

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

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

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

9 “(c) Who is operating a two-way radio device that transmits radio com-
10 munication transmitted by a station operating on an authorized frequency
11 within the business, citizens’ or family radio service bands in accordance
12 with rules of the Federal Communications Commission while transporting
13 forest products, or while operating a vehicle to assist in logging operations,
14 within the scope of the person’s employment;

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

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

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

29 “(g) Who is using a two-way radio device while operating a pilot or safety
30 vehicle used to assist the safe movement of a vehicle described in paragraph

1 (f) of this subsection, and the use of the device facilitates the safe movement
2 of the vehicle described in paragraph (f) of this subsection[.]; or

3 **“(h) Who is a remote operator testing a vehicle equipped with an**
4 **automated driving system as described in section 4 of this 2019 Act and**
5 **using an electronic device to operate the vehicle equipped with an**
6 **automated driving system. As used in this paragraph, ‘automated**
7 **driving system’ and ‘remote operator’ have the meanings given those**
8 **terms in section 2 of this 2019 Act.**

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

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

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

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

17 “(d) Was a police officer, firefighter or emergency medical services pro-
18 vider and was acting within the scope of the person’s employment;

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

22 “(f) Was operating a two-way radio device that transmits radio commu-
23 nication transmitted by a station operating on an authorized frequency
24 within the business, citizens’ or family radio service bands in accordance
25 with rules of the Federal Communications Commission to summon medical
26 or other emergency help; or

27 “(g) Was using a medical device.

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

30 “(a) Except as provided in paragraph (b) of this subsection, for a person’s

1 first conviction, a Class B traffic violation.

2 “(b) For a person’s first conviction, if commission of the offense contrib-
3 utes to an accident described in ORS 811.720, a Class A traffic violation.

4 “(c) For a person’s second conviction within a 10-year period following
5 the date of the person’s first conviction, a Class A traffic violation.

6 “(d) For a person’s third or subsequent conviction within a 10-year period
7 preceding the date of the person’s current conviction, a Class B
8 misdemeanor.

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

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

15 “(8)(a) For a person’s first conviction of driving a motor vehicle while
16 using a mobile electronic device, the court may suspend the fine to be im-
17 posed under subsection (5)(a) of this section on the condition that the person,
18 within 120 days of sentencing:

19 “(A) Complete at the person’s own expense a distracted driving avoidance
20 course approved by the Department of Transportation under ORS 811.508;
21 and

22 “(B) Provide proof of completion to the court.

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

25 “(c) If the person has successfully completed the requirements described
26 in paragraph (a) of this subsection, the court shall enter a sentence of dis-
27 charge. Notwithstanding ORS 153.021, a sentence of discharge imposed under
28 this paragraph may not include a fine.

29 “(d) If the person has not successfully completed the requirements de-
30 scribed in paragraph (a) of this subsection, the court shall:

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

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

3 “(9) The department shall place signs on state highways to notify drivers
4 that it is unlawful to drive a motor vehicle on the highways of this state
5 while using a mobile electronic device and violators are subject to criminal
6 penalties.

7
8 **“INTERACTION WITH LAW ENFORCEMENT**

9
10 **“SECTION 14.** ORS 806.011 is amended to read:

11 “806.011. (1) Proof of insurance issued as provided in ORS 742.447, or
12 other current proof of compliance with financial or future responsibility re-
13 quirements approved by rule by the Department of Transportation, shall be
14 carried in each motor vehicle that is operating in this state and that is not
15 exempt from compliance with financial or future responsibility requirements.

16 “(2) The use of an electronic device to display proof of insurance does not
17 constitute consent for a police officer to access other contents of the elec-
18 tronic device.

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

23 **“(b) If a test vehicle is being operated without an onboard operator,**
24 **failure of the test entity to provide the department with a copy of the**
25 **emergency response guide required under section 8 of this 2019 Act is**
26 **reasonable grounds for a police officer to believe that the test vehicle**
27 **is being operated in violation of ORS 806.010.**

28 **“(c) As used in this subsection, ‘onboard operator,’ ‘test entity’ and**
29 **‘test vehicle’ have the meanings given those terms in section 2 of this**
30 **2019 Act.**

1 “(4) The registered owner of the motor vehicle may black out or otherwise
2 obscure the residence address, business address, mailing address or vehicle
3 address shown on the proof of insurance, or other current proof of compli-
4 ance with financial or future responsibility requirements approved by rule
5 by the department. No other information may be blacked out or otherwise
6 obscured.

7 **“SECTION 15.** ORS 806.012 is amended to read:

8 “806.012. (1)(a) A person commits the offense of failure to carry proof of
9 compliance with financial responsibility requirements if:

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

13 **“(B) The person is testing a vehicle equipped with an automated**
14 **driving system, as described in section 4 of this 2019 Act, without an**
15 **onboard operator, and the person has not notified the Department of**
16 **Transportation as required in sections 5 and 8 of this 2019 Act.**

17 **“(b) As used in this subsection, ‘automated driving system’ and**
18 **‘onboard operator’ have the meanings given those terms in section 2**
19 **of this 2019 Act.**

20 “(2) The department [*of Transportation*] shall determine by rule what
21 constitutes proof of compliance with financial responsibility requirements.

22 “(3) This section does not apply:

23 “(a) To persons operating motor vehicles that are exempt from financial
24 responsibility requirements by ORS 806.020; or

25 “(b) If a police officer verifies proof of compliance with financial respon-
26 sibility requirements through the Law Enforcement Data System.

27 “(4) The court shall dismiss any charge under this section if, prior to the
28 court appearance date listed on the citation, the person charged delivers to
29 the clerk of the court named on the citation proof of compliance with fi-
30 nancial responsibility requirements at the time of the violation.

1 “(5) The offense described in this section, failure to carry proof of com-
2 pliance with financial responsibility requirements, is a Class B traffic vio-
3 lation.

4 **“SECTION 16.** ORS 807.570 is amended to read:

5 “807.570. (1) A person commits the offense of failure to carry a license or
6 to present a license to a police officer if the person [*either*] **does one of the**
7 **following:**

8 “(a) Drives any motor vehicle upon a highway in this state without a li-
9 cense, driver permit or out-of-state license in the person’s possession[; *or*].

10 “(b) Does not present and deliver such license or permit to a police officer
11 when requested by the police officer under any of the following circum-
12 stances:

13 “(A) Upon being lawfully stopped or detained when driving a vehicle.

14 “(B) When the vehicle that the person was driving is involved in an ac-
15 cident.

16 **“(c) Is a test driver, operating a test vehicle, without an onboard**
17 **operator, and the test entity has not provided the Department of**
18 **Transportation with the emergency response guide required in section**
19 **8 of this 2019 Act. As used in this paragraph, ‘onboard operator,’ ‘test**
20 **driver,’ ‘test entity’ and ‘test vehicle’ have the meanings given those**
21 **terms in section 2 of this 2019 Act.**

22 “(2) [*This section does*] **Subsection (1)(a) and (b) of this section does**
23 **not apply to any person expressly exempted under ORS 807.020 from the re-**
24 **quirement to have a driver license or driver permit.**

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

29 “(4) A police officer may detain a person arrested or cited for the offense
30 described in this section only for such time as reasonably necessary to in-

1 vestigate and verify the person’s identity.

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

4

5

“STUDY

6

7 **“SECTION 17. (1) The Department of Transportation shall study**
8 **provisions of state law relating to the deployment of vehicles with**
9 **automated driving systems on highways or premises open to the pub-**
10 **lic. The department shall:**

11 **“(a) Follow developments in the testing and deployment of vehicles**
12 **equipped with automated driving systems and in regulations and**
13 **guidance on the deployment of vehicles equipped with automated**
14 **driving systems, including both federal laws and the laws of any other**
15 **state.**

16 **“(b) Identify all agencies with jurisdiction to support the testing**
17 **and deployment of vehicles equipped with automated driving systems.**

18 **“(c) Consider avenues to encourage the development of vehicles**
19 **equipped with automated driving systems, connected vehicle technol-**
20 **ogies and component hardware and software in this state and options**
21 **for department activities to encourage universities and companies to**
22 **support innovation and development of those technologies.**

23 **“(d) Examine ways to educate residents on the benefits of technol-**
24 **ogies regarding vehicles equipped with automated driving systems, in-**
25 **cluding the possibility for increased safety, enhanced mobility, more**
26 **efficient land use, expanded roadway capacity and reduced environ-**
27 **mental impact.**

28 **“(e) Review existing laws of this state and administrative rules and**
29 **identify existing statutes or rules that impede the testing and deploy-**
30 **ment of vehicles equipped with automated driving systems, including**

1 **vehicle registration and titling, insurance requirements, driver licens-**
2 **ing, driving privileges and general rules of the road.**

3 **“(f) Solicit input from representatives of:**

4 **“(A) Colleges and universities in this state;**

5 **“(B) Disabled communities;**

6 **“(C) Elder communities;**

7 **“(D) Public transportation providers;**

8 **“(E) Manufacturers of vehicles equipped with automated driving**
9 **systems and connected vehicles;**

10 **“(F) Suppliers of technologies regarding vehicles equipped with au-**
11 **tomated driving systems and connected vehicles;**

12 **“(G) Automobile dealers;**

13 **“(H) The trucking industry;**

14 **“(I) Urban planning professionals; and**

15 **“(J) Any other relevant actors with expertise or interest in tech-**
16 **nology regarding vehicles equipped with automated driving systems**
17 **and connected vehicles.**

18 **“(2) The department shall make recommendations, in both narra-**
19 **tive form and in the form of requested draft statutory language, for**
20 **the enactment of statutes or for the amendment or repeal of statutes**
21 **or session laws as necessary to allow for the testing and deployment**
22 **of vehicles equipped with automated driving systems and connected**
23 **vehicles in this state.**

24 **“(3) The department shall submit a report on its findings to the**
25 **appropriate interim committee of the Legislative Assembly related to**
26 **transportation no later than July 1, 2020.**

27 **“(4) As used in this section, ‘automated driving system’ has the**
28 **meaning given that term in section 2 of this 2019 Act.**

29
30 **“MISCELLANEOUS**

1 **SECTION 18.** Section 17 of this 2019 Act is repealed on January 2,
2 2021.

3 **SECTION 19. Applicability.** Sections 2 to 9 of this 2019 Act do not
4 apply to a motor vehicle solely by reason that the motor vehicle has
5 systems for collision avoidance, electronic blind spot detection, auto-
6 matic emergency braking, parking assist, adaptive cruise control, lane
7 keeping assist, lane departure warning or other similar systems that
8 enhance safety or assist drivers but that are not capable of operating
9 the motor vehicle without the active control or monitoring of a human
10 operator.

11 **SECTION 20. Operative date.** (1) Sections 2 to 9 of this 2019 Act,
12 the amendments to section 1, chapter 94, Oregon Laws 2018, by section
13 10 of this 2019 Act and the amendments to ORS 801.026, 806.011, 806.012,
14 807.020, 807.570 and 811.507 by sections 11 to 16 of this 2019 Act become
15 operative January 1, 2020.

16 **(2)** The Department of Transportation may take any action before
17 the operative date specified in subsection (1) of this section that is
18 necessary for the department to exercise, on and after the operative
19 date specified in subsection (1) of this section, all of the duties, func-
20 tions and powers conferred on the department by sections 2 to 9 of this
21 2019 Act, the amendments to section 1, chapter 94, Oregon Laws 2018,
22 by section 10 of this 2019 Act and the amendments to ORS 801.026,
23 806.011, 806.012, 807.020, 807.570 and 811.507 by sections 11 to 16 of this
24 2019 Act.

25 **SECTION 21. Captions.** The unit and section captions used in this
26 2019 Act are provided only for the convenience of the reader and do
27 not become part of the statutory law of this state or express any leg-
28 islative intent in the enactment of this 2019 Act.

29 **SECTION 22. Effective date.** This 2019 Act being necessary for the
30 immediate preservation of the public peace, health and safety, an

1 **emergency is declared to exist, and this 2019 Act takes effect on its**
2 **passage.”.**

3
