House Bill 2137

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor Kate Brown for Oregon Department of Transportation)

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.**

Modifies, adds and repeals laws related to transportation.

A BILL FOR AN ACT

Relating to transportation; creating new provisions; amending ORS 184.657, 803.102, 803.210, 806.040, 806.070, 806.200, 806.240, 807.072, 807.175, 809.120, 809.130, 809.440, 809.515, 809.700, 811.602, 811.604, 811.605, 811.613, 811.616 and 819.010; and repealing ORS 809.010, 809.020, 809.030, 809.040, 809.050 and 809.080.

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

PARK MODEL RECREATIONAL VEHICLE VIN INSPECTION EXEMPTION

SECTION 1. ORS 803.210 is amended to read:

803.210. (1) The Department of Transportation [*shall*] **may** not issue title for a vehicle described in subsection (2) of this section unless:

(a) An inspection of the vehicle identification number or numbers of the vehicle is performed in accordance with ORS 803.212; and

(b) The fee established under ORS 803.215 is paid to the department for the inspection.

(2) Except as provided in [*subsection (3)*] **subsections (3) and (4)** of this section, the requirements of this section apply to all of the following:

(a) A vehicle from another jurisdiction.

(b) Any assembled or reconstructed vehicle.

(c) Any vehicle if the certificate of title has been or is required to be submitted to the department, or a person is required to report to the department, under ORS 819.010, 819.012, 819.014 or 819.030.

(d) Any vehicle if the department has received notice that the vehicle has been or will be wrecked, dismantled, disassembled or substantially altered under ORS 819.010 or 822.135.

(e) Replicas.

(f) Other than a racing activity vehicle as defined in ORS 801.404, any vehicle the department has reason to believe was not certified by the original manufacturer as conforming to federal vehicle standards.

(3) The requirements of this section do not apply to the following vehicles if the person shown as the owner on an out-of-state title for the vehicle applies for an Oregon title in that person's name:

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.

(a) A rental truck, rental truck tractor or rental trailer that is registered in Oregon under an interstate agreement that provides that a portion of the owner's fleet is to be registered in each state in which the fleet operates.

(b) A trailer or semitrailer that has permanent registration.

(4) The requirement to inspect a vehicle identification number or numbers of the vehicle under subsection (1)(a) of this section does not apply to park model recreational vehicles, as defined in ORS 803.036.

ODOMETER CHECKS

SECTION 2. ORS 803.102 is amended to read:

803.102. (1) As used in this section:

(a) "Transferee" means any person to whom ownership of a motor vehicle is transferred by purchase, gift or any other means other than by creation of a security interest and any person who, as an agent, signs an odometer disclosure statement for the transferee.

(b) "Transferor" means any person who transfers ownership of a motor vehicle by sale, gift or any means other than by creation of a security interest and any person who, as an agent, signs an odometer disclosure statement for the transferor.

(2) Except as otherwise provided in this section, upon transfer of any interest in a motor vehicle, an odometer disclosure statement shall be made by the transferor to the transferee. The disclosure shall be in a form that complies with the provisions of ORS 803.120 and shall contain the information required under ORS 803.122.

(3) If a transfer requiring a disclosure statement involves a leased vehicle, the lessor shall notify the lessee that the lessee is required to provide odometer disclosure. The lessee shall furnish the lessor with a form that complies with the requirements of ORS 803.120 and shall provide the information required by ORS 803.122 except that for purposes of the required information, the lessee shall be considered the transferor, the lessor shall be considered the transferee and the date shall be the date of the disclosure statement.

(4) Where an interest in a vehicle is transferred by operation of law, the Department of Transportation shall determine by rule whether an odometer disclosure statement is required and if so, who is required to provide it.

[*(5) The odometer disclosure requirements of this section do not apply upon transfer of an interest where the transfer is due solely to the creation, release or assignment of a security interest, or upon transfer of an interest in any of the following:*]

[*(a) A vehicle with a gross vehicle weight rating of more than 16,000 pounds.*]

[*(b) A vehicle that is not self-propelled.*]

[*(c) A vehicle that is at least 10 years old.*]

[*(d) A vehicle that is sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.*]

[*(e) A vehicle that is exempted from the requirement by rules of the department.*]

(5) The department, by rule, may exempt vehicles from the odometer disclosure requirements of this section in accordance with federal laws, rules or regulations pertaining to odometer disclosure requirements.

(6) A person may provide an odometer reading to the department, in the manner prescribed by the department by rule, for a vehicle that is 10 years old or older.

TOTALED VEHICLE PLATE TRANSFER

SECTION 3. ORS 819.010 is amended to read:

819.010. (1) A person commits the offense of failure to comply with requirements for destruction of a vehicle if the person wrecks, dismantles[,] **or** disassembles [*or substantially alters*] the form of any vehicle that is or is required to be registered or titled under the vehicle code or under ORS chapter 826 and the person does not comply with all of the following:

(a) The person must give notice to the Department of Transportation, in a form specified by the department, of the person's intention to dismantle, disassemble[,] **or** wreck [*or substantially alter*] the form of the vehicle at least seven days prior to commencement thereof.

(b) If the vehicle is visible from a public right of way, the person must complete the wrecking, dismantling[,] **or** disassembling [*or substantial alteration*] of **the** form **of the vehicle** within 30 days from the commencement thereof.

(c) If the vehicle is registered by this state, the person must deliver or mail to the department the registration card, certificate of title, if one has been issued, and registration plates of the vehicle within 30 days after the person wrecks, dismantles[,] **or** disassembles [*or substantially alters*] the form of the vehicle.

(d) If no certificate of title has been issued for the vehicle, the person must notify the department in a manner determined by the department by rule within 30 days after the person wrecks, dismantles[,] **or** disassembles [*or substantially alters*] the form of the vehicle.

(e) If required to do so under ORS 819.016, the person shall apply for a salvage title for the vehicle.

(2) This section does not apply to persons who are acting within the scope of a dismantler certificate issued under ORS 822.110.

(3) The offense described in this section, failure to comply with requirements for destruction of vehicle, is a Class A misdemeanor.

MOTORCYCLE ENDORSEMENTS AND OUT-OF-STATE KNOWLEDGE TESTS

SECTION 4. ORS 807.175 is amended to read:

807.175. (1) The Department of Transportation may not issue a motorcycle endorsement to a person unless the person shows to the satisfaction of the department that the person has successfully completed a motorcycle rider education course established by the department under ORS 802.320. This requirement is in addition to any other requirement for the endorsement.

(2) Subsection (1) of this section does not apply to a person applying for issuance of a motorcycle endorsement under ORS 807.170 who:

(a) Currently holds a motorcycle endorsement issued by another state; or

(b) Is applying for a restricted motorcycle endorsement that only authorizes the person to operate a motorcycle with more than two wheels.

(3) Subsection (1) of this section does not apply to a person applying for issuance of a motorcycle endorsement under ORS 807.170 who:

(a) Is temporarily residing outside of this state;

(b) Is domiciled in this state as described in ORS 803.355 or is a resident as described in ORS 807.062; and

(c) Completes a motorcycle rider education course outside of this state that is approved by the department by rule.

SECTION 5. ORS 807.072 is amended to read:

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

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

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

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

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

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

(3) The department may waive the actual demonstration required under ORS 807.070 for a person who is applying for a commercial driver license, an endorsement related to a commercial driver license or the removal of a restriction from a commercial driver license:

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

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

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

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

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

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

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

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

(5) The department may issue a Class B farm endorsement without requiring additional tests to a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to

the department that the person is experienced in driving a vehicle that may be driven only by persons who have a Class B commercial driver license and the person's two-part driving record does not show either a conviction for a traffic crime specified in subsection (4) of this section within five years of the date of application for the endorsement or a traffic accident within two years of the date of application for the endorsement.

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

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

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

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

(c) Completes a motorcycle rider education course outside of this state that is approved by the department by rule:

(A) While temporarily residing outside of this state; and

(B) The person is domiciled in this state as described in ORS 803.355 or is a resident as described in ORS 807.062.

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

(9) The department by rule may waive any test or demonstration required under ORS 807.070 for a person who applies for a driver license if the person holds a valid out-of-state driver license that authorizes the person to operate a motor vehicle.

DRIVER SUSPENSION HEARINGS

SECTION 6. ORS 809.440 is amended to read:

809.440. (1) When other procedures described under this section are not applicable to a suspension or revocation under ORS 809.409 to 809.421, the procedures described in this subsection shall be applicable. All of the following apply to this subsection:

(a) The hearing shall be given before the department imposes the suspension or revocation of driving privileges.

(b) Before the hearing, the department shall notify the person in the manner described in ORS 809.430.

(c) The hearing shall be in the county where the person resides unless the person and the department agree otherwise.

(d) The hearing shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

(2) The following apply when administrative review is provided under any statute or rule of the department:

(a) An administrative review shall consist of an informal administrative process to assure prompt and careful review by the department of the documents upon which an action is based.

(b) It shall be a defense to the department's action if a petitioner can establish that:

(A) A conviction on which the department's action is based was for an offense that did not involve a motor vehicle and the department's action is permitted only if the offense involves a motor vehicle.

(B) An out-of-state conviction on which the department's action is based was for an offense that is not comparable to an offense under Oregon law.

(C) The records relied on by the department identify the wrong person.

(c) A person requesting administrative review has the burden of showing by a preponderance of the evidence that the person is not subject to the action.

(d) Actions subject to administrative review shall be exempt from the provisions of ORS chapter 183 applicable to contested cases, and from the provisions of subsection [*(4)*] **(5)** of this section applicable to post-imposition hearings. A suspension, revocation or cancellation may not be stayed during the administrative review process or by the filing of a petition for judicial review. A court having jurisdiction may order the suspension, revocation or cancellation stayed pending judicial review.

(e) Judicial review of a department order affirming a suspension or revocation after an administrative review shall be available as for review of orders other than contested cases, and the department may not be subject to default for failure to appear in such proceedings. The department shall certify its record to the court within 20 days after service upon the department of the petition for judicial review.

(f) If the suspension or revocation is upheld on review by a court, the suspension or revocation shall be ordered for the length of time appropriate under the appropriate statute except that the time shall be reduced by any time prior to the determination by the court that the suspension or revocation was in effect and was not stayed.

(g) The department shall adopt any rules governing administrative review that are considered necessary or convenient by the department.

(3) At a hearing for failure to make a future responsibility filing or false certification of financial responsibility requirements under ORS 809.415, it is a defense to the department's action if the petitioner can establish that:

(a) An error was committed by the department;

(b) The person in fact was in compliance with financial responsibility requirements on the date specified by the department by rule under ORS 806.150;

(c) An error was committed by an insurance company in notifying the department regarding the correctness of proof of compliance with financial responsibility requirements provided under ORS 806.150;

(d) The person was not in compliance with financial responsibility requirements on the date specified by the department by rule under ORS 806.150 and the department also determines that the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements on the date the department sent the notice of verification and that the person currently is in compliance with financial responsibility requirements; or

(e) At the time of the accident the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements and the person is currently in compliance with financial responsibility requirements.

[*(3)*] **(4)** When permitted under this section or under any other statute, a hearing may be expe-

dited under procedures adopted by the department by rule. The procedures may include a limited time in which the person may request a hearing, requirements for telephone hearings, expedited procedures for issuing orders and expedited notice procedures.

[*(4)*] **(5)** When permitted under ORS 809.417, 809.419, 809.421 or 809.510 to 809.545, a hearing may be a post-imposition hearing under this subsection. A post-imposition hearing is a hearing that occurs after the department imposes the suspension or revocation of driving privileges. All of the following apply to this subsection:

(a) The department must provide notice in the manner described in ORS 809.430 before the suspension or revocation may take effect.

(b) Except as provided in this subsection, the hearing shall be conducted as a contested case in accordance with ORS chapter 183.

(c) Unless there is an agreement between the person and the department that the hearing be conducted elsewhere, the hearing shall be held either in the county where the person resides or at any place within 100 miles, as established by the department by rule.

[*(5)*] **(6)** The department has complied with a requirement for a hearing or administrative review if the department has provided an opportunity for hearing or review and the person with the right to the hearing or review has not requested it. Any request for hearing or review must be made in writing.

[*(6)*] **(7)** For any hearing described under this section, and for administrative review described under this section, no further notice need be given by the department if the suspension or revocation is based upon a conviction and the court gives notice, in a form established by the department, of the rights to a hearing or review and of the suspension or revocation.

SECTION 7. ORS 809.515, as amended by section 9, chapter 10, Oregon Laws 2020 (first special session) (Enrolled House Bill 4210), is amended to read:

809.515. (1)(a) The Department of Transportation shall suspend the commercial driving privileges of a person if the department receives a notice from another jurisdiction that the person failed to appear in a prosecution on a citation for a traffic offense or for a violation in the other jurisdiction that, if committed in this state, would be grounds for suspension under ORS 809.220, and the person held commercial driving privileges or was operating a commercial motor vehicle at the time of the offense. The period of a suspension under this subsection is the shorter of:

(A) Ten years; or

(B) Until the department receives notice from the other jurisdiction that the person appeared.

(b) The department shall suspend a person's commercial driving privileges under this subsection without regard to whether the other jurisdiction suspends any driving privileges of the person by reason of the person's failure to appear.

(c) This subsection does not apply to failure to appear in a proceeding relating to a parking, pedestrian, vehicle defect or bicycling offense.

(2) The department shall suspend the commercial driving privileges of a person if the department receives a notice from the Federal Motor Carrier Safety Administration that the person has been disqualified from operating a commercial motor vehicle and that the disqualification is due to a determination that the driving of that person constitutes an imminent hazard. The department shall immediately suspend commercial driving privileges under this subsection without hearing, but the person may request a post-imposition hearing under ORS 809.440 [*(4)*] **(5)**, without regard to any hearings conducted by the Federal Motor Carrier Safety Administration. The period of a suspension under this section is the period of suspension prescribed by the Federal Motor Carrier Safety Ad-

ministration, or one year, whichever is shorter.

DISABLED PERSON PARKING PLACARDS

SECTION 8. ORS 811.602, as amended by section 2, chapter 413, Oregon Laws 2019, is amended to read:

811.602. (1) A disabled person parking permit is a means of identifying vehicles being used to exercise the parking privileges described in ORS 811.635. The following are disabled person parking permits:

(a) A special decal described in ORS 811.605 issued by the Department of Transportation to be affixed to a golf cart or substantially similar vehicle;

(b) An individual placard described in ORS 811.605;

(c) A program placard issued by the department under ORS 811.607;

(d) A family placard issued by the department under ORS 811.609;

(e) A foreign visitor placard issued by the department under ORS 811.611;

(f) A "Wheelchair User" placard or decal issued by the department under ORS 811.613; and

(g) An "Oregon Wounded Warrior" placard or decal issued by the department under ORS 811.616.

(2) The department shall issue a disabled person parking permit in the form of a decal or individual placard to any person who submits an application that complies with ORS 811.604. Nothing in this section prohibits the department from issuing a decal or individual placard to a person who has disabled veteran registration plates issued under ORS 805.100 and who qualifies for the decal or placard.

(3) Except as otherwise provided in this subsection, the department may not issue more than one individual placard to an applicant. The department may issue a replacement placard upon receipt of proof satisfactory to the department that the original placard has been lost, mutilated or destroyed. The department may issue a temporary duplicate permit to a person who needs a duplicate permit for travel purposes. A temporary duplicate permit shall be valid for **up to** 120 days. The department shall adopt rules governing application for and issuance of temporary duplicate permits. Nothing in this subsection prohibits issuance of an individual placard to a person who has been issued a decal.

[*(4) Permits issued under this section may be renewed by mail.*]

[*(5)*] **(4)** Permits for use on vehicles that are regularly used as part of a program for the transportation of persons with disabilities are issued as provided in ORS 811.607.

[*(6)*] **(5)** Except as provided in subsection [*(7)*] **(6)** of this section, the department shall determine the form, size and content of any decal or placard issued under this section and shall adopt rules governing their issuance, display and use as necessary to carry out this section.

[*(7)(a)*] **(6)(a)** Except as provided in paragraph (b) of this subsection, the department may not require a decal or placard issued under this section to an individual or a family to contain any identifying information about the person to whom the decal or placard is issued, including any of the following:

(A) Name;

(B) Address;

(C) Telephone number;

(D) Social Security number;

(E) Driver license number;

(F) Golf cart driver permit number;

(G) Identification card number;

(H) Passport or visa number; or

(I) Photograph.

(b) The department may require a decal or placard issued under this section to an individual or a family to contain not more than four digits of the driver license or identification card number of the person to whom the decal or placard is issued.

SECTION 9. Section 10 of this 2021 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 10. The Department of Transportation shall invalidate a disabled person parking permit issued under ORS 811.602 if any of the following occurs:

(1) The department receives information that a person issued an individual or "Wheelchair User" placard or permit has since obtained a driver license or driver permit issued by another jurisdiction or has since obtained an identification card in another jurisdiction that is similar to person's identification card issued by this state.

(2) The department receives notice that the person issued a disabled person parking permit is deceased.

(3) The department determines that the disabled person parking permit was issued under fraudulent circumstances.

(4) The person, program or family for which the disabled person parking permit was issued no longer qualifies for the permit.

SECTION 11. ORS 811.604 is amended to read:

811.604. Application for issuance or renewal of a disabled person parking permit in the form of an individual placard or decal issued under ORS 811.602 shall include:

(1) A certificate, signed and dated within six months preceding the date of application, by a licensed physician, a licensed nurse practitioner or a licensed physician assistant to the Department of Transportation that the applicant is a person with a disability or a certificate, signed and dated within six months preceding the date of application, by a licensed optometrist that the applicant is a person with a disability because of loss of vision or substantial loss of visual acuity or visual field beyond correction;

(2) The state-issued licensing number of the licensed physician, certified nurse practitioner, licensed physician assistant or licensed optometrist who signed the certificate described in subsection (1) of this section; and

(3) The number of a [*current, valid*] driver license, [*golf cart*] driver permit, identification card or parking identification card issued to the applicant by the department.

SECTION 12. ORS 811.605 is amended to read:

811.605. (1) An applicant for an individual placard or decal issued by the Department of Transportation under ORS 811.602 must have a driver license, a [*disability golf cart*] driver permit, an identification card or a parking identification card issued by the department. [*The placard or decal shall be valid so long as the license, permit, identification card or parking identification card is valid and may be renewed when the license, permit or card is renewed.*]

(2) An individual placard or decal shall contain an expiration date that is visible from outside the vehicle when the placard or decal is displayed on or in the vehicle. [*The expiration date shall be the same as the expiration date of the driver license, golf cart driver permit, identification card or*

parking identification card of the holder of the placard.]

(3) A placard or decal issued under this section is valid for a period of up to eight years from the date of issue. The department shall specify by rule the form and manner in which a person may renew a placard or decal.

SECTION 13. ORS 811.613 is amended to read:

811.613. (1) The Department of Transportation shall issue a "Wheelchair User" disabled person parking permit in the form of a "Wheelchair User" placard or decal for use by a person who uses a wheelchair or similar low-powered motorized or mechanically propelled vehicle designed specifically for use by a person with a physical disability.

(2) The department shall determine the form, size and content of the placards or decals, except that the department shall require that the placards or decals:

(a) Include the words "Wheelchair User."

(b) Have an expiration date that is visible from outside the vehicle when the placard or decal is displayed on or in the vehicle.

(3) The department shall by rule determine how a person may qualify for a "Wheelchair User" placard or decal under this section.

(4) An applicant for a "Wheelchair User" placard or decal issued by the department under this section must have a driver license, a [*disability golf cart*] driver permit or an identification card issued by the department. [*The placard or decal shall be valid as long as the license, permit or identification card is valid and may be renewed when the license, permit or identification card is renewed.*]

[*(5) The expiration date shall be the same as the expiration date of the driver license, disability golf cart driver permit or identification card of the holder of the placard or decal.*]

(5) A placard or decal issued under this section is valid for a period of up to eight years from the date of issue. The department shall specify by rule the form and manner in which a person may renew a placard or decal.

SECTION 14. ORS 811.616 is amended to read:

811.616. (1) The Department of Transportation shall issue an "Oregon Wounded Warrior" disabled person parking permit in the form of an "Oregon Wounded Warrior" placard or decal for use by a wounded warrior.

(2) A person is a wounded warrior who qualifies for an "Oregon Wounded Warrior" parking permit if the person:

(a) Submits written proof to the Department of Transportation of having a United States Department of Veterans Affairs total disability rating of at least 50 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during active military service; and

(b) Received a discharge or release under other than dishonorable conditions.

(3) The Department of Transportation shall determine the form, size and content of the placards or decals, except that the department shall require that the placards or decals:

(a) Include the words "Oregon Wounded Warrior."

(b) Have an expiration date that is visible from outside the vehicle when the placard or decal is displayed on or in the vehicle.

(4) The Department of Transportation shall by rule determine how a person may apply for an "Oregon Wounded Warrior" placard or decal under this section.

(5) An applicant for an "Oregon Wounded Warrior" placard or decal issued by the Department of Transportation under this section must have a driver license, a [*disability golf cart*] driver permit

or an identification card issued by the department. [*The placard or decal shall be valid as long as the license, permit or identification card is valid and may be renewed when the license, permit or identification card is renewed.*]

[*(6) The expiration date shall be the same as the expiration date of the driver license, disability golf cart driver permit or identification card of the holder of the placard or decal.*]

(6) A placard or decal issued under this section is valid for a period of up to eight years from the date of issue. The department shall specify by rule the form and manner in which a person may renew a placard or decal.

REPEAL OF VEHICLE REGISTRATION SUSPENSIONS

SECTION 15. ORS 809.010, 809.020, 809.030, 809.040, 809.050 and 809.080 are repealed.

SECTION 16. ORS 806.040 is amended to read:

806.040. Financial responsibility requirements are designed to provide for minimum payment of judgments of the type described in this section. For the purposes of ORS 806.130, 806.140, [*809.020,*] 809.130 and 809.470, judgments of the type described in this section must:

(1) Have become final by expiration, without appeal, of the time within which an appeal might have been perfected or by final affirmation on appeal;

(2) Be rendered by a court of competent jurisdiction of any state or of the United States;

(3) Be upon a cause of action for damages of the type described under subsection (4) of this section or upon a cause of action on an agreement of settlement for such damages; and

(4) Be for one or more of the following kinds of damage arising out of a motor vehicle accident on public or private property:

(a) Damages, including damages for care and loss of services, because of bodily injury to or death of any person.

(b) Damages because of injury to or destruction of property, including the loss of use thereof.

SECTION 17. ORS 806.070 is amended to read:

806.070. (1) This section establishes a schedule of payments for the following purposes:

(a) An insurance policy described under ORS 806.080 must provide for payment of at least amounts necessary to cover the minimum required payments under this section to qualify for use for financial responsibility under ORS 806.060.

(b) A person who is self-insured under ORS 806.130 must agree to pay according to the payment schedule established by this section.

(c) The payment schedule is the minimum required payment of a judgment for purposes of ORS [*809.020,*] 809.130 and 809.415.

(2) The schedule of payments is as follows:

(a) $25,000 because of bodily injury to or death of one person in any one accident;

(b) Subject to that limit for one person, $50,000 because of bodily injury to or death of two or more persons in any one accident; and

(c) $20,000 because of injury to or destruction of the property of others in any one accident.

SECTION 18. ORS 806.200 is amended to read:

806.200. (1) A person commits the offense of failure to make a future responsibility filing after an accident if:

(a) The person is the owner or driver of a motor vehicle involved in an accident;

(b) At the time of the accident the vehicle was operated in violation of ORS 806.010;

(c) The person does not make a future responsibility filing within 30 days after the accident; and

(d) The person is not exempt under ORS 806.210 from making a future responsibility filing.

(2) The employer of a driver is subject to the requirements and penalties under this section if the driver is an employee exempted from this section under ORS 806.210. [*If an employer is subject to this section, the registration of the employer's vehicles may be suspended as provided under ORS 809.050.*]

(3) In addition to any other penalties under this section, violation of this section subjects the violator to suspension of driving privileges as provided under ORS 809.415.

(4) The offense described in this section, failure to make a future responsibility filing after an accident, is a Class B traffic violation.

SECTION 19. ORS 806.240 is amended to read:

806.240. Future responsibility filings required by ORS 806.200, 806.220 or 806.230 or by any other law of this state are subject to all of the following:

(1) Except as provided in subsection (3) of this section, the person required to make the filing must file with the Department of Transportation, or have filed with the department for the benefit of the person, proof of compliance that meets the requirements of this section and must maintain the proof of compliance as required under ORS 806.245. The filing is made on the date it is received by the department if it is received during regular business hours.

(2) The proof of compliance filed under subsection (1) of this section must be:

(a) A certificate or certificates of insurance that meet the requirements under ORS 806.270; or

(b) A valid certificate of self-insurance issued by the department under ORS 806.130.

(3) The owner of a motor vehicle may make a future responsibility filing under this section on behalf of the owner's employee or a member of the owner's immediate family or household in lieu of the filing being made by the person. Filing under this subsection permits the person on whose behalf the filing is made to operate only a motor vehicle covered by the proof of compliance given in the filing. The department shall endorse restrictions, as appropriate, on any license or driver permit the person holds as the department determines necessary to limit the person's ability to operate vehicles consistent with this subsection.

(4) Whenever proof of compliance filed under this section no longer meets the requirements of this section, the department shall require the furnishing of other proof of compliance for the future responsibility filing. If other proof of compliance is not furnished, the department shall suspend the driving privileges of the person as provided under ORS 809.415 [*or, if applicable, any registration as provided under ORS 809.050*].

SECTION 20. ORS 809.120 is amended to read:

809.120. (1) In addition to any other punishment imposed under ORS 818.040, a convicting court has authority to order the suspension of the driving privileges of the operator of the vehicle used to violate ORS 818.040 or the registration of the vehicle if the vehicle is required to be registered by the Department of Transportation. The authority of a court to order the suspension of driving privileges or registration under this section is subject to the following:

(a) Subject to paragraph (b) of this subsection, the court may only order suspension for a period of up to 90 days.

(b) For a second or subsequent violation of ORS 818.040, within one year after the first conviction, the court shall order the suspension for not less than 30 days nor more than 90 days.

(2) Upon ordering a suspension under this section, a court shall secure the license, driver permit or registration plates ordered suspended and shall immediately forward them to the department with

the order of suspension as provided under ORS 809.275.

(3) Upon receipt of an order under this section, the department shall proceed as provided under ORS [*809.020 or*] 809.280.

SECTION 21. ORS 809.130 is amended to read:

809.130. (1) If a court notifies the Department of Transportation under this section that a judgment remains unsettled as described by ORS 809.470, the department must initiate action to determine whether to suspend or revoke driving privileges under ORS 809.415 [*or vehicle registration of the employer under ORS 809.020*]. A court shall immediately give the department notice of an unsettled judgment under this section if:

(a) A judgment of the type described under ORS 806.040 is rendered against a person by a court of this state;

(b) The person fails within 60 days to settle the judgment in the manner required under ORS 809.470; and

(c) The judgment creditor or the judgment creditor's attorney makes a written request for forwarding to the department a certificate stating the judgment has not been settled as described in ORS 809.470.

(2) A court that has given the department notice of an unsettled judgment under this section shall immediately forward to the department a certificate stating that the judgment is appropriately settled and describing the judgment and parties sufficiently for identification if:

(a) The judgment is settled in the manner required under ORS 809.470; and

(b) The judgment debtor or the judgment debtor's attorney makes a written request for forwarding to the department a certificate stating the judgment has been settled as described in ORS 809.470.

(3) The notice made to the department under this section shall be given by the clerk of the court or, if the court has no clerk, by the judge.

SECTION 22. ORS 809.700 is amended to read:

809.700. A court may order a motor vehicle impounded or immobilized upon conviction for the traffic offenses described in this section. The authority to impound or immobilize a vehicle under this section is subject to all of the following:

(1) The court may order a vehicle impounded or immobilized under this section when a person is convicted:

(a) For driving a motor vehicle while the person's license is suspended or revoked in violation of ORS 811.175 or 811.182; or

(b) On a second or subsequent charge of driving while under the influence of intoxicants in violation of ORS 813.010.

(2) A vehicle may be impounded or immobilized under this section for not more than one year from judgment.

(3) The following vehicles may be impounded under this section:

(a) Any motor vehicle of which the convicted person is the owner.

(b) Any motor vehicle which the convicted person is operating at the time of arrest.

(4) A vehicle may be immobilized under this section if the vehicle is registered in this state and is a vehicle that may be impounded under subsection (3) of this section.

(5)(a) If a vehicle is ordered to be immobilized under this section and if the convicted person resides in the jurisdiction of the law enforcement agency that arrested the person for the offense described in subsection (1) of this section, the arresting law enforcement agency shall install a ve-

hicle immobilization device on the vehicle. If the convicted person does not reside in the jurisdiction of the law enforcement agency that arrested the person, the sheriff of the county in which the person resides shall install the device.

(b) A vehicle ordered immobilized under this section shall be immobilized at the residence of the owner of the vehicle or at the location where the owner regularly parks the vehicle.

(c) A vehicle ordered immobilized under this section may be immobilized only in a location at which the vehicle may be legally stored for the period of the immobilization order. If no location is available at which the vehicle may be legally stored, the vehicle may be impounded for the period of the immobilization order.

(d) A vehicle owner who fails to allow installation of a vehicle immobilization device ordered under this section shall be subject to contempt of court proceedings under ORS 33.015 to 33.155.

(6)(a) If a vehicle is impounded under this section, the person convicted shall be liable for the expenses incurred in the towing and storage of the vehicle under this section, whether or not the vehicle is returned to the person convicted.

(b) If a vehicle is immobilized under this section, the person convicted shall be liable for the expenses incurred in installation and removal of the vehicle immobilization device and for rental of the device during the period the device is installed on the vehicle, whether or not the vehicle is released to the person convicted.

(7) A vehicle shall be released or returned to the person convicted or the owner only upon payment of the expenses incurred in the immobilization or towing and storage of the vehicle under this section.

(8) If a vehicle is not reclaimed within 30 days after the time set for the return of the vehicle in an impounding order or release of the vehicle in an immobilization order, the vehicle may be disposed of in accordance with procedures under ORS 819.110 to 819.215.

(9) The court may order that a motor vehicle of which the convicted person is not the owner be impounded or immobilized under this section only if the court is satisfied by a preponderance of the evidence that the owner knew or had good reason to know that the convicted person:

(a) Did not have a valid license and knowingly consented to the operation of the vehicle by the convicted person; or

(b) Was operating the vehicle while under the influence of intoxicants.

(10) The authority to impound or immobilize a vehicle under this section is subject to the rights of a security interest holder under a security agreement executed before an arrest for violation of an offense for which the vehicle may be impounded or immobilized under this section. A vehicle shall be released for the purpose of satisfying a security interest if:

(a) **A** request in writing is made to the court; **and**

(b) [*If the vehicle has been impounded or immobilized,*] The security interest holder pays the expenses in towing and storage or in immobilization of the vehicle[*; and*]

[*(c) If the registration of the vehicle has been suspended under ORS 809.010, the security interest holder takes possession of the vehicle subject to the suspension of the registration remaining in effect against the registered owner*].

(11) A security interest holder's obligation to pay and right to recover towing and storage or immobilization expenses under subsection (10) of this section are limited to the recovery of those towing and storage or immobilization expenses incurred during the initial 20-day period when the vehicle was in public storage or immobilized, unless the authority taking the vehicle into custody or immobilizing the vehicle under this section has transmitted by certified mail a written notice to

the holder concerning the accrual of storage or immobilization expenses. If the vehicle is in private storage, the lien claimant shall transmit the written notice.

LOCAL GOVERNMENT BRIDGE AND PAVEMENT REPORTING

SECTION 23. ORS 184.657 is amended to read:

184.657. (1) The Oregon Transportation Commission shall develop a set of uniform standards, in coordination with counties and cities, for the consistent description and reporting of the condition of the transportation infrastructure owned by the state, counties and cities. The infrastructure described must include pavement and bridges.

(2) By February 1 of each odd-numbered year, every city and county shall submit a report covering the condition of its transportation infrastructure.

(3) The commission shall periodically review the condition of the transportation infrastructure owned by the state and the reports submitted under this section. The commission shall post the reports and the commission's review of the reports on the website described in ORS 184.661.

(4) Notwithstanding ORS 366.762 to 366.768 or 366.785 to 366.820, any city or county failing to file a report under this section may not receive any payments from the State Highway Fund until the report is filed.

(5) Not later than [*April*] **June** 1 of each odd-numbered year, the commission shall submit a report about the state of the transportation infrastructure of Oregon, including the transportation infrastructure of cities and counties, to:

(a) The Legislative Assembly in the manner provided by ORS 192.245; and

(b) The Joint Committee on Transportation established under ORS 171.858.

UNIT CAPTIONS

SECTION 24. The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.