

A-Engrossed
House Bill 3050

Ordered by the House May 24
Including House Amendments dated May 24

Sponsored by JOINT COMMITTEE ON TRANSPORTATION (at the request of Representative Susan McLain,
Senator Lee Beyer)

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.

[Requires Department of Transportation to study development of uniform standards for speed bump height and markings.]

[Sunsets January 2, 2023.]

Replaces references to vehicle "accident" and vehicle "collision" with vehicle "crash."

A BILL FOR AN ACT

1
2 Relating to transportation; amending ORS 12.278, 30.480, 31.760, 41.905, 98.854, 105.932, 105.935,
3 105.938, 133.405, 135.857, 146.113, 153.061, 163.115, 181A.085, 336.802, 374.005, 390.565, 431.144,
4 445.090, 471.703, 672.060, 676.260, 682.035, 682.105, 742.490, 742.492, 742.494, 742.504, 742.508,
5 742.510, 742.530, 742.534, 742.536, 742.538, 742.542, 742.544, 742.546, 746.265, 746.292, 801.026,
6 801.040, 801.280, 801.440, 802.040, 802.050, 802.060, 802.070, 802.075, 802.091, 802.200, 802.220,
7 802.240, 802.320, 802.325, 806.010, 806.020, 806.040, 806.060, 806.070, 806.075, 806.130, 806.170,
8 806.190, 806.200, 806.210, 806.245, 807.070, 807.072, 807.170, 807.240, 807.570, 807.720, 809.020,
9 809.050, 809.380, 809.409, 809.417, 809.450, 809.470, 809.480, 810.410, 810.415, 810.460, 811.135,
10 811.207, 811.230, 811.235, 811.360, 811.365, 811.483, 811.507, 811.510, 811.525, 811.700, 811.705,
11 811.707, 811.710, 811.715, 811.717, 811.720, 811.725, 811.730, 811.735, 811.740, 811.745, 811.748,
12 811.750, 813.100, 813.131, 813.215, 814.414, 814.416, 816.280, 816.350, 818.105, 820.110, 822.510,
13 822.600, 824.212, 825.248 and 825.402 and section 2, chapter 330, Oregon Laws 2017, and section
14 2, chapter 501, Oregon Laws 2019, and ORCP 7 D.

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

16 **SECTION 1.** ORS 801.026 is amended to read:

17 801.026. (1) Persons, motor vehicles and equipment employed or used by a public or telecommu-
18 nications utility, electric cooperative or by the United States, this state or any political subdivision
19 of this state are exempt from the provisions of the vehicle code specified in subsection (3) of this
20 section while on a highway and working or being used to service, construct, maintain or repair the
21 facilities of a utility.

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

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

3 (3) Persons, motor vehicles and equipment described in subsections (1) and (2) of this section are
4 exempt from provisions of the vehicle code relating to rules of the road as described in ORS chapter
5 811, except that this subsection does not apply to:

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

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

8 (c) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
9 811.700 or 811.705.

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

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

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

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

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

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

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

22 **SECTION 2.** ORS 801.040 is amended to read:

23 801.040. This section describes circumstances where special provisions are made concerning the
24 authority of cities, counties or other political subdivisions in relation to some portion of the vehicle
25 code. This section is not the only section of the vehicle code that applies to such authority and
26 [*shall*] **may** not be interpreted to affect the vehicle code except as specifically provided in this sec-
27 tion. The following limits are partial or complete as described:

28 (1) [*No*] **A** county, municipal or other local body with authority to adopt and administer local
29 police regulations under the Constitution and laws of this state [*shall*] **may not** enact or enforce
30 any rule or regulation in conflict with the provisions of the vehicle code described in this subsection
31 except as specifically authorized in the vehicle code. This subsection applies to the provisions of the
32 vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight
33 and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles.

34 (2) Except as provided in ORS 822.230 and this subsection, [*no*] **a** city, county or other political
35 [*subdivisions shall*] **subdivision may not** regulate or require or issue any registration, licenses,
36 permits or surety bonds or charge any fee for the regulatory or surety registration of any person
37 required to obtain a certificate from the Department of Transportation under ORS 822.205. This
38 subsection does not:

39 (a) Limit any authority of a city or county to license and collect a general and
40 nondiscriminatory license fee levied upon all businesses or to levy a tax based upon business con-
41 ducted by any person within the city or county.

42 (b) Limit the authority of any city or county to impose any requirements or conditions as part
43 of any contract to perform towing or recovering services for the city or county.

44 (c) Limit the authority of any city or county to impose requirements and conditions that govern
45 the towing of a vehicle by a towing business under ORS 98.812 so long as those requirements and

1 conditions are consistent with the provisions of ORS 822.230.

2 (3) [No] A city, county or other political subdivision of this state, [nor] or any state agency, may
 3 **not** adopt a regulation or ordinance that imposes a special fee for the use of public lands or waters
 4 by snowmobiles or Class I all-terrain vehicles, or for the use of any access thereto that is owned
 5 by or under the jurisdiction of either the United States, this state or any such city, county or other
 6 political subdivision. The registration fees provided by ORS 821.320 are in lieu of any personal
 7 property or excise tax imposed on snowmobiles by this state or any political subdivision. [No] A city,
 8 county or other municipality, [and no] or a state agency [shall] **may not** impose any other regis-
 9 tration or license fee on any snowmobile in this state. This subsection does not prohibit any city,
 10 county or other political subdivision, or any state agency from regulating the operation of
 11 snowmobiles or Class I all-terrain vehicles on public lands, waters and other properties under its
 12 jurisdiction and on streets or highways within its boundaries by adopting regulations or ordinances
 13 of its governing body if such regulations are not inconsistent with ORS 821.150 to 821.292.

14 (4) The provisions of ORS 819.110 to 819.215 relating to towing of vehicles that are abandoned
 15 establish minimum requirements subject to the following:

16 (a) Notwithstanding paragraph (b) of this subsection, a county or incorporated city may super-
 17 sede such provisions by ordinance or charter provision.

18 (b) Any road authority described under ORS 810.010 may adopt rules or procedures that do not
 19 conflict with such provisions to provide for additional protection for the owner or person with an
 20 interest in a vehicle subject to such provisions or that more quickly accomplish the procedures es-
 21 tablished under such provisions.

22 (5) Any incorporated city may by ordinance require that the driver of a vehicle involved in [an
 23 accident] a **crash** file with a designated city department a copy of any report required to be filed
 24 under ORS 811.725. All such reports shall be for the confidential use of the city department but
 25 subject to the same requirements for release of such reports as provided for the release of such re-
 26 ports by the department under ORS 802.220 and 802.240.

27 (6) Except as otherwise specifically provided in this section, in accordance with the provisions
 28 of ORS 801.041, the governing body of a county may establish by ordinance registration fees for
 29 vehicles registered at a residence or business address within the county.

30 (7) Except as otherwise specifically provided in this section, in accordance with the provisions
 31 of ORS 801.042, the governing body of a district may establish by ordinance registration fees for
 32 vehicles registered at a residence or business address within the district.

33 **SECTION 3.** ORS 801.280 is amended to read:

34 801.280. "Financial responsibility requirements" means the ability to respond in damages for li-
 35 ability, on account of [accidents] **crashes** arising out of the ownership, operation, maintenance or
 36 use of a motor vehicle in a manner provided under ORS 806.060.

37 **SECTION 4.** ORS 801.440 is amended to read:

38 801.440. "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful
 39 manner in preference to another vehicle or pedestrian approaching under such circumstances of di-
 40 rection, speed and proximity as to give rise to danger of [collision] **crashing** unless one grants pre-
 41 cedence to the other.

42 **SECTION 5.** ORS 802.040 is amended to read:

43 802.040. (1) The Department of Transportation shall specify the minimum contents of a report
 44 about, and the means for reporting, [accidents] **crashes** that are required to be reported under ORS
 45 810.460, 811.725, 811.730 and 811.735. The department shall consult with the state police and city and

1 county law enforcement officials before approving means for *[accident]* **crash** reports required under
 2 ORS 810.460. Any means of reporting specified under this subsection shall require sufficiently de-
 3 tailed information to disclose, with reference to a *[traffic accident]* **crash**, the cause, conditions then
 4 existing and the persons and vehicles involved. Upon request, if the department adopts forms as one
 5 means of reporting *[accidents]* **crashes**, the department shall make the forms available through po-
 6 lice departments, sheriffs' offices and other suitable agencies or individuals.

7 (2) The department shall assure that any means specified under subsection (1) of this section for
 8 use in *[accident]* **crash** reports required under ORS 811.725, 811.730 and 811.735 include a way of
 9 making owners aware of the definition of a totaled vehicle and of the owner's duty under ORS
 10 819.012.

11 (3) The department shall prescribe and provide suitable forms for the administration and
 12 enforcement of the financial responsibility requirements under the vehicle code or shall prescribe
 13 any other means of accomplishing the same end that the department finds convenient.

14 **SECTION 6.** ORS 802.050 is amended to read:

15 802.050. (1) The Department of Transportation may compile, publish and distribute a vehicle
 16 code book containing statutes administered by the department concerning vehicles and drivers,
 17 along with other related laws. The department may establish and collect a reasonable fee for books
 18 issued to groups or persons who are not employees of the department. Any fee established under this
 19 section shall not exceed the costs of the compilation, publication and distribution of the books.

20 (2) The department shall publish statistical information based on the analysis and tabulation of
 21 *[accident]* **crash** reports under ORS 802.220. Publication under this subsection shall be annual or at
 22 more frequent intervals.

23 (3) The department shall make rules it adopts concerning aiming of headlights, auxiliary lights
 24 and passing lights available to the public in an appropriate publication.

25 **SECTION 7.** ORS 802.060 is amended to read:

26 802.060. The Department of Transportation may:

27 (1) Apply for, accept and receive such grants, contributions or other moneys as may be available
 28 to this state or any of its agencies for research and other programs concerning the safe operation
 29 of motor vehicles upon the highways, including research or educational programs for the improve-
 30 ment of drivers, the reduction of *[traffic accidents]* **crashes** and the reduction of violations of traffic
 31 laws and ordinances.

32 (2) Enter into such contracts or agreements, employ such personnel, and do all things necessary
 33 to receive available moneys and carry on any research or program mentioned in subsection (1) of
 34 this section, provided that the authority herein granted and the contracts, agreements and other
 35 acts authorized to be entered into or performed, shall be subject to and not in conflict with the
 36 provisions of any other applicable state statutes.

37 **SECTION 8.** ORS 802.070 is amended to read:

38 802.070. The Department of Transportation shall assist accredited schools and educational in-
 39 stitutions of this state in the promotion of highway safety and shall carry on with other activities
 40 under the laws providing for the registration of motor vehicles and motor vehicle operators and
 41 chauffeurs, other projects having for their purpose the prevention of motor vehicle *[accidents]*
 42 **crashes**.

43 **SECTION 9.** ORS 802.075 is amended to read:

44 802.075. The Department of Transportation shall adopt rules for approval of a motor vehicle
 45 *[accident]* **crash** prevention course that will qualify a person for the reduction in premium provided

1 by ORS 742.490 to 742.494. The rules may include requirements for the contents of a course and
2 qualifications of an organization offering a course.

3 **SECTION 10.** ORS 802.091 is amended to read:

4 802.091. (1) The Department of Transportation shall pay reasonable costs for the removal of any
5 vehicle, cargo or debris resulting from a motor vehicle [*accident*] **crash** if:

6 (a) The motor vehicle [*accident*] **crash** resulted in the death of a person 18 years of age or
7 younger;

8 (b) The [*accident*] **crash** occurred on a state highway;

9 (c) The surviving family members would otherwise be responsible for the cost of the cleanup;
10 and

11 (d) There is no insurance available.

12 (2) Subsection (1) of this section does not apply if:

13 (a) It is established by a preponderance of the evidence that the deceased was engaged in con-
14 duct that would constitute a crime; or

15 (b) The vehicle of the deceased was not insured under a motor vehicle liability insurance policy
16 that complied with financial responsibility requirements under ORS 806.060.

17 **SECTION 11.** ORS 802.200, as amended by section 16, chapter 701, Oregon Laws 2019, is
18 amended to read:

19 802.200. In addition to any other records the Department of Transportation may establish, the
20 department is subject to the following provisions concerning records:

21 (1) The department shall maintain records concerning the titling of vehicles in this state. The
22 records under this subsection shall include the following:

23 (a) For vehicles issued a title by this state, the records shall identify the vehicle and contain
24 the following:

25 (A) The name of the vehicle owner and any security interest holders in order of priority, except
26 that a security interest holder need not be identified if the debtor who granted the interest is in the
27 business of selling vehicles and the vehicles constitute inventory held for sale;

28 (B) The name of any lessor of the vehicle;

29 (C) The vehicle description; and

30 (D) Whether a certificate of title was issued for the vehicle.

31 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the
32 vehicle is reconstructed.

33 (c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

34 (d) Any other information concerning the titling of vehicles that the department considers con-
35 venient or appropriate.

36 (e) All odometer disclosures and readings for a vehicle that are reported to the department un-
37 der provisions of the vehicle code. The department shall keep the most recent version of records
38 required under this paragraph in electronic form.

39 (f) If the vehicle has been reported to the department as a totaled vehicle under the provisions
40 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the
41 reason for the report was theft and the vehicle has been recovered.

42 (2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled
43 in this state, the department shall retain a record of any odometer readings shown on the title or
44 registration documents submitted to the department at the time of registration or title.

45 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-

cerning the registration of vehicles required to be registered by the department. The records concerning the registration of vehicles may be stored along with records concerning the titling of vehicles. The records under this subsection shall include the following:

(a) For vehicles registered by the department, the records shall identify the vehicle and contain the following:

(A) The registration plate number assigned by the department to the vehicle;

(B) The name of the vehicle owner;

(C) The vehicle description and vehicle identification number; and

(D) An indication that the vehicle is a totaled vehicle if it has been reported to the department as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report was theft and the vehicle has been recovered.

(b) Any other information concerning the registration of vehicles that the department considers convenient or appropriate.

(4) The department shall maintain separate records for the regulation of vehicle dealers. The records required under this subsection shall include the following information about persons issued dealer certificates:

(a) The person's application for a vehicle dealer certificate.

(b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

(c) A numerical index according to the distinctive number assigned to each vehicle dealer.

(5) The department shall maintain a file on vehicles for which the title record is canceled under ORS 819.030. The records required under this subsection shall disclose the last registered owner of each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the canceled title record for each vehicle and the make and year model for each vehicle.

(6) The department shall maintain a record of each agreement or declaration under ORS 802.500 and 802.520.

(7) The department shall maintain separate and comprehensive records of all transactions affecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

(8) The department shall maintain suitable records of driver licenses, driver permits and identification cards. The records required under this subsection shall include all of the following:

(a) An index by name and number.

(b) Supporting documentation of all driver licenses, driver permits or identification cards issued.

(c) Every application for a driver license, driver permit or identification card.

(d) All driver licenses or driver permits that have been suspended, revoked or canceled.

(e)(A) For each driver license, driver permit or identification card, the Social Security number of the person to whom the driver license, driver permit or identification card is issued or the written statement that the person has not been assigned a Social Security number.

(B) As used in this paragraph, a "driver license," "driver permit" or "identification card" means a driver license, driver permit or identification card that is not a:

(i) Real ID;

(ii) Commercial driver license; or

(iii) Commercial learner driver permit.

(f) For each commercial driver license and commercial learner driver permit, the Social Security number of the person to whom the license or permit is issued, or any other number or identifying information that the Secretary of the United States Department of Transportation determines appropriate to identify the person.

1 (g) For each Real ID, the Social Security number of the person to whom the Real ID is issued,
2 or proof that the person is not eligible for a Social Security number.

3 (9) The Department of Transportation shall maintain a two-part driving record consisting of an
4 employment driving record and a nonemployment driving record for each person as required under
5 this subsection. All of the following apply to the records required under this subsection:

6 (a) The department shall maintain driving records on each person the department determines
7 requires an Oregon driving record to comply with federal regulations or provisions of the vehicle
8 code. The department shall establish rules for maintaining driving records under this subsection.

9 (b) In addition to other information required by this paragraph, the employment driving record
10 shall include all reports of drug test results that are made to the department under ORS 825.410 or
11 825.415. Notwithstanding any other provision of law, release of the portion of the employment driv-
12 ing record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in
13 accordance with ORS 802.202. The employment driving record shall also include all motor vehicle
14 [accidents] **crashes** that the person is required to report under ORS 811.720, all suspensions of
15 driving privileges required to be placed on the record under ORS 809.280, all suspensions of the
16 person's commercial driving privileges that result from operation or use of a commercial motor ve-
17 hicle and all convictions, as determined by the department by rule, of the person for violation of
18 motor vehicle laws except convictions for offenses requiring mandatory revocation or suspension of
19 driving privileges under ORS 809.409, 809.411, 809.510 to 809.545 and 813.400, but shall include only
20 such [accidents] **crashes**, suspensions and convictions that occur while the person is driving a motor
21 vehicle:

22 (A) In the course of the person's employment when the person is employed by another for the
23 principal purpose of driving a motor vehicle;

24 (B) Carrying persons or property for compensation;

25 (C) In the course of the person's employment in the collection, transportation or delivery of mail
26 if the vehicle is government owned or marked for the collection, transportation or delivery of mail
27 in accordance with government rules;

28 (D) That is an authorized emergency vehicle;

29 (E) That is a commercial motor vehicle; or

30 (F) In the course of the person's employment with a federal, state or local government in a
31 public works project involving repair or maintenance of water, sewer or road systems.

32 (c) The nonemployment driving record shall include the person's:

33 (A) Motor vehicle [accidents] **crashes** that the person is required to report under ORS 811.720,
34 other than the motor vehicle [accidents] **crashes** that are included on the person's employment
35 driving record;

36 (B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

37 (C) Judgments and convictions, as determined by the department by rule, for violation of the
38 motor vehicle laws including, for each violation of ORS 811.100 or 811.111, the speed at which the
39 person was convicted of traveling and the posted speed, the speed limit or the speed that constitutes
40 prima facie evidence of violation of the basic speed rule, as appropriate; and

41 (D) Diversion agreements entered into under ORS 813.220 within the preceding 15 years.

42 (d) The department may record other entries to indicate correspondence, interviews, partic-
43 ipation in driver improvement programs or other matters concerning the status of the driving priv-
44 ileges of the person.

45 (e) When a person is issued a driver license or driver permit by this state, the department may

1 request a copy of driving records that exist for the person in any other jurisdiction. The department
2 shall adopt rules specifying when the department may request driving records from other jurisdic-
3 tions and may apply entries from out-of-state records for use in Oregon.

4 (f) When a suspension of a driver permit, driver license or other driving privilege is placed on
5 the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the depart-
6 ment shall note on the record that the suspension was for failure to appear in court and shall also
7 note the offense charged against the person on which the person failed to appear.

8 (g) The Department of Transportation, in consultation with the Department of State Police, shall
9 devise and implement a method of noting suspensions and revocations of driving privileges on the
10 record in such a way that police agencies can determine directly from the record what class of of-
11 fense, as provided by law, is committed by a person who drives in violation of the suspension or
12 revocation. If the Department of Transportation and the Department of State Police devise a mutu-
13 ally agreeable alternative method of informing police agencies of the nature of a suspension or re-
14 vocation and the consequences of its violation, the implementation of that method shall satisfy the
15 duty of the Department of Transportation under this paragraph.

16 (10) The department shall maintain [*accident*] **crash** reports filed with the department under ORS
17 810.460 and 811.725 to 811.735.

18 (11) The department shall maintain records of bank checks or money orders returned under ORS
19 802.110.

20 (12) The department shall maintain records of trip permits issued by the department under ORS
21 803.600, as provided under this subsection. The records required by this subsection shall include the
22 following:

23 (a) A description of the vehicle sufficient to identify the vehicle.

24 (b) The person to whom the permit was issued.

25 (c) When the permit was issued.

26 (d) The type of permit issued.

27 (e) For registration weight trip permits, the maximum allowable registration weight permitted
28 for operation under the permit.

29 (f) Any other information the department determines appropriate or convenient.

30 **SECTION 12.** ORS 802.220 is amended to read:

31 802.220. (1) Except as otherwise provided in this subsection and ORS 802.177, the records the
32 Department of Transportation maintains under ORS 802.200 on vehicles are public records. The re-
33 cords of vehicles registered under ORS 805.060 are not public records and are exempt from public
34 inspection as provided under ORS 181A.220 and are for the confidential use of criminal justice
35 agencies described under ORS 181A.010. The department may charge the fee established under ORS
36 802.230 for furnishing information under this section concerning a vehicle or its owner.

37 (2) The department may charge the fee established under ORS 802.230 for furnishing to the
38 public information from the records the department maintains under ORS 802.200 concerning driver
39 licenses or driver permits.

40 (3) The records the department keeps under ORS 802.200 on judgments or convictions under ORS
41 810.375 shall be open to the inspection of any person during reasonable business hours. Nothing in
42 this subsection authorizes the release of personal information as defined in ORS 802.175.

43 (4) The department shall upon request furnish any person certified abstracts of the employment
44 driving record and the nonemployment driving record of any person whose driving records are
45 maintained under ORS 802.200. If an abstract of the employment driving record is not specifically

1 requested, the department shall only furnish an abstract of the nonemployment driving record.
2 Nothing in this subsection authorizes the release of personal information as defined in ORS 802.175.
3 The department shall collect the fee established for abstracts of driving records under ORS 802.230.
4 A certified abstract issued under this section shall not contain any of the following, unless the ab-
5 stract is being requested under ORS 746.265 (3):

6 (a) Any *[accident]* **crash** or conviction for violation of motor vehicles laws that occurred more
7 than three years immediately preceding a request for abstract.

8 (b) Any suspension ordered under ORS 809.220 after the department has received notice to
9 reinstate a person's suspended driving privileges under ORS 809.220.

10 (c) Any diversion agreement under ORS 813.220 entered into more than three years immediately
11 preceding a request for the abstract.

12 (5) Except as otherwise provided in this subsection, *[accident]* **crash** reports filed with the de-
13 partment under ORS 811.725, 811.730 or 811.735 shall be without prejudice to the individual filing
14 the report and shall be for the confidential use of state administrative and enforcement agencies.
15 The department may use the confidential *[accident]* **crash** reports to provide the following informa-
16 tion to the persons described:

17 (a) Upon request, the department shall disclose the following information to any party involved
18 in the *[accident]* **crash** or to their personal representative or any member of the family of a party
19 involved in the *[accident]* **crash**:

20 (A) The identity of the owner, driver, occupants and the registration number of a vehicle in-
21 volved in the *[accident]* **crash**;

22 (B) The names of any companies insuring the owner or driver of a vehicle involved in the *[ac-*
23 *cident]* **crash**; and

24 (C) The names of any witnesses to the *[accident]* **crash**.

25 (b) The department shall furnish a certificate showing that a specified *[accident]* **crash** report
26 has or has not been made to the department upon demand of any person who has or claims to have
27 made such a report or upon demand of a court.

28 (6) The department shall tabulate and may analyze all *[accident]* **crash** reports to develop sta-
29 tistical information based thereon as to the number and circumstances of *[traffic accidents]*
30 **crashes**. The department shall publish information compiled under this section in the manner pro-
31 vided under ORS 802.050.

32 (7) Except as otherwise provided in this subsection, the records the department is required un-
33 der ORS 802.200 to maintain on trip permits issued under ORS 803.600 are public records. The de-
34 partment may charge a fee established under ORS 802.230 for furnishing information from the
35 records on trip permits. Nothing in this subsection authorizes the release of personal information
36 as defined in ORS 802.175.

37 (8) The records the department maintains under ORS 802.200 concerning odometer readings for
38 vehicles are public records. The department may separately furnish information concerning
39 odometer readings shown by its records. The department may charge the fee established under ORS
40 802.230 for information separately provided under this subsection. Nothing in this subsection au-
41 thORIZES the release of personal information as defined in ORS 802.175.

42 **SECTION 13.** ORS 802.240 is amended to read:

43 802.240. (1) In all actions, suits or criminal proceedings when the title to, or right of possession
44 of, any vehicle is involved, the record of title, as it appears in the files and records of the Depart-
45 ment of Transportation, is prima facie evidence of ownership or right to possession of the vehicle.

1 As used in this section, the record of title does not include records of salvage titles unless the re-
2 cord itself is the salvage title. Proof of the ownership or right to possession of a vehicle shall be
3 made by means of any of the following methods:

4 (a) The original certificate of title as provided under ORS 803.010.

5 (b) A copy, certified by the department, of the title record of the vehicle as the record appears
6 in the files and records of the department.

7 (2) Extrinsic evidence of authenticity is not required as a condition precedent to the admission
8 of a copy of a document relating to the privilege of any person to drive a motor vehicle authorized
9 by law to be filed and actually filed in the records of the department if the copy bears a seal pur-
10 porting to be that of the department and is certified as a true copy by original or facsimile signature
11 of a person purporting to be an officer or employee of the department. This subsection applies to
12 copies of a data compilation in any form. Copies of documents certified in accordance with this
13 subsection constitute prima facie evidence of the existence of the facts stated therein.

14 (3) A certified copy of a person's driving record, as maintained by the department:

15 (a) May be admitted as evidence in any hearing or proceeding under ORS 813.200 to 813.270.

16 (b) Is prima facie evidence that the person named therein was duly convicted of each offense
17 shown by the record.

18 (c) Is prima facie evidence that the person named therein is participating in or has participated
19 in a driving under the influence of intoxicants diversion program or in any similar alcohol or drug
20 rehabilitation program in this state or in any other jurisdiction if the record shows that the person
21 has participated in such a program.

22 (4) Records and actions described in this subsection shall not be referred to in any way or ad-
23 mitted into evidence or be any evidence of the negligence or due care of any party at the trial of
24 any action at law to recover damages. This subsection applies to all of the following:

25 (a) The report required following [*an accident*] **a crash**.

26 (b) Any action taken by the department to revoke or suspend a driver license or driver permit
27 or taken by the department under the financial responsibility requirements of the vehicle code or
28 the findings, if any, of the department upon which such action of the department is based.

29 (c) Any deposit of security required under the financial responsibility requirements of the vehi-
30 cle code.

31 (5) Except as provided in this subsection, the [*accident*] **crash** reports filed with the department
32 under ORS 811.725, 811.730 or 811.735 shall be without prejudice to the individual filing the report
33 and [*no such report shall*] **the report may not** be used as evidence in any trial, civil or criminal,
34 arising out of [*an accident*] **a crash**. The following uses are allowable under this subsection:

35 (a) The certificate issued by the department under ORS 802.220 to show whether or not [*an ac-*
36 *cident*] **a crash** report has been made to the department shall be used solely to prove a compliance
37 or failure to comply with the requirements that the [*accident*] **crash** report be made to the depart-
38 ment.

39 (b) [*An accident*] **A crash** report submitted under ORS 811.725 or 811.735 may be used in an
40 administrative hearing or an appeal from such hearing to support any suspension of driving privi-
41 leges for:

42 (A) Failure to make reports required under ORS 811.725 or 811.735.

43 (B) Failure to comply with financial responsibility requirements or failure to comply with future
44 responsibility filings.

45 (6) A photocopy, facsimile copy, digital or electronic copy of an application for perfection of a

1 security interest by notation on a title under ORS 803.097 that is certified by the department is
2 proof of the date of perfection of the security interest unless the date is invalid as provided under
3 ORS 803.097.

4 (7) A report filed by a physician or health care provider under ORS 807.710 is confidential and
5 may not be admitted as evidence in any civil or criminal action. A report described in this sub-
6 section may be used in an administrative hearing or an appeal from an administrative hearing in
7 which an issue is the qualification of a person to operate a motor vehicle.

8 **SECTION 14.** ORS 802.320 is amended to read:

9 802.320. (1) In addition to any duties under ORS 802.310, the Department of Transportation, in
10 consultation with the Transportation Safety Committee, shall establish a motorcycle safety program
11 that complies with this section to the extent moneys are available for such program from the Mo-
12 torcycle Safety Subaccount under ORS 802.340. The program established may include the following:

13 (a) Motorcycle safety promotion and public education.

14 (b) The development of training sites for courses approved by the department to teach safe and
15 proper operation of motorcycles and mopeds.

16 (c) Classroom instruction and actual driving instruction necessary to teach safe and proper op-
17 eration of motorcycles and mopeds.

18 (d) The development of a mobile training unit.

19 (e) The acquisition of films and equipment that may be loaned to the public for the encourage-
20 ment of motorcycle and moped safety.

21 (f) Advice and assistance, including monetary assistance, for motorcycle safety programs oper-
22 ated by government or nongovernment organizations.

23 (g) Other education or safety programs the department determines will help promote the safe
24 operation of motorcycles and mopeds, promote safe and lawful driving habits, assist in [accident]
25 **crash** prevention and reduce the need for intensive highway policing.

26 (2) Subject to the State Personnel Relations Law under ORS chapter 240, the department shall
27 employ such employees as the department determines necessary to carry out the purposes of this
28 section to:

29 (a) Advise and assist motorcycle safety programs in this state.

30 (b) Act as a liaison between government agencies and advisory committees and interested
31 motorcyclist groups.

32 (3) The department may provide for the performance of training and other functions of the pro-
33 gram established under this section by contracting with any private or public organizations or en-
34 tities the department determines appropriate to achieve the purposes of this section. The
35 organizations the department may contract with under this subsection include, but are not limited
36 to, nonprofit private organizations, private organizations that are operated for profit, public or pri-
37 vate schools, community colleges or public agencies or political subdivision.

38 (4) The department may charge a fee for services provided under the program established under
39 this section. Any fee charged by the department under this subsection must be established by rule
40 and may not be in an amount that will discourage persons from participating in safety programs
41 offered by the department under this section.

42 **SECTION 15.** ORS 802.325 is amended to read:

43 802.325. (1) The Department of Transportation, in consultation with the Transportation Safety
44 Committee, shall establish a bicycle safety program that complies with this section to the extent
45 moneys are available for such program. The program established may include the following:

1 (a) Bicycle safety promotion and public education.

2 (b) Advice and assistance for bicycle safety programs operated by government or nongovernment
3 organizations.

4 (c) Classroom instruction and actual riding instruction necessary to teach safe and proper op-
5 eration of bicycles.

6 (d) Bicycle education and information that assist police agencies in the enforcement of bicycle
7 laws.

8 (e) Other education or safety programs the department determines will help promote the safe
9 operation of bicycles, promote safe and lawful riding habits and assist in [accident] **crash** prevention.

10 (2) The department shall act as a liaison between government agencies and advisory committees
11 and interested bicyclist groups.

12 (3) The department may accept donations and solicit grants to enable the department to carry
13 out the functions of this section.

14 (4) The department may charge a fee for services provided under the program established under
15 this section. Any fee charged by the department under this subsection must be established by rule
16 and may not be in an amount that will discourage persons from participating in safety programs
17 offered by the department under this section.

18 **SECTION 16.** ORS 806.010 is amended to read:

19 806.010. (1) A person commits the offense of driving uninsured if the person operates a motor
20 vehicle in this state on any highway or premises open to the public in this state without either:

21 (a) The person being insured while driving the vehicle under a motor vehicle liability insurance
22 policy that meets the requirements described under ORS 806.080; or

23 (b) The person or the owner of the vehicle providing the Department of Transportation with
24 other satisfactory proof of compliance with the financial responsibility requirements of this state.

25 (2) Exemptions from this section are established under ORS 806.020.

26 (3) In addition to other penalties under this section the following apply:

27 (a) A person who is involved in a motor vehicle [accident] **crash** at any time the person is in
28 violation of this section is subject to suspension of the person's driving privileges under ORS
29 809.417.

30 (b) A person who is convicted of violating this section is subject to ORS 806.230, if the person
31 does not make future responsibility filings as required by that section.

32 (4) A person convicted for violation of this section must file with the department, and thereafter
33 maintain for a period of three years, proof of financial responsibility that complies with ORS 806.060.
34 Failure to comply with this subsection is subject to ORS 809.415.

35 (5) The offense described in this section, driving uninsured, is a Class B traffic violation.

36 **SECTION 17.** ORS 806.020 is amended to read:

37 806.020. This section provides exemptions from the necessity for compliance with or proof of
38 compliance with financial responsibility requirements in [accident] **crash** reports under ORS 811.725,
39 when applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle
40 under ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from
41 financial responsibility requirements if the vehicle involved in the [accident] **crash**, sought to be
42 registered or operated is any of the following:

43 (1) An antique vehicle issued permanent registration under ORS 805.010.

44 (2) A farm trailer.

45 (3) A farm tractor.

1 (4) An implement of husbandry.

2 (5) A vehicle of special interest that is maintained as a collector's item and used for exhibitions,
3 parades, club activities and similar uses, but not used primarily for the transportation of persons
4 or property.

5 (6) A snowmobile or a Class I, Class III or Class IV all-terrain vehicle, unless the vehicle is
6 operating on an all-terrain vehicle highway access route that is designated by the Oregon Trans-
7 portation Commission as open to all-terrain vehicles.

8 (7) Any motor vehicle not operated on any highway or premises open to the public in this state.

9 (8) A motor assisted scooter.

10 (9) An electric personal assistive mobility device.

11 **SECTION 18.** ORS 806.040 is amended to read:

12 806.040. Financial responsibility requirements are designed to provide for minimum payment of
13 judgments of the type described in this section. For the purposes of ORS 806.130, 806.140, 809.020,
14 809.130 and 809.470, judgments of the type described in this section must:

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

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

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

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

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

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

25 **SECTION 19.** ORS 806.060 is amended to read:

26 806.060. A person who is required to comply with the financial responsibility requirements of
27 this state must be able to respond in damages, in amounts required under this section, for liability
28 on account of [*accidents*] **crashes** arising out of the ownership, operation, maintenance or use of
29 motor vehicles and must establish that ability by one of the methods required by this section. All
30 of the following apply to the financial responsibility requirements of this state:

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

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

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

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

39 **SECTION 20.** ORS 806.070 is amended to read:

40 806.070. (1) This section establishes a schedule of payments for the following purposes:

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

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

1 (c) The payment schedule is the minimum required payment of a judgment for purposes of ORS
2 809.020, 809.130 and 809.415.

3 (2) The schedule of payments is as follows:

4 (a) \$25,000 because of bodily injury to or death of one person in any one *[accident]* **crash**;

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

7 (c) \$20,000 because of injury to or destruction of the property of others in any one *[accident]*
8 **crash**.

9 **SECTION 21.** ORS 806.075 is amended to read:

10 806.075. Notwithstanding any other provision of this chapter, a person convicted of driving un-
11 der the influence of intoxicants under ORS 813.010 is subject to the following requirements for the
12 method of complying with and the amounts needed to meet financial responsibility requirements and
13 for the duration of future responsibility filings:

14 (1) The person must have a certificate or certificates of insurance that meet the requirements
15 of ORS 806.270 except that the certificate or certificates must show that the person is covered by
16 insurance that provides at least:

17 (a) \$50,000 because of bodily injury to or death of one person in any one *[accident]* **crash**;

18 (b) Subject to that limit for one person, \$100,000 because of bodily injury to or death of two or
19 more persons in any one *[accident]* **crash**; and

20 (c) \$10,000 because of injury to or destruction of the property of others in any one *[accident]*
21 **crash**.

22 (2) The person must maintain future responsibility filings showing insurance coverage in the
23 amounts specified in subsection (1) of this section for a period of three years from the date that the
24 first filing is required.

25 **SECTION 22.** ORS 806.130 is amended to read:

26 806.130. (1) To qualify as a self-insurer for purposes of financial responsibility requirements un-
27 der ORS 806.060, a person must do all of the following:

28 (a) Apply to the Department of Transportation and be issued by the department a certificate of
29 self-insurance under ORS 806.140.

30 (b) Either:

31 (A) Establish to the satisfaction of the department that the person possesses and will continue
32 to possess the ability to pay and discharge judgments described under ORS 806.040 that might be
33 obtained against the applicant; or

34 (B) Be qualified under the laws of the State of Oregon or under an ordinance of a city of this
35 state to act as a self-insurer and be acting as a self-insurer.

36 (c) Agree to provide the same coverage and to pay the same amounts with respect to *[an acci-*
37 *dent]* **a crash** occurring while the certificate is in force that an insurer would be obligated to pro-
38 vide and to pay under a motor vehicle liability insurance policy, including providing the coverage
39 required under ORS 806.080 (1)(b) and uninsured motorist coverage and liability coverage to at least
40 the limits specified in ORS 806.070.

41 (d) Have more than 25 motor vehicles including commercial buses registered in the person's
42 name.

43 (2)(a) If *[an accident]* **a crash** occurs while a certificate of self-insurance issued under ORS
44 806.140 is in force, the liability protection provided and the amounts paid under subsection (1)(c) of
45 this section are secondary to any motor vehicle liability insurance or uninsured motorist coverage

1 available to a customer of the self-insurer, an operator of the self-insured vehicle or an occupant
2 of the self-insured vehicle unless otherwise agreed to by the self-insurer. A self-insurer is required
3 to provide the minimum payments established under ORS 742.502 and 806.070 only when the motor
4 vehicle liability insurance policy of a customer of the self-insurer or an operator of the self-insured
5 vehicle does not provide the minimum required payments established in ORS 742.502 and 806.070.

6 (b) A self-insurer may recover from a customer of the self-insurer or an operator of the self-
7 insured vehicle the amounts paid under subsection (1)(c) of this section.

8 (3) Nothing in this section requires a self-insurer to provide liability coverage when a person is
9 operating the vehicle without permission of the self-insurer.

10 **SECTION 23.** ORS 806.170 is amended to read:

11 806.170. The Department of Transportation shall investigate all certifications of compliance with
12 financial responsibility requirements made on reports of [*accidents*] **crashes** under ORS 811.725 and
13 811.730. The department shall contact the insurers listed on the certifications to determine whether
14 each certification is accurate. If the certification is not correct, an insurer shall notify the depart-
15 ment no later than 60 days after receiving a request from the department for verification of the
16 accuracy of the certification.

17 **SECTION 24.** ORS 806.190 is amended to read:

18 806.190. (1) Every insurance carrier that issues property and casualty insurance policies, as de-
19 fined in ORS chapter 731, in this state shall report to the Department of Transportation any person
20 the carrier has reason to believe is involved in [*an accident*] **a crash** while the person is operating
21 a vehicle in violation of ORS 806.010. The carrier shall make the report required by this section
22 whether or not the [*accident*] **crash**:

23 (a) Is a reportable [*accident*] **crash** under ORS 811.720; or

24 (b) Occurred on a highway or on any other premises open to the public.

25 (2) An insurance carrier shall file the report no later than 60 days after the carrier first has
26 reason to believe that a person was involved in [*an accident*] **a crash** while the person was operating
27 a vehicle in violation of ORS 806.010.

28 (3) [*No*] Civil liability [*shall*] **does not** accrue to an insurance carrier or any of its employees
29 for reports made to the department under this section when the reports are made in good faith.

30 **SECTION 25.** ORS 806.200 is amended to read:

31 806.200. (1) A person commits the offense of failure to make a future responsibility filing after
32 [*an accident*] **a crash** if:

33 (a) The person is the owner or driver of a motor vehicle involved in [*an accident*] **a crash**;

34 (b) At the time of the [*accident*] **crash** the vehicle was operated in violation of ORS 806.010;

35 (c) The person does not make a future responsibility filing within 30 days after the [*accident*]
36 **crash**; and

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

38 (2) The employer of a driver is subject to the requirements and penalties under this section if
39 the driver is an employee exempted from this section under ORS 806.210. If an employer is subject
40 to this section, the registration of the employer's vehicles may be suspended as provided under ORS
41 809.050.

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

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

1 **SECTION 26.** ORS 806.210 is amended to read:

2 806.210. As appropriate, the driver or the owner, or both, are exempt from the requirement un-
3 der ORS 806.200 to make a future responsibility filing if the person claiming exemption furnishes to
4 the Department of Transportation proof of any of the following:

5 (1) At the time of the [accident] **crash** the driver was operating a vehicle owned by or leased
6 to and operated under the direction of the United States of America, this state or any municipality
7 or subdivision thereof.

8 (2) At the time of the [accident] **crash** the vehicle was lawfully parked.

9 (3) Such liability as may arise from the driver's operation of the vehicle involved in the
10 [accident] **crash** was covered by some form of liability insurance which complies with the financial
11 responsibility requirements.

12 (4) The owner of the vehicle involved in the [accident] **crash** was a self-insurer under ORS
13 806.130.

14 (5) The vehicle involved in the [accident] **crash** was being operated under a permit issued by the
15 department under ORS chapter 825.

16 (6) At the time of the [accident] **crash** the owner's vehicle was being operated without the
17 owner's permission, expressed or implied, or was parked by a person who had been operating such
18 vehicle without the owner's permission unless the vehicle at the time of its taking had been left
19 unattended in a condition prohibited by a regulation or ordinance designed to prevent the operation
20 of vehicles by unauthorized persons. This subsection only exempts owners of vehicles who qualify.

21 (7) At the time of the [accident] **crash**, the driver was operating a vehicle owned, operated or
22 leased by the driver's employer with the permission of that employer. This subsection only exempts
23 drivers of vehicles. Owners remain subject as provided under ORS 806.200.

24 **SECTION 27.** ORS 806.245 is amended to read:

25 806.245. A termination of the requirement to maintain a future responsibility filing does not re-
26 move a person's responsibility to comply with financial responsibility requirements. The Department
27 of Transportation shall terminate requirements for a future responsibility filing when any of the
28 following occurs:

29 (1) The person on whose behalf the filing was made dies.

30 (2) More than three years have passed from the date the filing was required.

31 (3) A person on whose behalf the filing was made requests termination and either:

32 (a) The person was required to file because of an error committed by the department; or

33 (b) The person was required to file because of an error committed by an insurance company in
34 notifying the department regarding the correctness of proof of compliance with financial responsi-
35 bility requirements provided under ORS 806.150.

36 (4) A person who was required to file under ORS 806.150 requests termination and the depart-
37 ment determines either:

38 (a) That the person was in fact in compliance with financial responsibility requirements as of
39 the date specified by the department by rule under ORS 806.150; or

40 (b) That the person reasonably and in good faith believed that the person was in compliance
41 with financial responsibility requirements on the date specified by the department by rule under
42 ORS 806.150.

43 (5) A person who was required to file because of failure to prove under ORS 806.210 that the
44 person was in compliance with financial responsibility requirements requests termination and the
45 department determines either:

1 (a) That the person was in fact in compliance with financial responsibility requirements at the
2 time of the [*accident*] **crash**; or

3 (b) That the person reasonably and in good faith believed that the person was in compliance
4 with financial responsibility requirements at the time of the [*accident*] **crash**.

5 (6) A person's hardship permit expires and the filing was required only for issuance of the
6 hardship permit under ORS 807.240.

7 **SECTION 28.** ORS 807.070 is amended to read:

8 807.070. The Department of Transportation shall administer an examination to establish quali-
9 fication for each class of license and endorsement. The examination for each class of license or
10 endorsement must include all of the following as described:

11 (1) A test of the applicant's eyesight. This subsection does not apply to an applicant with a
12 limited vision condition as defined in ORS 807.355.

13 (2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe
14 driving practices and factors that cause [*accidents*] **crashes**. The following all apply to the test un-
15 der this subsection:

16 (a) The test may not cover any subject that is not presented in the publications of the depart-
17 ment intended for the instruction of applicants for licenses and driver permits.

18 (b) The test for each class of license and endorsement must include, but is not limited to, a test
19 of knowledge and understanding of traffic laws that relate specifically to the type of driving privi-
20 leges granted under the specific class of license or endorsement sought.

21 (c) The test must include, but is not limited to, the following subjects:

22 (A) Rights of pedestrians who are blind.

23 (B) The meaning of official traffic signs and signals.

24 (C) Proper operating procedure in emergency situations.

25 (D) Vehicle safety equipment and its use.

26 (E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

27 (F) Practices necessary for safe operation of a vehicle around motorcyclists.

28 (d) The test must include at least two questions pertaining to the practices necessary for safe
29 operation of a vehicle around motorcyclists.

30 (e) The test may include a question regarding fuel efficient driving techniques.

31 (f) The department may waive the test under circumstances described in ORS 807.072.

32 (3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle
33 without endangering the safety of persons or property. The following apply to this subsection:

34 (a) The actual demonstration for each class of license shall be performed in a vehicle that may
35 be operated under the class of license sought, but that may not be operated under lower classes of
36 license.

37 (b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that
38 may be operated under the endorsement.

39 (c) An actual demonstration for a school bus endorsement shall be performed in a school bus.

40 (d) An actual demonstration required for a commercial driver license may be performed by a
41 person only if the person has held for at least 14 days a commercial learner driver permit that was
42 issued by the department or by another jurisdiction that authorizes operation of the vehicle used for
43 testing.

44 (e) The department may waive the demonstration under circumstances described in ORS 807.072.

45 (4) Any other examination or test, including demonstrations, that the department determines

1 may be necessary to assist the department in establishing whether the applicant is eligible for a li-
2 cense under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the
3 highways of this state. In any examination or test under this subsection, the department shall only
4 conduct an investigation for facts relating directly to the ability of the applicant to operate a motor
5 vehicle safely or other facts that are specifically required to show the fitness of the applicant for
6 license.

7 **SECTION 29.** ORS 807.072 is amended to read:

8 807.072. (1) The Department of Transportation, by rule, may waive any examination, test or
9 demonstration required under ORS 807.065 (1)(b) or 807.070 (2) or (3) if the department receives
10 satisfactory proof that the person required to take the examination, test or demonstration has
11 passed an examination, test or demonstration approved by the department that:

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

14 (b) Is given in conjunction with a motorcycle rider education course established under ORS
15 802.320;

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

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

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

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

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

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

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

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

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

44 (c) Failure to perform the duties of a driver involved in a [collision] **crash**, as described in ORS
45 811.700 or 811.705.

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

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

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

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

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

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

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

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

24 **SECTION 30.** ORS 807.170 is amended to read:

25 807.170. (1) The Department of Transportation shall provide for the granting of driver license
26 endorsements in a manner consistent with this section.

27 (2) The department shall grant an endorsement to any person who complies with all of the fol-
28 lowing requirements:

29 (a) The person must hold a valid license other than a restricted Class C license issued under the
30 vehicle code.

31 (b) The person must successfully complete any tests and demonstrations referred to in ORS
32 807.070 that the department determines necessary to determine whether the applicant is qualified for
33 the type of endorsement sought. The actual demonstration required under ORS 807.070, if any, must
34 be performed in a vehicle that may be operated under the endorsement sought but that may not be
35 operated without the endorsement. Tests shall include, but are not limited to, those tests necessary
36 to determine whether the applicant:

37 (A) Has satisfactory knowledge of laws relating to operation under the type of endorsement
38 sought, defensive driving skills, the common causes of [*accidents*] **crashes** involving vehicles oper-
39 ated under the type of endorsement sought; and

40 (B) Can operate under the endorsement in a manner that will not jeopardize the safety of per-
41 sons or property.

42 (c) The appropriate fee under ORS 807.370 for the endorsement, including the fee for the Mo-
43 torcycle Safety Subaccount, must be paid.

44 (d) If the person is applying for a motorcycle endorsement, the person must comply with ORS
45 807.175.

1 (3) An endorsement granted under this section is subject to the following:

2 (a) It is part of the license upon which it is endorsed and is subject to any provisions applicable
3 to the endorsed license under the statutes of this state.

4 (b) It is valid only if the license endorsed is valid.

5 (c) The appropriate fee under ORS 807.370 must be paid upon renewal of the endorsement in
6 addition to any fee for renewal of the license endorsed.

7 (d) Except as provided under ORS 807.350 or as specifically provided under ORS 809.419, an
8 endorsement cannot be canceled, suspended or revoked separately from the license endorsed. When
9 an endorsed license is canceled, suspended or revoked, all endorsements on the license are subject
10 to the same cancellation, suspension or revocation as the license.

11 (4) Before the department may renew any license with a motorcycle endorsement, the applicant
12 shall pay the department the Motorcycle Safety Subaccount fee established under ORS 807.370 in
13 addition to any fee for renewal of the license.

14 **SECTION 31.** ORS 807.240 is amended to read:

15 807.240. The Department of Transportation shall provide for issuance of hardship driver permits
16 in a manner consistent with this section. A hardship driver permit grants the driving privileges
17 provided in this section or under the permit. Except as otherwise provided in this section, a hardship
18 driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to
19 a license. The following apply to a hardship driver permit:

20 (1) The department may only issue a permit to a person whose driving privileges under the ve-
21 hicle code have been suspended, or revoked under ORS 809.600 as a habitual offender.

22 (2) Except as provided in this section and ORS 813.520, the department may reinstate the privi-
23 lege to operate a motor vehicle of any person whose license to operate a motor vehicle has been
24 suspended, or revoked under ORS 809.600 as a habitual offender, by issuing the person a hardship
25 permit.

26 (3) To qualify for a hardship permit, a person must do all of the following:

27 (a) The person must submit to the department an application for the permit that demonstrates
28 the person's need for the permit.

29 (b) The person must present satisfactory evidence, as determined by the department by rule:

30 (A) That the person must operate a motor vehicle as a requisite of the person's occupation or
31 employment;

32 (B) That the person must operate a motor vehicle to seek employment or to get to or from a
33 place of employment;

34 (C) That the person must operate a motor vehicle to get to or from an alcohol or drug treatment
35 or rehabilitation program;

36 (D) That the person or a member of the person's immediate family requires medical treatment
37 on a regular basis and that the person must operate a motor vehicle in order that the treatment
38 may be obtained;

39 (E) That the person must operate a motor vehicle to get to or from a gambling addiction treat-
40 ment program; or

41 (F) That the person must operate a motor vehicle to provide necessary services to the person
42 or to a member of the person's family. The department shall determine by rule what constitutes
43 necessary services for purposes of this subparagraph. The rule shall include as necessary services,
44 but need not be limited to, grocery shopping, driving the person or the person's children to school,
45 driving to medical appointments and caring for elderly family members.

1 (c) If the person is applying for a permit because the person or a member of the person's im-
2 mediate family requires medical treatment on a regular basis, the person must present, in addition
3 to any evidence required by the department under paragraph (b) of this subsection, a statement
4 signed by a licensed physician or licensed nurse practitioner that indicates that the person or a
5 member of the person's immediate family requires medical treatment on a regular basis.

6 (d) The person must show that the person is not incompetent to drive nor a habitual incompe-
7 tent, reckless or criminally negligent driver as established by the person's driving record in this or
8 any other jurisdiction.

9 (e) The person must make a future responsibility filing.

10 (f) The person must submit any other information the department may require for purposes of
11 determining whether the person qualifies under this section and ORS 813.520.

12 (4) If the department finds that the person meets the requirements of this section and any ap-
13 plicable requirements under ORS 813.520, the department may issue the person a hardship permit,
14 valid for the duration of the suspension or revocation or for a shorter period of time established by
15 the department unless sooner suspended or revoked under this section. If the department issues the
16 permit for a period shorter than the suspension or revocation period, renewal of the permit shall
17 be on such terms and conditions as the department may require. The permit:

18 (a) Shall limit the holder to operation of a motor vehicle only during specified times.

19 (b) May bear other reasonable limitations relating to the hardship permit or the operation of a
20 motor vehicle that the department deems proper or necessary. The limitations may include any
21 limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS
22 811.175 or 811.182.

23 (5) The department, upon receiving satisfactory evidence of any violation of the limitations of
24 a permit issued under this section, may suspend or revoke the hardship permit.

25 (6) The fee charged for application or issuance of a hardship driver permit is the hardship driver
26 permit application fee under ORS 807.370. The department may not refund the fee if the application
27 is denied or if the driver permit is suspended or revoked. The fee upon renewal of the driver permit
28 is the same fee as that charged for renewal of a license. The application fee charged under this
29 subsection is in addition to any fee charged for reinstatement of driving privileges under ORS
30 807.370.

31 (7) The department may issue a permit granting the same driving privileges as those suspended
32 or revoked or may issue a permit granting fewer driving privileges, as the department determines
33 necessary to assure safe operation of motor vehicles by the permit holder.

34 (8) The department may not issue a hardship permit to a person:

35 (a) Whose driver license or driver permit is suspended pursuant to ORS 25.750 to 25.783;

36 (b) Whose driving privileges are suspended pursuant to ORS 809.280 (2);

37 (c) That authorizes the person to operate a commercial motor vehicle;

38 (d) Whose suspension of driving privileges is based on a second or subsequent conviction of
39 driving while under the influence of intoxicants in violation of ORS 813.010 or the statutory
40 counterpart to ORS 813.010 in another jurisdiction and the suspension period is determined by ORS
41 809.428 (2)(b) or (c);

42 (e) Whose driving privileges are suspended for a conviction of assault in the second, third or
43 fourth degree if the person, within 10 years preceding application for the permit, has been convicted
44 of:

45 (A) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from

1 the operation of a motor vehicle;

2 (B) Reckless driving, as defined in ORS 811.140;

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

4 (D) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
5 811.700 or 811.705;

6 (E) Criminal driving while suspended or revoked, as defined in ORS 811.182;

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

8 (G) Aggravated vehicular homicide, as defined in ORS 163.149; or

9 (H) Aggravated driving while suspended or revoked, as defined in ORS 163.196; or

10 (f) Whose driving privileges are suspended for a conviction of assault in the second, third or
11 fourth degree:

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

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

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

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

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

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

30 (9) A conviction arising out of the same episode as the current suspension is not considered a
31 conviction for purposes of subsection (8)(e) of this section.

32 (10) A person's driving privileges under a hardship permit are subject to suspension or revoca-
33 tion if the person does not maintain a good driving record, as defined by the administrative rules
34 of the department, during the term of the permit.

35 **SECTION 32.** ORS 807.570 is amended to read:

36 807.570. (1) A person commits the offense of failure to carry a license or to present a license to
37 a police officer if the person either:

38 (a) Drives any motor vehicle upon a highway in this state without a license, driver permit or
39 out-of-state license in the person's possession; or

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

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

43 (B) When the vehicle that the person was driving is involved in [*an accident*] **a crash**.

44 (2) This section does not apply to any person expressly exempted under ORS 807.020 from the
45 requirement to have a driver license or driver permit.

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

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

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

8 **SECTION 33.** ORS 807.720 is amended to read:

9 807.720. On or before the 15th day of each month, the Director of the Oregon Health Authority
10 shall forward to the Department of Transportation a copy of the death record of any persons within
11 the jurisdiction of the Director of the Oregon Health Authority who died from a motor vehicle [*ac-*
12 *cident*] **crash** during the preceding calendar month.

13 **SECTION 34.** ORS 809.020 is amended to read:

14 809.020. When the Department of Transportation receives an order from a court to suspend the
15 registration of a vehicle, the department shall respond to the order as provided in this section based
16 on the type of suspension. If the court orders the suspension of registration under:

17 (1) ORS 809.120, the department shall impose the suspension as ordered by the court.

18 (2) ORS 809.010, the department shall forthwith suspend the registration and require the owner
19 to return the registration card and plates. When the department suspends a registration under this
20 subsection the department shall:

21 (a) Destroy the registration card and plates; and

22 (b) Issue a new registration card and new plates to the owner upon expiration of the period
23 specified by the court in its order upon payment by the owner to the department of a restoration
24 fee established under ORS 809.030. The department may not charge the owner any fee for the card
25 and plates other than the restoration fee.

26 (3) ORS 809.130, the department, after opportunity for hearing under ORS 809.040, shall suspend
27 the registration of the person's employer's vehicles, until notified by the court to reinstate the reg-
28 istration and until the department receives proof of compliance with future responsibility filings
29 from the employer, if the department determines that all of the following apply:

30 (a) A judgment of the type described under ORS 806.040 was rendered against the person.

31 (b) The judgment has remained unsettled as described by ORS 809.470 for 60 days.

32 (c) The judgment continues to be unsettled.

33 (d) At the time of the [*accident*] **crash** that is the source of the judgment, the employee was
34 driving, with the permission of the employer, a vehicle owned, operated or leased by the employer.

35 **SECTION 35.** ORS 809.050 is amended to read:

36 809.050. (1) If an employer is required to make future responsibility filings by ORS 806.200 and
37 fails to make the filings, the Department of Transportation shall revoke or suspend the vehicle
38 registration of vehicles owned by the employer until the owner:

39 (a) Makes [*accident*] **crash** reports as required under ORS 811.730; and

40 (b) Makes future responsibility filings.

41 (2) The department shall provide an opportunity for a hearing described under ORS 809.040 be-
42 fore suspending or revoking registration under this section.

43 **SECTION 36.** ORS 809.380, as amended by section 3, chapter 10, Oregon Laws 2020 (first special
44 session), is amended to read:

45 809.380. All of the following apply to a person whose driving privileges have been suspended:

1 (1) The period of suspension shall last as long as provided for that particular suspension by law.

2 (2) During the period of suspension, the person is not entitled to exercise any driving privileges
3 in this state except as provided under this subsection. Unless otherwise specifically provided by law,
4 a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship
5 driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

6 (3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon re-
7 quest of the person, the suspended driving privileges and any license or driver permit that evidences
8 the driving privileges. The reissuance shall be without requalification by the person except that the
9 department may require the person to furnish evidence satisfactory to the department that the per-
10 son is qualified to continue to exercise driving privileges in this state before the department reissues
11 the driving privileges.

12 (4) The department may not issue any driving privileges in contradiction to this section.

13 (5) If the person fails to surrender to the department any license or driver permit issued as ev-
14 idence of driving privileges that are suspended, the person is subject to the penalties under ORS
15 809.500.

16 (6) No reinstatement of suspended driving privileges will be made by the department until the
17 fee for reinstatement of suspended driving privileges established under ORS 807.370 is paid to or
18 waived by the department. The department may waive the reinstatement fee for any of the following
19 reasons:

20 (a) The suspension occurred under ORS 809.419 for failure to take an examination upon request
21 of the department under ORS 807.340.

22 (b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance
23 upon request of the department under ORS 807.070 or 807.090.

24 (c) The suspension occurred under ORS 809.419 for incompetence to drive a motor vehicle or
25 having a mental or physical condition or impairment that affects the person's ability to safely op-
26 erate a motor vehicle.

27 (d) The suspension occurred under ORS 809.419 upon notification by the superintendent of a
28 hospital under ORS 807.700 that a person should not drive.

29 (e) The suspension occurred under ORS 809.419 upon notification by a court under ORS 810.375
30 that a person charged with a traffic offense has been found guilty except for insanity.

31 (f) The department committed an error in issuing the suspension.

32 (g) The suspension was the result of an error committed by an insurance company in issuing or
33 failing to issue a certification of insurance or in canceling a certification of insurance filed with the
34 department under ORS 806.270.

35 (h) The department issued the suspension without error because the person failed to respond as
36 required under ORS 806.150 or to furnish proof of exemption under ORS 806.210 from the filing re-
37 quirement of ORS 806.200, but the department later determines that the person in fact was in com-
38 pliance with financial responsibility requirements as of the date specified by the department by rule
39 under ORS 806.150 or at the time of *[an accident]* **a crash** described in ORS 806.200.

40 (i) The department issued the suspension without error because the person was not in compli-
41 ance with financial responsibility requirements as of the date specified by the department by rule
42 under ORS 806.150 or at the time of *[an accident]* **a crash** described in ORS 806.200, but the de-
43 partment later determines that the person reasonably and in good faith believed that the person was
44 in compliance with financial responsibility requirements on the date specified by the department by
45 rule under ORS 806.150 or at the time of the *[accident]* **crash**.

1 (j) The suspension was the result of an error committed by an insurance company in notifying
2 the department regarding the correctness of proof of compliance with financial responsibility re-
3 quirements provided under ORS 806.150.

4 (k) The suspension occurred because the person failed to make future responsibility filings but
5 the department later determines that the reason for the failure was that the person was a military
6 reservist or a member of a national guard unit that was ordered to active military duty to a location
7 outside of the United States. The effective date of the military orders must be prior to the effective
8 date of a suspension issued by the department for failure to make a future responsibility filing.

9 (L) The department issued the suspension without error because the department received a no-
10 tice to suspend from a court under ORS 809.220, but the department later determines that the person
11 in fact was in compliance with the requirements of the court prior to the effective date of the sus-
12 pension.

13 **SECTION 37.** ORS 809.409 is amended to read:

14 809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the
15 Department of Transportation shall revoke the driving privileges of the person convicted.

16 (b) A person is entitled to administrative review under ORS 809.440 of a revocation under this
17 section.

18 (c) Except as otherwise provided in subsections (2) and (3) of this section, the revocation shall
19 be for a period of one year from the date of revocation, except that the department may not rein-
20 state driving privileges of any person whose privileges are revoked under this section until the
21 person complies with future responsibility filings.

22 (2) The department shall take action under subsection (1) of this section upon receipt of a record
23 of conviction of aggravated vehicular homicide or aggravated driving while suspended or revoked
24 or any degree of murder, manslaughter or criminally negligent homicide resulting from the operation
25 of a motor vehicle or assault in the first degree resulting from the operation of a motor vehicle,
26 except that the provisions of this subsection do not apply to a person whose driving privileges are
27 ordered revoked under ORS 809.235. A person whose driving privileges are revoked under this sub-
28 section may apply for reinstatement of driving privileges:

29 (a) If the sentence for the crime for which the person's driving privileges were revoked, or any
30 other crimes arising from the same criminal episode, includes incarceration, no sooner than 10 years
31 from the date the person is released from incarceration for all crimes arising out of the same crim-
32 inal episode; or

33 (b) If the sentence for the crime for which the person's driving privileges were revoked and any
34 other crimes arising from the same criminal episode does not include incarceration, no sooner than
35 10 years from the date the department revoked the privileges under this subsection.

36 (3)(a) Except as provided in paragraphs (b) and (c) of this subsection, the department shall take
37 action under subsection (1) of this section upon receipt of a record of conviction of failure to per-
38 form the duties of a driver to injured persons under ORS 811.705.

39 (b) The department shall revoke driving privileges under this subsection for a period of three
40 years if the court indicates on the record of conviction that a person sustained serious physical in-
41 jury, as defined in ORS 161.015, as a result of the [accident] **crash**. The person may apply for rein-
42 statement of privileges three years after the date the person was released from incarceration, if the
43 sentence includes incarceration. If the sentence does not include incarceration, the person may ap-
44 ply for reinstatement three years from the date the revocation was imposed under this subsection.

45 (c) The department shall revoke driving privileges under this subsection for a period of five

1 years if the court indicates on the record of conviction that a person was killed as a result of the
2 [accident] **crash**. The person may apply for reinstatement of privileges five years after the date the
3 person was released from incarceration, if the sentence includes incarceration. If the sentence does
4 not include incarceration, the person may apply for reinstatement five years from the date the re-
5 vocation was imposed under this subsection.

6 (4) The department shall take action under subsection (1) of this section upon receipt of a record
7 of conviction of any felony with a material element involving the operation of a motor vehicle.

8 **SECTION 38.** ORS 809.417 is amended to read:

9 809.417. (1)(a) The Department of Transportation shall suspend the driving privileges of a person
10 who fails to file [an accident] **a crash** report required under ORS 811.725 or 811.730.

11 (b) A suspension under this subsection shall continue until the person files the required report
12 or for five years from the date of suspension, whichever is sooner.

13 (2) The department shall suspend the driving privileges of any person for a period of time re-
14 quired by this subsection if the person is involved in a motor vehicle [accident] **crash** at any time
15 when the department determines the person has been operating a vehicle in violation of ORS
16 806.010. A suspension under this subsection shall be for a period of one year except that the de-
17 partment shall not reinstate any driving privileges to the person until the person complies with fu-
18 ture responsibility filing requirements.

19 (3)(a) The department may suspend the driving privileges of a person who, while operating a
20 motor vehicle, causes or contributes to [an accident] **a crash** resulting in death to any other person
21 if the department has reason to believe that the person's incompetence, recklessness, criminal
22 negligence or unlawful operation of the vehicle caused or contributed to the [accident] **crash**.

23 (b) A suspension under this subsection shall continue for a period determined by the department
24 and shall be subject to any conditions the department determines to be necessary.

25 (c) The department may impose an immediate suspension of driving privileges of any person
26 described in paragraph (a) of this subsection without hearing and without receiving a record of the
27 conviction of the person of a crime if the department has reason to believe that the person may
28 endanger people or property if the person's driving privileges are not immediately suspended. A
29 suspension under this paragraph is subject to a post-imposition hearing under ORS 809.440.

30 **SECTION 39.** ORS 809.450 is amended to read:

31 809.450. (1) If a person whose driving privileges have been suspended for one of the reasons
32 specified in subsection (2) of this section requests that the suspension be rescinded and specifies the
33 reason for the request, the Department of Transportation may provide a hearing to determine the
34 validity of the suspension. The department may rescind a suspension only as provided in subsection
35 (3) of this section.

36 (2) This section applies to suspensions under:

37 (a) ORS 809.415 for failure to make a future responsibility filing;

38 (b) ORS 809.415 for false certification of financial responsibility requirements; and

39 (c) ORS 809.417 for involvement in a motor vehicle [accident] **crash** when the department has
40 determined that the person has been operating a vehicle in violation of ORS 806.010.

41 (3) The granting of a hearing under this section [shall] **does** not stay the suspension. However,
42 the department shall rescind the suspension if the department determines:

43 (a) That an error was committed by the department;

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

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

4 (d) That the person was not in compliance with financial responsibility requirements on the date
5 specified by the department by rule under ORS 806.150 and the department also determines that the
6 person reasonably and in good faith believed that the person was in compliance with financial re-
7 sponsibility requirements on the date the department sent the notice of verification and that the
8 person currently is in compliance with financial responsibility requirements; or

9 (e) That at the time of the [accident] **crash** the person reasonably and in good faith believed that
10 the person was in compliance with financial responsibility requirements and the person is currently
11 in compliance with financial responsibility requirements.

12 (4) The hearing shall be held in the manner provided in ORS 809.440.

13 **SECTION 40.** ORS 809.470 is amended to read:

14 809.470. (1) This section establishes when a judgment described under ORS 806.040 is settled for
15 purposes of ORS 809.130, 809.280 and 809.415. A judgment shall be deemed settled for the purposes
16 described if any of the following occur:

17 (a) Payments in the amounts established by the payment schedule under ORS 806.070 have been
18 credited upon any judgment or judgments rendered in excess of those amounts.

19 (b) Judgments rendered for less than the amounts established under ORS 806.070 have been
20 satisfied.

21 (c) The judgment creditor and the judgment debtor have mutually agreed upon a compromise
22 settlement of the judgment.

23 (d) The judgment against the judgment debtor has been discharged in bankruptcy.

24 (2) Payments made in settlement of any claims because of bodily injury, death or property
25 damage arising from the [accident] **crash** shall be credited in reduction of the amounts provided for
26 in subsection (1) of this section.

27 **SECTION 41.** ORS 809.480 is amended to read:

28 809.480. (1) The Department of Transportation may establish, by administrative rule, programs
29 for the improvement of the driving behavior of persons who drive in this state. The programs shall
30 have as their goal the reduction of traffic convictions and especially [accidents] **crashes**. The pro-
31 grams may include, but need not be limited to, letters, interviews and classroom instruction.

32 (2) The department may establish programs for persons who are under 18 years of age that are
33 different from programs for adults. Differences may include, but need not be limited to, differences
34 in criteria for entry into a program and differences in content.

35 (3) The department, under a program authorized by this section, may suspend driving privileges
36 based on any of the following:

37 (a) A person's record of convictions or [accidents] **crashes**.

38 (b) A person's failure or refusal to complete or comply with a requirement of a program estab-
39 lished by the department under this section.

40 (4) The department may charge a reasonable fee to participants in a driver improvement pro-
41 gram to cover costs of administration.

42 (5) Any suspension that the department stays under a driver improvement program in this sec-
43 tion shall continue for the full term of the suspension if a person fails to complete the program.
44 For purposes of reinstating driving privileges, the stay of a suspension under this section may not
45 be used to determine the length of time a person's driving privileges have been suspended if the

1 person does not successfully complete the program.

2 (6) A person is entitled to administrative review of a suspension imposed under this section if
3 based on a conviction.

4 **SECTION 42.** ORS 810.410 is amended to read:

5 810.410. (1) A police officer may arrest or issue a citation to a person for a traffic crime at any
6 place within or outside the jurisdictional authority of the governmental unit by which the police
7 officer is authorized to act as provided by ORS 133.235 and 133.310.

8 (2) A police officer may issue a citation to a person for a traffic violation at any place within
9 or outside the jurisdictional authority of the governmental unit by which the police officer is au-
10 thORIZED to act:

11 (a) When the traffic violation is committed in the police officer's presence; or

12 (b) When the police officer has probable cause to believe an offense has occurred based on a
13 description of the vehicle or other information received from a police officer who observed the
14 traffic violation.

15 (3) A police officer:

16 (a) [*Shall*] **May** not arrest a person for a traffic violation.

17 (b) **May** stop and detain a person for a traffic violation for the purposes of investigation rea-
18 sonably related to the traffic violation, identification and issuance of citation.

19 (c) **May** make an inquiry into circumstances arising during the course of a detention and in-
20 vestigation under paragraph (b) of this subsection that give rise to a reasonable suspicion of crimi-
21 nal activity.

22 (d) **May** make an inquiry to ensure the safety of the officer, the person stopped or other persons
23 present, including an inquiry regarding the presence of weapons.

24 (e) **May** request consent to search in relation to the circumstances referred to in paragraph (c)
25 of this subsection or to search for items of evidence otherwise subject to search or seizure under
26 ORS 133.535.

27 (f) **May** use the degree of force reasonably necessary to make the stop and ensure the safety of
28 the police officer, the person stopped or other persons present.

29 (g) **May** make an arrest of a person as authorized by ORS 133.310 (2) if the person is stopped
30 and detained pursuant to the authority of this section.

31 (4) When a police officer at the scene of a [*traffic accident*] **crash** has reasonable grounds, based
32 upon the police officer's personal investigation, to believe that a person involved in the [*accident*]
33 **crash** has committed a traffic offense in connection with the [*accident*] **crash**, the police officer may
34 issue to the person a citation for that offense. The authority under this subsection is in addition to
35 any other authority to issue a citation for a traffic offense.

36 **SECTION 43.** ORS 810.415 is amended to read:

37 810.415. A law enforcement officer who comes to the scene of a [*collision*] **crash** described in
38 ORS 811.700 may remove or direct the driver of a vehicle involved in the [*collision*] **crash** to remove
39 from the roadway any vehicle, cargo or debris resulting from the [*collision*] **crash**. A person acting
40 under the authority granted by this section is not liable for damage to a vehicle, cargo or debris
41 caused by reasonable efforts at removal.

42 **SECTION 44.** ORS 810.460 is amended to read:

43 810.460. (1) A police officer shall submit a report to the Department of Transportation whenever
44 the officer does any of the following:

45 (a) Investigates a vehicle [*accident*] **crash** which ORS 811.725 or 822.600 requires to be reported.

1 (b) Prepares a report of [*an accident*] **a crash** investigated at the time and place of the
2 [*accident*] **crash** or by field interviews with the participants or witnesses.

3 (2) A police officer shall submit a report required by this section to the department within 10
4 days of the investigation or preparation of the report.

5 (3) Police reports submitted to the department under this section are subject to release or use
6 as provided under ORS 802.240.

7 **SECTION 45.** ORS 811.135 is amended to read:

8 811.135. (1) A person commits the offense of careless driving if the person drives any vehicle
9 upon a highway or other premises described in this section in a manner that endangers or would
10 be likely to endanger any person or property.

11 (2) The offense described in this section, careless driving, applies on any premises open to the
12 public and is a Class B traffic violation unless commission of the offense contributes to [*an*
13 *accident*] **a crash**. If commission of the offense contributes to [*an accident*] **a crash**, the offense is
14 a Class A traffic violation.

15 (3) In addition to any other penalty imposed for an offense committed under this section, if the
16 court determines that the commission of the offense described in this section contributed to the se-
17 rious physical injury or death of a vulnerable user of a public way, the court shall:

18 (a) Impose a sentence that requires the person to:

19 (A) Complete a traffic safety course; and

20 (B) Perform between 100 and 200 hours of community service, notwithstanding ORS 137.129. The
21 community service must include activities related to driver improvement and providing public edu-
22 cation on traffic safety;

23 (b) Order, but suspend on the condition that the person complete the requirements of paragraph
24 (a) of this subsection:

25 (A) A fine of up to \$12,500, notwithstanding ORS 153.018; and

26 (B) A suspension of driving privileges for one year as provided in ORS 809.280; and

27 (c) Set a hearing date up to one year from the date of sentencing.

28 (4) At the hearing described in subsection (3)(c) of this section, the court shall:

29 (a) If the person has successfully completed the requirements described in subsection (3)(a) of
30 this section, dismiss the penalties ordered under subsection (3)(b) of this section; or

31 (b) If the person has not successfully completed the requirements described in subsection (3)(a)
32 of this section:

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

34 (B) Order the penalties under subsection (3)(b) of this section.

35 (5) When a court orders a suspension under subsection (4) of this section, the court shall prepare
36 and send to the Department of Transportation an order of suspension of driving privileges of the
37 person. Upon receipt of an order under this subsection, the department shall take action as directed
38 under ORS 809.280.

39 (6) The police officer issuing the citation for an offense under this section shall note on the ci-
40 tation if the cited offense appears to have contributed to the serious physical injury or death of a
41 vulnerable user of a public way.

42 **SECTION 46.** ORS 811.207 is amended to read:

43 811.207. The Legislative Assembly finds that:

44 (1) Oregon drivers look to the law in deciding how to restrain and protect children in motor
45 vehicles.

1 (2) The proper restraint of children in motor vehicles will reduce the number of children killed
2 in motor vehicle [*accidents*] **crashes** and reduce the severity of injuries to children who survive
3 motor vehicle [*accidents*] **crashes**.

4 **SECTION 47.** ORS 811.230 is amended to read:

5 811.230. (1) As used in ORS 811.230, 811.231, 811.232 and 811.233:

6 (a) “Flagger” means a person who controls the movement of vehicular traffic through con-
7 struction projects using sign, hand or flag signals.

8 (b) “Highway work zone” means an area identified by advance warning where road construction,
9 repair or maintenance work is being done by highway workers on or adjacent to a highway, re-
10 gardless of whether or not highway workers are actually present. As used in this paragraph, “road
11 construction, repair or maintenance work” includes, but is not limited to, the setting up and dis-
12 mantling of advance warning systems.

13 (c) “Highway worker” means an employee of a government agency, private contractor or utility
14 company working in a highway work zone.

15 (2)(a) The presumptive fine for a person convicted of an offense that is listed in subsection (3)(a)
16 or (b) of this section and that is committed in a highway work zone is the presumptive fine for the
17 offense established under ORS 153.020.

18 (b) The minimum fine for a person convicted of a misdemeanor offense that is listed in sub-
19 section (3)(c) to (g) of this section and that is committed in a highway work zone is 20 percent of
20 the maximum fine established for the offense.

21 (c) The minimum fine for a person convicted of a felony offense that is listed in subsection (3)(c)
22 to (g) of this section and that is committed in a highway work zone is two percent of the maximum
23 fine established for the offense.

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

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

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

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

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

29 (e) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
30 811.700 or 811.705.

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

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

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

35 **SECTION 48.** ORS 811.235 is amended to read:

36 811.235. (1)(a) If signs authorized by ORS 810.245 are posted, the presumptive fine for a person
37 charged with an offense that is listed in subsection (2)(a) or (b) of this section and that is committed
38 in a school zone shall be the amount established under ORS 153.020 for the offense.

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

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

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

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

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

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

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

5 (e) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
6 811.700 or 811.705.

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

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

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

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

14 (b) A flashing light is used as a traffic control device and operated as provided under ORS
15 810.243.

16 **SECTION 49.** ORS 811.360 is amended to read:

17 811.360. (1) The driver of a vehicle, subject to this section, who is intending to turn at an
18 intersection where there is a traffic control device showing a steady circular red signal, a steady
19 red bicycle signal or a steady red arrow signal may do any of the following without violating ORS
20 811.260 and 811.265:

21 (a) Make a right turn into a two-way street.

22 (b) Make a right or left turn into a one-way street in the direction of traffic upon the one-way
23 street.

24 (2) In addition to the provisions of subsection (1) of this section, a bicyclist or motorcyclist does
25 not violate ORS 811.260 and 811.265 if:

26 (a) The bicyclist or motorcyclist approaches an intersection where there is a traffic control de-
27 vice showing a steady circular red signal, a steady red bicycle signal or a steady red arrow signal;

28 (b) The traffic control device is controlled by a vehicle detection device;

29 (c) The bicyclist or motorcyclist comes to a complete stop and waits for the traffic control de-
30 vice to complete one full cycle; and

31 (d) After the vehicle detection device fails to detect the presence of the bicycle or motorcycle
32 and change the traffic control device to a green signal, the bicyclist or motorcyclist proceeds with
33 caution through the intersection.

34 (3) A person commits the offense of improperly proceeding at a stop light if the person does any
35 of the following while proceeding as described in this section:

36 (a) Fails to stop at the light as required.

37 (b) Fails to exercise caution to avoid [*an accident*] **a crash**.

38 (c) Disobeys the directions of another traffic control device, other than the device described in
39 subsections (1) and (2) of this section, or a police officer that prohibits the driver, motorcyclist or
40 bicyclist from proceeding.

41 (d) Fails to yield the right of way to traffic lawfully within the intersection or approaching so
42 close to the intersection as to constitute an immediate hazard.

43 (4) A driver, motorcyclist or bicyclist who is proceeding as described in this section is also
44 subject to the requirements under ORS 811.028 to stop for a pedestrian before proceeding.

45 (5) The offense described in this section, improperly proceeding at a stop light, is a Class B

1 traffic violation.

2 **SECTION 50.** ORS 811.365 is amended to read:

3 811.365. (1) A person commits the offense of making an illegal U-turn if the person is operating
4 a vehicle and the person turns the vehicle so as to proceed in the opposite direction in any of the
5 following places:

6 (a) Within an intersection where traffic is controlled by an electrical signal. This paragraph does
7 not apply where posted otherwise.

8 (b) Upon a highway within the limits of an incorporated city between intersections.

9 (c) At any place upon a highway where the vehicle cannot be seen by another driver ap-
10 proaching from either direction within a distance of:

11 (A) 500 feet within the incorporated limits of a city; or

12 (B) 1,000 feet outside a city.

13 (2) The offense described in this section, illegal U-turn, is a Class C traffic violation unless
14 commission of the offense contributes to [*an accident*] **a crash**. If commission of the offense con-
15 tributes to [*an accident*] **a crash**, the offense is a Class B traffic violation.

16 **SECTION 51.** ORS 811.483 is amended to read:

17 811.483. (1) The Department of Transportation shall post signs in safety corridors chosen by the
18 department indicating that fines for traffic offenses committed in those safety corridors will be
19 doubled.

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

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

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

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

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

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

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

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

34 (e) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
35 811.700 or 811.705.

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

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

38 **SECTION 52.** Section 2, chapter 501, Oregon Laws 2019, is amended to read:

39 **Sec. 2.** (1)(a) The Department of Transportation shall establish a safety corridor pilot program
40 in this state to evaluate the processes for and effectiveness of allowing counties to designate as
41 safety corridors roads over which the counties have road authority.

42 (b) The County Safety Corridor Advisory Group established in subsection (3)(a) of this section
43 shall select up to five counties in the state to participate in the pilot program established in para-
44 graph (a) of this subsection.

45 (c) The county commission for each county selected under paragraph (b) of this subsection may

1 designate one segment of highway that is between 2 and 10 miles long as a safety corridor.

2 (d) A safety corridor designated under paragraph (c) of this subsection must satisfy the criteria
3 established by the advisory group under subsection (3)(c)(A) of this section.

4 (e) The department shall adopt rules necessary to carry out the provisions of this section.

5 (2)(a) Each county selected under subsection (1)(b) of this section shall post signs in the safety
6 corridor designated by the county indicating that fines for traffic offenses committed in the safety
7 corridor will be doubled.

8 (b) The presumptive fine for a person charged with an offense that is listed in paragraph (e)(A)
9 or (B) of this subsection and that is committed in a safety corridor designated by a county under
10 this section shall be the amount established under ORS 153.020.

11 (c) The minimum fine for a person convicted of a misdemeanor offense that is listed in paragraph
12 (e)(C) to (G) of this subsection and that is committed in a safety corridor designated by a county
13 under this section is 20 percent of the maximum fine established for the offense.

14 (d) The minimum fine for a person convicted of a felony offense that is listed in paragraph (e)(C)
15 to (G) of this subsection and that is committed in a safety corridor designated by a county under
16 this section is two percent of the maximum fine established for the offense.

17 (e) This subsection applies to the following offenses if committed in the designated safety corri-
18 dors:

19 (A) Class A or Class B traffic violations.

20 (B) Class C or Class D traffic violations related to exceeding a legal speed.

21 (C) Reckless driving, as defined in ORS 811.140.

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

23 (E) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
24 811.700 or 811.705.

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

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

27 (3)(a) The County Safety Corridor Advisory Group is established.

28 (b) The Director of Transportation shall appoint the following members to serve on the advisory
29 group:

30 (A) Two members who are representatives of the Department of Transportation;

31 (B) Two members who are representatives of counties;

32 (C) One member who is a firefighter or emergency medical services provider; and

33 (D) One member who is a representative of a law enforcement agency.

34 (c) The advisory group shall:

35 (A) Establish objective criteria for designating a segment of highway as a safety corridor under
36 subsection (1)(c) of this section;

37 (B) Establish requirements for the counties selected under subsection (1)(b) of this section, in-
38 cluding for regular community engagement, heightened enforcement, engineering improvements,
39 infrastructure investments and public outreach; and

40 (C) Establish content requirements for reports mandated under subsection (4)(a) of this section.

41 (4)(a) Each county selected under subsection (1)(b) of this section shall, in consultation with the
42 department, prepare two reports on its findings, including any recommendations for legislation, and
43 shall submit the reports to an appropriate committee or interim committee of the Legislative As-
44 sembly related to transportation.

45 (b) The first report must be submitted no later than September 15, 2022. The second report must

1 be submitted no later than September 15, 2024.

2 (c) Each report must satisfy the content requirements established by the advisory group under
3 subsection (3)(c)(C) of this section.

4 **SECTION 53.** ORS 811.507 is amended to read:

5 811.507. (1) As used in this section:

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

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

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

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

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

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

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

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

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

23 (e) "Using a mobile electronic device" includes but is not limited to using a mobile electronic
24 device for text messaging, voice communication, entertainment, navigation, accessing the Internet
25 or producing electronic mail.

26 (2) A person commits the offense of driving a motor vehicle while using a mobile electronic de-
27 vice if the person, while driving a motor vehicle on a 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:

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

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

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

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

44 (e) Who is using a two-way radio device or operating a two-way radio device that transmits ra-
45 dio communication transmitted by a station operating on an authorized frequency within the busi-

1 ness, citizens' or family radio service bands in accordance with rules of the Federal Communications
2 Commission while operating a vehicle owned or contracted by a utility for the purpose of installing,
3 repairing, maintaining, operating or upgrading utility service, including but not limited to natural
4 gas, electricity, water or telecommunications, within the scope of the person's employment;

5 (f) Who is using a two-way radio device while operating a vehicle wider than the lane of travel,
6 a vehicle transporting livestock or a vehicle requiring a slow-moving vehicle emblem under ORS
7 815.110, and the use of the device facilitates the safe operation of the vehicle; or

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

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

12 (a) Used the mobile electronic device to communicate if the person was summoning or providing
13 medical or other emergency help if no other person 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 the scope of the person's
16 employment;

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

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

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

25 (g) Was using a medical device.

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

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

30 (b) For a person's first conviction, if commission of the offense contributes to [*an accident*] **a**
31 **crash** described in ORS 811.720, a Class A traffic violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **SECTION 54.** ORS 811.510 is amended to read:

14 811.510. (1) A person commits the offense of dangerous operation around livestock if the person
15 is operating a vehicle upon a highway and the person fails to do any of the following:

16 (a) A driver shall use caution when approaching or passing a person riding, leading or herding
17 livestock on the highway.

18 (b) If a person riding or leading livestock upon a highway gives a distress signal to an ap-
19 proaching driver by raising a hand, the driver must promptly stop the driver's vehicle, unless
20 movement forward is necessary to avoid [*an accident*] **a crash**, and, if requested, shall turn off the
21 engine until the livestock is under control.

22 (c) A driver shall yield the right of way to livestock being driven on a highway.

23 (2) This section is only applicable if the livestock is an animal of the species of horses, mules,
24 donkeys, cattle, swine, sheep or goats.

25 (3) The offense described in this section, dangerous operation around livestock, is a Class B
26 traffic violation.

27 **SECTION 55.** ORS 811.525 is amended to read:

28 811.525. This section establishes exemptions from ORS 811.515 and 811.520. The exemptions un-
29 der this section are in addition to any exemptions under ORS 801.026. The exemptions established
30 under this section are partial or complete as described in the following:

31 (1) ORS 811.515 and 811.520 [*shall*] **may** not be construed to prohibit the use of additional parts
32 and accessories on any vehicle not inconsistent with the provisions of those sections.

33 (2) Except for the provisions relating to exempt-vehicle safety lighting equipment, ORS 811.515
34 and 811.520 do not apply to any of the following:

35 (a) Road machinery.

36 (b) Road rollers.

37 (c) Farm tractors.

38 (d) Antique vehicles that are maintained as a collector's item and used for exhibitions, parades,
39 club activities and similar uses, but not used primarily for the transportation of persons or property.

40 (3) Whenever motor and other vehicles are operated in combination during the time that lights
41 are required, any lighting equipment, except the taillight, which by reason of its location on a ve-
42 hicle of the combination would be obscured by another vehicle of the combination, need not be
43 lighted. This subsection shall not affect the requirement that lighted clearance lights be displayed
44 on the front of the foremost vehicle required to have clearance lights nor the requirement that all
45 lights on the rear of the rearmost vehicle of the combination be lighted.

1 (4) Lighting equipment on bicycles shall be lighted as required under ORS 815.280.

2 (5) Parked or stopped vehicles are not required to display parking lights if the road authority
3 for the highway provides by ordinance or resolution that no lights need be displayed upon a vehicle
4 parked on the highway in accordance with legal parking regulations where there is sufficient light
5 to render clearly discernible any person or object within a distance of 500 feet from the highway.

6 (6) Nothing under ORS 811.515 and 811.520 limits the ability to use the following lights with any
7 other lights during the day or at night:

8 (a) Public vehicle warning lights.

9 (b) Pilot vehicle warning lights.

10 (c) Tow vehicle warning lights.

11 (d) Police lights.

12 (e) Warning lights on vehicles at the scene of an actual or potential release of hazardous ma-
13 terials, as described in ORS 816.280.

14 (f) Warning lights on vehicles being used by medical examiners to reach the scene of [*an acci-*
15 *dent*] **a crash** or of a death investigation, as described in ORS 816.280.

16 (g) Commercial vehicle warning lights.

17 (7) Requirements for use of motorcycle and moped headlights are under ORS 814.320.

18 (8) Requirements for lighting equipment for an electric personal assistive mobility device are
19 under ORS 815.284.

20 **SECTION 56.** ORS 811.700 is amended to read:

21 811.700. (1) A driver of a vehicle who knows or has reason to believe that the driver's vehicle
22 was involved in a [*collision*] **crash** commits the offense of failure to perform the duties of a driver
23 when property is damaged if the driver's vehicle is involved in a [*collision*] **crash** that results in
24 damage to property and the driver does not perform duties required under any of the following:

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

29 (b) If the driver's vehicle has been involved in a [*collision*] **crash** that results only in damage
30 to a vehicle that is driven or attended by any other person, the driver shall perform all of the fol-
31 lowing duties:

32 (A) Remain at the scene of the [*collision*] **crash** until the driver has fulfilled all of the require-
33 ments under this paragraph.

34 (B) Give to the other driver or passenger:

35 (i) The driver's name and address, the name and address of the owner of the driver's vehicle and
36 the name and address of any other occupants of the driver's vehicle; and

37 (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the
38 name of the insurance carrier covering the motor vehicle, the insurance policy number of the in-
39 surance policy insuring the motor vehicle and the phone number of the insurance carrier.

40 (C) Upon request and if available, exhibit and give to the occupant of or person attending any
41 vehicle damaged the number of any document issued as evidence of driving privileges granted to the
42 driver.

43 (c) If the driver's vehicle has been involved in a [*collision*] **crash** resulting in damage to any
44 vehicle that is unattended, the driver shall perform all the following duties:

45 (A) Locate the operator or owner of the unattended vehicle and notify the operator or owner

1 of:

2 (i) The driver's name and address and the name and address of the owner of the vehicle that
3 struck the unattended vehicle; and

4 (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the
5 name of the insurance carrier covering the motor vehicle, the insurance policy number of the in-
6 surance policy insuring the motor vehicle and the phone number of the insurance carrier; or

7 (B) Leave in a conspicuous place in the unattended vehicle a written notice giving:

8 (i) The driver's name and address and the name and address of the owner of the vehicle that
9 struck the unattended vehicle and a statement of the circumstances of the [collision] **crash**; and

10 (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the
11 name of the insurance carrier covering the motor vehicle, the insurance policy number of the in-
12 surance policy insuring the motor vehicle and the phone number of the insurance carrier.

13 (d) If the driver's vehicle has been involved in a [collision] **crash** resulting only in damage to
14 fixtures or property legally upon or adjacent to a highway, the driver shall perform all of the fol-
15 lowing duties:

16 (A) Take reasonable steps to notify the owner or person in charge of the property of the [colli-
17 sion] **crash** and of the driver's name and address, the vehicle owner's name and address and, if the
18 driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the name of the
19 insurance carrier covering the motor vehicle, the insurance policy number of the insurance policy
20 insuring the motor vehicle and the phone number of the insurance carrier.

21 (B) Upon request and if available, exhibit any document issued as evidence of driving privileges
22 granted to the driver.

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

27 (2) As used in this section, "reason to believe" means that the driver is aware of a circumstance
28 that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the
29 driver's vehicle has been in a [collision] **crash**. The risk must be of such nature or degree that
30 failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable
31 person would observe in the situation.

32 (3) The offense described in this section, failure to perform the duties of a driver when property
33 is damaged, is a Class A misdemeanor and is applicable on any premises open to the public.

34 **SECTION 57.** ORS 811.705 is amended to read:

35 811.705. (1) A driver of a vehicle who knows or has reason to believe that the driver's vehicle
36 was involved in a [collision] **crash** commits the offense of failure to perform the duties of a driver
37 to injured persons if the driver's vehicle has been in a [collision] **crash** that results in injury or
38 death to a person and the driver does not perform all of the following duties:

39 (a) Immediately stop the driver's vehicle at the scene of the [collision] **crash** or as close to the
40 scene of the [collision] **crash** as possible and reasonably investigate what the driver's vehicle struck.
41 Every stop required under this paragraph should be made without obstructing traffic more than is
42 necessary.

43 (b) Remain at the scene of the [collision] **crash** until the driver has fulfilled all of the require-
44 ments under this subsection.

45 (c) Give to the other driver or a surviving passenger or any person not a passenger who is in-

1 jured as a result of the [collision] **crash**:

2 (A) The driver's name and address, the name and address of the owner of the driver's vehicle
3 and the name and address of any other occupants of the driver's vehicle; and

4 (B) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the
5 name of the insurance carrier covering the motor vehicle, the insurance policy number of the in-
6 surance policy insuring the motor vehicle and the phone number of the insurance carrier.

7 (d) Upon request and if available, exhibit and give to the persons injured and to the occupant
8 of or person attending any vehicle damaged the number of any document issued as official evidence
9 of driving privileges granted to the driver.

10 (e) Render to any person injured in the [collision] **crash** reasonable assistance, including the
11 conveying, or the making of arrangements for the conveying, of an injured person to a physician,
12 surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is nec-
13 essary or if such conveying is requested by any injured person.

14 (f) Remain at the scene of a [collision] **crash** until a police officer has arrived and has received
15 the required information, if all persons required to be given information under paragraph (c) of this
16 subsection are killed in the [collision] **crash** or are unconscious or otherwise incapable of receiving
17 the information. The requirement of this paragraph to remain at the scene of a [collision] **crash**
18 until a police officer arrives does not apply to a driver who needs immediate medical care, who
19 needs to leave the scene in order to secure medical care for another person injured in the
20 [collision] **crash** or who needs to leave the scene in order to report the [collision] **crash** to the au-
21 thorities, as long as the driver who leaves takes reasonable steps to return to the scene or to con-
22 tact the nearest police officer.

23 (g) If the driver discovers only after leaving the scene of the [collision] **crash** that the driver's
24 vehicle may have been involved in a [collision] **crash** that resulted in injury or death to any person,
25 shall as soon as reasonably possible make a good faith effort to comply with the requirements of this
26 subsection. The driver shall immediately contact 9-1-1 and provide to the dispatcher any requested
27 information described in paragraph (c) of this subsection and the location and approximate time of
28 the [collision] **crash**.

29 (2) As used in this section, "reason to believe" means that the driver is aware of a circumstance
30 that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the
31 driver's vehicle has been in a [collision] **crash**. The risk must be of such nature or degree that
32 failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable
33 person would observe in the situation.

34 (3)(a) Except as otherwise provided in paragraph (b) of this subsection, the offense described in
35 this section, failure to perform the duties of a driver to injured persons, is a Class C felony and is
36 applicable on any premises open to the public.

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

40 **SECTION 58.** ORS 811.707 is amended to read:

41 811.707. The Oregon Criminal Justice Commission shall classify the crime of failure to perform
42 the duties of a driver to injured persons as crime category 8 of the sentencing guidelines grid of the
43 commission if a person suffers serious physical injury as defined in ORS 161.015 or dies as a result
44 of the [collision] **crash** that forms the basis of the conviction.

45 **SECTION 59.** ORS 811.710 is amended to read:

1 811.710. (1) A driver of a vehicle who knows or has reason to believe that the driver's vehicle
2 was involved in a [collision] **crash** commits the offense of failure to perform the duties of a driver
3 when an animal is injured if the driver's vehicle injures or kills a domestic animal and the driver
4 does not perform all of the following duties:

5 (a) Immediately stop the driver's vehicle at the scene of the [collision] **crash** or as close to the
6 scene of the [collision] **crash** as possible and reasonably investigate what the driver's vehicle struck.
7 Every stop required under this paragraph should be made without obstructing traffic more than is
8 necessary.

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

10 (c) Give reasonable attention to the animal.

11 (d) Immediately report the injury to the animal's owner.

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

13 (f) If the driver discovers only after leaving the scene of the [collision] **crash** that the driver's
14 vehicle may have been involved in a [collision] **crash** that injured or killed a domestic animal, the
15 driver shall as soon as reasonably possible make a good faith effort to comply with the requirements
16 of this section.

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

19 (3) As used in this section, "reason to believe" means that the driver is aware of a circumstance
20 that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the
21 driver's vehicle has been in a [collision] **crash**. The risk must be of such nature or degree that
22 failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable
23 person would observe in the situation.

24 (4) The offense described in this section, failure to perform the duties of a driver when an animal
25 is injured, is a Class B traffic violation.

26 **SECTION 60.** ORS 811.715 is amended to read:

27 811.715. (1) A person commits the offense of failure to perform the duties of a witness to [an
28 accident] **a crash** if the person:

29 (a) Witnesses [an accident] **a crash** that results in injury or death to any person or causes
30 damage to a vehicle that is driven or attended by any person; and

31 (b) Does not furnish to the driver or occupant of such vehicles or injured person, the true name
32 and address of the witness.

33 (2) The offense described in this section, failure to perform the duties of a witness to [an
34 accident] **a crash**, is a Class B traffic violation.

35 **SECTION 61.** ORS 811.717 is amended to read:

36 811.717. (1) The driver of a motor vehicle commits the offense of failure to remove a motor ve-
37 hicle from the roadway if, after [an accident] **a crash**:

38 (a) A person has not suffered any apparent personal injury as a result of the [accident] **crash**;

39 (b) The motor vehicle is operable and does not require towing;

40 (c) It is safe to drive the motor vehicle to a location off of the roadway as close to the
41 [accident] **crash** scene as possible; and

42 (d) The driver does not move the motor vehicle to a location off of the roadway as close to the
43 [accident] **crash** scene as possible.

44 (2) The offense described in this section, failure to remove a motor vehicle from the roadway,
45 is a Class C traffic violation.

1 **SECTION 62.** ORS 811.720 is amended to read:

2 811.720. (1) Except as provided in subsection (4) of this section, any [accident] **crash** occurring
3 on a highway or upon premises open to the public resulting in injury or death to any person is
4 subject to the reporting requirements under the following sections:

5 (a) The reporting requirements for drivers under ORS 811.725.

6 (b) The reporting requirements for occupants of vehicles in [accidents] **crashes** under ORS
7 811.735.

8 (c) The reporting requirements for owners of vehicles under ORS 811.730.

9 (2) Except as provided in subsection (4) of this section, [an accident] **a crash** occurring on a
10 highway or upon premises open to the public resulting in damage to the property of any person in
11 excess of \$2,500 is subject to the following reporting requirements:

12 (a) The driver of a vehicle that has more than \$2,500 damage must report the [accident] **crash**
13 in the manner specified under ORS 811.725.

14 (b) The owner of a vehicle that has more than \$2,500 damage must report the [accident] **crash**
15 in the manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

16 (c) If the property damage is to property other than a vehicle involved in the [accident] **crash**,
17 each driver involved in the [accident] **crash** must report the [accident] **crash** in the manner specified
18 under ORS 811.725 and each owner of a vehicle involved in the [accident] **crash** must report the
19 [accident] **crash** in the manner specified in ORS 811.730 and under the circumstances specified in
20 ORS 811.730.

21 (d) If a vehicle involved in the [accident] **crash** is damaged to the extent that the vehicle must
22 be towed from the scene of the [accident] **crash**, each driver involved in the [accident] **crash** must
23 report the [accident] **crash** in the manner specified under ORS 811.725 and each owner of a vehicle
24 involved in the [accident] **crash** must report the [accident] **crash** in the manner specified in ORS
25 811.730 and under the circumstances specified in ORS 811.730.

26 (3) The dollar amount specified in subsection (2) of this section may be increased every five
27 years by the Department of Transportation based upon any increase in the Consumer Price Index
28 for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics
29 of the United States Department of Labor or its successor during the preceding 12-month period.
30 The amount determined under this subsection shall be rounded to the nearest \$100.

31 (4) The following are exempt from the reporting requirements of this section:

32 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

33 (b) A law enforcement official acting in the course of official duty if the [accident] **crash** in-
34 volved a law enforcement official performing a lawful intervention technique or a law enforcement
35 official and a person acting during the commission of a criminal offense. As used in this paragraph:

36 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal
37 laws of this state or a political subdivision of this state and who is employed or volunteers:

38 (i) As a peace officer commissioned by a city, university that has established a police department
39 under ORS 352.121 or 353.125, port, school district, mass transit district, county or county service
40 district authorized to provide law enforcement services under ORS 451.010;

41 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
42 Justice;

43 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
44 officer in this state; or

45 (iv) As an authorized tribal police officer as defined in ORS 181A.680.

1 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
2 tempts to cause, another motor vehicle to stop.

3 **SECTION 63.** ORS 811.725 is amended to read:

4 811.725. (1) The driver of a vehicle commits the offense of driver failure to report [*an accident*]
5 **a crash** if the driver does any of the following:

6 (a) Is driving any vehicle that is involved in [*an accident*] **a crash** required to be reported under
7 ORS 811.720 and does not, within 72 hours of the [*accident*] **crash**, complete a report of the
8 [*accident*] **crash** in a form approved by the Department of Transportation and submit the report to
9 the department.

10 (b) Is driving a vehicle that is involved in [*an accident*] **a crash** and does not submit to the de-
11 partment any report required by the department that is other than or in addition to the reports re-
12 quired by this section. The department may request a supplemental report if in the opinion of the
13 department the original report is insufficient.

14 (c) Is driving any vehicle that is involved in [*an accident*] **a crash** required to be reported under
15 ORS 811.720 and does not, within 72 hours of the [*accident*] **crash**, provide proof of compliance with
16 financial responsibility requirements to the department, in a form furnished by the department, that
17 at the time of the [*accident*] **crash** the person was in compliance with the financial responsibility
18 requirements.

19 (2) The proof of compliance with financial responsibility required under this section is subject
20 to the prohibitions and penalties for false certification under ORS 806.050.

21 (3) The reports described under this section are subject to the provisions of ORS 802.220 and
22 802.240 relating to the use of such reports after submission. Exemptions from requirements to pro-
23 vide proof of compliance with financial responsibility are established under ORS 806.020.

24 (4) A driver may be required to file additional [*accident*] **crash** reports with a city as provided
25 under ORS 801.040.

26 (5) The offense described in this section, driver failure to report [*an accident*] **a crash**, is a Class
27 B traffic violation.

28 **SECTION 64.** ORS 811.730 is amended to read:

29 811.730. (1) The owner of a vehicle commits the offense of owner failure to report [*an accident*]
30 **a crash** if the owner does any of the following:

31 (a) If the person owns a vehicle that is involved in [*an accident*] **a crash** that is required to be
32 reported under ORS 811.720 and all of the following apply:

33 (A) The [*accident*] **crash** occurred while the vehicle was driven by someone other than the
34 owner of the vehicle.

35 (B) The driver of the vehicle does not make [*an accident*] **a crash** report as required under ORS
36 811.725.

37 (C) The owner of the vehicle fails to report the [*accident*] **crash** to the Department of Trans-
38 portation in a form specified by the department as soon as the owner learns of the [*accident*]
39 **crash**.

40 (b) If the person is the owner of a vehicle involved in [*an accident*] **a crash** and the person does
41 not make any additional reports the department may require.

42 (2) The offense described in this section, owner failure to report [*an accident*] **a crash**, is a Class
43 B traffic violation.

44 **SECTION 65.** ORS 811.735 is amended to read:

45 811.735. (1) A person commits the offense of failure of a vehicle occupant to make [*an accident*]

1 **a crash** report if:

2 (a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is
3 involved in [*an accident*] **a crash** required to be reported under ORS 811.720;

4 (b) The driver of the vehicle is physically incapable of making [*an accident*] **a crash** report re-
5 quired under ORS 811.725; and

6 (c) The occupant does not make the [*accident*] **crash** report or cause the [*accident*] **crash** report
7 to be made.

8 (2) This section does not require an occupant of a vehicle who is not a driver to provide proof
9 of compliance with financial responsibility requirements.

10 (3) The offense described in this section, failure of a vehicle occupant to make [*an accident*] **a**
11 **crash** report, is a Class B traffic violation.

12 **SECTION 66.** ORS 811.740 is amended to read:

13 811.740. (1) A person commits the offense of giving a false [*accident*] **crash** report if the person
14 gives information in any report required under ORS 811.725 or 811.730, knowing or having reason
15 to believe that such information is false.

16 (2) The offense described in this section, giving a false [*accident*] **crash** report, is a Class B
17 misdemeanor.

18 **SECTION 67.** ORS 811.745 is amended to read:

19 811.745. (1) Except as provided in subsection (4) of this section, any [*accident*] **crash** occurring
20 on a highway or upon premises open to the public resulting in injury or death to any person is
21 subject to the reporting requirements under the following sections:

22 (a) The reporting requirements for drivers under ORS 811.748.

23 (b) The reporting requirements for occupants of vehicles in [*accidents*] **crashes** under ORS
24 811.750.

25 (2) Except as provided in subsection (4) of this section, [*an accident*] **a crash** occurring on a
26 highway or upon premises open to the public resulting in damage to the property of any person in
27 excess of \$2,500 is subject to the following reporting requirements:

28 (a) The driver of a vehicle that has more than \$2,500 damage must report the [*accident*] **crash**
29 in the manner specified under ORS 811.748.

30 (b) If the property damage is to property other than a vehicle involved in the [*accident*] **crash**,
31 each driver involved in the [*accident*] **crash** must report the [*accident*] **crash** in the manner specified
32 under ORS 811.748.

33 (c) If a vehicle involved in the [*accident*] **crash** is damaged to the extent that the vehicle must
34 be towed from the scene of the [*accident*] **crash**, each driver involved in the [*accident*] **crash** must
35 report the [*accident*] **crash** in the manner specified under ORS 811.748.

36 (3) The dollar amount specified in subsection (2) of this section may be increased every five
37 years by the Department of Transportation based upon any increase in the Consumer Price Index
38 for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics
39 of the United States Department of Labor or its successor during the preceding 12-month period.
40 The amount determined under this subsection shall be rounded to the nearest \$100.

41 (4) The following are exempt from the reporting requirements of this section:

42 (a) Operators of snowmobiles and Class I, Class III and Class IV all-terrain vehicles.

43 (b) A law enforcement official acting in the course of official duty if the [*accident*] **crash** in-
44 volved a law enforcement official performing a lawful intervention technique or involved a law
45 enforcement official and a person acting during the commission of a criminal offense. As used in this

1 paragraph:

2 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal
3 laws of this state or a political subdivision of this state and who is employed or volunteers:

4 (i) As a peace officer commissioned by a city, port, university that has established a police de-
5 partment under ORS 352.121 or 353.125, school district, mass transit district, county or service dis-
6 trict authorized to provide law enforcement services under ORS 451.010;

7 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
8 Justice; or

9 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
10 officer in this state.

11 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
12 tempts to cause, another motor vehicle to stop.

13 (5) The reporting requirements under this section are in addition to, and not in lieu of, the re-
14 porting requirements under ORS 811.720.

15 **SECTION 68.** ORS 811.748 is amended to read:

16 811.748. (1) The driver of a vehicle commits the offense of driver failure to report [*an accident*]
17 **a crash** if the driver is driving any vehicle that is involved in [*an accident*] **a crash** required to be
18 reported under ORS 811.745 and the driver, if physically capable, does not give notice of the [*acci-*
19 *dent*] **crash** immediately to a police officer or a law enforcement agency by the quickest means
20 available.

21 (2) Notwithstanding subsection (1) of this section, a driver does not commit the offense of driver
22 failure to report [*an accident*] **a crash** if:

23 (a) The [*accident*] **crash** required to be reported under ORS 811.745 results in a serious injury
24 or death; and

25 (b) The driver gives notice of the [*accident*] **crash** immediately to the emergency communications
26 system by the quickest means available.

27 (3) The offense described in this section, driver failure to report [*an accident*] **a crash**, is a Class
28 A traffic violation.

29 **SECTION 69.** ORS 811.750 is amended to read:

30 811.750. (1) A person commits the offense of failure of a vehicle occupant to make [*an accident*]
31 **a crash** report if:

32 (a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is
33 involved in [*an accident*] **a crash** required to be reported to a police officer or a law enforcement
34 agency under ORS 811.745;

35 (b) The driver of the vehicle is physically incapable of giving notice to a police officer or a law
36 enforcement agency as required under ORS 811.748; and

37 (c) The occupant does not give notice of the [*accident*] **crash** immediately to a police officer or
38 a law enforcement agency by the quickest means available.

39 (2) Notwithstanding subsection (1) of this section, a person does not commit the offense of failure
40 of a vehicle occupant to make [*an accident*] **a crash** report if:

41 (a) The [*accident*] **crash** required to be reported under ORS 811.745 results in a serious injury
42 or death; and

43 (b) The person gives notice of the [*accident*] **crash** immediately to the emergency communi-
44 cations system by the quickest means available.

45 (3) The offense described in this section, failure of a vehicle occupant to make [*an accident*] **a**

1 **crash** report, is a Class A traffic violation.

2 **SECTION 70.** ORS 813.100 is amended to read:

3 813.100. (1) Any person who operates a motor vehicle upon premises open to the public or the
4 highways of this state shall be deemed to have given consent, subject to the [*implied consent law*]
5 **Motorist Implied Consent Law**, to a chemical test of the person's breath, or of the person's blood
6 if the person is receiving medical care in a health care facility immediately after a motor vehicle
7 [*accident*] **crash**, for the purpose of determining the alcoholic content of the person's blood if the
8 person is arrested for driving a motor vehicle while under the influence of intoxicants in violation
9 of ORS 813.010 or of a municipal ordinance. A test shall be administered upon the request of a police
10 officer having reasonable grounds to believe the person arrested to have been driving while under
11 the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance. Before the test
12 is administered the person requested to take the test shall be informed of consequences and rights
13 as described under ORS 813.130.

14 (2) If a person refuses to submit to a test under this section or if a breath test under this section
15 discloses that the person, at the time of the test, had a level of alcohol in the person's blood that
16 constitutes being under the influence of intoxicating liquor under ORS 813.300 and the person has
17 been informed of rights and consequences as provided under ORS 813.130, the person's driving
18 privileges are subject to suspension under ORS 813.410 and the police officer shall do all of the
19 following:

20 (a) Immediately take custody of any driver license or permit issued by this state to the person
21 to grant driving privileges.

22 (b) Provide the person with a written notice of intent to suspend, on forms prepared and pro-
23 vided by the Department of Transportation. The written notice shall inform the person of conse-
24 quences and rights as described under ORS 813.130.

25 (c) If the person qualifies under ORS 813.110, issue to the person, on behalf of the department,
26 a temporary driving permit described under ORS 813.110.

27 (d) Within a period of time required by the department by rule, report action taken under this
28 section to the department and prepare and cause to be delivered to the department a report as de-
29 scribed in ORS 813.120, along with the confiscated license or permit and a copy of the notice of in-
30 tent to suspend.

31 (3) If a blood test under this section discloses that the person, at the time of the test, had a level
32 of alcohol in the person's blood that constitutes being under the influence of intoxicating liquor
33 under ORS 813.300, the person's driving privileges are subject to suspension under ORS 813.410 and
34 the police officer shall report to the department within 45 days of the date of arrest that the person
35 failed the blood test.

36 (4) Nothing in this section precludes a police officer from obtaining a chemical test of the
37 person's breath or blood through any lawful means for use as evidence in a criminal or civil pro-
38 ceeding including, but not limited to, obtaining a search warrant.

39 **SECTION 71.** ORS 813.131 is amended to read:

40 813.131. (1) A person may be asked to provide a urine sample under ORS 813.140 or subsection
41 (2) of this section.

42 (2) Any person who operates a motor vehicle upon premises open to the public or the highways
43 of this state shall be deemed to have given consent, subject to the Motorist Implied Consent Law,
44 to a chemical test of the person's urine for the purpose of determining the presence of cannabis, a
45 controlled substance or an inhalant in the person's body if the person is arrested for driving while

1 under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance and ei-
2 ther:

3 (a) The person takes the breath test described in ORS 813.100 and the test discloses a blood
4 alcohol content of less than 0.08 percent; or

5 (b) The person is involved in [*an accident*] a **crash** resulting in injury or property damage. A
6 urine test may be requested under this paragraph regardless of whether a breath test has been re-
7 quested and regardless of the results of a breath test, if one is taken.

8 (3) A police officer may not request a urine test unless the officer is certified by the Department
9 of Public Safety Standards and Training as having completed at least eight hours of training in re-
10 cognition of drug impaired driving and the officer has a reasonable suspicion that the person ar-
11 rested has been driving while under the influence of cannabis, a controlled substance, an inhalant
12 or any combination of cannabis, a controlled substance, an inhalant and intoxicating liquor.

13 (4) A person asked to give a urine sample shall be given privacy and may not be observed by
14 a police officer when producing the sample.

15 (5)(a) At the trial of any civil or criminal action, suit or proceeding arising out of the acts
16 committed by a person driving a motor vehicle while under the influence of intoxicants, a valid
17 chemical analysis of a person's urine is admissible as evidence and may be used with other evidence,
18 if any, to determine whether the person was driving while under the influence of intoxicants.

19 (b) A chemical analysis of a person's urine is valid if analysis is performed in an accredited or
20 licensed toxicology laboratory.

21 **SECTION 72.** ORS 813.215 is amended to read:

22 813.215. (1) A defendant is eligible for diversion if the defendant meets all of the following con-
23 ditions:

24 (a) On the date the defendant filed the petition for a driving while under the influence of
25 intoxicants diversion agreement, the defendant had no charge, other than the charge for the present
26 offense, pending for:

27 (A) An offense of driving while under the influence of intoxicants in violation of:

28 (i) ORS 813.010; or

29 (ii) The statutory counterpart to ORS 813.010 in another jurisdiction;

30 (B) A driving under the influence of intoxicants offense in another jurisdiction that involved the
31 impaired driving of a vehicle due to the use of intoxicating liquor, cannabis, a controlled substance,
32 an inhalant or any combination thereof; or

33 (C) A driving offense in another jurisdiction that involved operating a vehicle while having a
34 blood alcohol content above that jurisdiction's permissible blood alcohol content.

35 (b) The defendant has not been convicted of an offense described in paragraph (a) of this sub-
36 section within the period beginning 15 years before the date of the commission of the present offense
37 and ending on the date the defendant filed the petition for a driving while under the influence of
38 intoxicants diversion agreement.

39 (c) The defendant has not been convicted of a felony offense described in ORS 813.010 (5)(a).

40 (d) The defendant was not participating in a driving while under the influence of intoxicants
41 diversion program or in any similar alcohol or drug rehabilitation program in this state or in an-
42 other jurisdiction on the date the defendant filed the petition for a driving while under the influence
43 of intoxicants diversion agreement. A defendant is not ineligible for diversion under this paragraph
44 by reason of participation in a diversion program or any similar alcohol or drug rehabilitation pro-
45 gram as a result of the charge for the present offense or a charge for violation of ORS 471.430.

1 (e) The defendant did not participate in a diversion or rehabilitation program described in par-
2 agraph (d) of this subsection within the period beginning 15 years before the date of the commission
3 of the present offense and ending on the date the defendant filed the petition for a driving while
4 under the influence of intoxicants diversion agreement. A defendant is not ineligible for diversion
5 under this paragraph by reason of participation in a diversion program or rehabilitation program
6 described in paragraph (d) of this subsection as a result of the charge for the present offense or a
7 charge for violation of ORS 471.430.

8 (f) The defendant had no charge of an offense of aggravated vehicular homicide or of murder,
9 manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor
10 vehicle pending in this state or in another jurisdiction on the date the defendant filed the petition
11 for a driving while under the influence of intoxicants diversion agreement.

12 (g) The defendant has not been convicted of an offense described in paragraph (f) of this sub-
13 section within the period beginning 15 years before the date of the commission of the present offense
14 and ending on the date the defendant filed the petition for a driving while under the influence of
15 intoxicants diversion agreement.

16 (h) The defendant did not hold commercial driving privileges on the date of the commission of
17 the offense.

18 (i) The defendant was not operating a commercial motor vehicle at the time of the offense.

19 (j) The present driving while under the influence of intoxicants offense did not involve [*an ac-*
20 *cident*] **a crash** resulting in:

21 (A) Death of any person; or

22 (B) Physical injury as defined in ORS 161.015 to any person other than the defendant.

23 (2) For the purposes of subsection (1)(a) of this section, a conviction for a driving offense in
24 another jurisdiction based solely on a person under 21 years of age having a blood alcohol content
25 that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years
26 of age or older does not constitute a prior conviction.

27 (3) A defendant is eligible for a second or subsequent diversion if the defendant meets all of the
28 conditions of subsection (1) of this section and the defendant has not been convicted of any other
29 criminal offense involving a motor vehicle within the period beginning 15 years before the date of
30 the commission of the present offense and ending on the date the defendant filed the petition for the
31 second or subsequent driving while under the influence of intoxicants diversion agreement.

32 **SECTION 73.** ORS 814.414 is amended to read:

33 814.414. (1) A person operating a bicycle who is approaching an intersection where traffic is
34 controlled by a stop sign may, without violating ORS 811.265, do any of the following without stop-
35 ping if the person slows the bicycle to a safe speed:

36 (a) Proceed through the intersection.

37 (b) Make a right or left turn into a two-way street.

38 (c) Make a right or left turn into a one-way street in the direction of traffic upon the one-way
39 street.

40 (2) A person commits the offense of improper entry into an intersection where traffic is con-
41 trolled by a stop sign if the person does any of the following while proceeding as described in sub-
42 section (1) of this section:

43 (a) Fails to yield the right of way to traffic lawfully within the intersection or approaching so
44 close as to constitute an immediate hazard;

45 (b) Disobeys the directions of a police officer or flagger, as defined in ORS 811.230;

1 (c) Fails to exercise care to avoid [*an accident*] **a crash**; or

2 (d) Fails to yield the right of way to a pedestrian in an intersection or crosswalk under ORS
3 811.028.

4 (3) The offense described in this section, improper entry into an intersection where traffic is
5 controlled by a stop sign, is a Class D traffic violation.

6 **SECTION 74.** ORS 814.416 is amended to read:

7 814.416. (1) A person operating a bicycle who is approaching an intersection where traffic is
8 controlled by a flashing red signal may, without violating ORS 811.265, do any of the following
9 without stopping if the person slows the bicycle to a safe speed:

10 (a) Proceed through the intersection.

11 (b) Make a right or left turn into a two-way street.

12 (c) Make a right or left turn into a one-way street in the direction of traffic upon the one-way
13 street.

14 (2) A person commits the offense of improper entry into an intersection where traffic is con-
15 trolled by a flashing red signal if the person does any of the following while proceeding as described
16 in subsection (1) of this section:

17 (a) Fails to yield the right of way to traffic lawfully within the intersection or approaching so
18 close as to constitute an immediate hazard;

19 (b) Disobeys the directions of a police officer;

20 (c) Fails to exercise care to avoid [*an accident*] **a crash**; or

21 (d) Fails to yield the right of way to a pedestrian in an intersection or crosswalk under ORS
22 811.028.

23 (3) The offense described in this section, improper entry into an intersection where traffic is
24 controlled by a flashing red signal, is a Class D traffic violation.

25 **SECTION 75.** ORS 816.280 is amended to read:

26 816.280. This section establishes standards for different types of warning lights. Each of the
27 following is a requirement for warning lights as described:

28 (1) The following are the colors for the indicated type of warning light:

29 (a) Public vehicle warning lights, pilot vehicle warning lights and commercial vehicle warning
30 lights shall be amber.

31 (b) Tow vehicle warning lights may be amber or red.

32 (c) Weighmaster and motor carrier enforcement officer warning lights shall be red.

33 (d) Warning lights on vehicles engaged in the removal, containment or cleanup of a hazardous
34 materials release, and on vehicles at the scene of a potential release of hazardous materials, may
35 be red or amber.

36 (e) Warning lights on vehicles being used by medical examiners to reach the scene of [*an acci-*
37 *dent*] **a crash** or of a death investigation may be red.

38 (2) Warning lights shall provide an intermittent light that may be either of a revolving or
39 flashing type or any other type that provides an intermittent light.

40 (3) All warning lights shall be visible from a distance of not less than 500 feet under normal
41 atmospheric conditions at night.

42 **SECTION 76.** ORS 816.350 is amended to read:

43 816.350. This section establishes requirements for ORS 816.360. When specific types of lighting
44 equipment are mentioned by this section, those types are types described under ORS 816.040 to
45 816.290. Except as allowed under this section or where an exemption under ORS 816.370 specifically

1 provides otherwise, a vehicle that does not comply with this section is in violation of ORS 816.360:

2 (1)(a) A motorcycle may not be equipped with more than three headlights.

3 (b) A moped may not be equipped with more than two headlights.

4 (2) Except when blue or purple inserts are allowed under ORS 816.080, 816.100 or 816.120, [no]
5 a vehicle may **not** have any lighting equipment mounted on the rear that displays or reflects any
6 color other than red except for the following lighting equipment:

7 (a) Turn signal lights.

8 (b) Rear mounted lighting systems.

9 (c) Registration plate lights.

10 (d) Back-up lights.

11 (3) Except as otherwise allowed under this section, only the following types of vehicles may be
12 equipped with public vehicle warning lights:

13 (a) A vehicle operated by the state, or any county, city, district or other political subdivision
14 of the state, and used for the construction, improvement, repair, maintenance, operation or patrol
15 of any public highway.

16 (b) Vehicles operated by a public utility or telecommunications utility involved in maintenance,
17 repair or construction of their facilities along public rights of way.

18 (4) Vehicles operated by a police officer and used for law enforcement may be equipped with any
19 type of police lights, but only these vehicles may be equipped with blue lights.

20 (5) Except as otherwise allowed under this section, only a vehicle operated by a weighmaster
21 or motor carrier enforcement officer proceeding under the authority of ORS 810.530 may be equipped
22 with weighmaster warning lights.

23 (6) Except as otherwise allowed under this section, only tow vehicles may be equipped with tow
24 vehicle warning lights.

25 (7) Except as otherwise allowed under this section, only a motor vehicle escort accompanying
26 a motor vehicle carrying or towing a load of a size or description not permitted under ORS 815.160,
27 815.170, 818.020, 818.060, 818.090, 818.110, 818.160 and 818.300 may be equipped with a pilot vehicle
28 warning light.

29 (8) Except as otherwise allowed under this section, only the following vehicles may be equipped
30 with bus safety lights:

31 (a) School buses.

32 (b) Worker transport buses.

33 (c) Vehicles issued a permit under ORS 818.260.

34 (9) No vehicle except a vehicle used in active service transporting United States Mail may be
35 equipped with mail delivery lights.

36 (10) Except as otherwise allowed under this section, fire company warning lights may only be
37 used on the following vehicles:

38 (a) An emergency vehicle.

39 (b) A vehicle authorized under a permit issued under ORS 818.250.

40 (c) Funeral lead vehicles and funeral escort vehicles used to escort funeral processions.

41 (11) Except as otherwise allowed under this section, no vehicle or equipment may display or
42 carry any lighting equipment or device with a red light visible from directly in front of the vehicle
43 or equipment.

44 (12) Except as otherwise allowed under this section, all flashing lights are prohibited on all
45 motor vehicles on any street or highway except for turn signals, hazard lights and headlight flashing

1 systems described in ORS 816.050.

2 (13) No motor vehicle other than an emergency vehicle may be equipped with more than one
3 spotlight.

4 (14) No motor vehicle may be equipped with more than two cowl or fender lights.

5 (15) A vehicle at the scene of an actual or potential release of hazardous materials may be
6 equipped with warning lights as described in ORS 816.280 (1)(d).

7 (16) A vehicle being used by medical examiners to reach the scene of [*an accident*] **a crash** or
8 of a death investigation may be equipped with warning lights as described in ORS 816.280 (1)(e).

9 (17) A vehicle may be equipped with covers on any of the following lights if the covers are re-
10 moved when the lights are required to be in operation:

11 (a) Headlights under ORS 816.050.

12 (b) Taillights under ORS 816.080.

13 (c) Brake lights under ORS 816.100.

14 (d) Turn signals under ORS 816.120.

15 (e) Reflectors under ORS 816.180.

16 (18) A commercial vehicle, as defined in ORS 801.210 (2), may be equipped with commercial ve-
17 hicle warning lights.

18 **SECTION 77.** ORS 818.105 is amended to read:

19 818.105. (1) Any person who transports property, or causes property to be transported, by motor
20 vehicle may request that a road authority, other than a city, authorize unrestricted access by truck
21 tractor and semitrailer combinations in lengths in excess of that authorized under ORS 818.080 on
22 a specific highway within the jurisdiction of the road authority.

23 (2) Within 60 days following receipt of a request, the road authority shall do one of the follow-
24 ing:

25 (a) Grant the request and adopt a rule, resolution or ordinance as provided in ORS 810.060.

26 (b) Complete an evaluation of the request to determine whether the highway can safely accom-
27 modate the proposed operation. The evaluation shall consist of a test run as described in subsection
28 (3) of this section and an examination of information about the highway as described in subsection
29 (4) of this section.

30 (c) Produce a previous evaluation and determination that applies to the proposed operation.

31 (3) The following apply to a test run undertaken as part of an evaluation under subsection (2)(b)
32 of this section:

33 (a) The party requesting the change in access shall provide a truck tractor and semitrailer
34 combination for the test run. The combination must be equal to or greater in length than the truck
35 tractor and semitrailer combinations for which access is requested.

36 (b) The road authority shall issue a single trip variance permit for the test run.

37 (c) During the test run, road authority staff shall precede and follow the test run combination
38 to observe vehicle operability and to gather data to be used by the road authority to determine:

39 (A) Whether the test run combination maintained its lane of travel; and

40 (B) Whether the test run combination maintained appropriate speed, or there was adequate sight
41 distance for trailing vehicles to pass the combination, or there was enough room for the combination
42 to pull off the roadway to allow trailing vehicles to pass.

43 (4) In conducting an evaluation under subsection (2)(b) of this section, the road authority shall
44 examine the following information about the highway:

45 (a) Average daily traffic flow;

1 (b) [*Accident*] **Crash** rate;

2 (c) Pavement and shoulder conditions; and

3 (d) Any information the road authority has regarding proposed improvements or any peculiar-
4 ities associated with the highway.

5 (5) All information gathered under subsections (3) and (4) of this section shall be analyzed by
6 the road authority to determine whether the highway can safely accommodate the requested truck
7 tractor and semitrailer length.

8 (6) The road authority shall give written notification to the person requesting access to the
9 highway of the results of any evaluation done under subsection (2)(b) or (9) of this section.

10 (7) When an evaluation under subsection (2)(b) of this section results in a determination that the
11 highway can safely accommodate the requested truck tractor and semitrailer length only if condi-
12 tions are imposed on the operation, the road authority may require that any truck tractor and
13 semitrailer combination of that length operate under a variance permit issued under ORS 818.200
14 that states the conditions of operation.

15 (8) When an evaluation under subsection (2)(b) of this section results in a determination that the
16 highway cannot safely accommodate the requested truck tractor and semitrailer length, the re-
17 questing person may ask for further evaluation.

18 (9) When a person requests further evaluation under subsection (8) of this section, the road au-
19 thority shall conduct a detailed investigation of the proposed operation that may include:

20 (a) A more detailed analysis of average daily traffic flow, including traffic peak hours and vol-
21 umes;

22 (b) Analysis of roadway and shoulder width;

23 (c) Review of test run data, including any photographs or videotape;

24 (d) Truck volume compared to total traffic volume;

25 (e) Overlength truck volume compared to total traffic volume;

26 (f) Stopping sight distance for legal speed;

27 (g) Cost of spot improvements and facility improvements;

28 (h) [*Accident*] **Crash** history for the highway or similar highways; and

29 (i) Potential risk of [*collisions*] **crashes** between two trucks or a truck and an automobile.

30 (10) When an evaluation under subsection (9) of this section results in a determination that the
31 highway can safely accommodate the requested truck tractor and semitrailer length only if condi-
32 tions are imposed on the operation, the road authority may require that any truck tractor and
33 semitrailer combination of that length operate under a variance permit issued under ORS 818.200
34 that states the conditions of operation.

35 (11) When an evaluation under subsection (9) of this section results in a determination that the
36 highway cannot safely accommodate the requested truck tractor and semitrailer length, no further
37 evaluation may be conducted unless improvements are made to the highway and a subsequent re-
38 quest is made.

39 **SECTION 78.** ORS 820.110 is amended to read:

40 820.110. (1) The State Board of Education shall adopt and enforce rules to establish requirements
41 of operation, qualifications or special training of drivers and special [*accident*] **crash** reports for
42 school buses and school activity vehicles.

43 (2) The governing board of a public university listed in ORS 352.002 may adopt and enforce
44 separate standards of the type described under this section for school buses and school activity ve-
45 hicles that are under its jurisdiction.

1 (3) The rules and standards adopted under this section:

2 (a) Are subject to ORS 820.190 and 820.200 and to any other statute or regulation relating to
3 the operation of vehicles, qualifications of drivers and [accident] **crash** reports.

4 (b) Must be consistent with requirements established by statute or by rule adopted under stat-
5 utory authority that relate to the same subject.

6 (c) May include different requirements for different classes or types of school buses or school
7 activity vehicles.

8 (d) May include any exemptions determined appropriate under ORS 820.150.

9 (4) If the Department of Transportation suspends, cancels or revokes any driving privileges of
10 a person who holds a school bus endorsement under ORS 807.035 (5), the Department of Transpor-
11 tation shall notify the Department of Education of the suspension, cancellation or revocation.

12 **SECTION 79.** ORS 822.510 is amended to read:

13 822.510. Except as provided in subsection (3) of this section, an applicant or holder of a com-
14 mercial driver training school certificate may maintain proof of insurance required under ORS
15 822.515 for issuance or renewal of the certificate by complying with any of the following:

16 (1) The school may file a certificate of insurance with the Department of Transportation that
17 complies with all of the following:

18 (a) The insurance must be issued to the school.

19 (b) The insurance must be issued by an insurance company authorized to do business in this
20 state.

21 (c) The insurance must show that the insured has procured and has in effect a motor vehicle
22 liability policy that provides at least the following coverage:

23 (A) \$100,000 because of bodily injury to or death of one person in any one [accident] **crash**;

24 (B) Subject to the limit for one person, \$300,000 because of bodily injury to or death of two or
25 more persons in any one [accident] **crash**; and

26 (C) \$50,000 because of injury to or destruction of the property of others in any one [accident]
27 **crash**.

28 (d) The policy shall designate by explicit description or by appropriate reference all motor ve-
29 hicles with respect to which coverage is granted.

30 (e) The policy shall insure any and all persons using any motor vehicle owned or operated by
31 the school with the consent of the school against loss from the liabilities imposed by law for dam-
32 ages arising out of the operation, use or maintenance of the motor vehicle.

33 (2) The school may obtain a valid certificate of self-insurance from the department.

34 (3) An applicant or holder of a commercial driver training school certificate does not need to
35 submit proof of insurance required under ORS 822.515 for issuance or renewal of the certificate if
36 the applicant or holder of the certificate conducts only classroom instruction.

37 **SECTION 80.** ORS 822.600 is amended to read:

38 822.600. (1) A person commits the offense of failure of a garage to report [an accident] **a crash**
39 or bullet contact if the person is in charge of any garage or repair shop to which is brought any
40 motor vehicle that shows evidence of having been involved in a serious [accident] **crash** or struck
41 by any bullet and the person does not report to the nearest police station or sheriff's office within
42 24 hours after such motor vehicle is received giving the registration number and the name and ad-
43 dress of the owner or operator of such vehicle.

44 (2) An additional report need not be made under this section when the owner of the vehicle is
45 also the owner of the garage or repair shop and the person has made a report under ORS 811.725

1 or 811.730 that includes the information required by this section.

2 (3) The offense described in this section, failure of garage to report [*accident*] **crash** or bullet
3 contact, is a Class A traffic violation.

4 **SECTION 81.** ORS 824.212 is amended to read:

5 824.212. (1) The Department of Transportation shall adopt regulations prescribing specifications
6 for the construction and maintenance of railroad-highway crossings, both at grade level and at sep-
7 arated grades. The specifications shall be developed in consultation with representatives of cities
8 and counties and shall conform to nationally recognized and commonly used standards to ensure
9 that the crossings are constructed and maintained in a manner that conforms to the public safety,
10 necessity, convenience and general welfare, including but not limited to the projected transportation
11 needs.

12 (2) Specifications for separate crossings adopted under subsection (1) of this section do not apply
13 to crossings in existence on the effective date of the regulation prescribing the specifications.
14 However, within a reasonable period after the effective date, crossings shall be altered or recon-
15 structed to comply with the regulations in effect at the time of the alteration or reconstruction.

16 (3) Priorities for such alterations or reconstruction shall be established by the Department of
17 Transportation, based upon the expressed need of the public authority in interest, and upon such
18 other factors as danger or inconvenience to motorists, age of the structure, frequency of reported
19 [*accidents*] **crashes** and degree of noncompliance with regulations.

20 (4) If the public authority in interest or the railroad company fails to so alter or reconstruct a
21 crossing, the department, after following the procedures specified in ORS chapter 183 for contested
22 cases, may order the alteration or reconstruction and proceed in accordance with ORS 824.216.

23 **SECTION 82.** ORS 825.248 is amended to read:

24 825.248. (1) The Department of Transportation shall develop an annual commercial motor vehicle
25 safety plan. The goal of the plan is to reduce [*accidents*] **crashes** involving commercial motor vehi-
26 cles and to reduce injuries and fatalities resulting from [*accidents*] **crashes** involving commercial
27 motor vehicles. The priority for each year's plan shall be determined on the basis of accurate and
28 timely data. The department shall use performance measures to determine the success of an annual
29 plan and to develop the subsequent plan.

30 (2) In conducting inspections described in ORS 810.560, a person who is trained and certified
31 as a commercial vehicle inspector under ORS 810.560 shall adhere to the provisions of the com-
32 mercial motor vehicle safety plan developed under subsection (1) of this section.

33 **SECTION 83.** ORS 825.402 is amended to read:

34 825.402. (1) Except as provided in subsection (4) of this section, all motor carriers that are
35 domiciled in Oregon and that receive a certificate or permit from the Department of Transportation
36 for the first time on or after July 1, 1990, shall participate in the program established under ORS
37 825.400.

38 (2) A motor carrier required by subsection (1) of this section to participate in the program must
39 do so within 90 days of the date on which it receives a certificate or permit from the department.

40 (3) In addition to motor carriers required to participate in the program established under ORS
41 825.400, the department may require participation by any motor carrier that:

42 (a) Has underpaid its tax obligation for the use of the highways by 15 percent or more;

43 (b) Exceeds by more than 15 percent, in a one-year period, the industry average for out-of-
44 service violations for vehicle inspection or for [*accidents*] **crashes** per mile; or

45 (c) Receives, in a one-year period, two or more citations for being 10,000 pounds or more over-

1 weight.

2 (4) Subsection (1) of this section does not apply to a carrier receiving a certificate or permit for
3 the first time on or after July 1, 1990, if the carrier is a successor in interest to a carrier that held
4 a certificate or permit prior to that date.

5 (5) Rules adopted by the department under ORS 825.400 shall require each motor carrier par-
6 ticipating in the program to have at least one person having a substantial interest or control, di-
7 rectly or indirectly, in or over the operations conducted or to be conducted under the certificate
8 or permit issued to the motor carrier participate in the program. No rule shall require the partic-
9 ipation of a motor carrier more than one time except for motor carriers required to participate un-
10 der subsection (3) of this section.

11 **SECTION 84.** ORCP 7 D is amended to read:

12 D Manner of service.

13 D(1) Notice required. Summons shall be served, either within or without this state, in any
14 manner reasonably calculated, under all the circumstances, to apprise the defendant of the existence
15 and pendency of the action and to afford a reasonable opportunity to appear and defend. Summons
16 may be served in a manner specified in this rule or by any other rule or statute on the defendant
17 or upon an agent authorized by appointment or law to accept service of summons for the defendant.
18 Service may be made, subject to the restrictions and requirements of this rule, by the following
19 methods: personal service of true copies of the summons and the complaint upon defendant or an
20 agent of defendant authorized to receive process; substituted service by leaving true copies of the
21 summons and the complaint at a person's dwelling house or usual place of abode; office service by
22 leaving true copies of the summons and the complaint with a person who is apparently in charge
23 of an office; service by mail; or service by publication.

24 D(2) Service methods.

25 D(2)(a) Personal service. Personal service may be made by delivery of a true copy of the sum-
26 mons and a true copy of the complaint to the person to be served.

27 D(2)(b) Substituted service. Substituted service may be made by delivering true copies of the
28 summons and the complaint at the dwelling house or usual place of abode of the person to be served
29 to any person 14 years of age or older residing in the dwelling house or usual place of abode of the
30 person to be served. Where substituted service is used, the plaintiff, as soon as reasonably possible,
31 shall cause to be mailed by first class mail true copies of the summons and the complaint to the
32 defendant at defendant's dwelling house or usual place of abode, together with a statement of the
33 date, time, and place at which substituted service was made. For the purpose of computing any pe-
34 riod of time prescribed or allowed by these rules or by statute, substituted service shall be complete
35 upon the mailing.

36 D(2)(c) Office service. If the person to be served maintains an office for the conduct of business,
37 office service may be made by leaving true copies of the summons and the complaint at that office
38 during normal working hours with the person who is apparently in charge. Where office service is
39 used, the plaintiff, as soon as reasonably possible, shall cause to be mailed by first class mail true
40 copies of the summons and the complaint to the defendant at defendant's dwelling house or usual
41 place of abode or defendant's place of business or any other place under the circumstances that is
42 most reasonably calculated to apprise the defendant of the existence and pendency of the action,
43 together with a statement of the date, time, and place at which office service was made. For the
44 purpose of computing any period of time prescribed or allowed by these rules or by statute, office
45 service shall be complete upon the mailing.

1 D(2)(d) Service by mail.

2 D(2)(d)(i) Generally. When service by mail is required or allowed by this rule or by statute, ex-
 3 cept as otherwise permitted, service by mail shall be made by mailing true copies of the summons
 4 and the complaint to the defendant by first class mail and by any of the following: certified, regis-
 5 tered, or express mail with return receipt requested. For purposes of this paragraph, “first class
 6 mail” does not include certified, registered, or express mail, return receipt requested, or any other
 7 form of mail that may delay or hinder actual delivery of mail to the addressee.

8 D(2)(d)(ii) Calculation of time. For the purpose of computing any period of time provided by
 9 these rules or by statute, service by mail, except as otherwise provided, shall be complete on the
 10 day the defendant, or other person authorized by appointment or law, signs a receipt for the mailing,
 11 or 3 days after the mailing if mailed to an address within the state, or 7 days after the mailing if
 12 mailed to an address outside the state, whichever first occurs.

13 D(3) Particular defendants. Service may be made upon specified defendants as follows:

14 D(3)(a) Individuals.

15 D(3)(a)(i) Generally. Upon an individual defendant, by personal delivery of true copies of the
 16 summons and the complaint to the defendant or other person authorized by appointment or law to
 17 receive service of summons on behalf of the defendant, by substituted service, or by office service.
 18 Service may also be made upon an individual defendant or other person authorized to receive ser-
 19 vice to whom neither subparagraph D(3)(a)(ii) nor D(3)(a)(iii) of this rule applies by a mailing made
 20 in accordance with paragraph D(2)(d) of this rule provided the defendant or other person authorized
 21 to receive service signs a receipt for the certified, registered, or express mailing, in which case
 22 service shall be complete on the date on which the defendant signs a receipt for the mailing.

23 D(3)(a)(ii) Minors. Upon a minor under 14 years of age, by service in the manner specified in
 24 subparagraph D(3)(a)(i) of this rule upon the minor; and additionally upon the minor’s father, mother,
 25 conservator of the minor’s estate, or guardian, or, if there be none, then upon any person having the
 26 care or control of the minor, or with whom the minor resides, or in whose service the minor is
 27 employed, or upon a guardian ad litem appointed pursuant to Rule 27 B.

28 D(3)(a)(iii) Incapacitated persons. Upon a person who is incapacitated or is financially incapable,
 29 as both terms are defined by ORS 125.005, by service in the manner specified in subparagraph
 30 D(3)(a)(i) of this rule upon the person and, also, upon the conservator of the person’s estate or
 31 guardian or, if there be none, upon a guardian ad litem appointed pursuant to Rule 27 B.

32 D(3)(a)(iv) Tenant of a mail agent. Upon an individual defendant who is a “tenant” of a “mail
 33 agent” within the meaning of ORS 646A.340, by delivering true copies of the summons and the
 34 complaint to any person apparently in charge of the place where the mail agent receives mail for
 35 the tenant, provided that:

36 D(3)(a)(iv)(A) the plaintiff makes a diligent inquiry but cannot find the defendant; and

37 D(3)(a)(iv)(B) the plaintiff, as soon as reasonably possible after delivery, causes true copies of
 38 the summons and the complaint to be mailed by first class mail to the defendant at the address at
 39 which the mail agent receives mail for the defendant and to any other mailing address of the de-
 40 fendant then known to the plaintiff, together with a statement of the date, time, and place at which
 41 the plaintiff delivered the copies of the summons and the complaint. Service shall be complete on
 42 the latest date resulting from the application of subparagraph D(2)(d)(ii) of this rule to all mailings
 43 required by this subparagraph unless the defendant signs a receipt for the mailing, in which case
 44 service is complete on the day the defendant signs the receipt.

45 D(3)(b) Corporations including, but not limited to, professional corporations and cooperatives.

1 Upon a domestic or foreign corporation:

2 D(3)(b)(i) Primary service method. By personal service or office service upon a registered agent,
3 officer, or director of the corporation; or by personal service upon any clerk on duty in the office
4 of a registered agent.

5 D(3)(b)(ii) Alternatives. If a registered agent, officer, or director cannot be found in the county
6 where the action is filed, true copies of the summons and the complaint may be served:

7 D(3)(b)(ii)(A) by substituted service upon the registered agent, officer, or director;

8 D(3)(b)(ii)(B) by personal service on any clerk or agent of the corporation who may be found in
9 the county where the action is filed;

10 D(3)(b)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of this rule true copies of
11 the summons and the complaint to: the office of the registered agent or to the last registered office
12 of the corporation, if any, as shown by the records on file in the office of the Secretary of State;
13 or, if the corporation is not authorized to transact business in this state at the time of the trans-
14 action, event, or occurrence upon which the action is based occurred, to the principal office or place
15 of business of the corporation; and, in any case, to any address the use of which the plaintiff knows
16 or has reason to believe is most likely to result in actual notice; or

17 D(3)(b)(ii)(D) upon the Secretary of State in the manner provided in ORS 60.121 or 60.731.

18 D(3)(c) Limited liability companies. Upon a limited liability company:

19 D(3)(c)(i) Primary service method. By personal service or office service upon a registered agent,
20 manager, or (for a member-managed limited liability company) member of a limited liability company;
21 or by personal service upon any clerk on duty in the office of a registered agent.

22 D(3)(c)(ii) Alternatives. If a registered agent, manager, or (for a member-managed limited liabil-
23 ity company) member of a limited liability company cannot be found in the county where the action
24 is filed, true copies of the summons and the complaint may be served:

25 D(3)(c)(ii)(A) by substituted service upon the registered agent, manager, or (for a member-
26 managed limited liability company) member of a limited liability company;

27 D(3)(c)(ii)(B) by personal service on any clerk or agent of the limited liability company who may
28 be found in the county where the action is filed;

29 D(3)(c)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of this rule true copies of
30 the summons and the complaint to: the office of the registered agent or to the last registered office
31 of the limited liability company, as shown by the records on file in the office of the Secretary of
32 State; or, if the limited liability company is not authorized to transact business in this state at the
33 time of the transaction, event, or occurrence upon which the action is based occurred, to the prin-
34 cipal office or place of business of the limited liability company; and, in any case, to any address the
35 use of which the plaintiff knows or has reason to believe is most likely to result in actual notice;
36 or

37 D(3)(c)(ii)(D) upon the Secretary of State in the manner provided in ORS 63.121.

38 D(3)(d) Limited partnerships. Upon a domestic or foreign limited partnership:

39 D(3)(d)(i) Primary service method. By personal service or office service upon a registered agent
40 or a general partner of a limited partnership; or by personal service upon any clerk on duty in the
41 office of a registered agent.

42 D(3)(d)(ii) Alternatives. If a registered agent or a general partner of a limited partnership cannot
43 be found in the county where the action is filed, true copies of the summons and the complaint may
44 be served:

45 D(3)(d)(ii)(A) by substituted service upon the registered agent or general partner of a limited

1 partnership;

2 D(3)(d)(ii)(B) by personal service on any clerk or agent of the limited partnership who may be
3 found in the county where the action is filed;

4 D(3)(d)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of this rule true copies of
5 the summons and the complaint to: the office of the registered agent or to the last registered office
6 of the limited partnership, as shown by the records on file in the office of the Secretary of State;
7 or, if the limited partnership is not authorized to transact business in this state at the time of the
8 transaction, event, or occurrence upon which the action is based occurred, to the principal office
9 or place of business of the limited partnership; and, in any case, to any address the use of which the
10 plaintiff knows or has reason to believe is most likely to result in actual notice; or

11 D(3)(d)(ii)(D) upon the Secretary of State in the manner provided in ORS 70.040 or 70.045.

12 D(3)(e) General partnerships and limited liability partnerships. Upon any general partnership or
13 limited liability partnership by personal service upon a partner or any agent authorized by ap-
14 pointment or law to receive service of summons for the partnership or limited liability partnership.

15 D(3)(f) Other unincorporated associations subject to suit under a common name. Upon any other
16 unincorporated association subject to suit under a common name by personal service upon an offi-
17 cer, managing agent, or agent authorized by appointment or law to receive service of summons for
18 the unincorporated association.

19 D(3)(g) State. Upon the state, by personal service upon the Attorney General or by leaving true
20 copies of the summons and the complaint at the Attorney General's office with a deputy, assistant,
21 or clerk.

22 D(3)(h) Public bodies. Upon any county; incorporated city; school district; or other public cor-
23 poration, commission, board, or agency by personal service or office service upon an officer, direc-
24 tor, managing agent, or attorney thereof.

25 D(3)(i) Vessel owners and charterers. Upon any foreign steamship owner or steamship charterer
26 by personal service upon a vessel master in the owner's or charterer's employment or any agent
27 authorized by the owner or charterer to provide services to a vessel calling at a port in the State
28 of Oregon, or a port in the State of Washington on that portion of the Columbia River forming a
29 common boundary with Oregon.

30 D(4) Particular actions involving motor vehicles.

31 D(4)(a) Actions arising out of use of roads, highways, streets, or premises open to the public;
32 service by mail.

33 D(4)(a)(i) In any action arising out of any [*accident, collision,*] **crash** or other event giving rise
34 to liability in which a motor vehicle may be involved while being operated upon the roads, highways,
35 streets, or premises open to the public as defined by law of this state if the plaintiff makes at least
36 one attempt to serve a defendant who operated such motor vehicle, or caused it to be operated on
37 the defendant's behalf, by a method authorized by subsection D(3) of this rule except service by mail
38 pursuant to subparagraph D(3)(a)(i) of this rule and, as shown by its return, did not effect service,
39 the plaintiff may then serve that defendant by mailings made in accordance with paragraph D(2)(d)
40 of this rule addressed to that defendant at:

41 D(4)(a)(i)(A) any residence address provided by that defendant at the scene of the [*accident*]
42 **crash;**

43 D(4)(a)(i)(B) the current residence address, if any, of that defendant shown in the driver records
44 of the Department of Transportation; and

45 D(4)(a)(i)(C) any other address of that defendant known to the plaintiff at the time of making the

1 mailings required by parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule that reasonably might result in
2 actual notice to that defendant. Sufficient service pursuant to this subparagraph may be shown if
3 the proof of service includes a true copy of the envelope in which each of the certified, registered,
4 or express mailings required by parts D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C) of this rule was
5 made showing that it was returned to sender as undeliverable or that the defendant did not sign the
6 receipt. For the purpose of computing any period of time prescribed or allowed by these rules or
7 by statute, service under this subparagraph shall be complete on the latest date on which any of the
8 mailings required by parts D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C) of this rule is made. If the
9 mailing required by part D(4)(a)(i)(C) of this rule is omitted because the plaintiff did not know of any
10 address other than those specified in parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule, the proof of
11 service shall so certify.

12 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing address informa-
13 tion concerning a party served pursuant to subparagraph D(4)(a)(i) of this rule may be recovered as
14 provided in Rule 68.

15 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant served pur-
16 suant to subparagraph D(4)(a)(i) of this rule are as provided in Rule 69 E.

17 D(4)(b) Notification of change of address. Any person who; while operating a motor vehicle upon
18 the roads, highways, streets, or premises open to the public as defined by law of this state; is in-
19 volved in any [*accident, collision,*] **crash** or other event giving rise to liability shall forthwith notify
20 the Department of Transportation of any change of the person's address occurring within 3 years
21 after the [*accident, collision,*] **crash** or event.

22 D(5) Service in foreign country. When service is to be effected upon a party in a foreign country,
23 it is also sufficient if service of true copies of the summons and the complaint is made in the manner
24 prescribed by the law of the foreign country for service in that country in its courts of general ju-
25 risdiction, or as directed by the foreign authority in response to letters rogatory, or as directed by
26 order of the court. However, in all cases service shall be reasonably calculated to give actual notice.

27 D(6) Court order for service by other method. When it appears that service is not possible under
28 any method otherwise specified in these rules or other rule or statute, then a motion supported by
29 affidavit or declaration may be filed to request a discretionary court order to allow alternative
30 service by any method or combination of methods that, under the circumstances, is most reasonably
31 calculated to apprise the defendant of the existence and pendency of the action. If the court orders
32 alternative service and the plaintiff knows or with reasonable diligence can ascertain the
33 defendant's current address, the plaintiff must mail true copies of the summons and the complaint
34 to the defendant at that address by first class mail and any of the following: certified, registered,
35 or express mail, return receipt requested. If the plaintiff does not know, and with reasonable dili-
36 gence cannot ascertain, the current address of any defendant, the plaintiff must mail true copies of
37 the summons and the complaint by the methods specified above to the defendant at the defendant's
38 last known address. If the plaintiff does not know, and with reasonable diligence cannot ascertain,
39 the defendant's current and last known addresses, a mailing of copies of the summons and the
40 complaint is not required.

41 D(6)(a) Non-electronic alternative service. Non-electronic forms of alternative service may in-
42 clude, but are not limited to, publication of summons; mailing without publication to a specified post
43 office address of the defendant by first class mail as well as either by certified, registered, or express
44 mail with return receipt requested; or posting at specified locations. The court may specify a re-
45 sponse time in accordance with subsection C(2) of this rule.

1 D(6)(a)(i) Alternative service by publication. In addition to the contents of a summons as de-
2 scribed in section C of this rule, a published summons must also contain a summary statement of
3 the object of the complaint and the demand for relief, and the notice required in subsection C(3) of
4 this rule must state: “The motion or answer or reply must be given to the court clerk or adminis-
5 trator within 30 days of the date of first publication specified herein along with the required filing
6 fee.” The published summons must also contain the date of the first publication of the summons.

7 D(6)(a)(i)(A) Where published. An order for publication must direct publication to be made in a
8 newspaper of general circulation in the county where the action is commenced or, if there is no such
9 newspaper, then in a newspaper to be designated as most likely to give notice to the person to be
10 served. The summons must be published four times in successive calendar weeks. If the plaintiff
11 knows of a specific location other than the county in which the action is commenced where publi-
12 cation might reasonably result in actual notice to the defendant, the plaintiff must so state in the
13 affidavit or declaration required by paragraph D(6) of this rule, and the court may order publication
14 in a comparable manner at that location in addition to, or in lieu of, publication in the county in
15 which the action is commenced.

16 D(6)(a)(ii) Alternative service by posting. The court may order service by posting true copies
17 of the summons and complaint at a designated location in the courthouse where the action is com-
18 menced and at any other location that the affidavit or declaration required by subsection D(6) of this
19 rule indicates that the posting might reasonably result in actual notice to the defendant.

20 D(6)(b) Electronic alternative service. Electronic forms of alternative service may include, but
21 are not limited to: e-mail; text message; facsimile transmission as defined in Rule 9 F; or posting to
22 a social media account. The affidavit or declaration filed with a motion for electronic alternative
23 service must include: verification that diligent inquiry revealed that the defendant’s residence ad-
24 dress, mailing address, and place of employment are unlikely to accomplish service; the reason that
25 plaintiff believes the defendant has recently sent and received transmissions from the specific e-mail
26 address or telephone or facsimile number, or maintains an active social media account on the spe-
27 cific platform the plaintiff asks to use; and facts that indicate the intended recipient is likely to
28 personally receive the electronic transmission. The certificate of service must verify compliance
29 with subparagraph D(6)(b)(i) and subparagraph D(6)(b)(ii) of this rule. An amended certificate of
30 service must be filed if it later becomes evident that the intended recipient did not personally re-
31 ceive the electronic transmission.

32 D(6)(b)(i) Content of electronic transmissions. If the court allows service by a specific electronic
33 method, the case name, case number, and name of the court in which the action is pending must be
34 prominently positioned where it is most likely to be read first. For e-mail service, those details must
35 appear in the subject line. For text message service, they must appear in the first line of the first
36 text. For facsimile service, they must appear at the top of the first page. For posting to a social
37 media account, they must appear in the top lines of the posting.

38 D(6)(b)(ii) Format of electronic transmissions. If the court allows alternative service by an
39 electronic method, the summons, complaint, and any other documents must be attached in a file
40 format that is capable of showing a true copy of the original document. When an electronic method
41 is incapable of transferring transmissions that exceed a certain size, the plaintiff must not exceed
42 those express size limitations. If the size of the attachments exceeds the limitations of any electronic
43 method allowed, then multiple sequential transmissions may be sent immediately after the initial
44 transmission to complete service.

45 D(6)(c) Unknown heirs or persons. If service cannot be made by another method described in

1 this section because defendants are unknown heirs or persons as described in Rule 20 I and J, the
 2 action will proceed against the unknown heirs or persons in the same manner as against named
 3 defendants served by publication and with like effect; and any unknown heirs or persons who have
 4 or claim any right, estate, lien, or interest in the property in controversy at the time of the com-
 5 mencement of the action, and who are served by publication, will be bound and concluded by the
 6 judgment in the action, if the same is in favor of the plaintiff, as effectively as if the action had been
 7 brought against those defendants by name.

8 D(6)(d) Defending before or after judgment. A defendant against whom service pursuant to this
 9 subsection is ordered or that defendant's representatives, on application and sufficient cause shown,
 10 at any time before judgment will be allowed to defend the action. A defendant against whom service
 11 pursuant to this subsection is ordered or that defendant's representatives may, upon good cause
 12 shown and upon any terms that may be proper, be allowed to defend after judgment and within one
 13 year after entry of judgment. If the defense is successful, and the judgment or any part thereof has
 14 been collected or otherwise enforced, restitution may be ordered by the court, but the title to
 15 property sold upon execution issued on that judgment, to a purchaser in good faith, will not be af-
 16 fected thereby.

17 D(6)(e) Defendant who cannot be served. Within the meaning of this subsection, a defendant
 18 cannot be served with summons by any method authorized by subsection D(3) of this rule if service
 19 pursuant to subparagraph D(4)(a)(i) of this rule is not applicable, the plaintiff attempted service of
 20 summons by all of the methods authorized by subsection D(3) of this rule, and the plaintiff was un-
 21 able to complete service; or if the plaintiff knew that service by these methods could not be ac-
 22 complished.

23 **SECTION 85.** ORS 12.278 is amended to read:

24 12.278. (1) A civil action against a manufacturer of pickup trucks for injury or damage resulting
 25 from a fire caused by rupture of a sidesaddle gas tank in a vehicle [*collision*] **crash**, including any
 26 product liability action under ORS 30.900 to 30.920 and any action based on negligence, must be
 27 commenced not later than two years after the injury or damage occurs. A civil action against a
 28 manufacturer of pickup trucks for death resulting from a fire caused by rupture of a sidesaddle gas
 29 tank in a vehicle [*collision*] **crash**, including any product liability action under ORS 30.900 to 30.920
 30 and any action based on negligence, must be commenced not later than three years after the death.

31 (2) A civil action against a manufacturer of pickup trucks for death, injury or damage resulting
 32 from a fire caused by rupture of a sidesaddle gas tank in a vehicle [*collision*] **crash** is not subject
 33 to ORS 12.115, 30.020, 30.905 or any other statute of limitation or statute of ultimate repose in
 34 Oregon Revised Statutes.

35 (3) For the purposes of this section, "sidesaddle gas tank" means a gas tank mounted outside
 36 of the side rails of the frame of a pickup truck.

37 **SECTION 86.** ORS 30.480 is amended to read:

38 30.480. (1) When a provider of volunteer transportation services who is qualified under sub-
 39 section (3) of this section provides the services under the conditions described in subsection (4) of
 40 this section to a person with a disability or a person who is 55 years of age or older, the liability
 41 of the provider to the person for injury, death or loss arising out of the volunteer transportation
 42 services shall be limited as provided in this section. When volunteer transportation services are
 43 provided to five or fewer persons at one time, the liability of the provider of the volunteer trans-
 44 portation services shall not exceed the greater of the amount of coverage under the terms of the
 45 provider's motor vehicle liability insurance policy, as described in ORS 806.080, or the amounts

1 specified in ORS 806.070 for future responsibility payments for:

2 (a) Bodily injury to or death of any one person to whom the transportation services are pro-
3 vided, in any one [accident] **crash**.

4 (b) Bodily injury to or death of two or more persons to whom the transportation services are
5 provided, in any one [accident] **crash**.

6 (c) Injury to or destruction of the property of one or more persons to whom the transportation
7 services are provided, in any one [accident] **crash**.

8 (2) Notwithstanding the amount specified in subsection (1)(b) of this section by reference to ORS
9 806.070, if a qualified provider of transportation services provides the services to more than five
10 persons, but not more than 16, at one time who have disabilities or who are 55 years of age or older,
11 under the conditions described in subsection (4) of this section, the liability under subsection (1)(b)
12 of this section shall not exceed the greater of the amount of coverage under the terms of the
13 provider's motor vehicle liability insurance policy or \$300,000. The limitations on liability provided
14 by ORS 30.475, 30.480 and 30.485 do not apply when volunteer transportation services are provided
15 to 17 or more persons at one time who have disabilities or who are 55 years of age or older.

16 (3) The following persons qualify for the limitation on liability under subsections (1) and (2) of
17 this section:

18 (a) The person who provides or sponsors transportation services.

19 (b) The owner of the vehicle in which transportation services are provided.

20 (c) The person who operates the vehicle in which transportation services are provided.

21 (4) The limitation on liability under subsections (1) and (2) of this section applies to a person
22 qualified under subsection (3) of this section only under the following conditions:

23 (a) If the person is an individual, the individual must hold a valid Oregon driver's license.

24 (b) The person must provide the transportation services on a nonprofit and voluntary basis.
25 However, this paragraph does not prohibit a sponsor of transportation services from reimbursing an
26 operator of a private motor vehicle providing the services for actual expenses incurred by the op-
27 erator. If an operator is paid, that operator is qualified only if operating as an emergency operator.

28 (c) The person providing the transportation services must not receive from the persons using the
29 services any substantial benefit in a material or business sense that is a substantial motivating
30 factor for the transportation. A contribution or donation to the provider of the transportation ser-
31 vices other than the operator of the motor vehicle or any mere gratuity or social amenity shall not
32 be a substantial benefit under this paragraph.

33 (d) Except as provided in paragraph (c) of this subsection, the transportation services must be
34 provided without charge to the person using the services.

35 (5) The amounts received by a person with a disability or a person 55 years of age or older
36 under the personal injury protection provisions of the insurance coverage of a person who qualifies
37 for the limitation on liability under this section shall not reduce the amount that the person may
38 recover under subsection (1) or (2) of this section.

39 (6) The liability of two or more persons whose liability is limited under this section, on claims
40 arising out of a single [accident] **crash**, [shall] **may** not exceed in the aggregate the amounts limited
41 by subsection (1) or (2) of this section.

42 (7) This section does not apply in the case of [an accident] **a crash** or injury if the [accident]
43 **crash** or injury was intentional on the part of any person who provided the transportation services
44 or if the [accident] **crash** or injury was caused by the person's gross negligence or intoxication. For
45 purposes of this subsection, gross negligence is negligence which is materially greater than the mere

1 absence of reasonable care under the circumstances, and which is characterized by conscious indif-
2 ference to or reckless disregard of the rights of others.

3 (8) For purposes of this section, a person has a disability if the person has a physical or mental
4 disability that for the person constitutes or results in a functional limitation to one or more of the
5 following activities: Self-care, ambulation, communication, transportation, education, socialization
6 or employment.

7 **SECTION 87.** ORS 31.760 is amended to read:

8 31.760. (1) In an action brought to recover damages for personal injuries arising out of a motor
9 vehicle [*accident*] **crash**, evidence of the nonuse of a safety belt or harness may be admitted only
10 to mitigate the injured party's damages. The mitigation [*shall*] **may** not exceed five percent of the
11 amount to which the injured party would otherwise be entitled.

12 (2) Subsection (1) of this section [*shall*] **does** not apply to:

13 (a) Actions brought under ORS 30.900 to 30.920; or

14 (b) Actions to recover damages for personal injuries arising out of a motor vehicle [*accident*]
15 **crash** when nonuse of a safety belt or harness is a substantial contributing cause of the [*accident*]
16 **crash** itself.

17 **SECTION 88.** ORS 41.905 is amended to read:

18 41.905. A plea to a charge of a traffic crime, as defined in ORS 801.545, and any judgment of
19 conviction or acquittal of a person charged with a traffic crime, as defined by ORS 801.545, are not
20 admissible in the trial of a subsequent civil action arising out of the same [*accident*] **crash** or oc-
21 currence to prove or negate the facts upon which such judgment was rendered.

22 **SECTION 89.** ORS 98.854 is amended to read:

23 98.854. A tower may not:

24 (1)(a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view
25 at the parking facility that, using clear and conspicuous language, prohibits or restricts public
26 parking at the parking facility.

27 (b) Notwithstanding paragraph (a) of this subsection, a tower may tow a motor vehicle from a
28 parking facility with the prior consent of the owner or operator of the motor vehicle.

29 (2) Except as provided in ORS 98.853, tow a motor vehicle from a parking facility without first
30 contacting the owner of the parking facility or the owner's agent at the time of the tow and re-
31 ceiving signed authorization from the owner of the parking facility or the owner's agent that the
32 tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic
33 or printed form, each signed authorization received under this subsection. Upon request, the tower
34 shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at
35 no additional charge.

36 (3) Serve as an agent of an owner of a parking facility for the purpose of signing an authori-
37 zation required by subsection (2) of this section.

38 (4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the
39 owner's agent is an employee of a tower.

40 (5) Charge more than a price disclosed under ORS 98.856 when towing a motor vehicle without
41 the prior consent or authorization of the owner or operator of the motor vehicle.

42 (6) Charge more than an amount set under ORS 98.859 when towing a motor vehicle without the
43 prior consent or authorization of the owner or operator of the motor vehicle.

44 (7) Solicit towing business at, or within 1,000 feet of, the site of a motor vehicle [*accident*]
45 **crash**, unless the tower tows the motor vehicle pursuant to a prenegotiated payment agreement

1 between the tower and a motor vehicle road service company.

2 (8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the
3 parking facility for towing business.

4 (9) Provide consideration to obtain the privilege of towing motor vehicles from a parking facil-
5 ity. For the purposes of this paragraph, the provision of:

6 (a) Signs by a tower under ORS 98.862 does not constitute consideration.

7 (b) Goods or services by a tower below fair market value constitutes consideration.

8 (10) Require, as a condition of towing a motor vehicle or releasing a motor vehicle or personal
9 property in the motor vehicle, that the owner or operator of the motor vehicle agree not to dispute:

10 (a) The reason for the tow;

11 (b) The validity or amount of charges; or

12 (c) The responsibility of the tower for the condition of the motor vehicle or personal property
13 in the motor vehicle.

14 (11) Hold a towed motor vehicle for more than 24 hours without:

15 (a) Taking an inventory of all personal property in the motor vehicle that is visible from the
16 exterior of the motor vehicle; and

17 (b) Holding the personal property in the motor vehicle in a secure manner.

18 (12) Accept cash as a method of payment for towing services unless the tower provides exact
19 change not later than the end of the business day following receipt of payment.

20 (13) Operate in a city or county without a license issued by the city or county if required by
21 ORS 98.861.

22 (14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853.

23 **SECTION 90.** ORS 105.932 is amended to read:

24 105.932. (1) Data on a motor vehicle event data recorder does not become the property of a
25 lienholder or insurer solely because the lienholder or insurer succeeds in ownership of a motor ve-
26 hicle as a result of [*an accident*] **a crash**.

27 (2) An insurer may not condition the payment or settlement of an owner's claim on the owner's
28 consent to the retrieval or use of the data on a motor vehicle event data recorder.

29 (3) An insurer or lessor of a motor vehicle may not require an owner to consent to the retrieval
30 or use of the data on a motor vehicle event data recorder as a condition of providing the policy or
31 lease.

32 **SECTION 91.** ORS 105.935 is amended to read:

33 105.935. Data from a motor vehicle event data recorder may be retrieved or used without the
34 consent of the owner after [*an accident*] **a crash** if a court orders the production of the data based
35 on a determination by the court that:

36 (1) A law enforcement officer has probable cause to believe that a crime has occurred and that
37 the data is relevant to the investigation of the crime; or

38 (2) A law enforcement officer, firefighter or emergency medical services provider seeks to obtain
39 the data in the course of responding to or investigating an emergency involving the physical injury
40 or the risk of physical injury to any person.

41 **SECTION 92.** ORS 105.938 is amended to read:

42 105.938. (1) Upon petition of an insurer, a court may order that data from a motor vehicle event
43 data recorder be retrieved or used without the consent of the owner of the motor vehicle after [*an*
44 *accident*] **a crash** if the court determines that:

45 (a) The owner has a policy of insurance for the vehicle issued by the insurer;

1 (b) The data is necessary to reconstruct the facts of the [*accident*] **crash** and to allow the
2 insurer to determine the obligations of the insurer under the insurance policy; and

3 (c) An accurate and timely determination of the facts of the [*accident*] **crash** cannot occur
4 without the data.

5 (2) A petition under this section must be filed in the circuit court for the county in which the
6 owner of the motor vehicle resides. The petition must be served on the owner in the manner pro-
7 vided by ORCP 7 not less than 30 days before a hearing on the petition. An insurer filing a petition
8 under this section must pay the filing fee specified by ORS 21.135.

9 **SECTION 93.** ORS 133.405 is amended to read:

10 133.405. (1) As used in ORS 133.405 to 133.408:

11 (a) “Adjoining state” means California, Idaho, Nevada or Washington.

12 (b) “Certified peace officer” means a regularly employed peace officer or police officer from an
13 adjoining state, including a peace officer or police officer employed by a local government of an
14 adjoining state.

15 (c) “Employing agency” means a state or local government of an adjoining state that employs
16 a certified peace officer.

17 (2) A certified peace officer is a peace officer and a police officer in this state when:

18 (a) The officer enters this state in order to provide, or attempt to provide, law enforcement
19 services described in subsection (3) of this section; and

20 (b) The law enforcement services occur within 50 miles from the contiguous border of this state
21 and the adjoining state where the officer is employed.

22 (3) Subsection (2) of this section applies when the certified peace officer is providing, or at-
23 tempting to provide, law enforcement services under any of the following circumstances:

24 (a) In response to a request for law enforcement services initiated by an Oregon sheriff,
25 constable, marshal, municipal police officer or member of the Oregon State Police.

26 (b) In response to a reasonable belief that emergency law enforcement services are necessary
27 for the preservation of life, and a request for services by an Oregon sheriff, constable, marshal,
28 municipal police officer or member of the Oregon State Police for those services is impractical to
29 obtain under the circumstances. The certified police officer shall obtain authorization from an
30 Oregon law enforcement agency having jurisdiction over the location where the services were pro-
31 vided as soon as is practicable after the services have been provided.

32 (c) For the purpose of assisting an Oregon sheriff, constable, marshal, municipal police officer
33 or member of the Oregon State police in providing emergency service in response to criminal ac-
34 tivity, [*traffic accidents*] **crashes**, emergency incidents or other similar public safety problems,
35 whether or not an Oregon sheriff, constable, marshal, municipal police officer or member of the
36 Oregon State Police is present at the scene of the incident.

37 (4) When a certified peace officer exercises any authority granted under this section, the officer
38 shall submit, as soon as is practicable, a written report concerning the incident to the Oregon law
39 enforcement agency having primary jurisdiction over the geographic area in which the incident oc-
40 curred. Oregon law enforcement agencies may establish reporting procedures and forms to facilitate
41 reporting required under this subsection.

42 (5) This section does not confer upon a certified peace officer the authority to enforce Oregon
43 traffic or motor vehicle laws.

44 **SECTION 94.** ORS 135.857 is amended to read:

45 135.857. (1) In any criminal prosecution arising from an automobile [*collision*] **crash** in which the

1 defendant is alleged to have been under the influence of alcohol or drugs, the district attorney
2 prosecuting the action shall make available, upon request, to the victim or victims and to their at-
3 torney, or to the survivors of the victim or victims and to their attorney, all reports and information
4 disclosed to the defendant pursuant to ORS 135.805 to 135.873. The reports and information shall
5 be made available at the same time as it is disclosed to the defendant or as soon thereafter as may
6 be practicable after a request is received. The district attorney may impose such conditions as may
7 be reasonable and necessary to prevent the release of the reports and information from interfering
8 with the trial of the defendant. The district attorney may apply to the court for an order requiring
9 any person receiving such reports and information to comply with the conditions of release.

10 (2) For the purpose of this section:

11 (a) "District attorney" has that meaning given in ORS 131.005.

12 (b) "Drug" has that meaning given in ORS 475.005.

13 **SECTION 95.** ORS 146.113 is amended to read:

14 146.113. (1) A medical examiner or district attorney may, in any death requiring investigation,
15 order samples of blood or urine taken for laboratory analysis.

16 (2) When a death requiring an investigation as a result of a motor vehicle [*accident*] **crash** oc-
17 curs within five hours after the [*accident*] **crash** and the deceased is over 13 years of age, a blood
18 sample shall be taken and forwarded to an approved laboratory for analysis. Such blood or urine
19 samples shall be analyzed for the presence and quantity of ethyl alcohol, and if considered necessary
20 by the Chief Medical Examiner, the presence of cannabis or controlled substances.

21 (3) Laboratory reports of the analysis shall be made a part of the Chief Medical Examiner's and
22 district medical examiner's files.

23 **SECTION 96.** ORS 153.061 is amended to read:

24 153.061. (1) Except as provided in subsection (2) of this section, a defendant who has been issued
25 a violation citation must either:

26 (a) Make a first appearance by personally appearing in court at the time indicated in the sum-
27 mons; or

28 (b) Make a first appearance in the manner provided in subsection (3) of this section before the
29 time indicated in the summons.

30 (2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which
31 a police officer noted that the offense contributed to [*an accident*] **a crash** and that the cited offense
32 appears to have contributed to the serious physical injury or death of a vulnerable user of a public
33 way, the officer may not enter the amount of the presumptive fine on the summons and the defend-
34 ant must make a first appearance by personally appearing in court at the time indicated in the
35 summons.

36 (3)(a) Except as provided in this section, a defendant who has been issued a violation citation
37 may make a first appearance in the matter before the time indicated in the summons by one of the
38 following means:

39 (A) The defendant may submit to the court a written or oral request for a trial.

40 (B) The defendant may enter a plea of no contest by:

41 (i) Delivering to the court or a Central Violations Bureau established under ORS 153.806 the
42 summons and a check or money order in the amount of the presumptive fine set forth in the sum-
43 mons; or

44 (ii) Appearing by electronic or telephonic means and entering the plea with a Central Violations
45 Bureau established under ORS 153.806.

1 (b) The entry of a plea under paragraph (a)(B) of this subsection constitutes a waiver of trial
2 and consent to the entry of a judgment forfeiting the presumptive fine.

3 (c) A no contest plea under this subsection is not subject to the requirements of ORS chapter
4 135 relating to the entry of pleas and, upon receipt of the plea, the court may enter judgment
5 against the defendant without taking further evidence.

6 (4) The court may require that a defendant requesting a trial under subsection (3) of this section
7 deposit an amount equal to the presumptive fine established under ORS 153.019 and 153.020 or such
8 other amount as the court determines appropriate if the defendant has failed to appear in any court
9 on one or more other charges in the past. If the defendant does not deposit the amount specified
10 by the court, the defendant must personally appear in court at the time indicated in the summons.
11 The amount deposited by the defendant may be applied against any fine imposed by the court, and
12 any amount not so applied shall be refunded to the defendant at the conclusion of the proceedings.

13 (5) The court may require a defendant to appear personally in any case, or may require that all
14 defendants appear in specified categories of cases.

15 (6) If a defendant has entered a no contest plea in the manner provided in subsection (3) of this
16 section, and the court determines that the presumptive fine is not adequate by reason of previous
17 convictions of the defendant, the nature of the offense charged or other circumstances, the court
18 may require that a trial be held unless an additional fine amount is paid by the defendant before a
19 specified date. Notice of an additional fine amount under this subsection may be given to the de-
20 fendant by mail. In no event may the court require a total fine amount in excess of the maximum
21 fine established for the violation by statute.

22 (7) If a defendant fails to make a first appearance on a citation for a traffic violation, as defined
23 by ORS 801.557, fails to make a first appearance on a citation for a violation of ORS 471.430, or fails
24 to appear at any other subsequent time set for trial or other appearance, the driving privileges of
25 the defendant are subject to suspension under ORS 809.220.

26 **SECTION 97.** Section 2, chapter 330, Oregon Laws 2017, is amended to read:

27 **Sec. 2.** (1) The State Fish and Wildlife Commission shall adopt rules for the issuance of wildlife
28 salvage permits to persons desiring to recover, possess, use or transport, for the purpose of salvag-
29 ing game meat for human consumption, deer or elk that have been accidentally killed as a result
30 of a vehicle [*collision*] **crash**. The rules shall prescribe:

31 (a) The form and method for applying for and receiving a wildlife salvage permit; and

32 (b) Terms and conditions for the recovery, possession, use and transport of deer or elk pursuant
33 to a wildlife salvage permit.

34 (2) A person who recovers, possesses, uses or transports deer or elk pursuant to a wildlife sal-
35 vage permit shall promptly surrender the antlers of the deer or elk to the State Department of Fish
36 and Wildlife.

37 (3) A wildlife salvage permit may not be issued for the recovery, possession, use or transport
38 of crippled or helpless deer or elk killed pursuant to ORS 498.016, unless the person seeking the
39 wildlife salvage permit accidentally rendered the deer or elk crippled or helpless as the driver of a
40 motor vehicle involved in a [*collision*] **crash** with the deer or elk.

41 (4) The State of Oregon is not liable for any loss or damage arising out of the recovery, pos-
42 session, use, transport or consumption of deer or elk pursuant to a wildlife salvage permit.

43 **SECTION 98.** ORS 163.115 is amended to read:

44 163.115. (1) Except as provided in ORS 163.095, 163.118 and 163.125, criminal homicide consti-
45 tutes murder in the second degree:

1 (a) When it is committed intentionally, except that it is an affirmative defense that, at the time
2 of the homicide, the defendant was under the influence of an extreme emotional disturbance;

3 (b) When it is committed by a person, acting either alone or with one or more persons, who
4 commits or attempts to commit any of the following crimes and in the course of and in furtherance
5 of the crime the person is committing or attempting to commit, or during the immediate flight
6 therefrom, the person, or another participant if there be any, causes the death of a person other
7 than one of the participants:

8 (A) Arson in the first degree as defined in ORS 164.325;

9 (B) Criminal mischief in the first degree by means of an explosive as defined in ORS 164.365;

10 (C) Burglary in the first degree as defined in ORS 164.225;

11 (D) Escape in the first degree as defined in ORS 162.165;

12 (E) Kidnapping in the second degree as defined in ORS 163.225;

13 (F) Kidnapping in the first degree as defined in ORS 163.235;

14 (G) Robbery in the first degree as defined in ORS 164.415;

15 (H) Any felony sexual offense in the first degree defined in this chapter;

16 (I) Compelling prostitution as defined in ORS 167.017; or

17 (J) Assault in the first degree, as defined in ORS 163.185, and the victim is under 14 years of
18 age, or assault in the second degree, as defined in ORS 163.175 (1)(a) or (b), and the victim is under
19 14 years of age; or

20 (c) By abuse when a person, recklessly under circumstances manifesting extreme indifference to
21 the value of human life, causes the death of a child under 14 years of age or a dependent person,
22 as defined in ORS 163.205, and:

23 (A) The person has previously engaged in a pattern or practice of assault or torture of the vic-
24 tim or another child under 14 years of age or a dependent person; or

25 (B) The person causes the death by neglect or maltreatment.

26 (2) An accusatory instrument alleging murder by abuse under subsection (1)(c) of this section
27 need not allege specific incidents of assault or torture.

28 (3) It is an affirmative defense to a charge of violating subsection (1)(b) of this section that the
29 defendant:

30 (a) Was not the only participant in the underlying crime;

31 (b) Did not commit the homicidal act or in any way solicit, request, command, importune, cause
32 or aid in the commission thereof;

33 (c) Was not armed with a dangerous or deadly weapon;

34 (d) Had no reasonable ground to believe that any other participant was armed with a dangerous
35 or deadly weapon; and

36 (e) Had no reasonable ground to believe that any other participant intended to engage in con-
37 duct likely to result in death.

38 (4) It is an affirmative defense to a charge of violating subsection (1)(c)(B) of this section that
39 the victim was a dependent person who was at least 18 years of age and was under care or treat-
40 ment solely by spiritual means pursuant to the religious beliefs or practices of the dependent person
41 or the guardian of the dependent person.

42 (5) Except as otherwise provided in ORS 144.397 and 163.155:

43 (a) A person convicted of murder in the second degree, who was at least 15 years of age at the
44 time of committing the murder, shall be punished by imprisonment for life.

45 (b) When a defendant is convicted of murder in the second degree under this section, the court

1 shall order that the defendant shall be confined for a minimum of 25 years without possibility of
2 parole, release to post-prison supervision, release on work release or any form of temporary leave
3 or employment at a forest or work camp.

4 (c) At any time after completion of a minimum period of confinement pursuant to paragraph (b)
5 of this subsection, the State Board of Parole and Post-Prison Supervision, upon the petition of a
6 prisoner so confined, shall hold a hearing to determine if the prisoner is likely to be rehabilitated
7 within a reasonable period of time. The sole issue is whether the prisoner is likely to be rehabili-
8 tated within a reasonable period of time. At the hearing the prisoner has:

9 (A) The burden of proving by a preponderance of the evidence the likelihood of rehabilitation
10 within a reasonable period of time;

11 (B) The right, if the prisoner is without sufficient funds to employ an attorney, to be represented
12 by legal counsel, appointed by the board, at board expense; and

13 (C) The right to a subpoena upon a showing of the general relevance and reasonable scope of
14 the evidence sought, provided that any subpoena issued on behalf of the prisoner must be issued by
15 the State Board of Parole and Post-Prison Supervision pursuant to rules adopted by the board.

16 (d) If, upon hearing all of the evidence, the board, upon a unanimous vote of three board mem-
17 bers or, if the chairperson requires all voting members to participate, a unanimous vote of all voting
18 members, finds that the prisoner is capable of rehabilitation and that the terms of the prisoner's
19 confinement should be changed to life imprisonment with the possibility of parole, release to post-
20 prison supervision or work release, it shall enter an order to that effect and the order shall convert
21 the terms of the prisoner's confinement to life imprisonment with the possibility of parole, release
22 to post-prison supervision or work release and may set a release date. Otherwise, the board shall
23 deny the relief sought in the petition.

24 (e) If the board denies the relief sought in the petition, the board shall determine the date of the
25 subsequent hearing, and the prisoner may petition for an interim hearing, in accordance with ORS
26 144.285.

27 (f) The board's final order shall be accompanied by findings of fact and conclusions of law. The
28 findings of fact shall consist of a concise statement of the underlying facts supporting the findings
29 as to each contested issue of fact and as to each ultimate fact required to support the board's order.

30 (6) As used in this section:

31 (a) "Assault" means the intentional, knowing or reckless causation of physical injury to another
32 person. "Assault" does not include the causation of physical injury in a motor vehicle [*accident*]
33 **crash** that occurs by reason of the reckless conduct of a defendant.

34 (b) "Neglect or maltreatment" means a violation of ORS 163.535, 163.545 or 163.547 or a failure
35 to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
36 welfare of a child under 14 years of age or a dependent person. This paragraph is not intended to
37 replace or affect the duty or standard of care required under ORS chapter 677.

38 (c) "Pattern or practice" means one or more previous episodes.

39 (d) "Torture" means the intentional infliction of intense physical pain upon an unwilling victim
40 as a separate objective apart from any other purpose.

41 **SECTION 99.** ORS 181A.085 is amended to read:

42 181A.085. (1) The Department of State Police shall develop a targeted enforcement program for
43 the purpose of improving public safety. The program shall be designed to reduce fatalities, physical
44 injury and property damage by allocating patrol resources based on motor vehicle [*accident*] **crash**
45 data compiled by the Department of Transportation.

1 (2) The Department of Transportation shall provide motor vehicle [*accident*] **crash** data to the
2 Department of State Police for use in the targeted enforcement program.

3 (3) The Department of State Police may adopt rules to carry out the provisions of this section.

4 **SECTION 100.** ORS 336.802 is amended to read:

5 336.802. (1) The Department of Transportation, in consultation with the Transportation Safety
6 Committee, shall establish a curriculum for a traffic safety education course under ORS 336.800. The
7 curriculum shall establish standards for a course of instruction to be devoted to the study and
8 practice of rules of the road, the safe and proper operation of motor vehicles, [*accident*] **crash** pre-
9 vention and other matters that promote safe and lawful driving habits and reduce the need for in-
10 tensive highway policing. The course shall include classroom instruction and on-street driving or
11 simulated driving in a driving simulator. No pupil may participate in on-street driving instruction
12 unless the pupil is enrolled in or has completed a course in classroom instruction.

13 (2) The department shall adopt by rule a procedure to certify that a traffic safety education
14 course meets curriculum standards established under subsection (1) of this section.

15 (3) The department shall adopt rules establishing qualifications for a person to teach a traffic
16 safety education course.

17 (4) The department shall adopt rules necessary to administer ORS 336.805 and 336.810.

18 **SECTION 101.** ORS 374.005 is amended to read:

19 374.005. (1) The kind, character and volume of traffic now moving over public highways, the
20 speed at which such traffic moves, the prime and essential factors such as speed, safety and con-
21 venience to which transportation of persons and property over public highways is entitled, the re-
22 lation which such transportation bears to the transportation systems of other states and of the
23 nation as a whole, the ever-increasing toll of injury to and death of persons and the destruction of
24 and damage to property caused by and resulting from [*accidents*] **crashes** on public highways con-
25 stitute and are conditions and elements which demand of highway officials a program of highway
26 designing, highway regulations, highway use and operation, highway controls and highway safe-
27 guards which will make possible and insure a degree of safety and convenience and a type and class
28 of service not possible under existing law.

29 (2) To the end that human lives may be saved, property damage minimized, transportation by
30 motor vehicle promoted and highway travel in general safeguarded, the legislature finds, determines
31 and declares that ORS 374.005 to 374.095 is necessary for the preservation of public safety, the im-
32 provement and development of transportation facilities in the state, the protection of highway traffic
33 from the hazards of unrestricted and unregulated entry from adjacent property, the elimination of
34 hazards due to highway grade intersections and in general the promotion of public welfare.

35 **SECTION 102.** ORS 390.565 is amended to read:

36 390.565. (1) The All-Terrain Vehicle Advisory Committee is established. The committee shall
37 consist of 16 voting members and one nonvoting member appointed by the State Parks and Recre-
38 ation Commission for a term of four years. Members are eligible for reappointment and vacancies
39 may be filled by the commission. A majority of members constitutes a quorum for the transaction
40 of business.

41 (2) Of the voting members of the committee:

42 (a) One shall be a representative of a Class I all-terrain vehicle user organization.

43 (b) One shall be a representative of a Class II all-terrain vehicle user organization.

44 (c) One shall be a representative of a Class III all-terrain vehicle user organization.

45 (d) One shall be a representative of a Class IV all-terrain vehicle user organization.

- 1 (e) One shall be an all-terrain vehicle dealer.
- 2 (f) One shall be an at-large all-terrain vehicle user.
- 3 (g) One shall be a representative of the United States Forest Service who is knowledgeable
4 about all-terrain vehicle recreation areas on federal lands.
- 5 (h) One shall be a representative of the Bureau of Land Management who is knowledgeable
6 about all-terrain vehicle recreation areas on federal lands.
- 7 (i) One shall be a representative of the Department of Transportation who is knowledgeable
8 about transportation safety.
- 9 (j) One shall be a representative of the State Forestry Department who is knowledgeable about
10 all-terrain vehicle recreation areas on state lands.
- 11 (k) One shall be a representative of the Department of Human Services who is knowledgeable
12 about public health and safety.
- 13 (L) One shall be a representative of a law enforcement agency who is knowledgeable about and
14 active in enforcement of all-terrain vehicle laws.
- 15 (m) One shall be a representative of the State Department of Fish and Wildlife who is know-
16 ledgeable about all-terrain vehicle activities and the use of all-terrain vehicles in hunting and fish-
17 ing.
- 18 (n) One shall be a person who represents persons with disabilities.
- 19 (o) One shall be a representative of a rural fire protection district.
- 20 (p) One shall be a representative of emergency medical services providers.
- 21 (3) One representative from the State Parks and Recreation Department shall be a nonvoting
22 member of the committee.
- 23 (4) The committee shall:
- 24 (a) Review [*accidents*] **crashes** and fatalities resulting from all-terrain vehicle recreation and
25 make recommendations to the State Parks and Recreation Commission.
- 26 (b) Review changes to statutory vehicle classifications as necessary for safety considerations
27 and make recommendations to the commission.
- 28 (c) Review safety features of all classes of off-highway vehicles and make recommendations to
29 the commission.
- 30 (d) Recommend appropriate safety requirements to protect child operators and riders of off-
31 highway vehicles to the commission.
- 32 (5)(a) A subcommittee of the All-Terrain Vehicle Advisory Committee, titled the All-Terrain
33 Vehicle Grant Subcommittee, is established.
- 34 (b) The All-Terrain Vehicle Grant Subcommittee shall consist of the following members:
- 35 (A) The representative of a Class I all-terrain vehicle user organization.
- 36 (B) The representative of a Class II all-terrain vehicle user organization.
- 37 (C) The representative of a Class III all-terrain vehicle user organization.
- 38 (D) The representative of a Class IV all-terrain vehicle user organization.
- 39 (E) The at-large all-terrain vehicle user.
- 40 (F) The representative of a law enforcement agency.
- 41 (G) The representative of persons with disabilities.
- 42 (c) The All-Terrain Vehicle Grant Subcommittee shall:
- 43 (A) Advise the State Parks and Recreation Department on the allocation of moneys in the All-
44 Terrain Vehicle Account established by ORS 390.555; and
- 45 (B) Review grant proposals and make recommendations to the commission as to which projects

1 should receive grant funding.

2 (d) Recommendations on grant proposals under this subsection must receive an affirmative vote
3 from at least four of the members of the grant subcommittee.

4 (6) The State Parks and Recreation Department shall establish and operate an outreach program
5 to inform law enforcement agencies, rural fire protection districts and emergency medical services
6 providers about the grant process and the grant opportunities available under this section and to
7 provide clarification and answer questions about the grant application process.

8 (7) The State Parks and Recreation Department shall provide staff support for the committee
9 and shall provide for expansion of programs for all-terrain vehicle users.

10 **SECTION 103.** ORS 431.144 is amended to read:

11 431.144. (1) Prevention of injury and disease and promotion of health programs established under
12 ORS 431.141 must include, but are not limited to:

13 (a) Prevention and control of tobacco use;

14 (b) Improving nutrition;

15 (c) Improving oral health;

16 (d) Improving prenatal, natal and postnatal care, maternal health and the health of children;

17 (e) Incentivizing increased physical activity; and

18 (f) Decreasing the occurrence and impacts of both unintentional and intentional injuries, such
19 as motor vehicle [*accidents*] **crashes** and suicide.

20 (2) Prevention of injury and disease and promotion of health programs must be based on
21 evidence-based or emerging best practices designed to improve health outcomes for all populations.

22 **SECTION 104.** ORS 445.090 is amended to read:

23 445.090. (1) At the time of filing a claim under this chapter, the claimant shall submit to the
24 Oregon Health Authority such information and data as the authority may reasonably require.

25 (2) A claim filed under this chapter must be filed with the authority within one year after the
26 termination of the care supplied by the claimant. However, in computing the time there shall not
27 be included that period beginning when any claim under ORS chapter 656 arising out of the same
28 motor vehicle [*accident*] **crash** is filed by the indigent patient with the authority, and ending when
29 that claim has been finally decided.

30 **SECTION 105.** ORS 471.703 is amended to read:

31 471.703. (1) The police shall notify the Oregon Liquor Control Commission of the name of the
32 alleged provider of alcoholic liquor when:

33 (a) The police investigate any motor vehicle [*accident*] **crash** where someone other than the
34 operator is injured or incurs property damage;

35 (b) The operator appears to have consumed alcoholic liquor;

36 (c) A citation is issued against the operator that is related to the consumption of alcoholic li-
37 quor or could have been issued if the operator had survived; and

38 (d) The provider of the alcoholic liquor is alleged to be a licensee or permittee of the commis-
39 sion.

40 (2) The notice shall include the name and address of the operator involved and the name and
41 address of the person who named the alleged provider, if the person is other than the operator.

42 (3) Upon receipt of the notice described in subsection (1) of this section, the commission shall
43 cause the licensee or permittee named as the alleged provider to be notified of receipt of the notice
44 and of its content. A copy of the notice shall be retained in the files of the commission and shall
45 be open to inspection by the person injured or damaged by the motor vehicle operator or a repre-

1 sentative of the person.

2 (4) The police shall notify the alleged social host when the circumstances described in sub-
3 section (1) of this section occur and the alleged social host is named as the provider of the alcoholic
4 liquor. The notice shall include the information described in subsection (2) of this section.

5 **SECTION 106.** ORS 672.060 is amended to read:

6 672.060. Registration under ORS 672.002 to 672.325 is not required for the following:

7 (1) The performance of work as an employee or a subordinate of a registered professional engi-
8 neer if:

9 (a) The work does not include final engineering designs or decisions;

10 (b) The work is done under the supervision and control of and is verified by a registered pro-
11 fessional engineer; and

12 (c) The person does not by verbal claim, sign, advertisement, letterhead or card or in any other
13 way imply that the person is or purports to be a professional engineer or registered professional
14 engineer.

15 (2) The performance of engineering work by an employee, sole proprietorship, firm, partnership
16 or corporation:

17 (a) On property owned or leased by the employer, sole proprietorship, firm, partnership or cor-
18 poration, or on property in which the employer, sole proprietorship, firm, partnership or corporation
19 has an interest, estate or possessory right; and

20 (b) That affects exclusively the property or interests of the employer, sole proprietorship, firm,
21 partnership or corporation, unless the performance affects the health or safety of the public or an
22 employee.

23 (3) The performance of engineering work by a person, or by full-time employees of the person,
24 if:

25 (a) The engineering work is in connection with or incidental to the operations of the person;
26 and

27 (b) The engineering work is not offered directly to the public.

28 (4) An offer by an employee, sole proprietorship, firm, partnership or corporation to perform
29 engineering work if:

30 (a) The employer, sole proprietorship, firm, partnership or corporation holds a certificate of
31 registration to engage in the practice of professional engineering issued by the proper authority of
32 any other state, a territory or possession of the United States or a foreign country; and

33 (b) The offer includes a written statement that the offeror is not registered to practice engi-
34 neering in the State of Oregon, but will comply with ORS 672.002 to 672.325 by having an individual
35 holding a valid certificate of registration in this state in responsible charge of the work prior to
36 performing any engineering work within this state.

37 (5) The offering by a construction contractor licensed under ORS chapter 701 of services con-
38 stituting the performance of engineering work if:

39 (a) The services are appurtenant to construction services to be provided by the construction
40 contractor;

41 (b) The services constituting the practice of engineering are performed by an engineer or engi-
42 neers registered under ORS 672.002 to 672.325; and

43 (c) The offer by the construction contractor discloses in writing that the contractor is not an
44 engineer and identifies the engineer or engineers that will perform the services constituting the
45 practice of engineering.

1 (6) The execution of engineering work designed by a professional engineer or the supervision
2 of the construction of engineering work as a foreman or superintendent.

3 (7) The making of drawings or specifications for, or the supervision of the erection, enlargement
4 or alteration of, a building, or an appurtenance thereto, if the building has a ground area of 4,000
5 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to
6 the highest interior overhead finish of the structure. The exemption in this subsection does not apply
7 to a registered professional engineer.

8 (8) The making of drawings or specifications for, or the supervision of the erection, enlargement
9 or alteration of, a building, or an appurtenance thereto, if the building is to be used for a single
10 family residential dwelling or farm building or is a structure used in connection with or auxiliary
11 to a single family residential dwelling or farm building, including but not limited to a three-car ga-
12 rage, barn or shed or a shelter used for the housing of domestic animals or livestock. The exemption
13 in this subsection does not apply to a registered professional engineer.

14 (9) The performance of work as a registered architect practicing architecture.

15 (10) The performance of work as a registered environmental health specialist or registered en-
16 vironmental health specialist trainee working under the supervision of a registered environmental
17 health specialist practicing environmental sanitation, or a registered waste water specialist or reg-
18 istered waste water specialist trainee working under the supervision of a registered waste water
19 specialist practicing waste water sanitation.

20 (11) The performance of land surveying work under the supervision of a registered professional
21 land surveyor or registered professional engineer. The exemption in this subsection does not allow
22 an engineer to supervise a land surveying activity the engineer could not personally perform under
23 ORS 672.025.

24 (12) The performance of land surveying by a person:

25 (a) On property owned or leased by the person, or on property in which the person has an in-
26 terest, estate or possessory right; and

27 (b) That affects exclusively the property or interests of the person, unless the performance af-
28 fects the health or safety of the public or an employee.

29 (13) The performance of land surveying work by a landowner within the boundaries of the
30 landowner's land or by the landowner's regular employee as part of the employee's official duties
31 within the boundaries of the land of the employer.

32 (14) An offer by a person to perform land surveying if:

33 (a) The person holds a certificate of registration to engage in the practice of land surveying is-
34 sued by the proper authority of any other state, a territory or possession of the United States or a
35 foreign country; and

36 (b) The offer includes a written statement that the offeror is not registered to practice land
37 surveying in the State of Oregon, but will comply with ORS 672.002 to 672.325 by having an indi-
38 vidual holding a valid certificate of registration in this state in responsible charge of the work prior
39 to performing any land surveying work within this state.

40 (15) An offer by a person to perform photogrammetric mapping if:

41 (a) The person holds a certificate of registration to engage in the practice of professional pho-
42 togrammetric mapping issued by the proper authority of any other state, a territory or possession
43 of the United States or a foreign country; and

44 (b) The offer includes a written statement that the offeror is not registered to practice pho-
45 togrammetric mapping in the State of Oregon, but will comply with ORS 672.002 to 672.325 by hav-

1 ing an individual holding a valid certificate of registration in this state in responsible charge of the
2 work prior to performing any photogrammetric mapping work within this state.

3 (16) The transcription of existing georeferenced data into a Geographic Information System or
4 Land Information System format by manual or electronic means, and the maintenance of that data,
5 if the data are clearly not intended to indicate the authoritative location of property boundaries, the
6 precise shape or contour of the earth or the precise location of fixed works of humans.

7 (17) Activities under ORS 306.125 or 308.245. This exemption applies to the transcription of tax
8 maps, zoning maps and other public data records into Geographic Information System or Land In-
9 formation System formatted cadastre and the maintenance of those cadastre, if:

10 (a) The data are not modified for other than graphical purposes; and

11 (b) The data are clearly not intended to authoritatively represent property boundaries.

12 (18) The preparation of maps or the compilation of databases depicting the distribution of na-
13 tural or cultural resources, features or phenomena, if the maps or data are not intended to indicate
14 the authoritative location of property boundaries, the precise shape or contour of the earth or the
15 precise location of fixed works by humans.

16 (19) The preparation by a federal agency or its contractors of military maps, quadrangle
17 topographic maps, satellite imagery or other maps or images that do not define real property
18 boundaries.

19 (20) The preparation or transcription by a federal agency or its contractors of documents or
20 databases into a Geographical Information System or Land Information System format, including but
21 not limited to the preparation or transcription of federal census and other demographic data.

22 (21) The preparation by a law enforcement agency or its contractors of documents or maps for
23 [traffic accidents] **crashes**, crime scenes or similar purposes depicting physical features or events
24 or generating or using georeferenced data involving crime statistics or criminal activities.

25 (22) Activities of a peace officer, as defined in ORS 161.015, or a fire service professional, as
26 defined in ORS 181A.355, in conducting, reporting on or testifying about or otherwise performing
27 duties regarding an official investigation.

28 (23) The creation of general maps prepared for private firms or governmental agencies:

29 (a) For use as guides to motorists, boaters, aviators or pedestrians;

30 (b) For publication in a gazetteer or an atlas as an educational tool or reference publication;

31 (c) For use in the curriculum of any course of study;

32 (d) If produced by any electronic or print media, for use as an illustrative guide to the ge-
33 ographic location of any event; or

34 (e) If prepared for conversational or illustrative purposes, including but not limited to for use
35 as advertising material or user guides.

36 **SECTION 107.** ORS 676.260 is amended to read:

37 676.260. (1) A health care facility that provides medical care immediately after a motor vehicle
38 [accident] **crash** to a person reasonably believed to be the operator of a motor vehicle involved in
39 the [accident] **crash** shall notify any law enforcement officer who is at the health care facility and
40 is acting in an official capacity in relation to the motor vehicle [accident] **crash** if the health care
41 facility becomes aware, as a result of any blood test performed in the course of that treatment, that:

42 (a) The person's blood alcohol level meets or exceeds the percent specified in ORS 813.010;

43 (b) The person's blood contains cannabis; or

44 (c) The person's blood contains a controlled substance, as defined in ORS 475.005.

45 (2) If a health care facility is required to notify a law enforcement officer of test results under

1 subsection (1) of this section and no law enforcement officer is present in an official capacity at the
2 health care facility, the health care facility shall notify a law enforcement agency in the county in
3 which the [accident] **crash** occurred, or an Oregon State Police dispatch center, as soon as possible
4 but no more than 72 hours after becoming aware of the results of the blood test.

5 (3) A notice required under this section must consist of:

6 (a) The name of the person being treated;

7 (b) The blood alcohol level, the blood cannabis level and name and level of any controlled sub-
8 stance disclosed by the test; and

9 (c) The date and time of the administration of the test.

10 (4) ORS 40.225 to 40.295 do not affect the requirement to provide notice imposed by this section,
11 and the health care facility shall not be considered to have breached any duty under ORS 40.225 to
12 40.295 owed to the person about whom the notice is made.

13 **SECTION 108.** ORS 682.035 is amended to read:

14 682.035. ORS 820.330 to 820.380 and this chapter do not apply to:

15 (1) Ambulances owned by or operated, and emergency medical service providers who operate,
16 under the control of the United States Government.

17 (2) Vehicles being used to render temporary assistance in the case of a major catastrophe or
18 emergency with which the ambulance services of the surrounding locality are unable to cope, or
19 when directed to be used to render temporary assistance by an official at the scene of [an
20 accident] **a crash**.

21 (3) Vehicles operated solely on private property or within the confines of institutional grounds,
22 whether or not the incidental crossing of any highway through the property or grounds is involved.

23 (4) Vehicles operated by lumber industries solely for the transportation of lumber industry em-
24 ployees.

25 (5) Any person who drives or attends a patient, if the patient is transported in a vehicle de-
26 scribed in subsections (2) to (4) of this section.

27 (6) Any person who otherwise by license is authorized to attend patients.

28 **SECTION 109.** ORS 682.105 is amended to read:

29 682.105. (1) In order to secure and retain a license under this chapter, the owner of an ambu-
30 lance or ambulance service, other than a governmental unit, shall file and maintain with the Oregon
31 Health Authority proof of ability to respond in damages for liability arising from the ownership,
32 operation, use or maintenance of the ambulance, or arising from the delivery of prehospital care, in
33 the amount of:

34 (a) \$100,000 because of bodily injury to or death of one person in any one [accident] **crash**;

35 (b) Subject to that limit for one person, \$300,000 because of bodily injury to or death of two or
36 more persons in any one [accident] **crash**;

37 (c) \$20,000 because of injury to or destruction of the property of others in any one [accident]
38 **crash**; and

39 (d) \$500,000 because of injury arising from the negligent provision of prehospital care to any
40 individual.

41 (2) Proof of financial responsibility under subsection (1) of this section may be given by filing
42 with the authority, for the benefit of the owner:

43 (a) A certificate of insurance issued by an insurance carrier licensed to transact insurance in
44 this state showing that the owner has procured and that there is in effect a motor vehicle liability
45 policy for the limits of financial responsibility mentioned in subsection (1)(a) to (c) of this section

1 designating by explicit description all motor vehicles with respect to which coverage is granted
 2 thereby and insuring the named insured and all other persons using any such motor vehicle with
 3 insured's consent against loss from the liabilities imposed by law for damages arising out of the
 4 ownership, operation, use or maintenance of any such motor vehicle, and that there is in effect a
 5 professional liability policy for the limit of financial responsibility described in subsection (1)(d) of
 6 this section insuring the named insured and all other persons engaged in the provision of prehospital
 7 care under the auspices of the licensed ambulance service against loss from the liabilities imposed
 8 by law for damages arising out of the provision of prehospital care;

9 (b) A bond conditioned for the paying in behalf of the principal, the limits of financial respon-
 10 sibility mentioned in subsection (1) of this section; or

11 (c) A certificate of the State Treasurer that such owner has deposited with the State Treasurer
 12 the sum of \$320,000 in cash, in the form of an irrevocable letter of credit issued by an insured in-
 13 stitution as defined in ORS 706.008 or in securities such as may legally be purchased by fiduciaries
 14 or for trust funds of a market value of \$320,000.

15 **SECTION 110.** ORS 742.490 is amended to read:

16 742.490. (1) Any rate, rating plan or rating system filed with the Director of the Department of
 17 Consumer and Business Services for a motor vehicle insurance policy offering liability, personal in-
 18 jury protection or collision coverage, shall provide an appropriate reduction in premium charges for
 19 such coverage if:

20 (a) The principal operator of the covered vehicle is an insured 55 years of age or older.

21 (b) The principal operator of the covered vehicle has successfully completed, within the appro-
 22 priate time as specified in this subsection, a motor vehicle [*accident*] **crash** prevention course ap-
 23 proved by the Department of Transportation. To meet the requirements of this subsection, a course
 24 must be completed no more than three years prior to the beginning of the policy period for which
 25 the discounted rate applies if the person is less than 70 years of age at the time of taking the course
 26 or no more than two years prior to the beginning of the policy period for which the discounted rate
 27 applies if the person is 70 years of age or more at the time of taking the course.

28 (c) There are no persons under 25 years of age who regularly operate the vehicle.

29 (d) The vehicle is not classified for underwriting purposes as used for a business.

30 (2) If the person qualifying for a premium reduction under subsection (1) of this section is the
 31 principal operator of two or more vehicles, the premium discount shall apply to only one vehicle.
 32 No more than one premium discount may be applied to one vehicle.

33 **SECTION 111.** ORS 742.492 is amended to read:

34 742.492. Except as otherwise provided in this section, the premium reduction required by ORS
 35 742.490 (1) shall be effective for an insured for a three-year period after successful completion of the
 36 approved course if the person is less than 70 years of age at the time of taking the course or for a
 37 two-year period after successful completion of an approved course if the person is 70 years of age
 38 or more at the time of taking the course. An insurer may require, as a condition of maintaining the
 39 discount, that the insured:

40 (1) Not be involved in [*an accident*] **a crash** for which the insured is at fault; and

41 (2) Not be convicted of or plead guilty or nolo contendere to a moving traffic violation.

42 **SECTION 112.** ORS 742.494 is amended to read:

43 742.494. Any organization offering a motor vehicle [*accident*] **crash** prevention course approved
 44 by the Department of Transportation shall issue a certificate to each person who successfully com-
 45 pletes the course. The person shall present the certificate to an insurer to qualify for the premium

1 discount required under ORS 742.490 (1).

2 **SECTION 113.** ORS 742.504 is amended to read:

3 742.504. Every policy required to provide the coverage specified in ORS 742.502 shall provide
4 uninsured motorist coverage that in each instance is no less favorable in any respect to the insured
5 or the beneficiary than if the following provisions were set forth in the policy. However, nothing
6 contained in this section requires the insurer to reproduce in the policy the particular language of
7 any of the following provisions:

8 (1)(a) Notwithstanding ORS 30.260 to 30.300, the insurer will pay all sums that the insured or
9 the heirs or legal representative of the insured is legally entitled to recover as damages from the
10 owner or operator of an uninsured vehicle because of bodily injury sustained by the insured caused
11 by accident and arising out of the ownership, maintenance or use of the uninsured vehicle. Deter-
12 mination as to whether the insured, the insured's heirs or the insured's legal representative is le-
13 gally entitled to recover such damages, and if so, the amount thereof, shall be made by agreement
14 between the insured and the insurer, or, in the event of disagreement, may be determined by arbi-
15 tration as provided in subsection (10) of this section.

16 (b) No judgment against any person or organization alleged to be legally responsible for bodily
17 injury, except for proceedings instituted against the insurer as provided in this policy, shall be
18 conclusive, as between the insured and the insurer, on the issues of liability of the person or or-
19 ganization or of the amount of damages to which the insured is legally entitled.

20 (2) As used in this policy:

21 (a) "Bodily injury" means bodily injury, sickness or disease, including death resulting therefrom.

22 (b) "Hit-and-run vehicle" means a vehicle that causes bodily injury to an insured arising out of
23 physical contact of the vehicle with the insured or with a vehicle the insured is occupying at the
24 time of the [*accident*] **crash**, provided:

25 (A) The identity of either the operator or the owner of the hit-and-run vehicle cannot be ascer-
26 tained;

27 (B) The insured or someone on behalf of the insured reported the [*accident*] **crash** within 72
28 hours to a police, peace or judicial officer, to the Department of Transportation or to the equivalent
29 department in the state where the [*accident*] **crash** occurred, and filed with the insurer within 30
30 days thereafter a statement under oath that the insured or the legal representative of the insured
31 has a cause or causes of action arising out of the [*accident*] **crash** for damages against a person or
32 persons whose identities are unascertainable, and setting forth the facts in support thereof; and

33 (C) At the insurer's request, the insured or the legal representative of the insured makes avail-
34 able for inspection the vehicle the insured was occupying at the time of the [*accident*] **crash**.

35 (c) "Insured," when unqualified and when applied to uninsured motorist coverage, means:

36 (A) The named insured as stated in the policy and any person designated as named insured in
37 the schedule and, while residents of the same household, the spouse of any named insured and rel-
38 atives of either, provided that neither the relative nor the spouse is the owner of a vehicle not de-
39 scribed in the policy and that, if the named insured as stated in the policy is other than an
40 individual or spouses in a marriage who are residents of the same household, the named insured
41 shall be only a person so designated in the schedule;

42 (B) Any child residing in the household of the named insured if the insured has performed the
43 duties of a parent to the child by rearing the child as the insured's own although the child is not
44 related to the insured by blood, marriage or adoption; and

45 (C) Any other person while occupying an insured vehicle, provided the actual use thereof is with

1 the permission of the named insured.

2 (d) "Insured vehicle," except as provided in paragraph (e) of this provision, means:

3 (A) The vehicle described in the policy or a newly acquired or substitute vehicle, as each of
4 those terms is defined in the public liability coverage of the policy, insured under the public liability
5 provisions of the policy; or

6 (B) A nonowned vehicle operated by the named insured or spouse if a resident of the same
7 household, provided that the actual use thereof is with the permission of the owner of the vehicle
8 and the vehicle is not owned by nor furnished for the regular or frequent use of the insured or any
9 member of the same household.

10 (e) "Insured vehicle" does not include a trailer of any type unless the trailer is a described ve-
11 hicle in the policy.

12 (f) "Occupying" means in or upon or entering into or alighting from.

13 (g) "Phantom vehicle" means a vehicle that causes bodily injury to an insured arising out of a
14 motor vehicle [*accident*] **crash** that is caused by a vehicle that has no physical contact with the
15 insured or the vehicle the insured is occupying at the time of the [*accident*] **crash**, provided:

16 (A) The identity of either the operator or the owner of the phantom vehicle cannot be ascer-
17 tained;

18 (B) The facts of the [*accident*] **crash** can be corroborated by competent evidence other than the
19 testimony of the insured or any person having an uninsured motorist claim resulting from the [*ac-*
20 *cident*] **crash**; and

21 (C) The insured or someone on behalf of the insured reported the [*accident*] **crash** within 72
22 hours to a police, peace or judicial officer, to the Department of Transportation or to the equivalent
23 department in the state where the [*accident*] **crash** occurred, and filed with the insurer within 30
24 days thereafter a statement under oath that the insured or the legal representative of the insured
25 has a cause or causes of action arising out of the [*accident*] **crash** for damages against a person or
26 persons whose identities are unascertainable, and setting forth the facts in support thereof.

27 (h) "State" includes the District of Columbia, a territory or possession of the United States and
28 a province of Canada.

29 (i) "Stolen vehicle" means an insured vehicle that causes bodily injury to the insured arising
30 out of a motor vehicle [*accident*] **crash** if:

31 (A) The vehicle is operated without the consent of the insured;

32 (B) The operator of the vehicle does not have collectible motor vehicle bodily injury liability
33 insurance;

34 (C) The insured or someone on behalf of the insured reported the [*accident*] **crash** within 72
35 hours to a police, peace or judicial officer or to the equivalent department in the state where the
36 [*accident*] **crash** occurred; and

37 (D) The insured or someone on behalf of the insured cooperates with the appropriate law
38 enforcement agency in the prosecution of the theft of the vehicle.

39 (j) "Sums that the insured or the heirs or legal representative of the insured is legally entitled
40 to recover as damages" means the amount of damages that:

41 (A) A claimant could have recovered in a civil action from the owner or operator at the time
42 of the injury after determination of fault or comparative fault and resolution of any applicable de-
43 fenses;

44 (B) Are calculated without regard to the tort claims limitations of ORS 30.260 to 30.300; and

45 (C) Are no larger than benefits payable under the terms of the policy as provided in subsection

1 (7) of this section.

2 (k) "Uninsured vehicle," except as provided in paragraph (L) of this provision, means:

3 (A) A vehicle with respect to the ownership, maintenance or use of which there is no collectible
4 motor vehicle bodily injury liability insurance, in at least the amounts or limits prescribed for bodily
5 injury or death under ORS 806.070 applicable at the time of the [accident] **crash** with respect to any
6 person or organization legally responsible for the use of the vehicle, or with respect to which there
7 is collectible bodily injury liability insurance applicable at the time of the [accident] **crash** but the
8 insurance company writing the insurance denies coverage or the company writing the insurance
9 becomes voluntarily or involuntarily declared bankrupt or for which a receiver is appointed or be-
10 comes insolvent. It shall be a disputable presumption that a vehicle is uninsured in the event the
11 insured and the insurer, after reasonable efforts, fail to discover within 90 days from the date of the
12 [accident] **crash**, the existence of a valid and collectible motor vehicle bodily injury liability insur-
13 ance applicable at the time of the [accident] **crash**.

14 (B) A hit-and-run vehicle.

15 (C) A phantom vehicle.

16 (D) A stolen vehicle.

17 (E) A vehicle that is owned or operated by a self-insurer:

18 (i) That is not in compliance with ORS 806.130 (1)(c); or

19 (ii) That provides recovery to an insured in an amount that is less than the sums that the in-
20 sured or the heirs or legal representative of the insured is legally entitled to recover as damages
21 for bodily injury or death that is caused by accident and that arises out of owning, maintaining or
22 using an uninsured vehicle.

23 (L) "Uninsured vehicle" does not include:

24 (A) An insured vehicle, unless the vehicle is a stolen vehicle;

25 (B) Except as provided in paragraph (k)(E) of this subsection, a vehicle that is owned or oper-
26 ated by a self-insurer within the meaning of any motor vehicle financial responsibility law, motor
27 carrier law or any similar law;

28 (C) A vehicle that is owned by the United States of America, Canada, a state, a political sub-
29 division of any such government or an agency of any such government;

30 (D) A land motor vehicle or trailer, if operated on rails or crawler-treads or while located for
31 use as a residence or premises and not as a vehicle;

32 (E) A farm-type tractor or equipment designed for use principally off public roads, except while
33 actually upon public roads; or

34 (F) A vehicle owned by or furnished for the regular or frequent use of the insured or any
35 member of the household of the insured.

36 (m) "Vehicle" means every device in, upon or by which any person or property is or may be
37 transported or drawn upon a public highway, but does not include devices moved by human power
38 or used exclusively upon stationary rails or tracks.

39 (3) This coverage applies only to [accidents] **crashes** that occur on and after the effective date
40 of the policy, during the policy period and within the United States of America, its territories or
41 possessions, or Canada.

42 (4)(a) This coverage does not apply to bodily injury of an insured with respect to which the in-
43 sured or the legal representative of the insured shall, without the written consent of the insurer,
44 make any settlement with or prosecute to judgment any action against any person or organization
45 who may be legally liable therefor.

1 (b) This coverage does not apply to bodily injury to an insured while occupying a vehicle, other
2 than an insured vehicle, owned by, or furnished for the regular use of, the named insured or any
3 relative resident in the same household, or through being struck by the vehicle.

4 (c) This coverage does not apply so as to inure directly or indirectly to the benefit of any
5 workers' compensation carrier, any person or organization qualifying as a self-insurer under any
6 workers' compensation or disability benefits law or any similar law or the State Accident Insurance
7 Fund Corporation.

8 (d) This coverage does not apply with respect to underinsured motorist benefits unless:

9 (A) The limits of liability under any bodily injury liability insurance applicable at the time of
10 the [accident] **crash** regarding the injured person have been exhausted by payment of judgments or
11 settlements to the injured person or other injured persons;

12 (B) The described limits have been offered in settlement, the insurer has refused consent under
13 paragraph (a) of this subsection and the insured protects the insurer's right of subrogation to the
14 claim against the tortfeasor;

15 (C) The insured gives credit to the insurer for the unrealized portion of the described liability
16 limits as if the full limits had been received if less than the described limits have been offered in
17 settlement, and the insurer has consented under paragraph (a) of this subsection; or

18 (D) The insured gives credit to the insurer for the unrealized portion of the described liability
19 limits as if the full limits had been received if less than the described limits have been offered in
20 settlement and, if the insurer has refused consent under paragraph (a) of this subsection, the insured
21 protects the insurer's right of subrogation to the claim against the tortfeasor.

22 (e) When seeking consent under paragraph (a) or (d) of this subsection, the insured shall allow
23 the insurer a reasonable time in which to collect and evaluate information related to consent to the
24 proposed offer of settlement. The insured shall provide promptly to the insurer any information that
25 is reasonably requested by the insurer and that is within the custody and control of the insured.
26 Consent will be presumed to be given if the insurer does not respond within a reasonable time. For
27 purposes of this paragraph, a "reasonable time" is no more than 30 days from the insurer's receipt
28 of a written request for consent, unless the insured and the insurer agree otherwise.

29 (5)(a) As soon as practicable, the insured or other person making claim shall give to the insurer
30 written proof of claim, under oath if required, including full particulars of the nature and extent of
31 the injuries, treatment and other details entering into the determination of the amount payable
32 hereunder. The insured and every other person making claim hereunder shall submit to examinations
33 under oath by any person named by the insurer and subscribe the same, as often as may reasonably
34 be required. Proof of claim shall be made upon forms furnished by the insurer unless the insurer fails
35 to furnish the forms within 15 days after receiving notice of claim.

36 (b) Upon reasonable request of and at the expense of the insurer, the injured person shall submit
37 to physical examinations by physicians, naturopathic physicians, physician assistants or nurse
38 practitioners selected by the insurer and shall, upon each request from the insurer, execute au-
39 thorization to enable the insurer to obtain medical reports and copies of records.

40 (6) If, before the insurer makes payment of loss hereunder, the insured or the legal represen-
41 tative of the insured institutes any legal action for bodily injury against any person or organization
42 legally responsible for the use of a vehicle involved in the [accident] **crash**, a copy of the summons
43 and complaint or other process served in connection with the legal action shall be forwarded im-
44 mediately to the insurer by the insured or the legal representative of the insured.

45 (7)(a) The limit of liability stated in the declarations as applicable to "each person" is the limit

1 of the insurer's liability for all damages because of bodily injury sustained by one person as the
 2 result of any one [accident] **crash** and, subject to the above provision respecting each person, the
 3 limit of liability stated in the declarations as applicable to "each [accident] **crash**" is the total limit
 4 of the company's liability for all damages because of bodily injury sustained by two or more persons
 5 as the result of any one [accident] **crash**.

6 (b) Any amount payable under the terms of this coverage because of bodily injury sustained in
 7 [an accident] **a crash** by a person who is an insured under this coverage shall be reduced by the
 8 amount paid and the present value of all amounts payable on account of the bodily injury under any
 9 workers' compensation law, disability benefits law or any similar law.

10 (c) Any amount payable under the terms of this coverage because of bodily injury sustained in
 11 [an accident] **a crash** by a person who is an insured under this coverage shall be reduced by the
 12 credit given to the insurer pursuant to subsection (4)(d)(C) or (D) of this section.

13 (d) The amount payable under the terms of this coverage may not be reduced by the amount of
 14 liability proceeds offered, described in subsection (4)(d)(B) or (D) of this section, that has not been
 15 paid to the injured person. If liability proceeds have been offered and not paid, the amount payable
 16 under the terms of the coverage shall include the amount of liability limits offered but not accepted
 17 due to the insurer's refusal to consent. The insured shall cooperate so as to permit the insurer to
 18 proceed by subrogation or assignment to prosecute the claim against the uninsured motorist.

19 (8) [No] **An** action [shall] **may not** lie against the insurer unless, as a condition precedent
 20 thereto, the insured or the legal representative of the insured has fully complied with all the terms
 21 of this policy.

22 (9)(a) With respect to bodily injury to an insured:

23 (A) While occupying a vehicle owned by a named insured under this coverage, the insurance
 24 under this coverage is primary.

25 (B) While occupying a vehicle not owned by a named insured under this coverage, the insurance
 26 under this coverage shall apply only as excess insurance over any primary insurance available to
 27 the occupant that is similar to this coverage, and this excess insurance coverage shall then apply
 28 only to the sums that the insured or the heirs or legal representative of the insured is legally enti-
 29 tled to recover as damages for bodily injury or death that is caused by accident and that arises out
 30 of owning, maintaining or using an uninsured vehicle.

31 (b) With respect to bodily injury to an insured while occupying any motor vehicle used as a
 32 public or livery conveyance, the insurance under this coverage shall apply only as excess insurance
 33 over any other insurance available to the insured that is similar to this coverage, and this excess
 34 insurance coverage shall then apply only to the amount by which the applicable limit of liability of
 35 this coverage exceeds the sum of the applicable limits of liability of all other insurance.

36 (10) If any person making claim hereunder and the insurer do not agree that the person is le-
 37 gally entitled to recover damages from the owner or operator of an uninsured vehicle because of
 38 bodily injury to the insured, or do not agree as to the amount of payment that may be owing under
 39 this coverage, then, in the event the insured and the insurer elect by mutual agreement at the time
 40 of the dispute to settle the matter by arbitration, the arbitration shall take place as described in
 41 ORS 742.505. Any judgment upon the award rendered by the arbitrators may be entered in any court
 42 having jurisdiction thereof, provided, however, that the costs to the insured of the arbitration pro-
 43 ceeding do not exceed \$100 and that all other costs of arbitration are borne by the insurer.
 44 "Costs" as used in this provision does not include attorney fees or expenses incurred in the pro-
 45 duction of evidence or witnesses or the making of transcripts of the arbitration proceedings. The

1 person and the insurer each agree to consider themselves bound and to be bound by any award made
2 by the arbitrators pursuant to this coverage in the event of such election. At the election of the
3 insured, the arbitration shall be held:

4 (a) In the county and state of residence of the insured;

5 (b) In the county and state where the insured's cause of action against the uninsured motorist
6 arose; or

7 (c) At any other place mutually agreed upon by the insured and the insurer.

8 (11) In the event of payment to any person under this coverage:

9 (a) The insurer shall be entitled to the extent of the payment to the proceeds of any settlement
10 or judgment that may result from the exercise of any rights of recovery of the person against any
11 uninsured motorist legally responsible for the bodily injury because of which payment is made;

12 (b) The person shall hold in trust for the benefit of the insurer all rights of recovery that the
13 person shall have against such other uninsured person or organization because of the damages that
14 are the subject of claim made under this coverage, but only to the extent that the claim is made or
15 paid herein;

16 (c) If the insured is injured by the joint or concurrent act or acts of two or more persons, one
17 or more of whom is uninsured, the insured shall have the election to receive from the insurer any
18 payment to which the insured would be entitled under this coverage by reason of the act or acts
19 of the uninsured motorist, or the insured may, with the written consent of the insurer, proceed with
20 legal action against any or all persons claimed to be liable to the insured for the injuries. If the
21 insured elects to receive payment from the insurer under this coverage, then the insured shall hold
22 in trust for the benefit of the insurer all rights of recovery the insured shall have against any other
23 person, firm or organization because of the damages that are the subject of claim made under this
24 coverage, but only to the extent of the actual payment made by the insurer;

25 (d) The person shall do whatever is proper to secure and shall do nothing after loss to prejudice
26 such rights;

27 (e) If requested in writing by the insurer, the person shall take, through any representative not
28 in conflict in interest with the person, designated by the insurer, such action as may be necessary
29 or appropriate to recover payment as damages from such other uninsured person or organization,
30 such action to be taken in the name of the person, but only to the extent of the payment made
31 hereunder. In the event of a recovery, the insurer shall be reimbursed out of the recovery for ex-
32 penses, costs and attorney fees incurred by the insurer in connection therewith; and

33 (f) The person shall execute and deliver to the insurer any instruments and papers as may be
34 appropriate to secure the rights and obligations of the person and the insurer established by this
35 provision.

36 (12)(a) The parties to this coverage agree that no cause of action shall accrue to the insured
37 under this coverage unless within two years from the date of the *[accident]* **crash**:

38 (A) Agreement as to the amount due under the policy has been concluded;

39 (B) The insured or the insurer has formally instituted arbitration proceedings;

40 (C) The insured has filed an action against the insurer; or

41 (D) Suit for bodily injury has been filed against the uninsured motorist and, within two years
42 from the date of settlement or final judgment against the uninsured motorist, the insured has
43 formally instituted arbitration proceedings or filed an action against the insurer.

44 (b) For purposes of this subsection:

45 (A) "Date of settlement" means the date on which a written settlement agreement or release is

1 signed by an insured or, in the absence of these documents, the date on which the insured or the
2 attorney for the insured receives payment of any sum required by the settlement agreement. An
3 advance payment as defined in ORS 31.550 shall not be deemed a payment of a settlement for pur-
4 poses of the time limitation in this subsection.

5 (B) "Final judgment" means a judgment that has become final by lapse of time for appeal or by
6 entry in an appellate court of an appellate judgment.

7 **SECTION 114.** ORS 742.508 is amended to read:

8 742.508. As used in this section and ORS 742.510:

9 (1) "Covered motor vehicle" means a private passenger motor vehicle or a self-propelled mobile
10 home that is owned by the named insured for which a premium has been paid for coverage under
11 this section and ORS 742.510.

12 (2) "Insured vehicle" means a motor vehicle described in the declarations for which a specific
13 premium charge indicates that underinsured motorists coverage is afforded but the term "insured
14 vehicle" shall not include a vehicle while used as a public or livery conveyance.

15 (3) "Private passenger motor vehicle" means a four-wheel passenger or station wagon type motor
16 vehicle not more than 12 years old and not used as a public or livery conveyance, and includes any
17 other four-wheel motor vehicle of the utility, pickup body, sedan delivery or panel truck type not
18 used for wholesale or retail delivery.

19 (4)(a) "Uninsured vehicle" means:

20 (A) A vehicle with respect to the ownership, maintenance or use of which there is no collectible
21 property damage insurance, in at least the amounts or limits prescribed under ORS 806.070 (2)(c)
22 applicable at the time of the [*accident*] **crash** with respect to any person or organization legally
23 responsible for the use of such vehicle, or with respect to which there is such collectible insurance
24 applicable at the time of the [*accident*] **crash** but the insurance company writing the same denies
25 coverage thereunder or, within two years of the date of the [*accident*] **crash**, such company writing
26 the same becomes voluntarily or involuntarily declared bankrupt or for which a receiver is ap-
27 pointed or becomes insolvent. It shall be a disputable presumption that a vehicle is uninsured in the
28 event the insured and the insurer, after reasonable efforts, fail to discover within 90 days from the
29 date of the [*accident*] **crash**, the existence of valid and collectible property damage insurance ap-
30 plicable at the time of the [*accident*] **crash**.

31 (B) A hit-and-run vehicle as defined in subsection (5) of this section.

32 (C) A phantom vehicle as defined in subsection (5) of this section.

33 (b) As used in this section and ORS 742.510, "uninsured vehicle" does not include:

34 (A) An insured vehicle;

35 (B) A vehicle which is owned or operated by a self-insurer within the meaning of any motor
36 vehicle financial responsibility law, motor carrier law or any similar law;

37 (C) A vehicle which is owned by the United States of America, Canada, a state, a political
38 subdivision of any such government or an agency of any of the foregoing;

39 (D) A land motor vehicle or trailer, if operated on rails or crawler-treads or while located for
40 use as a residence or premises and not as a vehicle;

41 (E) A farm-type tractor or equipment designed for use principally off public roads, except while
42 actually upon public roads; or

43 (F) A vehicle owned by or furnished for the regular or frequent use of the insured or any
44 member of the household of the insured.

45 (5) As used in this section:

1 (a) "Hit-and-run vehicle" means a vehicle that causes damage to the covered vehicle of an in-
2 sured arising out of physical contact between the vehicles, provided:

3 (A) There cannot be ascertained the identity of either the operator or the owner of such hit-
4 and-run vehicle;

5 (B) The insured or someone on behalf of the insured reports the [accident] **crash** within 72 hours
6 to a police, peace or judicial officer, to the Department of Transportation or to the equivalent de-
7 partment in the state where the [accident] **crash** occurred, and files with the insurer within 30 days
8 thereafter a statement under oath that the insured or the legal representative of the insured has a
9 cause or causes of action arising out of such [accident] **crash** for damages against a person or per-
10 sons whose identity is unascertainable, and setting forth the facts in support thereof; and

11 (C) At the insurer's request, the insured or the legal representative of the insured makes avail-
12 able for inspection the vehicle which was insured at the time of the [accident] **crash**.

13 (b) "Phantom vehicle" means a vehicle that causes damage to the covered vehicle of an insured,
14 although there is no physical contact between the vehicles, provided:

15 (A) There cannot be ascertained the identity of either the operator or the owner of such phan-
16 tom vehicle;

17 (B) The facts of such [accident] **crash** can be corroborated by competent evidence other than the
18 testimony of the insured or any passenger in the insured motor vehicle; and

19 (C) The insured or someone on behalf of the insured shall have reported the [accident] **crash**
20 within 72 hours to a police, peace or judicial officer, to the Department of Transportation or to the
21 equivalent department in the state where the [accident] **crash** occurred, and shall have filed with
22 the insurer within 30 days thereafter a statement under oath that the insured or the legal repre-
23 sentative of the insured has a cause or causes of action arising out of such [accident] **crash** for
24 damages against a person or persons whose identity is unascertainable, and setting forth the facts
25 in support thereof.

26 **SECTION 115.** ORS 742.510 is amended to read:

27 742.510. (1) Every insurer issuing motor vehicle liability insurance policies on private passenger
28 motor vehicles or on self-propelled mobile homes for delivery in this state shall have for sale cov-
29 erage for property damage to a vehicle of the insured caused by an uninsured vehicle. Coverage
30 offered under this section shall be at least the amount prescribed to meet the requirements of ORS
31 806.070 for insurance for injury to or destruction of the property of others in any one [accident]
32 **crash**.

33 (2) A policy with the coverage described in this section does not cover the first \$300 of property
34 damage to the covered motor vehicle as the result of [an accident] **a crash** with a hit-and-run vehicle
35 or phantom vehicle. In all other cases the first \$200 damage is not covered.

36 (3) Coverage for property damage described in this section:

37 (a) Applies only to the amount of damages the insured may be legally entitled to recover.

38 (b) Does not include coverage for loss of use of the covered vehicle.

39 **SECTION 116.** ORS 742.530 is amended to read:

40 742.530. (1) The insurer may exclude from the coverage for personal injury protection benefits
41 any injured person who:

42 (a) Intentionally causes self-injury;

43 (b) Is participating in any prearranged or organized racing or speed contest or practice or
44 preparation for any such contest; or

45 (c) Willfully conceals or misrepresents any material fact in connection with a claim for personal

1 injury protection benefits.

2 (2) The insurer may exclude from the coverage for the benefits required by ORS 742.524 (1)(b)
3 and (c) any person injured as a pedestrian in [*an accident*] a **crash** outside this state, other than the
4 insured person or a member of that person's family residing in the same household.

5 **SECTION 117.** ORS 742.534 is amended to read:

6 742.534. (1) Except as provided in ORS 742.544, every authorized motor vehicle liability insurer
7 whose insured is or would be held legally liable for damages for injuries sustained in a motor vehicle
8 [*accident*] **crash** by a person for whom personal injury protection benefits have been furnished by
9 another such insurer, or for whom benefits have been furnished by an authorized health insurer,
10 shall reimburse such other insurer for the benefits it has so furnished if it has requested such re-
11 imbursement, has not given notice as provided in ORS 742.536 that it elects recovery by lien in ac-
12 cordance with that section and is entitled to reimbursement under this section by the terms of its
13 policy. Reimbursement under this subsection, together with the amount paid to injured persons by
14 the liability insurer, shall not exceed the limits of the policy issued by the insurer.

15 (2) In calculating such reimbursement, the amount of benefits so furnished shall be diminished
16 in proportion to the amount of negligence attributable to the person for whom benefits have been
17 so furnished, and the reimbursement shall not exceed the amount of damages legally recoverable by
18 the person.

19 (3) Disputes between insurers as to such issues of liability and the amount of reimbursement
20 required by this section shall be decided by arbitration.

21 (4) Findings and awards made in such an arbitration proceeding are not admissible in any action
22 at law or suit in equity.

23 (5) If an insurer does not request reimbursement under this section for recovery of personal in-
24 jury protection payments, then the insurer may only recover personal injury protection payments
25 under the provisions of ORS 742.536 or 742.538.

26 **SECTION 118.** ORS 742.536 is amended to read:

27 742.536. (1) If an authorized motor vehicle liability insurer has furnished personal injury pro-
28 tection benefits, or an authorized health insurer has furnished benefits, to a person who was injured
29 in a motor vehicle [*accident*] **crash** and the injured person makes a claim, or brings legal action, for
30 damages for injuries against any other person, the injured person shall give notice of the claim or
31 legal action to the insurer by personal service or by registered or certified mail. Service of a copy
32 of the summons and complaint or copy of other process served in connection with the legal action
33 is sufficient notice to the insurer, in which case a return showing service of the notice must be filed
34 with the clerk of the court but is not a part of the record except to give notice.

35 (2) An insurer may elect to seek reimbursement as provided in this section for benefits the
36 insurer has furnished to the injured person out of any recovery the injured person obtains from a
37 claim or legal action if the insurer has not been a party under ORS 742.534 to an interinsurer re-
38 imbursement proceeding with respect to benefits the insurer furnished to the injured person and the
39 insurer is entitled by the terms of the insurer's policy to the benefit of this section. The insurer shall
40 give written notice of an election under this subsection by personal service or by registered or
41 certified mail within 30 days after receiving the notice or knowledge of the claim or legal action to
42 the person who made the claim or brought the legal action and to the person against whom the in-
43 jured person made a claim or brought legal action. In the case of a legal action, a return showing
44 service of the notice of election must be filed with the clerk of the court but is not a part of the
45 record except to give notice to the claimant and the defendant of the lien of the insurer.

1 (3) If the insurer serves a written notice of the insurer's election under subsection (2) of this
2 section and, if applicable, files a return showing service:

3 (a) Subject to ORS 742.544, an insurer has a lien, for not more than the amount of benefits the
4 insurer furnished, against an injured person's recovery in an action for damages, less a propor-
5 tionate amount of not more than 100 percent of the expenses, costs and attorney fees the injured
6 person incurred in connection with the recovery. The proportionate amount must be calculated as
7 the ratio between the amount of the lien before a reduction under this paragraph and the amount
8 of the recovery.

9 (b) The injured person shall include the benefits the insurer furnished as damages in a claim or
10 legal action.

11 (c) In the case of a legal action, the action must be taken in the name of the injured person.

12 (4) As used in this section, "makes a claim" means delivers a written demand for a specific
13 amount of damages that meets requirements reasonably established by the director's rule.

14 **SECTION 119.** ORS 742.538 is amended to read:

15 742.538. If a motor vehicle liability insurer has furnished personal injury protection benefits, or
16 a health insurer has furnished benefits, to a person who was injured in a motor vehicle [*accident*]
17 **crash** and the interinsurer reimbursement benefit of ORS 742.534 is not available under the terms
18 of that section, the insurer has not elected recovery by lien as provided in ORS 742.536, and the
19 insurer is entitled by the terms of the insurer's policy to the benefit of this section:

20 (1) Subject to ORS 742.544, the insurer is entitled to the proceeds of any settlement or judgment
21 that results from the exercise of any rights of recovery the injured person has against any person
22 legally responsible for the [*accident*] **crash**, to the extent of the benefits the insurer furnished less
23 the insurer's share of expenses, costs and attorney fees the injured person incurred in connection
24 with the recovery.

25 (2) The injured person shall hold in trust for the benefit of the insurer the amount to which the
26 insurer is entitled under this section, which may not exceed the amount of benefits the insurer fur-
27 nished.

28 (3) The injured person shall do whatever is proper to secure, and may not prejudice, the rights
29 an insurer has under this section.

30 (4) If requested in writing by the insurer, the injured person shall take, in the injured person's
31 name and through any representative the insurer designates who is not in conflict in interest with
32 the injured person, such action as is necessary or appropriate to recover the amounts to which the
33 insurer is entitled under this section, including amounts for the injured person's share of expenses,
34 costs and attorney fees that the insurer incurred in connection with the recovery.

35 (5) In calculating respective shares of expenses, costs and attorney fees under this section, the
36 basis of allocation must be the respective proportions borne to the total recovery by:

37 (a) Benefits the insurer furnished; and

38 (b) The total recovery less the benefits the insurer furnished.

39 (6) The injured person shall execute and deliver to the insurer instruments and papers as are
40 appropriate to secure the rights and obligations of the insurer and the injured person as established
41 by this section.

42 (7) Any provisions in a motor vehicle liability insurance policy or health insurance policy giving
43 rights to the insurer relating to subrogation or the subject matter of this section must be construed
44 and applied in accordance with the provisions of this section.

45 **SECTION 120.** ORS 742.542 is amended to read:

1 742.542. Payment by a motor vehicle liability insurer of personal injury protection benefits for
2 its own insured shall be applied in reduction of the amount of damages that the insured may be
3 entitled to recover from the insurer under uninsured or underinsured motorist coverage for the same
4 [accident] **crash** but may not be applied in reduction of the uninsured or underinsured motorist
5 coverage policy limits.

6 **SECTION 121.** ORS 742.544 is amended to read:

7 742.544. (1)(a) As used in this subsection, “total amount of the recovery” means the amount that
8 a person injured in a motor vehicle [accident] **crash** recovers from:

9 (A) Underinsured motorist benefits described in ORS 742.502 (2);

10 (B) Liability insurance coverage the injured person receives from other parties involved in the
11 motor vehicle [accident] **crash**;

12 (C) Personal injury protection benefits or health insurance benefits; and

13 (D) Any other payment by or on behalf of the party that caused the motor vehicle [accident]
14 **crash**.

15 (b) An insurer may not receive a reimbursement or subrogation for personal injury protection
16 benefits or health benefits the insurer provided to a person injured in a motor vehicle [accident]
17 **crash** from any recovery the injured person obtains in an action for damages except to the extent
18 that:

19 (A) The injured person first receives full compensation for the injured person’s injuries; and

20 (B) The reimbursement or subrogation is paid only from the total amount of the recovery in
21 excess of the amount that fully compensates for the injured person’s injuries.

22 (2) For purposes of this section, the following rebuttable presumptions apply:

23 (a) The amount of any judgment that an injured person obtains is the amount necessary to fully
24 compensate for the injured person’s injuries.

25 (b) An injured person has received full compensation for the injured person’s injuries if the
26 amount of the recovery is less than the coverage available to the injured person from the sum of
27 benefits paid under another person’s motor vehicle liability policy, under an underinsured motorist
28 policy described in ORS 742.502 (2), as personal injury protection payments and from any other
29 source of payment from or on behalf of the party whose fault caused the injuries.

30 (c) An injured person has not received full compensation for the injured person’s injuries if the
31 injured person recovers an amount that is equal to the coverage available to the injured person from
32 the sum of benefits paid under another person’s motor vehicle liability policy, under an underinsured
33 motorist policy described in ORS 742.502 (2), as personal injury protection payments and from any
34 other source of payment from or on behalf of the party whose fault caused the injuries.

35 (3) An insurer may not deny or refuse to provide benefits that are otherwise available to an
36 injured person because of the potential the injured person has to make a claim or bring an action
37 against another person or enter into a settlement with another person.

38 (4) A person with whom an injured person enters into a settlement or from whom the injured
39 person obtains a judgment in connection with a claim or action may not name an insurer that seeks
40 a reimbursement or subrogation under ORS 742.536 or 742.538 as a payee on a check, draft or other
41 form of payment in satisfaction of the claim or judgment.

42 (5) An insurer may not delay, withhold or reduce benefits to an injured person because of an
43 act or omission for which a third party is or may be liable or as a means of enforcing or attempting
44 to enforce a claim for reimbursement or subrogation.

45 (6) An insurer that receives a reimbursement for benefits the insurer provided to an injured

1 person shall apply the amount of the reimbursement as a credit against any lifetime maximum ben-
2 efit set forth for the injured person in the policy, benefit plan or contract under which the insurer
3 paid the benefits.

4 (7) A provision in a policy, benefit plan or contract that permits reimbursement or subrogation
5 other than as provided in this section is void and unenforceable.

6 (8) This section does not:

7 (a) Prohibit insurers from coordinating benefits;

8 (b) Limit an insurer's right to seek reimbursement or subrogation to recover, without reduction,
9 amounts the insurer paid for property damage;

10 (c) Limit an insurer that provided coverage against underinsured motorists from pursuing a
11 claim against a party at fault; or

12 (d) Require a person to repay more than the amount of personal injury protection benefits that
13 the person actually received.

14 **SECTION 122.** ORS 742.546 is amended to read:

15 742.546. (1) When a motor vehicle liability insurer obtains a release for bodily injuries within
16 60 calendar days following [*an accident*] **a crash** from a person who is eligible to receive personal
17 injury protection benefits under ORS 742.518 to 742.542, the release must state that, subject to the
18 motor vehicle liability insurer's applicable limits of liability, the rights of an insurer furnishing
19 personal injury protection to recover payments made for medical benefits from the motor vehicle
20 liability insurer are not impaired.

21 (2) Nothing in this section impairs the rights of a motor vehicle liability insurer to contest a
22 recovery claim from an insurer furnishing personal injury protection, based upon liability or the
23 reasonableness or necessity of medical benefits paid by the insurer furnishing personal injury pro-
24 tection.

25 **SECTION 123.** ORS 746.265 is amended to read:

26 746.265. (1) Subject to subsection (2) of this section, an insurer may consider the abstract of an
27 individual's nonemployment driving record under ORS 802.220 when evaluating the individual's ap-
28 plication to obtain or renew personal insurance, as defined in ORS 746.600, that provides automobile
29 liability coverage, uninsured motorist coverage, automobile medical payments coverage or automo-
30 bile physical damage coverage on an individually owned passenger vehicle, including pickup and
31 panel trucks and station wagons:

32 (a) For the purpose of determining whether to issue or renew the individual's policy.

33 (b) For the purpose of determining the rates of the individual's policy.

34 (2) For the purposes specified in subsection (1) of this section, an insurer that issues or renews
35 a policy described in subsection (1) of this section may not consider any:

36 (a) [*Accident*] **Vehicle crash** or conviction for violation of motor vehicle laws that occurred
37 more than three years immediately preceding the application for the policy or for renewal of the
38 policy;

39 (b) Diversion agreements under ORS 813.220 that were entered into more than three years im-
40 mediately preceding the application for the policy or for renewal of the policy; or

41 (c) Suspension of driving privileges pursuant to ORS 809.280 (6) or (8) if the suspension is based
42 on a nondriving offense.

43 (3) Subsection (2) of this section does not apply if an insurer considers an individual's nonem-
44 ployment driving record under ORS 802.220 for the purpose of providing a discount to the individual.

45 **SECTION 124.** ORS 746.292 is amended to read:

1 746.292. (1) All work done by a motor vehicle body and frame repair shop shall be recorded on
2 an invoice and shall describe all service work done and parts supplied. If any used parts are sup-
3 plied, the invoice shall clearly state that fact. If any component system installed is composed of new
4 and used parts, such invoice shall clearly state that fact. One copy of the invoice shall be given to
5 the customer and one copy shall be retained by the motor vehicle body and frame repair shop.

6 (2) Before commencing repair work and upon the request of any customer, a motor vehicle body
7 and frame repair shop shall make an estimate in writing of the parts and labor necessary for the
8 repair work, and shall not charge for the work done or parts supplied in excess of the estimate
9 without the consent of such customer.

10 (3)(a) If crash parts to be used in the repair work are supplied by the original equipment man-
11 ufacturer, the parts shall be accompanied by a warranty that guarantees the customer that the parts
12 meet or exceed standards used in manufacturing the original equipment.

13 (b) If crash parts to be used in the repair work are not supplied by the original equipment
14 manufacturer, the estimate shall include a statement that says:

15 _____

16
17 This estimate has been prepared based on the use of a motor vehicle crash part not made by the
18 original equipment manufacturer. The use of a motor vehicle crash part not made by the original
19 equipment manufacturer may invalidate any remaining warranties of the original equipment man-
20 ufacturer on that motor vehicle part. The person who prepared this estimate will provide a copy of
21 the part warranty for crash parts not made by the original equipment manufacturer for comparison
22 purposes.

23 _____

24
25 (4) [No] A motor vehicle body and frame shop may **not**:

26 (a) Supply or install used parts, or any component system composed of new and used parts, when
27 new parts or component systems are or were to be supplied or installed.

28 (b) Supply or install, without the owner's consent, any aftermarket crash part unless the part
29 has been certified by an independent test facility to be at least equivalent to the part being replaced.
30 For purposes of this paragraph, an aftermarket crash part is at least equivalent to the part being
31 replaced if the aftermarket crash part is the same kind of part and is at least the same quality with
32 respect to fit, finish, function and corrosion resistance.

33 (c) Charge for repairs not actually performed, or add the cost of repairs not actually to be per-
34 formed to any repair estimate.

35 (d) Refuse any insurer, or its insured, or their agents or employees, reasonable access to any
36 repair facility for the purpose of inspecting or reinspecting the damaged vehicle during usual busi-
37 ness hours.

38 (5) As used in ORS 746.287 and this section, "aftermarket crash part" means a motor vehicle
39 replacement part, sheet metal or plastic, that constitutes the visible exterior of the vehicle, includ-
40 ing an inner or outer panel, is generally repaired or replaced as the result of a [collision] **crash** and
41 is not supplied by the original equipment manufacturer.

42 _____