

House Bill 3374

Sponsored by Representative HELFRICH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

A BILL FOR AN ACT

1
2 Relating to vehicle crashes; 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,
4 471.703, 475C.117, 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, 809.380,
9 809.409, 809.417, 809.440, 809.450, 809.470, 809.480, 810.410, 810.415, 810.460, 811.135, 811.207,
10 811.230, 811.235, 811.360, 811.365, 811.483, 811.507, 811.510, 811.525, 811.700, 811.705, 811.707,
11 811.710, 811.715, 811.717, 811.720, 811.725, 811.730, 811.735, 811.740, 811.745, 811.748, 811.750,
12 813.100, 813.131, 813.215, 814.414, 814.416, 816.280, 816.350, 818.105, 820.110, 822.510, 822.600,
13 824.212, 825.248 and 825.402 and section 2, chapter 330, Oregon Laws 2017, and section 2,
14 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

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

29 (3) Persons, motor vehicles and equipment described in subsections (1) and (2) of this section are
30 exempt from provisions of the vehicle code relating to rules of the road as described in ORS chapter
31 811, except that this subsection does not apply to:

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

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

2 (c) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
3 811.700 or 811.705.

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

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

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

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

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

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

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

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

17 801.040. This section describes circumstances where special provisions are made concerning the
18 authority of cities, counties or other political subdivisions in relation to some portion of the vehicle
19 code. This section is not the only section of the vehicle code that applies to such authority and
20 [*shall*] **may** not be interpreted to affect the vehicle code except as specifically provided in this sec-
21 tion. The following limits are partial or complete as described:

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

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

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

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

38 (c) Limit the authority of any city or county to impose requirements and conditions that govern
39 the towing of a vehicle by a towing business under ORS 98.812 so long as those requirements and
40 conditions are consistent with the provisions of ORS 822.230.

41 (3) [*No*] **A** city, county or other political subdivision of this state, [*nor*] **or** any state agency, may
42 **not** adopt a regulation or ordinance that imposes a special fee for the use of public lands or waters
43 by snowmobiles or Class I all-terrain vehicles, or for the use of any access thereto that is owned
44 by or under the jurisdiction of either the United States, this state or any such city, county or other
45 political subdivision. The registration fees provided by ORS 821.320 are in lieu of any personal

1 property or excise tax imposed on snowmobiles by this state or any political subdivision. [No] A city,
 2 county or other municipality, [and no] or a state agency [shall] **may not** impose any other regis-
 3 tration or license fee on any snowmobile in this state. This subsection does not prohibit any city,
 4 county or other political subdivision, or any state agency from regulating the operation of
 5 snowmobiles or Class I all-terrain vehicles on public lands, waters and other properties under its
 6 jurisdiction and on streets or highways within its boundaries by adopting regulations or ordinances
 7 of its governing body if such regulations are not inconsistent with ORS 821.150 to 821.292.

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

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

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

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

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

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

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

28 801.280. "Financial responsibility requirements" means the ability to respond in damages for li-
 29 ability, on account of [accidents] **crashes** arising out of the ownership, operation, maintenance or
 30 use of a motor vehicle in a manner provided under ORS 806.060.

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

32 801.440. "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful
 33 manner in preference to another vehicle or pedestrian approaching under such circumstances of di-
 34 rection, speed and proximity as to give rise to danger of [collision] **crashing** unless one grants pre-
 35 cedence to the other.

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

37 802.040. (1) The Department of Transportation shall specify the minimum contents of a report
 38 about, and the means for reporting, [accidents] **crashes** that are required to be reported under ORS
 39 810.460, 811.725, 811.730 and 811.735. The department shall consult with the state police and city and
 40 county law enforcement officials before approving means for [accident] **crash** reports required under
 41 ORS 810.460. Any means of reporting specified under this subsection shall require sufficiently de-
 42 tailed information to disclose, with reference to a [traffic accident] **crash**, the cause, conditions then
 43 existing and the persons and vehicles involved. Upon request, if the department adopts forms as one
 44 means of reporting [accidents] **crashes**, the department shall make the forms available through po-
 45 lice departments, sheriffs' offices and other suitable agencies or individuals.

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

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

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

9 802.050. (1) The Department of Transportation may compile, publish and distribute a vehicle
10 code book containing statutes administered by the department concerning vehicles and drivers,
11 along with other related laws. The department may establish and collect a reasonable fee for books
12 issued to groups or persons who are not employees of the department. Any fee established under this
13 section shall not exceed the costs of the compilation, publication and distribution of the books.

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

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

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

20 802.060. The Department of Transportation may:

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

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

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

32 802.070. The Department of Transportation shall assist accredited schools and educational in-
33 stitutions of this state in the promotion of highway safety and shall carry on with other activities
34 under the laws providing for the registration of motor vehicles and motor vehicle operators and
35 chauffeurs, other projects having for their purpose the prevention of motor vehicle [*accidents*]
36 **crashes**.

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

38 802.075. The Department of Transportation shall adopt rules for approval of a motor vehicle
39 [*accident*] **crash** prevention course that will qualify a person for the reduction in premium provided
40 by ORS 742.490 to 742.494. The rules may include requirements for the contents of a course and
41 qualifications of an organization offering a course.

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

43 802.091. (1) The Department of Transportation shall pay reasonable costs for the removal of any
44 vehicle, cargo or debris resulting from a motor vehicle [*accident*] **crash** if:

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

1 younger;

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

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

5 (d) There is no insurance available.

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

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

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

11 **SECTION 11.** ORS 802.200 is amended to read:

12 802.200. In addition to any other records the Department of Transportation may establish, the
13 department is subject to the following provisions concerning records:

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

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

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

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

22 (C) The vehicle description; and

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

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

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

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

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

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

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

38 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
39 cerning the registration of vehicles required to be registered by the department. The records con-
40 cerning the registration of vehicles may be stored along with records concerning the titling of
41 vehicles. The records under this subsection shall include the following:

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

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

45 (B) The name of the vehicle owner;

- 1 (C) The vehicle description and vehicle identification number; and
- 2 (D) An indication that the vehicle is a totaled vehicle if it has been reported to the department
- 3 as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report
- 4 was theft and the vehicle has been recovered.
- 5 (b) Any other information concerning the registration of vehicles that the department considers
- 6 convenient or appropriate.
- 7 (4) The department shall maintain separate records for the regulation of vehicle dealers. The
- 8 records required under this subsection shall include the following information about persons issued
- 9 dealer certificates:
- 10 (a) The person's application for a vehicle dealer certificate.
- 11 (b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.
- 12 (c) A numerical index according to the distinctive number assigned to each vehicle dealer.
- 13 (5) The department shall maintain a file on vehicles for which the title record is canceled under
- 14 ORS 819.030. The records required under this subsection shall disclose the last registered owner of
- 15 each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the
- 16 canceled title record for each vehicle and the make and year model for each vehicle.
- 17 (6) The department shall maintain a record of each agreement or declaration under ORS 802.500
- 18 and 802.520.
- 19 (7) The department shall maintain separate and comprehensive records of all transactions af-
- 20 fecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.
- 21 (8) The department shall maintain suitable records of driver licenses, driver permits and iden-
- 22 tification cards. The records required under this subsection shall include all of the following:
- 23 (a) An index by name and number.
- 24 (b) Supporting documentation of all driver licenses, driver permits or identification cards issued.
- 25 (c) Every application for a driver license, driver permit or identification card.
- 26 (d) All driver licenses or driver permits that have been suspended, revoked or canceled.
- 27 (e)(A) For each driver license, driver permit or identification card, the Social Security number
- 28 of the person to whom the driver license, driver permit or identification card is issued or the written
- 29 statement that the person has not been assigned a Social Security number.
- 30 (B) As used in this paragraph, a "driver license," "driver permit" or "identification card" means
- 31 a driver license, driver permit or identification card that is not a:
- 32 (i) Real ID;
- 33 (ii) Commercial driver license; or
- 34 (iii) Commercial learner driver permit.
- 35 (f) For each commercial driver license and commercial learner driver permit, the Social Security
- 36 number of the person to whom the license or permit is issued, or any other number or identifying
- 37 information that the Secretary of the United States Department of Transportation determines ap-
- 38 propriate to identify the person.
- 39 (g) For each Real ID, the Social Security number of the person to whom the Real ID is issued,
- 40 or proof that the person is not eligible for a Social Security number.
- 41 (h) Emergency contact information provided under ORS 802.275.
- 42 (9) The Department of Transportation shall maintain a two-part driving record consisting of an
- 43 employment driving record and a nonemployment driving record for each person as required under
- 44 this subsection. All of the following apply to the records required under this subsection:
- 45 (a) The department shall maintain driving records on each person the department determines

1 requires an Oregon driving record to comply with federal regulations or provisions of the vehicle
 2 code. The department shall establish rules for maintaining driving records under this subsection.

3 (b) In addition to other information required by this paragraph, the employment driving record
 4 shall include all reports of drug test results that are made to the department under ORS 825.410 or
 5 825.415. Notwithstanding any other provision of law, release of the portion of the employment driv-
 6 ing record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in
 7 accordance with ORS 802.202. The employment driving record shall also include all motor vehicle
 8 [accidents] **crashes** that the person is required to report under ORS 811.720, all suspensions of
 9 driving privileges required to be placed on the record under ORS 809.280, all suspensions of the
 10 person's commercial driving privileges that result from operation or use of a commercial motor ve-
 11 hicle and all convictions, as determined by the department by rule, of the person for violation of
 12 motor vehicle laws except convictions for offenses requiring mandatory revocation or suspension of
 13 driving privileges under ORS 809.409, 809.411, 809.510 to 809.545 and 813.400, but shall include only
 14 such [accidents] **crashes**, suspensions and convictions that occur while the person is driving a motor
 15 vehicle:

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

18 (B) Carrying persons or property for compensation;

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

22 (D) That is an authorized emergency vehicle;

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

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

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

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

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

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

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

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

39 (e) When a person is issued a driver license or driver permit by this state, the department may
 40 request a copy of driving records that exist for the person in any other jurisdiction. The department
 41 shall adopt rules specifying when the department may request driving records from other jurisdic-
 42 tions and may apply entries from out-of-state records for use in Oregon.

43 (f) When a suspension of a driver permit, driver license or other driving privilege is placed on
 44 the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the depart-
 45 ment shall note on the record that the suspension was for failure to appear in court and shall also

1 note the offense charged against the person on which the person failed to appear.

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

10 (10) The department shall maintain [*accident*] **crash** reports filed with the department under ORS
11 810.460 and 811.725 to 811.735.

12 (11) The department shall maintain records of bank checks or money orders returned under ORS
13 802.110.

14 (12) The department shall maintain records of trip permits issued by the department under ORS
15 803.600, as provided under this subsection. The records required by this subsection shall include the
16 following:

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

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

19 (c) When the permit was issued.

20 (d) The type of permit issued.

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

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

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

25 802.220. (1) Except as otherwise provided in this subsection and ORS 802.177, the records the
26 Department of Transportation maintains under ORS 802.200 on vehicles are public records. The re-
27 cords of vehicles registered under ORS 805.060 are not public records and are exempt from public
28 inspection as provided under ORS 181A.220 and are for the confidential use of criminal justice
29 agencies described under ORS 181A.010. The department may charge the fee established under ORS
30 802.230 for furnishing information under this section concerning a vehicle or its owner.

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

34 (3) The records the department keeps under ORS 802.200 on judgments or convictions under ORS
35 810.375 shall be open to the inspection of any person during reasonable business hours. Nothing in
36 this subsection authorizes the release of personal information as defined in ORS 802.175.

37 (4) The department shall upon request furnish any person certified abstracts of the employment
38 driving record and the nonemployment driving record of any person whose driving records are
39 maintained under ORS 802.200. If an abstract of the employment driving record is not specifically
40 requested, the department shall only furnish an abstract of the nonemployment driving record.
41 Nothing in this subsection authorizes the release of personal information as defined in ORS 802.175.
42 The department shall collect the fee established for abstracts of driving records under ORS 802.230.
43 A certified abstract issued under this section shall not contain any of the following, unless the ab-
44 stract is being requested under ORS 746.265 (3):

45 (a) Any [*accident*] **crash** or conviction for violation of motor vehicles laws that occurred more

1 than three years immediately preceding a request for abstract.

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

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

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

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

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

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

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

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

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

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

31 (8) The records the department maintains under ORS 802.200 concerning odometer readings for
32 vehicles are public records. The department may separately furnish information concerning
33 odometer readings shown by its records. The department may charge the fee established under ORS
34 802.230 for information separately provided under this subsection. Nothing in this subsection au-
35 thORIZES the release of personal information as defined in ORS 802.175.

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

37 802.240. (1) In all actions, suits or criminal proceedings when the title to, or right of possession
38 of, any vehicle is involved, the record of title, as it appears in the files and records of the Depart-
39 ment of Transportation, is prima facie evidence of ownership or right to possession of the vehicle.
40 As used in this section, the record of title does not include records of salvage titles unless the re-
41 cord itself is the salvage title. Proof of the ownership or right to possession of a vehicle shall be
42 made by means of any of the following methods:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (B) Failure to comply with financial responsibility requirements or failure to comply with future
 38 responsibility filings.

39 (6) A photocopy, facsimile copy, digital or electronic copy of an application for perfection of a
 40 security interest by notation on a title under ORS 803.097 that is certified by the department is
 41 proof of the date of perfection of the security interest unless the date is invalid as provided under
 42 ORS 803.097.

43 (7) A report filed by a physician or health care provider under ORS 807.710 is confidential and
 44 may not be admitted as evidence in any civil or criminal action. A report described in this sub-
 45 section may be used in an administrative hearing or an appeal from an administrative hearing in

1 which an issue is the qualification of a person to operate a motor vehicle.

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

3 802.320. (1) In addition to any duties under ORS 802.310, the Department of Transportation, in
4 consultation with the Transportation Safety Committee, shall establish a motorcycle safety program
5 that complies with this section to the extent moneys are available for such program from the Mo-
6 torcycle Safety Subaccount under ORS 802.340. The program established may include the following:

7 (a) Motorcycle safety promotion and public education.

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

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

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

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

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

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

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

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

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

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

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

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

37 802.325. (1) The Department of Transportation, in consultation with the Transportation Safety
38 Committee, shall establish a bicycle safety program that complies with this section to the extent
39 moneys are available for such program. The program established may include the following:

40 (a) Bicycle safety promotion and public education.

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

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

45 (d) Bicycle education and information that assist police agencies in the enforcement of bicycle

1 laws.

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

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

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

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

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

13 806.010. (1) A person commits the offense of driving uninsured if the person operates a motor
14 vehicle in this state on any highway or premises open to the public in this state without either:

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

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

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

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

21 (a) A person who is involved in a motor vehicle [*accident*] **crash** at any time the person is in
22 violation of this section is subject to suspension of the person's driving privileges under ORS
23 809.417.

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

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

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

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

31 806.020. This section provides exemptions from the necessity for compliance with or proof of
32 compliance with financial responsibility requirements in [*accident*] **crash** reports under ORS 811.725,
33 when applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle
34 under ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from
35 financial responsibility requirements if the vehicle involved in the [*accident*] **crash**, sought to be
36 registered or operated is any of the following:

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

38 (2) A farm trailer.

39 (3) A farm tractor.

40 (4) An implement of husbandry.

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

44 (6) A snowmobile or a Class I, Class III or Class IV all-terrain vehicle, unless the vehicle is
45 operating on an all-terrain vehicle highway access route that is designated by the Oregon Trans-

1 portation Commission as open to all-terrain vehicles.

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

3 (8) A motor assisted scooter.

4 (9) An electric personal assistive mobility device.

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

6 806.040. Financial responsibility requirements are designed to provide for minimum payment of
7 judgments of the type described in this section. For the purposes of ORS 806.130, 806.140, 809.130
8 and 809.470, judgments of the type described in this section must:

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

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

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

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

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

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

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

20 806.060. A person who is required to comply with the financial responsibility requirements of
21 this state must be able to respond in damages, in amounts required under this section, for liability
22 on account of [*accidents*] **crashes** arising out of the ownership, operation, maintenance or use of
23 motor vehicles and must establish that ability by one of the methods required by this section. All
24 of the following apply to the financial responsibility requirements of this state:

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

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

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

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

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

34 806.070. (1) This section establishes a schedule of payments for the following purposes:

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

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

40 (c) The payment schedule is the minimum required payment of a judgment for purposes of ORS
41 809.130 and 809.415.

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

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

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

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

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

4 806.075. Notwithstanding any other provision of this chapter, a person convicted of driving under
 5 the influence of intoxicants under ORS 813.010 is subject to the following requirements for the
 6 method of complying with and the amounts needed to meet financial responsibility requirements and
 7 for the duration of future responsibility filings:

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

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

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

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

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

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

20 806.130. (1) To qualify as a self-insurer for purposes of financial responsibility requirements under
 21 ORS 806.060, a person must do all of the following:

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

24 (b) Either:

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

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

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

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

37 (2)(a) If [*an accident*] **a crash** occurs while a certificate of self-insurance issued under ORS
 38 806.140 is in force, the liability protection provided and the amounts paid under subsection (1)(c) of
 39 this section are secondary to any motor vehicle liability insurance or uninsured motorist coverage
 40 available to a customer of the self-insurer, an operator of the self-insured vehicle or an occupant
 41 of the self-insured vehicle unless otherwise agreed to by the self-insurer. A self-insurer is required
 42 to provide the minimum payments established under ORS 742.502 and 806.070 only when the motor
 43 vehicle liability insurance policy of a customer of the self-insurer or an operator of the self-insured
 44 vehicle does not provide the minimum required payments established in ORS 742.502 and 806.070.

45 (b) A self-insurer may recover from a customer of the self-insurer or an operator of the self-

1 insured vehicle the amounts paid under subsection (1)(c) of this section.

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

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

5 806.170. The Department of Transportation shall investigate all certifications of compliance with
 6 financial responsibility requirements made on reports of [*accidents*] **crashes** under ORS 811.725 and
 7 811.730. The department shall contact the insurers listed on the certifications to determine whether
 8 each certification is accurate. If the certification is not correct, an insurer shall notify the depart-
 9 ment no later than 60 days after receiving a request from the department for verification of the
 10 accuracy of the certification.

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

12 806.190. (1) Every insurance carrier that issues property and casualty insurance policies, as de-
 13 fined in ORS chapter 731, in this state shall report to the Department of Transportation any person
 14 the carrier has reason to believe is involved in [*an accident*] **a crash** while the person is operating
 15 a vehicle in violation of ORS 806.010. The carrier shall make the report required by this section
 16 whether or not the [*accident*] **crash**:

- 17 (a) Is a reportable [*accident*] **crash** under ORS 811.720; or
- 18 (b) Occurred on a highway or on any other premises open to the public.

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

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

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

25 806.200. (1) A person commits the offense of failure to make a future responsibility filing after
 26 [*an accident*] **a crash** if:

- 27 (a) The person is the owner or driver of a motor vehicle involved in [*an accident*] **a crash**;
- 28 (b) At the time of the [*accident*] **crash** the vehicle was operated in violation of ORS 806.010;
- 29 (c) The person does not make a future responsibility filing within 30 days after the [*accident*]
 30 **crash**; and
- 31 (d) The person is not exempt under ORS 806.210 from making a future responsibility filing.

32 (2) The employer of a driver is subject to the requirements and penalties under this section if
 33 the driver is an employee exempted from this section under ORS 806.210.

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

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

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

39 806.210. As appropriate, the driver or the owner, or both, are exempt from the requirement un-
 40 der ORS 806.200 to make a future responsibility filing if the person claiming exemption furnishes to
 41 the Department of Transportation proof of any of the following:

- 42 (1) At the time of the [*accident*] **crash** the driver was operating a vehicle owned by or leased
 43 to and operated under the direction of the United States of America, this state or any municipality
 44 or subdivision thereof.
- 45 (2) At the time of the [*accident*] **crash** the vehicle was lawfully parked.

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

4 (4) The owner of the vehicle involved in the [accident] **crash** was a self-insurer under ORS
 5 806.130.

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

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

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

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

17 806.245. A termination of the requirement to maintain a future responsibility filing does not re-
 18 move a person's responsibility to comply with financial responsibility requirements. The Department
 19 of Transportation shall terminate requirements for a future responsibility filing when any of the
 20 following occurs:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 807.070. The Department of Transportation shall administer an examination to establish quali-

1 fication for each class of license and endorsement. The examination for each class of license or
 2 endorsement must include all of the following as described:

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

5 (2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe
 6 driving practices and factors that cause [*accidents*] **crashes**. This subsection does not apply to an
 7 applicant who holds a valid driver license from another jurisdiction or whose driver license from
 8 another jurisdiction is expired less than one year. The following all apply to the test under this
 9 subsection:

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

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

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

16 (A) Rights of pedestrians who are blind.

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

18 (C) Proper operating procedure in emergency situations.

19 (D) Vehicle safety equipment and its use.

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

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

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

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

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

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

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

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

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

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

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

39 (4) Any other examination or test, including demonstrations, that the department determines
 40 may be necessary to assist the department in establishing whether the applicant is eligible for a li-
 41 cense under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the
 42 highways of this state. In any examination or test under this subsection, the department shall only
 43 conduct an investigation for facts relating directly to the ability of the applicant to operate a motor
 44 vehicle safely or other facts that are specifically required to show the fitness of the applicant for
 45 license.

SECTION 29. ORS 807.072 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The department may issue a Class B farm endorsement without requiring additional tests to a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to the department that the person is experienced in driving a vehicle that may be driven only by persons who have a Class B commercial driver license and the person's two-part driving record does

1 not show either a conviction for a traffic crime specified in subsection (4) of this section within five
2 years of the date of application for the endorsement or a [*traffic accident*] **crash** within two years
3 of the date of application for the endorsement.

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

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

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

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

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

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

17 (B) The person is domiciled in this state as described in ORS 803.355 or is a resident as de-
18 scribed in ORS 807.062.

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

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

23 807.170. (1) The Department of Transportation shall provide for the granting of driver license
24 endorsements in a manner consistent with this section.

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

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

29 (b) The person must successfully complete any tests and demonstrations referred to in ORS
30 807.070 that the department determines necessary to determine whether the applicant is qualified for
31 the type of endorsement sought. The actual demonstration required under ORS 807.070, if any, must
32 be performed in a vehicle that may be operated under the endorsement sought but that may not be
33 operated without the endorsement. Tests shall include, but are not limited to, those tests necessary
34 to determine whether the applicant:

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

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

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

42 (d) If the person is applying for a motorcycle endorsement, the person must comply with ORS
43 807.175.

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

45 (a) It is part of the license upon which it is endorsed and is subject to any provisions applicable

1 to the endorsed license under the statutes of this state.

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

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

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

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

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

13 807.240. The Department of Transportation shall provide for issuance of hardship driver permits
14 in a manner consistent with this section. A hardship driver permit grants the driving privileges
15 provided in this section or under the permit. Except as otherwise provided in this section, a hardship
16 driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to
17 a license. The following apply to a hardship driver permit:

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

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

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

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

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

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

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

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

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

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

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

44 (c) If the person is applying for a permit because the person or a member of the person's im-
45 mediate family requires medical treatment on a regular basis, the person must present, in addition

1 to any evidence required by the department under paragraph (b) of this subsection, a statement
 2 signed by a licensed physician or licensed nurse practitioner that indicates that the person or a
 3 member of the person's immediate family requires medical treatment on a regular basis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (A) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from
 44 the operation of a motor vehicle;

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

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

2 (D) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
3 811.700 or 811.705;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 807.570. (1) A person commits the offense of failure to carry a license or to present a license to
35 a police officer if the person either:

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

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

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

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

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

44 (3) Except as provided in ORS 813.110, it is a defense to any charge under this section that the
45 person so charged produce a license, driver permit or out-of-state license that had been issued to the

1 person and was valid at the time of violation of this section.

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

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

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

7 807.720. On or before the 15th day of each month, the Director of the Oregon Health Authority
8 shall forward to the Department of Transportation a copy of the death record of any persons within
9 the jurisdiction of the Director of the Oregon Health Authority who died from a motor vehicle [*ac-*
10 *cident*] **crash** during the preceding calendar month.

11 **SECTION 34.** ORS 809.380 is amended to read:

12 809.380. All of the following apply to a person whose driving privileges have been suspended:

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

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

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

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

25 (5) If the person fails to surrender to the department any license or driver permit issued as ev-
26 idence of driving privileges that are suspended, the person is subject to the penalties under ORS
27 809.500.

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

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

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

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

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

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

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

44 (g) The suspension was the result of an error committed by an insurance company in issuing or
45 failing to issue a certification of insurance or in canceling a certification of insurance filed with the

1 department under ORS 806.270.

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

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

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

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

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

25 **SECTION 35.** ORS 809.409 is amended to read:

26 809.409. (1)(a) Upon receipt of a record of conviction of an offense described in this section, the
 27 Department of Transportation shall revoke the driving privileges of the person convicted.

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

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

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

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

45 (b) If the sentence for the crime for which the person's driving privileges were revoked and any

1 other crimes arising from the same criminal episode does not include incarceration, no sooner than
 2 10 years from the date the department revoked the privileges under this subsection.

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

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

12 (c) The department shall revoke driving privileges under this subsection for a period of five
 13 years if the court indicates on the record of conviction that a person was killed as a result of the
 14 [accident] **crash**. The person may apply for reinstatement of privileges five years after the date the
 15 person was released from incarceration, if the sentence includes incarceration. If the sentence does
 16 not include incarceration, the person may apply for reinstatement five years from the date the re-
 17 vocation was imposed under this subsection.

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

20 **SECTION 36.** ORS 809.417 is amended to read:

21 809.417. (1)(a) The Department of Transportation shall suspend the driving privileges of a person
 22 who fails to file [an accident] **a crash** report required under ORS 811.725 or 811.730.

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

25 (2) The department shall suspend the driving privileges of any person for a period of time re-
 26 quired by this subsection if the person is involved in a motor vehicle [accident] **crash** at any time
 27 when the department determines the person has been operating a vehicle in violation of ORS
 28 806.010. A suspension under this subsection shall be for a period of one year except that the de-
 29 partment shall not reinstate any driving privileges to the person until the person complies with fu-
 30 ture responsibility filing requirements.

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

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

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

42 **SECTION 37.** ORS 809.440 is amended to read:

43 809.440. (1) When other procedures described under this section are not applicable to a suspen-
 44 sion or revocation under ORS 809.409 to 809.421, the procedures described in this subsection shall
 45 be applicable. All of the following apply to this subsection:

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

3 (b) Before the hearing, the department shall notify the person in the manner described in ORS
4 809.430.

5 (c) The hearing shall be in the county where the person resides unless the person and the de-
6 partment agree otherwise.

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

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

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

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

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

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

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

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

22 (d) Actions subject to administrative review shall be exempt from the provisions of ORS chapter
23 183 applicable to contested cases, and from the provisions of subsection (5) of this section applicable
24 to post-imposition hearings. A suspension, revocation or cancellation may not be stayed during the
25 administrative review process or by the filing of a petition for judicial review. A court having ju-
26 risdiction may order the suspension, revocation or cancellation stayed pending judicial review.

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

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

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

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

41 (a) An error was committed by the department;

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

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

1 806.150;

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

7 (e) At the time of the [*accident*] **crash** the person reasonably and in good faith believed that the
8 person was in compliance with financial responsibility requirements, and the person is currently in
9 compliance with financial responsibility requirements.

10 (4) When permitted under this section or under any other statute, a hearing may be expedited
11 under procedures adopted by the department by rule. The procedures may include a limited time in
12 which the person may request a hearing, requirements for telephone hearings, expedited procedures
13 for issuing orders and expedited notice procedures.

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

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

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

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

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

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

33 **SECTION 38.** ORS 809.450 is amended to read:

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

39 (2) This section applies to suspensions under:

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

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

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

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

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

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

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

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

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

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

16 **SECTION 39.** ORS 809.470 is amended to read:

17 809.470. (1) This section establishes when a judgment described under ORS 806.040 is settled for
18 purposes of ORS 809.130, 809.280 and 809.415. A judgment shall be deemed settled for the purposes
19 described if any of the following occur:

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

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

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

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

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

30 **SECTION 40.** ORS 809.480 is amended to read:

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

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

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

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

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

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

45 (5) Any suspension that the department stays under a driver improvement program in this sec-

1 tion shall continue for the full term of the suspension if a person fails to complete the program.
 2 For purposes of reinstating driving privileges, the stay of a suspension under this section may not
 3 be used to determine the length of time a person's driving privileges have been suspended if the
 4 person does not successfully complete the program.

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

7 **SECTION 41.** ORS 810.410, as amended by section 2, chapter 78, Oregon Laws 2022, is amended
 8 to read:

9 810.410. (1) A police officer may arrest or issue a citation to a person for a traffic crime at any
 10 place within or outside the jurisdictional authority of the governmental unit by which the police
 11 officer is authorized to act as provided by ORS 133.235 and 133.310.

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

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

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

19 (3) A police officer:

20 (a) May not arrest a person for a traffic violation.

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

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

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

28 (e) May request consent to search in relation to the circumstances referred to in paragraph (c)
 29 of this subsection or to search for items of evidence otherwise subject to search or seizure under
 30 ORS 133.535, only if the officer first informs the person that the person has the right to refuse the
 31 request. If consent is obtained, the officer shall ensure that there is a written, video or audio record
 32 that the person gave informed and voluntary consent to search. This subsection does not apply to
 33 implied consent searches described in ORS 813.100, 813.131 or 813.135.

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

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

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

43 **SECTION 42.** ORS 810.415 is amended to read:

44 810.415. A law enforcement officer who comes to the scene of a [*collision*] **crash** described in
 45 ORS 811.700 may remove or direct the driver of a vehicle involved in the [*collision*] **crash** to remove

1 from the roadway any vehicle, cargo or debris resulting from the [collision] **crash**. A person acting
 2 under the authority granted by this section is not liable for damage to a vehicle, cargo or debris
 3 caused by reasonable efforts at removal.

4 **SECTION 43.** ORS 810.460 is amended to read:

5 810.460. (1) A police officer shall submit a report to the Department of Transportation whenever
 6 the officer does any of the following:

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

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

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

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

14 **SECTION 44.** ORS 811.135 is amended to read:

15 811.135. (1) A person commits the offense of careless driving if the person drives any vehicle
 16 upon a highway or other premises described in this section in a manner that endangers or would
 17 be likely to endanger any person or property.

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

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

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

26 (A) Complete a traffic safety course; and

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

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

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

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

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

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

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

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

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

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

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

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

4 **SECTION 45.** ORS 811.207 is amended to read:

5 811.207. The Legislative Assembly finds that:

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

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

11 **SECTION 46.** ORS 811.230 is amended to read:

12 811.230. (1) As used in ORS 811.230, 811.231, 811.232 and 811.233:

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

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

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

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

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

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

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

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

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

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

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

36 (e) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
 37 811.700 or 811.705.

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

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

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

42 **SECTION 47.** ORS 811.235 is amended to read:

43 811.235. (1)(a) If signs authorized by ORS 810.245 are posted, the presumptive fine for a person
 44 charged with an offense that is listed in subsection (2)(a) or (b) of this section and that is committed
 45 in a school zone shall be the amount established under ORS 153.020 for the offense.

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

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

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

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

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

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

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

12 (e) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
 13 811.700 or 811.705.

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

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

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

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

21 (b) A flashing light is used as a traffic control device and operated as provided under ORS
 22 810.243.

23 **SECTION 48.** ORS 811.360 is amended to read:

24 811.360. (1) The driver of a vehicle, subject to this section, who is intending to turn at an
 25 intersection where there is a traffic control device showing a steady circular red signal, a steady
 26 red bicycle signal or a steady red arrow signal may do any of the following without violating ORS
 27 811.260 and 811.265:

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

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

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

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

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

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

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

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

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

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

45 (c) Disobeys the directions of another traffic control device, other than the device described in

1 subsections (1) and (2) of this section, or a police officer that prohibits the driver, motorcyclist or
 2 bicyclist from proceeding.

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

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

7 (5) The offense described in this section, improperly proceeding at a stop light, is a Class B
 8 traffic violation.

9 **SECTION 49.** ORS 811.365 is amended to read:

10 811.365. (1) A person commits the offense of making an illegal U-turn if the person is operating
 11 a vehicle and the person turns the vehicle so as to proceed in the opposite direction in any of the
 12 following places:

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

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

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

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

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

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

23 **SECTION 50.** ORS 811.483 is amended to read:

24 811.483. (1) The Department of Transportation shall post signs in safety corridors chosen by the
 25 department indicating that fines for traffic offenses committed in those safety corridors will be
 26 doubled.

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

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

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

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

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

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

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

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

41 (e) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
 42 811.700 or 811.705.

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

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

45 **SECTION 51.** Section 2, chapter 501, Oregon Laws 2019, is amended to read:

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

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

7 (c) The county commission for each county selected under paragraph (b) of this subsection may
 8 designate one segment of highway that is between 2 and 10 miles long as a safety corridor.

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

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

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

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

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

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

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

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

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

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

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

30 (E) Failure to perform the duties of a driver involved in a [*collision*] **crash**, as described in ORS
 31 811.700 or 811.705.

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

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

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

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

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

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

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

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

41 (c) The advisory group shall:

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

44 (B) Establish requirements for the counties selected under subsection (1)(b) of this section, in-
 45 cluding for regular community engagement, heightened enforcement, engineering improvements,

1 infrastructure investments and public outreach; and

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

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

7 (b) The first report must be submitted no later than September 15, 2022. The second report must
8 be submitted no later than September 15, 2024.

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

11 **SECTION 52.** ORS 811.507 is amended to read:

12 811.507. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

35 (a) Holds a mobile electronic device in the person's hand; or

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

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

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

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

44 (c) Who is operating a two-way radio device that transmits radio communication transmitted by
45 a station operating on an authorized frequency within the business, citizens' or family radio service

1 bands in accordance with rules of the Federal Communications Commission while transporting forest
 2 products, or while operating a vehicle to assist in logging operations, within the scope of the
 3 person's employment;

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

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

12 (f) Who is using a two-way radio device while operating a vehicle wider than the lane of travel,
 13 a vehicle transporting livestock or a vehicle requiring a slow-moving vehicle emblem under ORS
 14 815.110, and the use of the device facilitates the safe operation of the vehicle; or

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

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

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

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

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

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

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

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

32 (g) Was using a medical device.

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

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

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

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

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

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

45 (7) For purposes of this section, sentences for two or more convictions that are imposed in the

1 same sentencing proceeding are considered to be one sentence.

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

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

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

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

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

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

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

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

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

20 **SECTION 53.** ORS 811.510 is amended to read:

21 811.510. (1) A person commits the offense of dangerous operation around livestock if the person
 22 is operating a vehicle upon a highway and the person fails to do any of the following:

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

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

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

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

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

34 **SECTION 54.** ORS 811.525 is amended to read:

35 811.525. This section establishes exemptions from ORS 811.515 and 811.520. The exemptions un-
 36 der this section are in addition to any exemptions under ORS 801.026. The exemptions established
 37 under this section are partial or complete as described in the following:

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

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

42 (a) Road machinery.

43 (b) Road rollers.

44 (c) Farm tractors.

45 (d) Antique vehicles that are maintained as a collector's item and used for exhibitions, parades,

1 club activities and similar uses, but not used primarily for the transportation of persons or property.

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

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

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

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

15 (a) Public vehicle warning lights.

16 (b) Pilot vehicle warning lights.

17 (c) Tow vehicle warning lights.

18 (d) Police lights.

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

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

23 (g) Commercial vehicle warning lights.

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

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

27 **SECTION 55.** ORS 811.700 is amended to read:

28 811.700. (1) A driver of a vehicle who knows or has reason to believe that the driver's vehicle
 29 was involved in a [*collision*] **crash** commits the offense of failure to perform the duties of a driver
 30 when property is damaged if the driver's vehicle is involved in a [*collision*] **crash** that results in
 31 damage to property and the driver does not perform duties required under any of the following:

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

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

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

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

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

44 (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the
 45 name of the insurance carrier covering the motor vehicle, the insurance policy number of the in-

1 surance policy insuring the motor vehicle and the phone number of the insurance carrier.

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

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

7 (A) Locate the operator or owner of the unattended vehicle and notify the operator or owner
 8 of:

9 (i) The driver’s name and address and the name and address of the owner of the vehicle that
 10 struck the unattended vehicle; and

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

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

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

17 (ii) If the driver’s vehicle is a motor vehicle, the registration number of the motor vehicle, the
 18 name of the insurance carrier covering the motor vehicle, the insurance policy number of the in-
 19 surance policy insuring the motor vehicle and the phone number of the insurance carrier.

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

23 (A) Take reasonable steps to notify the owner or person in charge of the property of the [*colli-*
 24 *sion*] **crash** and of the driver’s name and address, the vehicle owner’s name and address and, if the
 25 driver’s vehicle is a motor vehicle, the registration number of the motor vehicle, the name of the
 26 insurance carrier covering the motor vehicle, the insurance policy number of the insurance policy
 27 insuring the motor vehicle and the phone number of the insurance carrier.

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

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

34 (2) As used in this section, “reason to believe” means that the driver is aware of a circumstance
 35 that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the
 36 driver’s vehicle has been in a [*collision*] **crash**. The risk must be of such nature or degree that
 37 failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable
 38 person would observe in the situation.

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

41 **SECTION 56.** ORS 811.705 is amended to read:

42 811.705. (1) A driver of a vehicle who knows or has reason to believe that the driver’s vehicle
 43 was involved in a [*collision*] **crash** commits the offense of failure to perform the duties of a driver
 44 to injured persons if the driver’s vehicle has been in a [*collision*] **crash** that results in injury or
 45 death to a person and the driver does not perform all of the following duties:

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

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

7 (c) Give to the other driver or a surviving passenger or any person not a passenger who is in-
 8 jured as a result of the [collision] **crash**:

9 (A) The driver’s name and address, the name and address of the owner of the driver’s vehicle
 10 and the name and address of any other occupants of the driver’s vehicle; and

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

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

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

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

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

36 (2) As used in this section, “reason to believe” means that the driver is aware of a circumstance
 37 that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the
 38 driver’s vehicle has been in a [collision] **crash**. The risk must be of such nature or degree that
 39 failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable
 40 person would observe in the situation.

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

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

1 **crash.**

2 **SECTION 57.** ORS 811.707 is amended to read:

3 811.707. The Oregon Criminal Justice Commission shall classify the crime of failure to perform
4 the duties of a driver to injured persons as crime category 8 of the sentencing guidelines grid of the
5 commission if a person suffers serious physical injury as defined in ORS 161.015 or dies as a result
6 of the [collision] **crash** that forms the basis of the conviction.

7 **SECTION 58.** ORS 811.710 is amended to read:

8 811.710. (1) A driver of a vehicle who knows or has reason to believe that the driver’s vehicle
9 was involved in a [collision] **crash** commits the offense of failure to perform the duties of a driver
10 when an animal is injured if the driver’s vehicle injures or kills a domestic animal and the driver
11 does not perform all of the following duties:

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

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

17 (c) Give reasonable attention to the animal.

18 (d) Immediately report the injury to the animal’s owner.

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

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

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

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

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

33 **SECTION 59.** ORS 811.715 is amended to read:

34 811.715. (1) A person commits the offense of failure to perform the duties of a witness to [an
35 accident] **a crash** if the person:

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

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

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

42 **SECTION 60.** ORS 811.717 is amended to read:

43 811.717. (1) The driver of a motor vehicle commits the offense of failure to remove a motor ve-
44 hicle from the roadway if, after [an accident] **a crash**:

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

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

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

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

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

8 **SECTION 61.** ORS 811.720 is amended to read:

9 811.720. (1) Except as provided in subsection (4) of this section, any [accident] **crash** occurring
10 on a highway or upon premises open to the public resulting in injury or death to any person is
11 subject to the reporting requirements under the following sections:

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

13 (b) The reporting requirements for occupants of vehicles in [accidents] **crashes** under ORS
14 811.735.

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

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

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

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

23 (c) If the property damage is to property other than a vehicle involved in the [accident] **crash**,
24 each driver involved in the [accident] **crash** must report the [accident] **crash** in the manner specified
25 under ORS 811.725 and each owner of a vehicle involved in the [accident] **crash** must report the
26 [accident] **crash** in the manner specified in ORS 811.730 and under the circumstances specified in
27 ORS 811.730.

28 (d) If a vehicle involved in the [accident] **crash** is damaged to the extent that the vehicle must
29 be towed from the scene of the [accident] **crash**, each driver involved in the [accident] **crash** must
30 report the [accident] **crash** in the manner specified under ORS 811.725 and each owner of a vehicle
31 involved in the [accident] **crash** must report the [accident] **crash** in the manner specified in ORS
32 811.730 and under the circumstances specified in ORS 811.730.

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

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

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

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

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

45 (i) As a peace officer commissioned by a city, university that has established a police department

1 under ORS 352.121 or 353.125, port, school district, mass transit district, county or county service
 2 district authorized to provide law enforcement services under ORS 451.010;

3 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 4 Justice;

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

7 (iv) As an authorized tribal police officer as defined in ORS 181A.940.

8 (B) “Lawful intervention technique” means a method by which one motor vehicle causes, or at-
 9 tempts to cause, another motor vehicle to stop.

10 **SECTION 62.** ORS 811.725 is amended to read:

11 811.725. (1) The driver of a vehicle commits the offense of driver failure to report [*an accident*]
 12 **a crash** if the driver does any of the following:

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

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

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

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

28 (3) The reports described under this section are subject to the provisions of ORS 802.220 and
 29 802.240 relating to the use of such reports after submission. Exemptions from requirements to pro-
 30 vide proof of compliance with financial responsibility are established under ORS 806.020.

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

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

35 **SECTION 63.** ORS 811.730 is amended to read:

36 811.730. (1) The owner of a vehicle commits the offense of owner failure to report [*an accident*]
 37 **a crash** if the owner does any of the following:

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

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

42 (B) The driver of the vehicle does not make [*an accident*] **a crash** report as required under ORS
 43 811.725.

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

1 **crash.**

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

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

6 **SECTION 64.** ORS 811.735 is amended to read:

7 811.735. (1) A person commits the offense of failure of a vehicle occupant to make [*an accident*]
8 **a crash** report if:

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

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

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

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

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

19 **SECTION 65.** ORS 811.740 is amended to read:

20 811.740. (1) A person commits the offense of giving a false [*accident*] **crash** report if the person
21 gives information in any report required under ORS 811.725 or 811.730, knowing or having reason
22 to believe that such information is false.

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

25 **SECTION 66.** ORS 811.745 is amended to read:

26 811.745. (1) Except as provided in subsection (4) of this section, any [*accident*] **crash** occurring
27 on a highway or upon premises open to the public resulting in injury or death to any person is
28 subject to the reporting requirements under the following sections:

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

30 (b) The reporting requirements for occupants of vehicles in [*accidents*] **crashes** under ORS
31 811.750.

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

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

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

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

43 (3) The dollar amount specified in subsection (2) of this section may be increased every five
44 years by the Department of Transportation based upon any increase in the Consumer Price Index
45 for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics

1 of the United States Department of Labor or its successor during the preceding 12-month period.
 2 The amount determined under this subsection shall be rounded to the nearest \$100.

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

4 (a) Operators of snowmobiles and Class I, Class III and Class IV all-terrain vehicles.

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

9 (A) “Law enforcement official” means a person who is responsible for enforcing the criminal
 10 laws of this state or a political subdivision of this state and who is employed or volunteers:

11 (i) As a peace officer commissioned by a city, port, university that has established a police de-
 12 partment under ORS 352.121 or 353.125, school district, mass transit district, county or service dis-
 13 trict authorized to provide law enforcement services under ORS 451.010;

14 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 15 Justice; or

16 (iii) As an investigator of a district attorney’s office, if the investigator is certified as a peace
 17 officer in this state.

18 (B) “Lawful intervention technique” means a method by which one motor vehicle causes, or at-
 19 tempts to cause, another motor vehicle to stop.

20 (5) The reporting requirements under this section are in addition to, and not in lieu of, the re-
 21 porting requirements under ORS 811.720.

22 **SECTION 67.** ORS 811.748 is amended to read:

23 811.748. (1) The driver of a vehicle commits the offense of driver failure to report *[an accident]*
 24 **a crash** if the driver is driving any vehicle that is involved in *[an accident]* **a crash** required to be
 25 reported under ORS 811.745 and the driver, if physically capable, does not give notice of the *[acci-*
 26 *dent]* **crash** immediately to a police officer or a law enforcement agency by the quickest means
 27 available.

28 (2) Notwithstanding subsection (1) of this section, a driver does not commit the offense of driver
 29 failure to report *[an accident]* **a crash** if:

30 (a) The *[accident]* **crash** required to be reported under ORS 811.745 results in a serious injury
 31 or death; and

32 (b) The driver gives notice of the *[accident]* **crash** immediately to the emergency communications
 33 system by the quickest means available.

34 (3) The offense described in this section, driver failure to report *[an accident]* **a crash**, is a Class
 35 A traffic violation.

36 **SECTION 68.** ORS 811.750 is amended to read:

37 811.750. (1) A person commits the offense of failure of a vehicle occupant to make *[an accident]*
 38 **a crash** report if:

39 (a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is
 40 involved in *[an accident]* **a crash** required to be reported to a police officer or a law enforcement
 41 agency under ORS 811.745;

42 (b) The driver of the vehicle is physically incapable of giving notice to a police officer or a law
 43 enforcement agency as required under ORS 811.748; and

44 (c) The occupant does not give notice of the *[accident]* **crash** immediately to a police officer or
 45 a law enforcement agency by the quickest means available.

1 (2) Notwithstanding subsection (1) of this section, a person does not commit the offense of failure
2 of a vehicle occupant to make [*an accident*] a **crash** report if:

3 (a) The [*accident*] **crash** required to be reported under ORS 811.745 results in a serious injury
4 or death; and

5 (b) The person gives notice of the [*accident*] **crash** immediately to the emergency communi-
6 cations system by the quickest means available.

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

9 **SECTION 69.** ORS 813.100 is amended to read:

10 813.100. (1) Any person who operates a motor vehicle upon premises open to the public or the
11 highways of this state shall be deemed to have given consent, subject to the [*implied consent law*]
12 **Motorist Implied Consent Law**, to a chemical test of the person's breath, or of the person's blood
13 if the person is receiving medical care in a health care facility immediately after a motor vehicle
14 [*accident*] **crash**, for the purpose of determining the alcoholic content of the person's blood if the
15 person is arrested for driving a motor vehicle while under the influence of intoxicants in violation
16 of ORS 813.010 or of a municipal ordinance. A test shall be administered upon the request of a police
17 officer having reasonable grounds to believe the person arrested to have been driving while under
18 the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance. Before the test
19 is administered the person requested to take the test shall be informed of consequences and rights
20 as described under ORS 813.130.

21 (2) If a person refuses to submit to a test under this section or if a breath test under this section
22 discloses that the person, at the time of the test, had a level of alcohol in the person's blood that
23 constitutes being under the influence of intoxicating liquor under ORS 813.300 and the person has
24 been informed of rights and consequences as provided under ORS 813.130, the person's driving
25 privileges are subject to suspension under ORS 813.410 and the police officer shall do all of the
26 following:

27 (a) Immediately take custody of any driver license or permit issued by this state to the person
28 to grant driving privileges.

29 (b) Provide the person with a written notice of intent to suspend, on forms prepared and pro-
30 vided by the Department of Transportation. The written notice shall inform the person of conse-
31 quences and rights as described under ORS 813.130.

32 (c) If the person qualifies under ORS 813.110, issue to the person, on behalf of the department,
33 a temporary driving permit described under ORS 813.110.

34 (d) Within a period of time required by the department by rule, report action taken under this
35 section to the department and prepare and cause to be delivered to the department a report as de-
36 scribed in ORS 813.120, along with the confiscated license or permit and a copy of the notice of in-
37 tent to suspend.

38 (3) If a blood test under this section discloses that the person, at the time of the test, had a level
39 of alcohol in the person's blood that constitutes being under the influence of intoxicating liquor
40 under ORS 813.300, the person's driving privileges are subject to suspension under ORS 813.410 and
41 the police officer shall report to the department within 45 days of the date of arrest that the person
42 failed the blood test.

43 (4) Nothing in this section precludes a police officer from obtaining a chemical test of the
44 person's breath or blood through any lawful means for use as evidence in a criminal or civil pro-
45 ceeding including, but not limited to, obtaining a search warrant.

SECTION 70. ORS 813.131 is amended to read:

813.131. (1) A person may be asked to provide a urine sample under ORS 813.140 or subsection (2) of this section.

(2) Any person who operates a motor vehicle upon premises open to the public or the highways of this state shall be deemed to have given consent, subject to the Motorist Implied Consent Law, to a chemical test of the person's urine for the purpose of determining the presence of cannabis, psilocybin, a controlled substance or an inhalant in the person's body if the person is arrested for driving while under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance and either:

(a) The person takes the breath test described in ORS 813.100 and the test discloses a blood alcohol content of less than 0.08 percent; or

(b) The person is involved in [*an accident*] **a crash** resulting in injury or property damage. A urine test may be requested under this paragraph regardless of whether a breath test has been requested and regardless of the results of a breath test, if one is taken.

(3) A police officer may not request a urine test unless the officer is certified by the Department of Public Safety Standards and Training as having completed at least eight hours of training in recognition of drug impaired driving and the officer has a reasonable suspicion that the person arrested has been driving while under the influence of cannabis, psilocybin, a controlled substance, an inhalant or any combination of cannabis, psilocybin, a controlled substance, an inhalant and intoxicating liquor.

(4) A person asked to give a urine sample shall be given privacy and may not be observed by a police officer when producing the sample.

(5)(a) At the trial of any civil or criminal action, suit or proceeding arising out of the acts committed by a person driving a motor vehicle while under the influence of intoxicants, a valid chemical analysis of a person's urine is admissible as evidence and may be used with other evidence, if any, to determine whether the person was driving while under the influence of intoxicants.

(b) A chemical analysis of a person's urine is valid if analysis is performed in an accredited or licensed toxicology laboratory.

SECTION 71. ORS 813.215 is amended to read:

813.215. (1) A defendant is eligible for diversion if the defendant meets all of the following conditions:

(a) On the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement, the defendant had no charge, other than the charge for the present offense, pending for:

(A) An offense of driving while under the influence of intoxicants in violation of:

(i) ORS 813.010; or

(ii) The statutory counterpart to ORS 813.010 in another jurisdiction;

(B) A driving under the influence of intoxicants offense in another jurisdiction that involved the impaired driving of a vehicle due to the use of intoxicating liquor, cannabis, psilocybin, a controlled substance, an inhalant or any combination thereof; or

(C) A driving offense in another jurisdiction that involved operating a vehicle while having a blood alcohol content above that jurisdiction's permissible blood alcohol content.

(b) The defendant has not been convicted of an offense described in paragraph (a) of this subsection within the period beginning 15 years before the date of the commission of the present offense and ending on the date the defendant filed the petition for a driving while under the influence of

1 intoxicants diversion agreement.

2 (c) The defendant has not been convicted of a felony offense described in ORS 813.010 (5)(a).

3 (d) The defendant was not participating in a driving while under the influence of intoxicants
4 diversion program or in any similar alcohol or drug rehabilitation program in this state or in an-
5 other jurisdiction on the date the defendant filed the petition for a driving while under the influence
6 of intoxicants diversion agreement. A defendant is not ineligible for diversion under this paragraph
7 by reason of participation in a diversion program or any similar alcohol or drug rehabilitation pro-
8 gram as a result of the charge for the present offense or a charge for violation of ORS 471.430.

9 (e) The defendant did not participate in a diversion or rehabilitation program described in par-
10 agraph (d) of this subsection within the period beginning 15 years before the date of the commission
11 of the present offense and ending on the date the defendant filed the petition for a driving while
12 under the influence of intoxicants diversion agreement. A defendant is not ineligible for diversion
13 under this paragraph by reason of participation in a diversion program or rehabilitation program
14 described in paragraph (d) of this subsection as a result of the charge for the present offense or a
15 charge for violation of ORS 471.430.

16 (f) The defendant had no charge of an offense of aggravated vehicular homicide or of murder,
17 manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor
18 vehicle pending in this state or in another jurisdiction on the date the defendant filed the petition
19 for a driving while under the influence of intoxicants diversion agreement.

20 (g) The defendant has not been convicted of an offense described in paragraph (f) of this sub-
21 section within the period beginning 15 years before the date of the commission of the present offense
22 and ending on the date the defendant filed the petition for a driving while under the influence of
23 intoxicants diversion agreement.

24 (h) The defendant did not hold commercial driving privileges on the date of the commission of
25 the offense.

26 (i) The defendant was not operating a commercial motor vehicle at the time of the offense.

27 (j) The present driving while under the influence of intoxicants offense did not involve [*an ac-*
28 *cident*] **a crash** resulting in:

29 (A) Death of any person; or

30 (B) Physical injury as defined in ORS 161.015 to any person other than the defendant.

31 (2) For the purposes of subsection (1)(a) of this section, a conviction for a driving offense in
32 another jurisdiction based solely on a person under 21 years of age having a blood alcohol content
33 that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years
34 of age or older does not constitute a prior conviction.

35 (3) A defendant is eligible for a second or subsequent diversion if the defendant meets all of the
36 conditions of subsection (1) of this section and the defendant has not been convicted of any other
37 criminal offense involving a motor vehicle within the period beginning 15 years before the date of
38 the commission of the present offense and ending on the date the defendant filed the petition for the
39 second or subsequent driving while under the influence of intoxicants diversion agreement.

40 **SECTION 72.** ORS 814.414 is amended to read:

41 814.414. (1) A person operating a bicycle who is approaching an intersection where traffic is
42 controlled by a stop sign may, without violating ORS 811.265, do any of the following without stop-
43 ping if the person slows the bicycle to a safe speed:

44 (a) Proceed through the intersection.

45 (b) Make a right or left turn into a two-way street.

1 (c) Make a right or left turn into a one-way street in the direction of traffic upon the one-way
2 street.

3 (2) A person commits the offense of improper entry into an intersection where traffic is con-
4 trolled by a stop sign if the person does any of the following while proceeding as described in sub-
5 section (1) of this section:

6 (a) Fails to yield the right of way to traffic lawfully within the intersection or approaching so
7 close as to constitute an immediate hazard;

8 (b) Disobeys the directions of a police officer or flagger, as defined in ORS 811.230;

9 (c) Fails to exercise care to avoid [*an accident*] **a crash**; or

10 (d) Fails to yield the right of way to a pedestrian in an intersection or crosswalk under ORS
11 811.028.

12 (3) The offense described in this section, improper entry into an intersection where traffic is
13 controlled by a stop sign, is a Class D traffic violation.

14 **SECTION 73.** ORS 814.416 is amended to read:

15 814.416. (1) A person operating a bicycle who is approaching an intersection where traffic is
16 controlled by a flashing red signal may, without violating ORS 811.265, do any of the following
17 without stopping if the person slows the bicycle to a safe speed:

18 (a) Proceed through the intersection.

19 (b) Make a right or left turn into a two-way street.

20 (c) Make a right or left turn into a one-way street in the direction of traffic upon the one-way
21 street.

22 (2) A person commits the offense of improper entry into an intersection where traffic is con-
23 trolled by a flashing red signal if the person does any of the following while proceeding as described
24 in subsection (1) of this section:

25 (a) Fails to yield the right of way to traffic lawfully within the intersection or approaching so
26 close as to constitute an immediate hazard;

27 (b) Disobeys the directions of a police officer;

28 (c) Fails to exercise care to avoid [*an accident*] **a crash**; or

29 (d) Fails to yield the right of way to a pedestrian in an intersection or crosswalk under ORS
30 811.028.

31 (3) The offense described in this section, improper entry into an intersection where traffic is
32 controlled by a flashing red signal, is a Class D traffic violation.

33 **SECTION 74.** ORS 816.280 is amended to read:

34 816.280. This section establishes standards for different types of warning lights. Each of the
35 following is a requirement for warning lights as described:

36 (1) The following are the colors for the indicated type of warning light:

37 (a) Public vehicle warning lights, pilot vehicle warning lights and commercial vehicle warning
38 lights shall be amber.

39 (b) Tow vehicle warning lights may be amber or red.

40 (c) Weighmaster and motor carrier enforcement officer warning lights shall be red.

41 (d) Warning lights on vehicles engaged in the removal, containment or cleanup of a hazardous
42 materials release, and on vehicles at the scene of a potential release of hazardous materials, may
43 be red or amber.

44 (e) Warning lights on vehicles being used by medical examiners to reach the scene of [*an acci-*
45 *dent*] **a crash** or of a death investigation may be red.

1 (2) Warning lights shall provide an intermittent light that may be either of a revolving or
2 flashing type or any other type that provides an intermittent light.

3 (3) All warning lights shall be visible from a distance of not less than 500 feet under normal
4 atmospheric conditions at night.

5 **SECTION 75.** ORS 816.350 is amended to read:

6 816.350. This section establishes requirements for ORS 816.360. When specific types of lighting
7 equipment are mentioned by this section, those types are types described under ORS 816.040 to
8 816.290. Except as allowed under this section or where an exemption under ORS 816.370 specifically
9 provides otherwise, a vehicle that does not comply with this section is in violation of ORS 816.360:

10 (1)(a) A motorcycle may not be equipped with more than three headlights.

11 (b) A moped may not be equipped with more than two headlights.

12 (2) Except when blue or purple inserts are allowed under ORS 816.080, 816.100 or 816.120, [no]
13 a vehicle may **not** have any lighting equipment mounted on the rear that displays or reflects any
14 color other than red except for the following lighting equipment:

15 (a) Turn signal lights.

16 (b) Rear mounted lighting systems.

17 (c) Registration plate lights.

18 (d) Back-up lights.

19 (3) Except as otherwise allowed under this section, only the following types of vehicles may be
20 equipped with public vehicle warning lights:

21 (a) A vehicle operated by the state, or any county, city, district or other political subdivision
22 of the state, and used for the construction, improvement, repair, maintenance, operation or patrol
23 of any public highway.

24 (b) Vehicles operated by a public utility or telecommunications utility involved in maintenance,
25 repair or construction of their facilities along public rights of way.

26 (4) Vehicles operated by a police officer and used for law enforcement may be equipped with any
27 type of police lights, but only these vehicles may be equipped with blue lights.

28 (5) Except as otherwise allowed under this section, only a vehicle operated by a weighmaster
29 or motor carrier enforcement officer proceeding under the authority of ORS 810.530 may be equipped
30 with weighmaster warning lights.

31 (6) Except as otherwise allowed under this section, only tow vehicles may be equipped with tow
32 vehicle warning lights.

33 (7) Except as otherwise allowed under this section, only a motor vehicle escort accompanying
34 a motor vehicle carrying or towing a load of a size or description not permitted under ORS 815.160,
35 815.170, 818.020, 818.060, 818.090, 818.110, 818.160 and 818.300 may be equipped with a pilot vehicle
36 warning light.

37 (8) Except as otherwise allowed under this section, only the following vehicles may be equipped
38 with bus safety lights:

39 (a) School buses.

40 (b) Worker transport buses.

41 (c) Vehicles issued a permit under ORS 818.260.

42 (9) No vehicle except a vehicle used in active service transporting United States Mail may be
43 equipped with mail delivery lights.

44 (10) Except as otherwise allowed under this section, fire company warning lights may only be
45 used on the following vehicles:

1 (a) An emergency vehicle.

2 (b) A vehicle authorized under a permit issued under ORS 818.250.

3 (c) Funeral lead vehicles and funeral escort vehicles used to escort funeral processions.

4 (11) Except as otherwise allowed under this section, no vehicle or equipment may display or
5 carry any lighting equipment or device with a red light visible from directly in front of the vehicle
6 or equipment.

7 (12) Except as otherwise allowed under this section, all flashing lights are prohibited on all
8 motor vehicles on any street or highway except for turn signals, hazard lights and headlight flashing
9 systems described in ORS 816.050.

10 (13) No motor vehicle other than an emergency vehicle may be equipped with more than one
11 spotlight.

12 (14) No motor vehicle may be equipped with more than two cowl or fender lights.

13 (15) A vehicle at the scene of an actual or potential release of hazardous materials may be
14 equipped with warning lights as described in ORS 816.280 (1)(d).

15 (16) A vehicle being used by medical examiners to reach the scene of [*an accident*] **a crash** or
16 of a death investigation may be equipped with warning lights as described in ORS 816.280 (1)(e).

17 (17) A vehicle may be equipped with covers on any of the following lights if the covers are re-
18 moved when the lights are required to be in operation:

19 (a) Headlights under ORS 816.050.

20 (b) Taillights under ORS 816.080.

21 (c) Brake lights under ORS 816.100.

22 (d) Turn signals under ORS 816.120.

23 (e) Reflectors under ORS 816.180.

24 (18) A commercial vehicle, as defined in ORS 801.210 (2), may be equipped with commercial ve-
25 hicle warning lights.

26 **SECTION 76.** ORS 818.105 is amended to read:

27 818.105. (1) Any person who transports property, or causes property to be transported, by motor
28 vehicle may request that a road authority, other than a city, authorize unrestricted access by truck
29 tractor and semitrailer combinations in lengths in excess of that authorized under ORS 818.080 on
30 a specific highway within the jurisdiction of the road authority.

31 (2) Within 60 days following receipt of a request, the road authority shall do one of the follow-
32 ing:

33 (a) Grant the request and adopt a rule, resolution or ordinance as provided in ORS 810.060.

34 (b) Complete an evaluation of the request to determine whether the highway can safely accom-
35 modate the proposed operation. The evaluation shall consist of a test run as described in subsection
36 (3) of this section and an examination of information about the highway as described in subsection
37 (4) of this section.

38 (c) Produce a previous evaluation and determination that applies to the proposed operation.

39 (3) The following apply to a test run undertaken as part of an evaluation under subsection (2)(b)
40 of this section:

41 (a) The party requesting the change in access shall provide a truck tractor and semitrailer
42 combination for the test run. The combination must be equal to or greater in length than the truck
43 tractor and semitrailer combinations for which access is requested.

44 (b) The road authority shall issue a single trip variance permit for the test run.

45 (c) During the test run, road authority staff shall precede and follow the test run combination

1 to observe vehicle operability and to gather data to be used by the road authority to determine:

2 (A) Whether the test run combination maintained its lane of travel; and

3 (B) Whether the test run combination maintained appropriate speed, or there was adequate sight
4 distance for trailing vehicles to pass the combination, or there was enough room for the combination
5 to pull off the roadway to allow trailing vehicles to pass.

6 (4) In conducting an evaluation under subsection (2)(b) of this section, the road authority shall
7 examine the following information about the highway:

8 (a) Average daily traffic flow;

9 (b) [*Accident*] **Crash** rate;

10 (c) Pavement and shoulder conditions; and

11 (d) Any information the road authority has regarding proposed improvements or any peculiar-
12 ities associated with the highway.

13 (5) All information gathered under subsections (3) and (4) of this section shall be analyzed by
14 the road authority to determine whether the highway can safely accommodate the requested truck
15 tractor and semitrailer length.

16 (6) The road authority shall give written notification to the person requesting access to the
17 highway of the results of any evaluation done under subsection (2)(b) or (9) of this section.

18 (7) When an evaluation under subsection (2)(b) of this section results in a determination that the
19 highway can safely accommodate the requested truck tractor and semitrailer length only if condi-
20 tions are imposed on the operation, the road authority may require that any truck tractor and
21 semitrailer combination of that length operate under a variance permit issued under ORS 818.200
22 that states the conditions of operation.

23 (8) When an evaluation under subsection (2)(b) of this section results in a determination that the
24 highway cannot safely accommodate the requested truck tractor and semitrailer length, the re-
25 questing person may ask for further evaluation.

26 (9) When a person requests further evaluation under subsection (8) of this section, the road au-
27 thority shall conduct a detailed investigation of the proposed operation that may include:

28 (a) A more detailed analysis of average daily traffic flow, including traffic peak hours and vol-
29 umes;

30 (b) Analysis of roadway and shoulder width;

31 (c) Review of test run data, including any photographs or videotape;

32 (d) Truck volume compared to total traffic volume;

33 (e) Overlength truck volume compared to total traffic volume;

34 (f) Stopping sight distance for legal speed;

35 (g) Cost of spot improvements and facility improvements;

36 (h) [*Accident*] **Crash** history for the highway or similar highways; and

37 (i) Potential risk of [*collisions*] **crashes** between two trucks or a truck and an automobile.

38 (10) When an evaluation under subsection (9) of this section results in a determination that the
39 highway can safely accommodate the requested truck tractor and semitrailer length only if condi-
40 tions are imposed on the operation, the road authority may require that any truck tractor and
41 semitrailer combination of that length operate under a variance permit issued under ORS 818.200
42 that states the conditions of operation.

43 (11) When an evaluation under subsection (9) of this section results in a determination that the
44 highway cannot safely accommodate the requested truck tractor and semitrailer length, no further
45 evaluation may be conducted unless improvements are made to the highway and a subsequent re-

1 quest is made.

2 **SECTION 77.** ORS 820.110 is amended to read:

3 820.110. (1) The State Board of Education shall adopt and enforce rules to establish requirements
4 of operation, qualifications or special training of drivers and special [accident] **crash** reports for
5 school buses and school activity vehicles.

6 (2) The governing board of a public university listed in ORS 352.002 may adopt and enforce
7 separate standards of the type described under this section for school buses and school activity ve-
8 hicles that are under its jurisdiction.

9 (3) The rules and standards adopted under this section:

10 (a) Are subject to ORS 820.190 and 820.200 and to any other statute or regulation relating to
11 the operation of vehicles, qualifications of drivers and [accident] **crash** reports.

12 (b) Must be consistent with requirements established by statute or by rule adopted under stat-
13 utory authority that relate to the same subject.

14 (c) May include different requirements for different classes or types of school buses or school
15 activity vehicles.

16 (d) May include any exemptions determined appropriate under ORS 820.150.

17 (4) If the Department of Transportation suspends, cancels or revokes any driving privileges of
18 a person who holds a school bus endorsement under ORS 807.035 (5), the Department of Transpor-
19 tation shall notify the Department of Education of the suspension, cancellation or revocation.

20 **SECTION 78.** ORS 822.510 is amended to read:

21 822.510. Except as provided in subsection (3) of this section, an applicant or holder of a com-
22 mercial driver training school certificate may maintain proof of insurance required under ORS
23 822.515 for issuance or renewal of the certificate by complying with any of the following:

24 (1) The school may file a certificate of insurance with the Department of Transportation that
25 complies with all of the following:

26 (a) The insurance must be issued to the school.

27 (b) The insurance must be issued by an insurance company authorized to do business in this
28 state.

29 (c) The insurance must show that the insured has procured and has in effect a motor vehicle
30 liability policy that provides at least the following coverage:

31 (A) \$100,000 because of bodily injury to or death of one person in any one [accident] **crash**;

32 (B) Subject to the limit for one person, \$300,000 because of bodily injury to or death of two or
33 more persons in any one [accident] **crash**; and

34 (C) \$50,000 because of injury to or destruction of the property of others in any one [accident]
35 **crash**.

36 (d) The policy shall designate by explicit description or by appropriate reference all motor ve-
37 hicles with respect to which coverage is granted.

38 (e) The policy shall insure any and all persons using any motor vehicle owned or operated by
39 the school with the consent of the school against loss from the liabilities imposed by law for dam-
40 ages arising out of the operation, use or maintenance of the motor vehicle.

41 (2) The school may obtain a valid certificate of self-insurance from the department.

42 (3) An applicant or holder of a commercial driver training school certificate does not need to
43 submit proof of insurance required under ORS 822.515 for issuance or renewal of the certificate if
44 the applicant or holder of the certificate conducts only classroom instruction.

45 **SECTION 79.** ORS 822.600 is amended to read:

1 822.600. (1) A person commits the offense of failure of a garage to report [*an accident*] **a crash**
 2 or bullet contact if the person is in charge of any garage or repair shop to which is brought any
 3 motor vehicle that shows evidence of having been involved in a serious [*accident*] **crash** or struck
 4 by any bullet and the person does not report to the nearest police station or sheriff's office within
 5 24 hours after such motor vehicle is received giving the registration number and the name and ad-
 6 dress of the owner or operator of such vehicle.

7 (2) An additional report need not be made under this section when the owner of the vehicle is
 8 also the owner of the garage or repair shop and the person has made a report under ORS 811.725
 9 or 811.730 that includes the information required by this section.

10 (3) The offense described in this section, failure of garage to report [*accident*] **crash** or bullet
 11 contact, is a Class A traffic violation.

12 **SECTION 80.** ORS 824.212 is amended to read:

13 824.212. (1) The Department of Transportation shall adopt regulations prescribing specifications
 14 for the construction and maintenance of railroad-highway crossings, both at grade level and at sep-
 15 arated grades. The specifications shall be developed in consultation with representatives of cities
 16 and counties and shall conform to nationally recognized and commonly used standards to ensure
 17 that the crossings are constructed and maintained in a manner that conforms to the public safety,
 18 necessity, convenience and general welfare, including but not limited to the projected transportation
 19 needs.

20 (2) Specifications for separate crossings adopted under subsection (1) of this section do not apply
 21 to crossings in existence on the effective date of the regulation prescribing the specifications.
 22 However, within a reasonable period after the effective date, crossings shall be altered or recon-
 23 structed to comply with the regulations in effect at the time of the alteration or reconstruction.

24 (3) Priorities for such alterations or reconstruction shall be established by the Department of
 25 Transportation, based upon the expressed need of the public authority in interest, and upon such
 26 other factors as danger or inconvenience to motorists, age of the structure, frequency of reported
 27 [*accidents*] **crashes** and degree of noncompliance with regulations.

28 (4) If the public authority in interest or the railroad company fails to so alter or reconstruct a
 29 crossing, the department, after following the procedures specified in ORS chapter 183 for contested
 30 cases, may order the alteration or reconstruction and proceed in accordance with ORS 824.216.

31 **SECTION 81.** ORS 825.248 is amended to read:

32 825.248. (1) The Department of Transportation shall develop an annual commercial motor vehicle
 33 safety plan. The goal of the plan is to reduce [*accidents*] **crashes** involving commercial motor vehi-
 34 cles and to reduce injuries and fatalities resulting from [*accidents*] **crashes** involving commercial
 35 motor vehicles. The priority for each year's plan shall be determined on the basis of accurate and
 36 timely data. The department shall use performance measures to determine the success of an annual
 37 plan and to develop the subsequent plan.

38 (2) In conducting inspections described in ORS 810.560, a person who is trained and certified
 39 as a commercial vehicle inspector under ORS 810.560 shall adhere to the provisions of the com-
 40 mercial motor vehicle safety plan developed under subsection (1) of this section.

41 **SECTION 82.** ORS 825.402 is amended to read:

42 825.402. (1) Except as provided in subsection (4) of this section, all motor carriers that are
 43 domiciled in Oregon and that receive a certificate or permit from the Department of Transportation
 44 for the first time on or after July 1, 1990, shall participate in the program established under ORS
 45 825.400.

1 (2) A motor carrier required by subsection (1) of this section to participate in the program must
 2 do so within 90 days of the date on which it receives a certificate or permit from the department.

3 (3) In addition to motor carriers required to participate in the program established under ORS
 4 825.400, the department may require participation by any motor carrier that:

5 (a) Has underpaid its tax obligation for the use of the highways by 15 percent or more;

6 (b) Exceeds by more than 15 percent, in a one-year period, the industry average for out-of-
 7 service violations for vehicle inspection or for *[accidents]* **crashes** per mile; or

8 (c) Receives, in a one-year period, two or more citations for being 10,000 pounds or more over-
 9 weight.

10 (4) Subsection (1) of this section does not apply to a carrier receiving a certificate or permit for
 11 the first time on or after July 1, 1990, if the carrier is a successor in interest to a carrier that held
 12 a certificate or permit prior to that date.

13 (5) Rules adopted by the department under ORS 825.400 shall require each motor carrier partic-
 14 ipating in the program to have at least one person having a substantial interest or control, di-
 15 rectly or indirectly, in or over the operations conducted or to be conducted under the certificate
 16 or permit issued to the motor carrier participate in the program. No rule shall require the partic-
 17 ipation of a motor carrier more than one time except for motor carriers required to participate un-
 18 der subsection (3) of this section.

19 (6) Rules adopted by the department under ORS 825.400 shall require each motor carrier par-
 20 ticipating in the program to attend at least eight hours of classroom instruction. The instruction
 21 may be provided in person or by an interactive, instructor-led webinar.

22 **SECTION 83.** ORCP 7 D, as amended by the Council on Court Procedures on December 10,
 23 2022, is amended to read:

24 D Manner of service.

25 D(1) Notice required. Summons shall be served, either within or without this state, in any
 26 manner reasonably calculated, under all the circumstances, to apprise the defendant of the existence
 27 and pendency of the action and to afford a reasonable opportunity to appear and defend. Summons
 28 may be served in a manner specified in this rule or by any other rule or statute on the defendant
 29 or on an agent authorized by appointment or law to accept service of summons for the defendant.
 30 Service may be made, subject to the restrictions and requirements of this rule, by the following
 31 methods: personal service of true copies of the summons and the complaint on defendant or an agent
 32 of defendant authorized to receive process; substituted service by leaving true copies of the sum-
 33 mons and the complaint at a person's dwelling house or usual place of abode; office service by
 34 leaving true copies of the summons and the complaint with a person who is apparently in charge
 35 of an office; service by mail; or service by publication.

36 D(2) Service methods.

37 D(2)(a) Personal service. Personal service may be made by delivery of a true copy of the sum-
 38 mons and a true copy of the complaint to the person to be served.

39 D(2)(b) Substituted service. Substituted service may be made by delivering true copies of the
 40 summons and the complaint at the dwelling house or usual place of abode of the person to be served
 41 to any person 14 years of age or older residing in the dwelling house or usual place of abode of the
 42 person to be served. Where substituted service is used, the plaintiff, as soon as reasonably possible,
 43 shall cause to be mailed by first class mail true copies of the summons and the complaint to the
 44 defendant at defendant's dwelling house or usual place of abode, together with a statement of the
 45 date, time, and place at which substituted service was made. For the purpose of computing any pe-

1 riod of time prescribed or allowed by these rules or by statute, substituted service shall be complete
 2 on the mailing.

3 D(2)(c) Office service. If the person to be served maintains an office for the conduct of business,
 4 office service may be made by leaving true copies of the summons and the complaint at that office
 5 during normal working hours with the person who is apparently in charge. Where office service is
 6 used, the plaintiff, as soon as reasonably possible, shall cause to be mailed by first class mail true
 7 copies of the summons and the complaint to the defendant at defendant’s dwelling house or usual
 8 place of abode or defendant’s place of business or any other place under the circumstances that is
 9 most reasonably calculated to apprise the defendant of the existence and pendency of the action,
 10 together with a statement of the date, time, and place at which office service was made. For the
 11 purpose of computing any period of time prescribed or allowed by these rules or by statute, office
 12 service shall be complete on the mailing.

13 D(2)(d) Service by mail.

14 D(2)(d)(i) Generally. When service by mail is required or allowed by this rule or by statute, ex-
 15 cept as otherwise permitted, service by mail shall be made by mailing true copies of the summons
 16 and the complaint to the defendant by first class mail and by any of the following: certified, regis-
 17 tered, or express mail with return receipt requested. For purposes of this paragraph, “first class
 18 mail” does not include certified, registered, or express mail, return receipt requested, or any other
 19 form of mail that may delay or hinder actual delivery of mail to the addressee.

20 D(2)(d)(ii) Calculation of time. For the purpose of computing any period of time provided by
 21 these rules or by statute, service by mail, except as otherwise provided, shall be complete on the
 22 day the defendant, or other person authorized by appointment or law, signs a receipt for the mailing,
 23 or 3 days after the mailing if mailed to an address within the state, or 7 days after the mailing if
 24 mailed to an address outside the state, whichever first occurs.

25 D(3) Particular defendants. Service may be made on specified defendants as follows:

26 D(3)(a) Individuals.

27 D(3)(a)(i) Generally. On an individual defendant, by personal delivery of true copies of the sum-
 28 mons and the complaint to the defendant or other person authorized by appointment or law to re-
 29 ceive service of summons on behalf of the defendant, by substituted service, or by office service.
 30 Service may also be made on an individual defendant or other person authorized to receive service
 31 to whom neither subparagraph D(3)(a)(ii) nor D(3)(a)(iii) of this rule applies by a mailing made in
 32 accordance with paragraph D(2)(d) of this rule provided the defendant or other person authorized
 33 to receive service signs a receipt for the certified, registered, or express mailing, in which case
 34 service shall be complete on the date on which the defendant signs a receipt for the mailing.

35 D(3)(a)(ii) Minors. On a minor under 14 years of age, by service in the manner specified in sub-
 36 paragraph D(3)(a)(i) of this rule on the minor; and additionally on the minor’s father, mother,
 37 conservator of the minor’s estate, or guardian, or, if there be none, then on any person having the
 38 care or control of the minor, or with whom the minor resides, or in whose service the minor is
 39 employed, or on a guardian ad litem appointed pursuant to Rule 27 B.

40 D(3)(a)(iii) Incapacitated persons. On a person who is incapacitated or is financially incapable,
 41 as both terms are defined by ORS 125.005, by service in the manner specified in subparagraph
 42 D(3)(a)(i) of this rule on the person and, also, on the conservator of the person’s estate or guardian
 43 or, if there be none, on a guardian ad litem appointed pursuant to Rule 27 B.

44 D(3)(a)(iv) Tenant of a mail agent. On an individual defendant who is a “tenant” of a “mail
 45 agent” within the meaning of ORS 646A.340, by delivering true copies of the summons and the

1 complaint to any person apparently in charge of the place where the mail agent receives mail for
 2 the tenant, provided that:

3 D(3)(a)(iv)(A) the plaintiff makes a diligent inquiry but cannot find the defendant; and

4 D(3)(a)(iv)(B) the plaintiff, as soon as reasonably possible after delivery, causes true copies of
 5 the summons and the complaint to be mailed by first class mail to the defendant at the address at
 6 which the mail agent receives mail for the defendant and to any other mailing address of the de-
 7 fendant then known to the plaintiff, together with a statement of the date, time, and place at which
 8 the plaintiff delivered the copies of the summons and the complaint. Service shall be complete on
 9 the latest date resulting from the application of subparagraph D(2)(d)(ii) of this rule to all mailings
 10 required by this subparagraph unless the defendant signs a receipt for the mailing, in which case
 11 service is complete on the day the defendant signs the receipt.

12 D(3)(b) Corporations including, but not limited to, professional corporations and cooperatives.
 13 On a domestic or foreign corporation:

14 D(3)(b)(i) Primary service method. By personal service or office service on a registered agent,
 15 officer, or director of the corporation; or by personal service on any clerk on duty in the office of
 16 a registered agent.

17 D(3)(b)(ii) Alternatives. True copies of the summons and the complaint may be served:

18 D(3)(b)(ii)(A) by substituted service on the registered agent, officer, or director;

19 D(3)(b)(ii)(B) by personal service on any clerk or agent of the corporation;

20 D(3)(b)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of this rule true copies of
 21 the summons and the complaint to: the office of the registered agent or to the last registered office
 22 of the corporation, if any, as shown by the records on file in the office of the Secretary of State;
 23 or, if the corporation is not authorized to transact business in this state at the time of the trans-
 24 action, event, or occurrence on which the action is based occurred, to the principal office or place
 25 of business of the corporation; and, in any case, to any address the use of which the plaintiff knows
 26 or has reason to believe is most likely to result in actual notice; or

27 D(3)(b)(ii)(D) on the Secretary of State in the manner provided in ORS 60.121 or 60.731.

28 D(3)(c) Limited liability companies. On a limited liability company:

29 D(3)(c)(i) Primary service method. By personal service or office service on a registered agent,
 30 manager, or (for a member-managed limited liability company) member of a limited liability company;
 31 or by personal service on any clerk on duty in the office of a registered agent.

32 D(3)(c)(ii) Alternatives. True copies of the summons and the complaint may be served:

33 D(3)(c)(ii)(A) by substituted service on the registered agent, manager, or (for a member-managed
 34 limited liability company) member of a limited liability company;

35 D(3)(c)(ii)(B) by personal service on any clerk or agent of the limited liability company;

36 D(3)(c)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of this rule true copies of
 37 the summons and the complaint to: the office of the registered agent or to the last registered office
 38 of the limited liability company, if any, as shown by the records on file in the office of the Secretary
 39 of State; or, if the limited liability company is not authorized to transact business in this state at
 40 the time of the transaction, event, or occurrence on which the action is based occurred, to the
 41 principal office or place of business of the limited liability company; and, in any case, to any address
 42 the use of which the plaintiff knows or has reason to believe is most likely to result in actual notice;
 43 or

44 D(3)(c)(ii)(D) on the Secretary of State in the manner provided in ORS 63.121.

45 D(3)(d) Limited partnerships. On a domestic or foreign limited partnership:

1 D(3)(d)(i) Primary service method. By personal service or office service on a registered agent
 2 or a general partner of a limited partnership; or by personal service on any clerk on duty in the
 3 office of a registered agent.

4 D(3)(d)(ii) Alternatives. True copies of the summons and the complaint may be served:

5 D(3)(d)(ii)(A) by substituted service on the registered agent or general partner of a limited
 6 partnership;

7 D(3)(d)(ii)(B) by mailing in the manner specified in paragraph D(2)(d) of this rule true copies of
 8 the summons and the complaint to: the office of the registered agent or to the last registered office
 9 of the limited partnership, if any, as shown by the records on file in the office of the Secretary of
 10 State; or, if the limited partnership is not authorized to transact business in this state at the time
 11 of the transaction, event, or occurrence on which the action is based occurred, to the principal of-
 12 fice or place of business of the limited partnership; and, in any case, to any address the use of which
 13 the plaintiff knows or has reason to believe is most likely to result in actual notice; or

14 D(3)(d)(ii)(C) on the Secretary of State in the manner provided in ORS 70.040 or 70.045.

15 D(3)(e) General partnerships and limited liability partnerships. On any general partnership or
 16 limited liability partnership by personal service on a partner or any agent authorized by appoint-
 17 ment or law to receive service of summons for the partnership or limited liability partnership.

18 D(3)(f) Other unincorporated associations subject to suit under a common name. On any other
 19 unincorporated association subject to suit under a common name by personal service on an officer,
 20 managing agent, or agent authorized by appointment or law to receive service of summons for the
 21 unincorporated association.

22 D(3)(g) State. On the state, by personal service on the Attorney General or by leaving true
 23 copies of the summons and the complaint at the Attorney General's office with a deputy, assistant,
 24 or clerk.

25 D(3)(h) Public bodies. On any county; incorporated city; school district; or other public corpo-
 26 ration, commission, board, or agency by personal service or office service on an officer, director,
 27 managing agent, or attorney thereof.

28 D(3)(i) Vessel owners and charterers. On any foreign steamship owner or steamship charterer
 29 by personal service on a vessel master in the owner's or charterer's employment or any agent au-
 30 thorized by the owner or charterer to provide services to a vessel calling at a port in the State of
 31 Oregon, or a port in the State of Washington on that portion of the Columbia River forming a
 32 common boundary with Oregon.

33 D(4) Particular actions involving motor vehicles.

34 D(4)(a) Actions arising out of use of roads, highways, streets, or premises open to the public;
 35 service by mail.

36 D(4)(a)(i) In any action arising out of any [*accident, collision,*] **crash** or other event giving rise
 37 to liability in which a motor vehicle may be involved while being operated on the roads, highways,
 38 streets, or premises open to the public as defined by law of this state if the plaintiff makes at least
 39 one attempt to serve a defendant who operated such motor vehicle, or caused it to be operated on
 40 the defendant's behalf, by a method authorized by subsection D(3) of this rule except service by mail
 41 pursuant to subparagraph D(3)(a)(i) of this rule and, as shown by its return, did not effect service,
 42 the plaintiff may then serve that defendant by mailings made in accordance with paragraph D(2)(d)
 43 of this rule addressed to that defendant at:

44 D(4)(a)(i)(A) any residence address provided by that defendant at the scene of the [*accident*]
 45 **crash;**

1 D(4)(a)(i)(B) the current residence address, if any, of that defendant shown in the driver records
2 of the Department of Transportation; and

3 D(4)(a)(i)(C) any other address of that defendant known to the plaintiff at the time of making the
4 mailings required by parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule that reasonably might result in
5 actual notice to that defendant. Sufficient service pursuant to this subparagraph may be shown if
6 the proof of service includes a true copy of the envelope in which each of the certified, registered,
7 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
8 made showing that it was returned to sender as undeliverable or that the defendant did not sign the
9 receipt. For the purpose of computing any period of time prescribed or allowed by these rules or
10 by statute, service under this subparagraph shall be complete on the latest date on which any of the
11 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
12 mailing required by part D(4)(a)(i)(C) of this rule is omitted because the plaintiff did not know of any
13 address other than those specified in parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule, the proof of
14 service shall so certify.

15 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing address informa-
16 tion concerning a party served pursuant to subparagraph D(4)(a)(i) of this rule may be recovered as
17 provided in Rule 68.

18 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant served pur-
19 suant to subparagraph D(4)(a)(i) of this rule are as provided in Rule 69 E.

20 D(4)(b) Notification of change of address. Any person who; while operating a motor vehicle on
21 the roads, highways, streets, or premises open to the public as defined by law of this state; is in-
22 volved in any [*accident, collision,*] **crash** or other event giving rise to liability shall forthwith notify
23 the Department of Transportation of any change of the person's address occurring within 3 years
24 after the [*accident, collision,*] **crash** or event.

25 D(5) Service in foreign country. When service is to be effected on a party in a foreign country,
26 it is also sufficient if service of true copies of the summons and the complaint is made in the manner
27 prescribed by the law of the foreign country for service in that country in its courts of general ju-
28 risdiction, or as directed by the foreign authority in response to letters rogatory, or as directed by
29 order of the court. However, in all cases service shall be reasonably calculated to give actual notice.

30 D(6) Court order for service by other method. When it appears that service is not possible under
31 any method otherwise specified in these rules or other rule or statute, then a motion supported by
32 affidavit or declaration may be filed to request a discretionary court order to allow alternative
33 service by any method or combination of methods that, under the circumstances, is most reasonably
34 calculated to apprise the defendant of the existence and pendency of the action. If the court orders
35 alternative service and the plaintiff knows or with reasonable diligence can ascertain the
36 defendant's current address, the plaintiff must mail true copies of the summons and the complaint
37 to the defendant at that address by first class mail and any of the following: certified, registered,
38 or express mail, return receipt requested. If the plaintiff does not know, and with reasonable dili-
39 gence cannot ascertain, the current address of any defendant, the plaintiff must mail true copies of
40 the summons and the complaint by the methods specified above to the defendant at the defendant's
41 last known address. If the plaintiff does not know, and with reasonable diligence cannot ascertain,
42 the defendant's current and last known addresses, a mailing of copies of the summons and the
43 complaint is not required.

44 D(6)(a) Non-electronic alternative service. Non-electronic forms of alternative service may in-
45 clude, but are not limited to, publication of summons; mailing without publication to a specified post

1 office address of the defendant by first class mail as well as either by certified, registered, or express
2 mail with return receipt requested; or posting at specified locations. The court may specify a re-
3 sponse time in accordance with subsection C(2) of this rule.

4 D(6)(a)(i) Alternative service by publication. In addition to the contents of a summons as de-
5 scribed in section C of this rule, a published summons must also contain a summary statement of
6 the object of the complaint and the demand for relief, and the notice required in subsection C(3) of
7 this rule must state: “The motion or answer or reply must be given to the court clerk or adminis-
8 trator within 30 days of the date of first publication specified herein along with the required filing
9 fee.” The published summons must also contain the date of the first publication of the summons.

10 D(6)(a)(i)(A) Where published. An order for publication must direct publication to be made in a
11 newspaper of general circulation in the county where the action is commenced or, if there is no such
12 newspaper, then in a newspaper to be designated as most likely to give notice to the person to be
13 served. The summons must be published four times in successive calendar weeks. If the plaintiff
14 knows of a specific location other than the county in which the action is commenced where publi-
15 cation might reasonably result in actual notice to the defendant, the plaintiff must so state in the
16 affidavit or declaration required by paragraph D(6) of this rule, and the court may order publication
17 in a comparable manner at that location in addition to, or in lieu of, publication in the county in
18 which the action is commenced.

19 D(6)(a)(ii) Alternative service by posting. The court may order service by posting true copies
20 of the summons and complaint at a designated location in the courthouse where the action is com-
21 menced and at any other location that the affidavit or declaration required by subsection D(6) of this
22 rule indicates that the posting might reasonably result in actual notice to the defendant.

23 D(6)(b) Electronic alternative service. Electronic forms of alternative service may include, but
24 are not limited to: e-mail; text message; facsimile transmission as defined in Rule 9 F; or posting to
25 a social media account. The affidavit or declaration filed with a motion for electronic alternative
26 service must include: verification that diligent inquiry revealed that the defendant’s residence ad-
27 dress, mailing address, and place of employment are unlikely to accomplish service; the reason that
28 plaintiff believes the defendant has recently sent and received transmissions from the specific e-mail
29 address or telephone or facsimile number, or maintains an active social media account on the spe-
30 cific platform the plaintiff asks to use; and facts that indicate the intended recipient is likely to
31 personally receive the electronic transmission. The certificate of service must verify compliance
32 with subparagraph D(6)(b)(i) and subparagraph D(6)(b)(ii) of this rule. An amended certificate of
33 service must be filed if it later becomes evident that the intended recipient did not personally re-
34 ceive the electronic transmission.

35 D(6)(b)(i) Content of electronic transmissions. If the court allows service by a specific electronic
36 method, the case name, case number, and name of the court in which the action is pending must be
37 prominently positioned where it is most likely to be read first. For e-mail service, those details must
38 appear in the subject line. For text message service, they must appear in the first line of the first
39 text. For facsimile service, they must appear at the top of the first page. For posting to a social
40 media account, they must appear in the top lines of the posting.

41 D(6)(b)(ii) Format of electronic transmissions. If the court allows alternative service by an
42 electronic method, the summons, complaint, and any other documents must be attached in a file
43 format that is capable of showing a true copy of the original document. When an electronic method
44 is incapable of transferring transmissions that exceed a certain size, the plaintiff must not exceed
45 those express size limitations. If the size of the attachments exceeds the limitations of any electronic

1 method allowed, then multiple sequential transmissions may be sent immediately after the initial
 2 transmission to complete service.

3 D(6)(c) Unknown heirs or persons. If service cannot be made by another method described in
 4 this section because defendants are unknown heirs or persons as described in Rule 20 I and J, the
 5 action will proceed against the unknown heirs or persons in the same manner as against named
 6 defendants served by publication and with like effect; and any unknown heirs or persons who have
 7 or claim any right, estate, lien, or interest in the property in controversy at the time of the com-
 8 mencement of the action, and who are served by publication, will be bound and concluded by the
 9 judgment in the action, if the same is in favor of the plaintiff, as effectively as if the action had been
 10 brought against those defendants by name.

11 D(6)(d) Defending before or after judgment. A defendant against whom service pursuant to this
 12 subsection is ordered or that defendant’s representatives, on application and sufficient cause shown,
 13 at any time before judgment will be allowed to defend the action. A defendant against whom service
 14 pursuant to this subsection is ordered or that defendant’s representatives may, on good cause shown
 15 and on any terms that may be proper, be allowed to defend after judgment and within one year after
 16 entry of judgment. If the defense is successful, and the judgment or any part thereof has been col-
 17 lected or otherwise enforced, restitution may be ordered by the court, but the title to property sold
 18 on execution issued on that judgment, to a purchaser in good faith, will not be affected thereby.

19 D(6)(e) Defendant who cannot be served. Within the meaning of this subsection, a defendant
 20 cannot be served with summons by any method authorized by subsection D(3) of this rule if service
 21 pursuant to subparagraph D(4)(a)(i) of this rule is not applicable, the plaintiff attempted service of
 22 summons by all of the methods authorized by subsection D(3) of this rule, and the plaintiff was un-
 23 able to complete service; or if the plaintiff knew that service by these methods could not be ac-
 24 complished.

25 **SECTION 84.** ORS 12.278 is amended to read:

26 12.278. (1) A civil action against a manufacturer of pickup trucks for injury or damage resulting
 27 from a fire caused by rupture of a sidesaddle gas tank in a vehicle [*collision*] **crash**, including any
 28 product liability action under ORS 30.900 to 30.920 and any action based on negligence, must be
 29 commenced not later than two years after the injury or damage occurs. A civil action against a
 30 manufacturer of pickup trucks for death resulting from a fire caused by rupture of a sidesaddle gas
 31 tank in a vehicle [*collision*] **crash**, including any product liability action under ORS 30.900 to 30.920
 32 and any action based on negligence, must be commenced not later than three years after the death.

33 (2) A civil action against a manufacturer of pickup trucks for death, injury or damage resulting
 34 from a fire caused by rupture of a sidesaddle gas tank in a vehicle [*collision*] **crash** is not subject
 35 to ORS 12.115, 30.020, 30.905 or any other statute of limitation or statute of ultimate repose in
 36 Oregon Revised Statutes.

37 (3) For the purposes of this section, “sidesaddle gas tank” means a gas tank mounted outside
 38 of the side rails of the frame of a pickup truck.

39 **SECTION 85.** ORS 30.480 is amended to read:

40 30.480. (1) When a provider of volunteer transportation services who is qualified under sub-
 41 section (3) of this section provides the services under the conditions described in subsection (4) of
 42 this section to a person with a disability or a person who is 55 years of age or older, the liability
 43 of the provider to the person for injury, death or loss arising out of the volunteer transportation
 44 services shall be limited as provided in this section. When volunteer transportation services are
 45 provided to five or fewer persons at one time, the liability of the provider of the volunteer trans-

1 portation services shall not exceed the greater of the amount of coverage under the terms of the
 2 provider's motor vehicle liability insurance policy, as described in ORS 806.080, or the amounts
 3 specified in ORS 806.070 for future responsibility payments for:

4 (a) Bodily injury to or death of any one person to whom the transportation services are pro-
 5 vided, in any one *[accident]* **crash**.

6 (b) Bodily injury to or death of two or more persons to whom the transportation services are
 7 provided, in any one *[accident]* **crash**.

8 (c) Injury to or destruction of the property of one or more persons to whom the transportation
 9 services are provided, in any one *[accident]* **crash**.

10 (2) Notwithstanding the amount specified in subsection (1)(b) of this section by reference to ORS
 11 806.070, if a qualified provider of transportation services provides the services to more than five
 12 persons, but not more than 16, at one time who have disabilities or who are 55 years of age or older,
 13 under the conditions described in subsection (4) of this section, the liability under subsection (1)(b)
 14 of this section shall not exceed the greater of the amount of coverage under the terms of the
 15 provider's motor vehicle liability insurance policy or \$300,000. The limitations on liability provided
 16 by ORS 30.475, 30.480 and 30.485 do not apply when volunteer transportation services are provided
 17 to 17 or more persons at one time who have disabilities or who are 55 years of age or older.

18 (3) The following persons qualify for the limitation on liability under subsections (1) and (2) of
 19 this section:

20 (a) The person who provides or sponsors transportation services.

21 (b) The owner of the vehicle in which transportation services are provided.

22 (c) The person who operates the vehicle in which transportation services are provided.

23 (4) The limitation on liability under subsections (1) and (2) of this section applies to a person
 24 qualified under subsection (3) of this section only under the following conditions:

25 (a) If the person is an individual, the individual must hold a valid Oregon driver's license.

26 (b) The person must provide the transportation services on a nonprofit and voluntary basis.
 27 However, this paragraph does not prohibit a sponsor of transportation services from reimbursing an
 28 operator of a private motor vehicle providing the services for actual expenses incurred by the op-
 29 erator. If an operator is paid, that operator is qualified only if operating as an emergency operator.

30 (c) The person providing the transportation services must not receive from the persons using the
 31 services any substantial benefit in a material or business sense that is a substantial motivating
 32 factor for the transportation. A contribution or donation to the provider of the transportation ser-
 33 vices other than the operator of the motor vehicle or any mere gratuity or social amenity shall not
 34 be a substantial benefit under this paragraph.

35 (d) Except as provided in paragraph (c) of this subsection, the transportation services must be
 36 provided without charge to the person using the services.

37 (5) The amounts received by a person with a disability or a person 55 years of age or older
 38 under the personal injury protection provisions of the insurance coverage of a person who qualifies
 39 for the limitation on liability under this section shall not reduce the amount that the person may
 40 recover under subsection (1) or (2) of this section.

41 (6) The liability of two or more persons whose liability is limited under this section, on claims
 42 arising out of a single *[accident]* **crash**, *[shall]* **may** not exceed in the aggregate the amounts limited
 43 by subsection (1) or (2) of this section.

44 (7) This section does not apply in the case of *[an accident]* **a crash** or injury if the *[accident]*
 45 **crash** or injury was intentional on the part of any person who provided the transportation services

1 or if the [*accident*] **crash** or injury was caused by the person's gross negligence or intoxication. For
2 purposes of this subsection, gross negligence is negligence which is materially greater than the mere
3 absence of reasonable care under the circumstances, and which is characterized by conscious indif-
4 ference to or reckless disregard of the rights of others.

5 (8) For purposes of this section, a person has a disability if the person has a physical or mental
6 disability that for the person constitutes or results in a functional limitation to one or more of the
7 following activities: Self-care, ambulation, communication, transportation, education, socialization
8 or employment.

9 **SECTION 86.** ORS 31.760 is amended to read:

10 31.760. (1) In an action brought to recover damages for personal injuries arising out of a motor
11 vehicle [*accident*] **crash**, evidence of the nonuse of a safety belt or harness may be admitted only
12 to mitigate the injured party's damages. The mitigation [*shall*] **may** not exceed five percent of the
13 amount to which the injured party would otherwise be entitled.

14 (2) Subsection (1) of this section [*shall*] **does** not apply to:

15 (a) Actions brought under ORS 30.900 to 30.920; or

16 (b) Actions to recover damages for personal injuries arising out of a motor vehicle [*accident*]
17 **crash** when nonuse of a safety belt or harness is a substantial contributing cause of the [*accident*]
18 **crash** itself.

19 **SECTION 87.** ORS 41.905 is amended to read:

20 41.905. A plea to a charge of a traffic crime, as defined in ORS 801.545, and any judgment of
21 conviction or acquittal of a person charged with a traffic crime, as defined by ORS 801.545, are not
22 admissible in the trial of a subsequent civil action arising out of the same [*accident*] **crash** or oc-
23 currence to prove or negate the facts upon which such judgment was rendered.

24 **SECTION 88.** ORS 98.854 is amended to read:

25 98.854. A tower may not:

26 (1)(a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view
27 at the parking facility that, using clear and conspicuous language, prohibits or restricts public
28 parking at the parking facility.

29 (b) Notwithstanding paragraph (a) of this subsection, a tower may tow a motor vehicle from a
30 parking facility with the prior consent of the owner or operator of the motor vehicle.

31 (2) Except as provided in ORS 98.853, tow a motor vehicle from a parking facility without first
32 contacting the owner of the parking facility or the owner's agent at the time of the tow and re-
33 ceiving signed authorization from the owner of the parking facility or the owner's agent that the
34 tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic
35 or printed form, each signed authorization received under this subsection. Upon request, the tower
36 shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at
37 no additional charge.

38 (3) Serve as an agent of an owner of a parking facility for the purpose of signing an authori-
39 zation required by subsection (2) of this section.

40 (4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the
41 owner's agent is an employee of a tower.

42 (5) Charge more than a price disclosed under ORS 98.856 when towing a motor vehicle without
43 the prior consent or authorization of the owner or operator of the motor vehicle.

44 (6) Charge more than an amount set under ORS 98.859 when towing a motor vehicle without the
45 prior consent or authorization of the owner or operator of the motor vehicle.

1 (7) Solicit towing business at, or within 1,000 feet of, the site of a motor vehicle [*accident*]
2 **crash**, unless the tower tows the motor vehicle pursuant to a prenegotiated payment agreement
3 between the tower and a motor vehicle road service company.

4 (8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the
5 parking facility for towing business.

6 (9) Provide consideration to obtain the privilege of towing motor vehicles from a parking facil-
7 ity. For the purposes of this paragraph, the provision of:

8 (a) Signs by a tower under ORS 98.862 does not constitute consideration.

9 (b) Goods or services by a tower below fair market value constitutes consideration.

10 (10) Require, as a condition of towing a motor vehicle or releasing a motor vehicle or personal
11 property in the motor vehicle, that the owner or operator of the motor vehicle agree not to dispute:

12 (a) The reason for the tow;

13 (b) The validity or amount of charges; or

14 (c) The responsibility of the tower for the condition of the motor vehicle or personal property
15 in the motor vehicle.

16 (11) Hold a towed motor vehicle for more than 24 hours without:

17 (a) Taking an inventory of all personal property in the motor vehicle that is visible from the
18 exterior of the motor vehicle; and

19 (b) Holding the personal property in the motor vehicle in a secure manner.

20 (12) Accept cash as a method of payment for towing services unless the tower provides exact
21 change not later than the end of the business day following receipt of payment.

22 (13) Operate in a city or county without a license issued by the city or county if required by
23 ORS 98.861.

24 (14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853.

25 **SECTION 89.** ORS 105.932 is amended to read:

26 105.932. (1) Data on a motor vehicle event data recorder does not become the property of a
27 lienholder or insurer solely because the lienholder or insurer succeeds in ownership of a motor ve-
28 hicle as a result of [*an accident*] **a crash**.

29 (2) An insurer may not condition the payment or settlement of an owner's claim on the owner's
30 consent to the retrieval or use of the data on a motor vehicle event data recorder.

31 (3) An insurer or lessor of a motor vehicle may not require an owner to consent to the retrieval
32 or use of the data on a motor vehicle event data recorder as a condition of providing the policy or
33 lease.

34 **SECTION 90.** ORS 105.935 is amended to read:

35 105.935. Data from a motor vehicle event data recorder may be retrieved or used without the
36 consent of the owner after [*an accident*] **a crash** if a court orders the production of the data based
37 on a determination by the court that:

38 (1) A law enforcement officer has probable cause to believe that a crime has occurred and that
39 the data is relevant to the investigation of the crime; or

40 (2) A law enforcement officer, firefighter or emergency medical services provider seeks to obtain
41 the data in the course of responding to or investigating an emergency involving the physical injury
42 or the risk of physical injury to any person.

43 **SECTION 91.** ORS 105.938 is amended to read:

44 105.938. (1) Upon petition of an insurer, a court may order that data from a motor vehicle event
45 data recorder be retrieved or used without the consent of the owner of the motor vehicle after [*an*

1 *accident*] **a crash** if the court determines that:

2 (a) The owner has a policy of insurance for the vehicle issued by the insurer;

3 (b) The data is necessary to reconstruct the facts of the [*accident*] **crash** and to allow the
4 insurer to determine the obligations of the insurer under the insurance policy; and

5 (c) An accurate and timely determination of the facts of the [*accident*] **crash** cannot occur
6 without the data.

7 (2) A petition under this section must be filed in the circuit court for the county in which the
8 owner of the motor vehicle resides. The petition must be served on the owner in the manner pro-
9 vided by ORCP 7 not less than 30 days before a hearing on the petition. An insurer filing a petition
10 under this section must pay the filing fee specified by ORS 21.135.

11 **SECTION 92.** ORS 133.405 is amended to read:

12 133.405. (1) As used in ORS 133.405 to 133.408:

13 (a) “Adjoining state” means California, Idaho, Nevada or Washington.

14 (b) “Certified peace officer” means a regularly employed peace officer or police officer from an
15 adjoining state, including a peace officer or police officer employed by a local government of an
16 adjoining state.

17 (c) “Employing agency” means a state or local government of an adjoining state that employs
18 a certified peace officer.

19 (2) A certified peace officer is a peace officer and a police officer in this state when:

20 (a) The officer enters this state in order to provide, or attempt to provide, law enforcement
21 services described in subsection (3) of this section; and

22 (b) The law enforcement services occur within 50 miles from the contiguous border of this state
23 and the adjoining state where the officer is employed.

24 (3) Subsection (2) of this section applies when the certified peace officer is providing, or at-
25 tempting to provide, law enforcement services under any of the following circumstances:

26 (a) In response to a request for law enforcement services initiated by an Oregon sheriff,
27 constable, marshal, municipal police officer or member of the Oregon State Police.

28 (b) In response to a reasonable belief that emergency law enforcement services are necessary
29 for the preservation of life, and a request for services by an Oregon sheriff, constable, marshal,
30 municipal police officer or member of the Oregon State Police for those services is impractical to
31 obtain under the circumstances. The certified police officer shall obtain authorization from an
32 Oregon law enforcement agency having jurisdiction over the location where the services were pro-
33 vided as soon as is practicable after the services have been provided.

34 (c) For the purpose of assisting an Oregon sheriff, constable, marshal, municipal police officer
35 or member of the Oregon State police in providing emergency service in response to criminal ac-
36 tivity, [*traffic accidents*] **crashes**, emergency incidents or other similar public safety problems,
37 whether or not an Oregon sheriff, constable, marshal, municipal police officer or member of the
38 Oregon State Police is present at the scene of the incident.

39 (4) When a certified peace officer exercises any authority granted under this section, the officer
40 shall submit, as soon as is practicable, a written report concerning the incident to the Oregon law
41 enforcement agency having primary jurisdiction over the geographic area in which the incident oc-
42 curred. Oregon law enforcement agencies may establish reporting procedures and forms to facilitate
43 reporting required under this subsection.

44 (5) This section does not confer upon a certified peace officer the authority to enforce Oregon
45 traffic or motor vehicle laws.

SECTION 93. ORS 135.857 is amended to read:

135.857. (1) In any criminal prosecution arising from an automobile [*collision*] **crash** in which the defendant is alleged to have been under the influence of alcohol or drugs, the district attorney prosecuting the action shall make available, upon request, to the victim or victims and to their attorney, or to the survivors of the victim or victims and to their attorney, all reports and information disclosed to the defendant pursuant to ORS 135.805 to 135.873. The reports and information shall be made available at the same time as it is disclosed to the defendant or as soon thereafter as may be practicable after a request is received. The district attorney may impose such conditions as may be reasonable and necessary to prevent the release of the reports and information from interfering with the trial of the defendant. The district attorney may apply to the court for an order requiring any person receiving such reports and information to comply with the conditions of release.

(2) For the purpose of this section:

(a) “District attorney” has that meaning given in ORS 131.005.

(b) “Drug” has that meaning given in ORS 475.005.

SECTION 94. ORS 146.113 is amended to read:

146.113. (1) A medical examiner or district attorney may, in any death requiring investigation, order samples of blood or urine taken for laboratory analysis.

(2) When a death requiring an investigation as a result of a motor vehicle [*accident*] **crash** occurs within five hours after the [*accident*] **crash** and the deceased is over 13 years of age, a blood sample shall be taken and forwarded to an approved laboratory for analysis. Such blood or urine samples shall be analyzed for the presence and quantity of ethyl alcohol, and if considered necessary by the Chief Medical Examiner, the presence of cannabis or controlled substances.

(3) Laboratory reports of the analysis shall be made a part of the Chief Medical Examiner’s and district medical examiner’s files.

SECTION 95. ORS 153.061 is amended to read:

153.061. (1) Except as provided in subsection (2) of this section, a defendant who has been issued a violation citation must either:

(a) Make a first appearance by personally appearing in court at the time indicated in the summons; or

(b) Make a first appearance in the manner provided in subsection (3) of this section before the time indicated in the summons.

(2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which a police officer noted that the offense contributed to [*an accident*] **a crash** and that the cited offense appears to have contributed to the serious physical injury or death of a vulnerable user of a public way, the officer may not enter the amount of the presumptive fine on the summons and the defendant must make a first appearance by personally appearing in court at the time indicated in the summons.

(3)(a) Except as provided in this section, a defendant who has been issued a violation citation may make a first appearance in the matter before the time indicated in the summons by one of the following means:

(A) The defendant may submit to the court a written or oral request for a trial.

(B) The defendant may enter a plea of no contest by:

(i) Delivering to the court, a Central Violations Bureau established under ORS 153.806 or a Violations Bureau established by the court under ORS 153.800 the summons and a check or money order in the amount of the presumptive fine set forth in the summons; or

1 (ii) Appearing by electronic or telephonic means and entering the plea with a Central Violations
 2 Bureau established under ORS 153.806 or a Violations Bureau established by the court under ORS
 3 153.800.

4 (b) The entry of a plea under paragraph (a)(B) of this subsection constitutes a waiver of trial
 5 and consent to the entry of a judgment forfeiting the presumptive fine.

6 (c) A no contest plea under this subsection is not subject to the requirements of ORS chapter
 7 135 relating to the entry of pleas and, upon receipt of the plea, the court may enter judgment
 8 against the defendant without taking further evidence.

9 (4) The court may require that a defendant requesting a trial under subsection (3) of this section
 10 deposit an amount equal to the presumptive fine established under ORS 153.019 and 153.020 or such
 11 other amount as the court determines appropriate if the defendant has failed to appear in any court
 12 on one or more other charges in the past. If the defendant does not deposit the amount specified
 13 by the court, the defendant must personally appear in court at the time indicated in the summons.
 14 The amount deposited by the defendant may be applied against any fine imposed by the court, and
 15 any amount not so applied shall be refunded to the defendant at the conclusion of the proceedings.

16 (5) The court may require a defendant to appear personally in any case, or may require that all
 17 defendants appear in specified categories of cases.

18 (6) If a defendant has entered a no contest plea in the manner provided in subsection (3) of this
 19 section, and the court determines that the presumptive fine is not adequate by reason of previous
 20 convictions of the defendant, the nature of the offense charged or other circumstances, the court
 21 may require that a trial be held unless an additional fine amount is paid by the defendant before a
 22 specified date. Notice of an additional fine amount under this subsection may be given to the de-
 23 fendant by mail. In no event may the court require a total fine amount in excess of the maximum
 24 fine established for the violation by statute.

25 (7) If a defendant fails to make a first appearance on a citation for a traffic violation, as defined
 26 by ORS 801.557, fails to make a first appearance on a citation for a violation of ORS 471.430, or fails
 27 to appear at any other subsequent time set for trial or other appearance, the driving privileges of
 28 the defendant are subject to suspension under ORS 809.220.

29 **SECTION 96.** ORS 163.115 is amended to read:

30 163.115. (1) Except as provided in ORS 163.095, 163.118 and 163.125, criminal homicide consti-
 31 tutes murder in the second degree:

32 (a) When it is committed intentionally, except that it is an affirmative defense that, at the time
 33 of the homicide, the defendant was under the influence of an extreme emotional disturbance;

34 (b) When it is committed by a person, acting either alone or with one or more persons, who
 35 commits or attempts to commit any of the following crimes and in the course of and in furtherance
 36 of the crime the person is committing or attempting to commit, or during the immediate flight
 37 therefrom, the person, or another participant if there be any, causes the death of a person other
 38 than one of the participants:

- 39 (A) Arson in the first degree as defined in ORS 164.325;
- 40 (B) Criminal mischief in the first degree by means of an explosive as defined in ORS 164.365;
- 41 (C) Burglary in the first degree as defined in ORS 164.225;
- 42 (D) Escape in the first degree as defined in ORS 162.165;
- 43 (E) Kidnapping in the second degree as defined in ORS 163.225;
- 44 (F) Kidnapping in the first degree as defined in ORS 163.235;
- 45 (G) Robbery in the first degree as defined in ORS 164.415;

- 1 (H) Any felony sexual offense in the first degree defined in this chapter;
- 2 (I) Compelling prostitution as defined in ORS 167.017; or
- 3 (J) Assault in the first degree, as defined in ORS 163.185, and the victim is under 14 years of
- 4 age, or assault in the second degree, as defined in ORS 163.175 (1)(a) or (b), and the victim is under
- 5 14 years of age; or
- 6 (c) By abuse when a person, recklessly under circumstances manifesting extreme indifference to
- 7 the value of human life, causes the death of a child under 14 years of age or a dependent person,
- 8 as defined in ORS 163.205, and:
- 9 (A) The person has previously engaged in a pattern or practice of assault or torture of the vic-
- 10 tim or another child under 14 years of age or a dependent person; or
- 11 (B) The person causes the death by neglect or maltreatment.
- 12 (2) An accusatory instrument alleging murder by abuse under subsection (1)(c) of this section
- 13 need not allege specific incidents of assault or torture.
- 14 (3) It is an affirmative defense to a charge of violating subsection (1)(b) of this section that the
- 15 defendant:
- 16 (a) Was not the only participant in the underlying crime;
- 17 (b) Did not commit the homicidal act or in any way solicit, request, command, importune, cause
- 18 or aid in the commission thereof;
- 19 (c) Was not armed with a dangerous or deadly weapon;
- 20 (d) Had no reasonable ground to believe that any other participant was armed with a dangerous
- 21 or deadly weapon; and
- 22 (e) Had no reasonable ground to believe that any other participant intended to engage in con-
- 23 duct likely to result in death.
- 24 (4) It is an affirmative defense to a charge of violating subsection (1)(c)(B) of this section that
- 25 the victim was a dependent person who was at least 18 years of age and was under care or treat-
- 26 ment solely by spiritual means pursuant to the religious beliefs or practices of the dependent person
- 27 or the guardian of the dependent person.
- 28 (5) Except as otherwise provided in ORS 144.397 and 163.155:
- 29 (a) A person convicted of murder in the second degree, who was at least 15 years of age at the
- 30 time of committing the murder, shall be punished by imprisonment for life.
- 31 (b) When a defendant is convicted of murder in the second degree under this section, the court
- 32 shall order that the defendant shall be confined for a minimum of 25 years without possibility of
- 33 parole, release to post-prison supervision, release on work release or any form of temporary leave
- 34 or employment at a forest or work camp.
- 35 (c) At any time after completion of a minimum period of confinement pursuant to paragraph (b)
- 36 of this subsection, the State Board of Parole and Post-Prison Supervision, upon the petition of a
- 37 prisoner so confined, shall hold a hearing to determine if the prisoner is likely to be rehabilitated
- 38 within a reasonable period of time. The sole issue is whether the prisoner is likely to be rehabili-
- 39 tated within a reasonable period of time. At the hearing the prisoner has:
- 40 (A) The burden of proving by a preponderance of the evidence the likelihood of rehabilitation
- 41 within a reasonable period of time;
- 42 (B) The right, if the prisoner is without sufficient funds to employ an attorney, to be represented
- 43 by legal counsel, appointed by the board, at board expense; and
- 44 (C) The right to a subpoena upon a showing of the general relevance and reasonable scope of
- 45 the evidence sought, provided that any subpoena issued on behalf of the prisoner must be issued by

1 the State Board of Parole and Post-Prison Supervision pursuant to rules adopted by the board.

2 (d) If, upon hearing all of the evidence, the board, upon a unanimous vote of three board mem-
 3 bers or, if the chairperson requires all voting members to participate, a unanimous vote of all voting
 4 members, finds that the prisoner is capable of rehabilitation and that the terms of the prisoner's
 5 confinement should be changed to life imprisonment with the possibility of parole, release to post-
 6 prison supervision or work release, it shall enter an order to that effect and the order shall convert
 7 the terms of the prisoner's confinement to life imprisonment with the possibility of parole, release
 8 to post-prison supervision or work release and may set a release date. Otherwise, the board shall
 9 deny the relief sought in the petition.

10 (e) If the board denies the relief sought in the petition, the board shall determine the date of the
 11 subsequent hearing, and the prisoner may petition for an interim hearing, in accordance with ORS
 12 144.285.

13 (f) The board's final order shall be accompanied by findings of fact and conclusions of law. The
 14 findings of fact shall consist of a concise statement of the underlying facts supporting the findings
 15 as to each contested issue of fact and as to each ultimate fact required to support the board's order.

16 (6) As used in this section:

17 (a) "Assault" means the intentional, knowing or reckless causation of physical injury to another
 18 person. "Assault" does not include the causation of physical injury in a motor vehicle [*accident*]
 19 **crash** that occurs by reason of the reckless conduct of a defendant.

20 (b) "Neglect or maltreatment" means a violation of ORS 163.535, 163.545 or 163.547 or a failure
 21 to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
 22 welfare of a child under 14 years of age or a dependent person. This paragraph is not intended to
 23 replace or affect the duty or standard of care required under ORS chapter 677.

24 (c) "Pattern or practice" means one or more previous episodes.

25 (d) "Torture" means the intentional infliction of intense physical pain upon an unwilling victim
 26 as a separate objective apart from any other purpose.

27 **SECTION 97.** ORS 181A.085 is amended to read:

28 181A.085. (1) The Department of State Police shall develop a targeted enforcement program for
 29 the purpose of improving public safety. The program shall be designed to reduce fatalities, physical
 30 injury and property damage by allocating patrol resources based on motor vehicle [*accident*] **crash**
 31 data compiled by the Department of Transportation.

32 (2) The Department of Transportation shall provide motor vehicle [*accident*] **crash** data to the
 33 Department of State Police for use in the targeted enforcement program.

34 (3) The Department of State Police may adopt rules to carry out the provisions of this section.

35 **SECTION 98.** ORS 336.802 is amended to read:

36 336.802. (1) The Department of Transportation, in consultation with the Transportation Safety
 37 Committee, shall establish a curriculum for a traffic safety education course under ORS 336.800. The
 38 curriculum shall establish standards for a course of instruction to be devoted to the study and
 39 practice of rules of the road, the safe and proper operation of motor vehicles, [*accident*] **crash** pre-
 40 ventation and other matters that promote safe and lawful driving habits and reduce the need for in-
 41 tensive highway policing. The course shall include classroom instruction and on-street driving or
 42 simulated driving in a driving simulator. No pupil may participate in on-street driving instruction
 43 unless the pupil is enrolled in or has completed a course in classroom instruction.

44 (2) The department shall adopt by rule a procedure to certify that a traffic safety education
 45 course meets curriculum standards established under subsection (1) of this section.

1 (3) The department shall adopt rules establishing qualifications for a person to teach a traffic
2 safety education course.

3 (4) The department shall adopt rules necessary to administer ORS 336.805 and 336.810.

4 **SECTION 99.** ORS 374.005 is amended to read:

5 374.005. (1) The kind, character and volume of traffic now moving over public highways, the
6 speed at which such traffic moves, the prime and essential factors such as speed, safety and con-
7 venience to which transportation of persons and property over public highways is entitled, the re-
8 lation which such transportation bears to the transportation systems of other states and of the
9 nation as a whole, the ever-increasing toll of injury to and death of persons and the destruction of
10 and damage to property caused by and resulting from [*accidents*] **crashes** on public highways con-
11 stitute and are conditions and elements which demand of highway officials a program of highway
12 designing, highway regulations, highway use and operation, highway controls and highway safe-
13 guards which will make possible and insure a degree of safety and convenience and a type and class
14 of service not possible under existing law.

15 (2) To the end that human lives may be saved, property damage minimized, transportation by
16 motor vehicle promoted and highway travel in general safeguarded, the legislature finds, determines
17 and declares that ORS 374.005 to 374.095 is necessary for the preservation of public safety, the im-
18 provement and development of transportation facilities in the state, the protection of highway traffic
19 from the hazards of unrestricted and unregulated entry from adjacent property, the elimination of
20 hazards due to highway grade intersections and in general the promotion of public welfare.

21 **SECTION 100.** ORS 390.565 is amended to read:

22 390.565. (1) The All-Terrain Vehicle Advisory Committee is established. The committee shall
23 consist of 16 voting members and one nonvoting member appointed by the State Parks and Recre-
24 ation Commission for a term of four years. Members are eligible for reappointment and vacancies
25 may be filled by the commission. A majority of members constitutes a quorum for the transaction
26 of business.

27 (2) Of the voting members of the committee:

28 (a) One shall be a representative of a Class I all-terrain vehicle user organization.

29 (b) One shall be a representative of a Class II all-terrain vehicle user organization.

30 (c) One shall be a representative of a Class III all-terrain vehicle user organization.

31 (d) One shall be a representative of a Class IV all-terrain vehicle user organization.

32 (e) One shall be an all-terrain vehicle dealer.

33 (f) One shall be an at-large all-terrain vehicle user.

34 (g) One shall be a representative of the United States Forest Service who is knowledgeable
35 about all-terrain vehicle recreation areas on federal lands.

36 (h) One shall be a representative of the Bureau of Land Management who is knowledgeable
37 about all-terrain vehicle recreation areas on federal lands.

38 (i) One shall be a representative of the Department of Transportation who is knowledgeable
39 about transportation safety.

40 (j) One shall be a representative of the State Forestry Department who is knowledgeable about
41 all-terrain vehicle recreation areas on state lands.

42 (k) One shall be a representative of the Department of Human Services who is knowledgeable
43 about public health and safety.

44 (L) One shall be a representative of a law enforcement agency who is knowledgeable about and
45 active in enforcement of all-terrain vehicle laws.

1 (m) One shall be a representative of the State Department of Fish and Wildlife who is know-
 2 ledgeable about all-terrain vehicle activities and the use of all-terrain vehicles in hunting and fish-
 3 ing.

4 (n) One shall be a person who represents persons with disabilities.

5 (o) One shall be a representative of a rural fire protection district.

6 (p) One shall be a representative of emergency medical services providers.

7 (3) One representative from the State Parks and Recreation Department shall be a nonvoting
 8 member of the committee.

9 (4) The committee shall:

10 (a) Review [*accidents*] **crashes** and fatalities resulting from all-terrain vehicle recreation and
 11 make recommendations to the State Parks and Recreation Commission.

12 (b) Review changes to statutory vehicle classifications as necessary for safety considerations
 13 and make recommendations to the commission.

14 (c) Review safety features of all classes of off-highway vehicles and make recommendations to
 15 the commission.

16 (d) Recommend appropriate safety requirements to protect child operators and riders of off-
 17 highway vehicles to the commission.

18 (5)(a) A subcommittee of the All-Terrain Vehicle Advisory Committee, titled the All-Terrain
 19 Vehicle Grant Subcommittee, is established.

20 (b) The All-Terrain Vehicle Grant Subcommittee shall consist of the following members:

21 (A) The representative of a Class I all-terrain vehicle user organization.

22 (B) The representative of a Class II all-terrain vehicle user organization.

23 (C) The representative of a Class III all-terrain vehicle user organization.

24 (D) The representative of a Class IV all-terrain vehicle user organization.

25 (E) The at-large all-terrain vehicle user.

26 (F) The representative of a law enforcement agency.

27 (G) The representative of persons with disabilities.

28 (c) The All-Terrain Vehicle Grant Subcommittee shall:

29 (A) Advise the State Parks and Recreation Department on the allocation of moneys in the All-
 30 Terrain Vehicle Account established by ORS 390.555; and

31 (B) Review grant proposals and make recommendations to the commission as to which projects
 32 should receive grant funding.

33 (d) Recommendations on grant proposals under this subsection must receive an affirmative vote
 34 from at least four of the members of the grant subcommittee.

35 (6) The State Parks and Recreation Department shall establish and operate an outreach program
 36 to inform law enforcement agencies, rural fire protection districts and emergency medical services
 37 providers about the grant process and the grant opportunities available under this section and to
 38 provide clarification and answer questions about the grant application process.

39 (7) The State Parks and Recreation Department shall provide staff support for the committee
 40 and shall provide for expansion of programs for all-terrain vehicle users.

41 **SECTION 101.** ORS 431.144 is amended to read:

42 431.144. (1) Prevention of injury and disease and promotion of health programs established under
 43 ORS 431.141 must include, but are not limited to:

44 (a) Prevention and control of tobacco use;

45 (b) Improving nutrition;

1 (c) Improving oral health;

2 (d) Improving prenatal, natal and postnatal care, maternal health and the health of children;

3 (e) Incentivizing increased physical activity; and

4 (f) Decreasing the occurrence and impacts of both unintentional and intentional injuries, such
5 as motor vehicle [*accidents*] **crashes** and suicide.

6 (2) Prevention of injury and disease and promotion of health programs must be based on
7 evidence-based or emerging best practices designed to improve health outcomes for all populations.

8 **SECTION 102.** ORS 471.703 is amended to read:

9 471.703. (1) The police shall notify the Oregon Liquor and Cannabis Commission of the name of
10 the alleged provider of alcoholic liquor when:

11 (a) The police investigate any motor vehicle [*accident*] **crash** where someone other than the
12 operator is injured or incurs property damage;

13 (b) The operator appears to have consumed alcoholic liquor;

14 (c) A citation is issued against the operator that is related to the consumption of alcoholic li-
15 quor or could have been issued if the operator had survived; and

16 (d) The provider of the alcoholic liquor is alleged to be a licensee or permittee of the commis-
17 sion.

18 (2) The notice shall include the name and address of the operator involved and the name and
19 address of the person who named the alleged provider, if the person is other than the operator.

20 (3) Upon receipt of the notice described in subsection (1) of this section, the commission shall
21 cause the licensee or permittee named as the alleged provider to be notified of receipt of the notice
22 and of its content. A copy of the notice shall be retained in the files of the commission and shall
23 be open to inspection by the person injured or damaged by the motor vehicle operator or a repre-
24 sentative of the person.

25 (4) The police shall notify the alleged social host when the circumstances described in sub-
26 section (1) of this section occur and the alleged social host is named as the provider of the alcoholic
27 liquor. The notice shall include the information described in subsection (2) of this section.

28 **SECTION 103.** ORS 475C.117 is amended to read:

29 475C.117. (1) A marijuana retailer that holds a license issued under ORS 475C.097 may make
30 deliveries to a consumer pursuant to the consumer's bona fide order received by the marijuana
31 retailer. The delivery of marijuana items under this section may be made to a consumer:

32 (a) Within the same city or unincorporated area of the county in which the marijuana retailer
33 is located; or

34 (b) In a city or the unincorporated area of a county that is adjacent to the city or
35 unincorporated area of the county in which the marijuana retailer is located, provided the adjacent
36 city or county has adopted an ordinance allowing for the delivery of marijuana items by a marijuana
37 retailer located in an adjacent city or unincorporated area of a county.

38 (2) A marijuana retailer that makes deliveries under this section shall:

39 (a) Ensure that deliveries are made in an efficient and timely manner.

40 (b) Upon request, provide to the Oregon Liquor and Cannabis Commission information on each
41 vehicle used to make deliveries of marijuana items under this section, including the make, model,
42 year, color, vehicle identification number and registration plate number.

43 (c) Maintain an electronic or physical record of each bona fide order for the delivery of
44 marijuana items that the marijuana retailer fulfills.

45 (d) Report to the commission, and as necessary to the appropriate law enforcement agency, any

1 [accidents] **crashes** or losses involving a delivery vehicle.

2 (3) An individual who makes deliveries on behalf of a marijuana retailer under this section:

3 (a) Shall:

4 (A) Hold a permit issued under ORS 475C.273 and carry the permit while making deliveries un-
5 der this section.

6 (B) Have a method of secure electronic communication in order to communicate with the
7 marijuana retailer for which the individual is making deliveries.

8 (C) Maintain an electronic or physical record of a bona fide order for a delivery of a marijuana
9 item.

10 (D) Present to the consumer a printed or electronic delivery manifest and obtain on the manifest
11 the consumer's written or electronic signature verifying completion of the delivery of marijuana
12 items.

13 (E) Except in the case of an emergency or unsafe road conditions or as necessary for fuel, rest
14 or vehicle repair, travel only between the premises of the marijuana retailer and the locations at
15 which the deliveries of marijuana items are made.

16 (b) May not:

17 (A) Leave a delivery vehicle that contains marijuana items unattended unless the delivery ve-
18 hicle is locked and equipped with an active vehicle alarm system.

19 (B) Carry more than \$10,000 worth of marijuana items in a delivery vehicle at any one time.

20 (C) Consume, or be under the influence of, marijuana while making deliveries under this section.

21 (4) A delivery vehicle must:

22 (a) While being used for making deliveries, be equipped with an active global positioning system
23 device that tracks the location of the delivery vehicle and enables the marijuana retailer for which
24 the deliveries are being made to identify the location of the delivery vehicle.

25 (b) Be equipped with a lockable container in a secured cargo area of the delivery vehicle that
26 is of a size appropriate to contain the marijuana items being delivered.

27 (c) Be free of any markings that may indicate that the delivery vehicle is used for the purpose
28 of delivering marijuana items.

29 (5) A delivery of marijuana items may not be made to a consumer who is located on land owned
30 or leased by the federal government.

31 (6) The commission may adopt rules to carry out the purposes of this section.

32 **SECTION 104.** Section 2, chapter 330, Oregon Laws 2017, is amended to read:

33 **Sec. 2.** (1) The State Fish and Wildlife Commission shall adopt rules for the issuance of wildlife
34 salvage permits to persons desiring to recover, possess, use or transport, for the purpose of salvag-
35 ing game meat for human consumption, deer or elk that have been accidentally killed as a result
36 of a vehicle [*collision*] **crash**. The rules shall prescribe:

37 (a) The form and method for applying for and receiving a wildlife salvage permit; and

38 (b) Terms and conditions for the recovery, possession, use and transport of deer or elk pursuant
39 to a wildlife salvage permit.

40 (2) A person who recovers, possesses, uses or transports deer or elk pursuant to a wildlife sal-
41 vage permit shall promptly surrender the antlers of the deer or elk to the State Department of Fish
42 and Wildlife.

43 (3) A wildlife salvage permit may not be issued for the recovery, possession, use or transport
44 of crippled or helpless deer or elk killed pursuant to ORS 498.016, unless the person seeking the
45 wildlife salvage permit accidentally rendered the deer or elk crippled or helpless as the driver of a

1 motor vehicle involved in a *collision* **crash** with the deer or elk.

2 (4) The State of Oregon is not liable for any loss or damage arising out of the recovery, pos-
3 session, use, transport or consumption of deer or elk pursuant to a wildlife salvage permit.

4 **SECTION 105.** ORS 672.060 is amended to read:

5 672.060. Registration under ORS 672.002 to 672.325 is not required for the following:

6 (1) The performance of work as an employee or a subordinate of a registered professional engi-
7 neer if:

8 (a) The work does not include final engineering designs or decisions;

9 (b) The work is done under the supervision and control of and is verified by a registered pro-
10 fessional engineer; and

11 (c) The employee or subordinate does not by verbal claim, sign, advertisement, letterhead or
12 card or in any other way imply that the employee or subordinate is or purports to be a professional
13 engineer or registered professional engineer.

14 (2) The performance of engineering work by an employee, sole proprietorship, firm, partnership
15 or corporation:

16 (a) On property owned or leased by the employer, sole proprietorship, firm, partnership or cor-
17 poration, or on property in which the employer, sole proprietorship, firm, partnership or corporation
18 has an interest, estate or possessory right; and

19 (b) That affects exclusively the property or interests of the employer, sole proprietorship, firm,
20 partnership or corporation, unless the performance affects the health or safety of the public or an
21 employee.

22 (3) The performance of engineering work by a person, or by full-time employees of the person,
23 if:

24 (a) The engineering work is in connection with or incidental to the operations of the person;
25 and

26 (b) The engineering work is not offered directly to the public.

27 (4) An offer by an employee, sole proprietorship, firm, partnership or corporation to perform
28 engineering work if:

29 (a) The employer, sole proprietorship, firm, partnership or corporation holds a certificate of
30 registration to engage in the practice of professional engineering issued by the proper authority of
31 any other state, a territory or possession of the United States or a foreign country; and

32 (b) The offer includes a written statement that the offeror is not registered to practice engi-
33 neering in the State of Oregon, but will comply with ORS 672.002 to 672.325 by having an individual
34 holding a valid certificate of registration in this state in responsible charge of the work prior to
35 performing any engineering work within this state.

36 (5) The offering by a construction contractor licensed under ORS chapter 701 of services con-
37 stituting the performance of engineering work if:

38 (a) The services are appurtenant to construction services to be provided by the construction
39 contractor;

40 (b) The services constituting the practice of engineering are performed by an engineer or engi-
41 neers registered under ORS 672.002 to 672.325; and

42 (c) The offer by the construction contractor discloses in writing that the contractor is not an
43 engineer and identifies the engineer or engineers that will perform the services constituting the
44 practice of engineering.

45 (6) The execution of engineering work designed by a professional engineer or the supervision

1 of the construction of engineering work as a foreman or superintendent.

2 (7) The making of drawings or specifications for, or the supervision of the erection, enlargement
 3 or alteration of, a building, or an appurtenance thereto, if the building has a ground area of 4,000
 4 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to
 5 the highest interior overhead finish of the structure. The exemption in this subsection does not apply
 6 to a registered professional engineer.

7 (8) The making of drawings or specifications for, or the supervision of the erection, enlargement
 8 or alteration of, a building, or an appurtenance thereto, if the building is to be used for a single
 9 family residential dwelling or farm building or is a structure used in connection with or auxiliary
 10 to a single family residential dwelling or farm building, including but not limited to a three-car ga-
 11 rage, barn or shed or a shelter used for the housing of domestic animals or livestock. The exemption
 12 in this subsection does not apply to a registered professional engineer.

13 (9) The performance of work as a registered architect practicing architecture.

14 (10) The performance of work as a registered environmental health specialist or registered en-
 15 vironmental health specialist trainee working under the supervision of a registered environmental
 16 health specialist practicing environmental sanitation, or a registered waste water specialist or reg-
 17 istered waste water specialist trainee working under the supervision of a registered waste water
 18 specialist practicing waste water sanitation.

19 (11) The performance of land surveying work under the supervision of a registered professional
 20 land surveyor or registered professional engineer. The exemption in this subsection does not allow
 21 an engineer to supervise a land surveying activity the engineer could not personally perform under
 22 ORS 672.025.

23 (12) The performance of land surveying by a person:

24 (a) On property owned or leased by the person, or on property in which the person has an in-
 25 terest, estate or possessory right; and

26 (b) That affects exclusively the property or interests of the person, unless the performance af-
 27 fects the health or safety of the public or an employee.

28 (13) The performance of land surveying work by a landowner within the boundaries of the
 29 landowner's land or by the landowner's regular employee as part of the employee's official duties
 30 within the boundaries of the land of the employer.

31 (14) An offer by a person to perform land surveying if:

32 (a) The person holds a certificate of registration to engage in the practice of land surveying is-
 33 sued by the proper authority of any other state, a territory or possession of the United States or a
 34 foreign country; and

35 (b) The offer includes a written statement that the offeror is not registered to practice land
 36 surveying in the State of Oregon, but will comply with ORS 672.002 to 672.325 by having an indi-
 37 vidual holding a valid certificate of registration in this state in responsible charge of the work prior
 38 to performing any land surveying work within this state.

39 (15) An offer by a person to perform photogrammetric mapping if:

40 (a) The person holds a certificate of registration to engage in the practice of professional pho-
 41 togrammetric mapping issued by the proper authority of any other state, a territory or possession
 42 of the United States or a foreign country; and

43 (b) The offer includes a written statement that the offeror is not registered to practice pho-
 44 togrammetric mapping in the State of Oregon, but will comply with ORS 672.002 to 672.325 by hav-
 45 ing an individual holding a valid certificate of registration in this state in responsible charge of the

1 work prior to performing any photogrammetric mapping work within this state.

2 (16) The transcription of existing georeferenced data into a Geographic Information System or
3 Land Information System format by manual or electronic means, and the maintenance of that data,
4 if the data are clearly not intended to indicate the authoritative location of property boundaries, the
5 precise shape or contour of the earth or the precise location of fixed works of humans.

6 (17) Activities under ORS 306.125 or 308.245. This exemption applies to the transcription of tax
7 maps, zoning maps and other public data records into Geographic Information System or Land In-
8 formation System formatted cadastre and the maintenance of those cadastre, if:

9 (a) The data are not modified for other than graphical purposes; and

10 (b) The data are clearly not intended to authoritatively represent property boundaries.

11 (18) The preparation of maps or the compilation of databases depicting the distribution of na-
12 tural or cultural resources, features or phenomena, if the maps or data are not intended to indicate
13 the authoritative location of property boundaries, the precise shape or contour of the earth or the
14 precise location of fixed works by humans.

15 (19) The preparation by a federal agency or its contractors of military maps, quadrangle
16 topographic maps, satellite imagery or other maps or images that do not define real property
17 boundaries.

18 (20) The preparation or transcription by a federal agency or its contractors of documents or
19 databases into a Geographical Information System or Land Information System format, including but
20 not limited to the preparation or transcription of federal census and other demographic data.

21 (21) The preparation by a law enforcement agency or its contractors of documents or maps for
22 [traffic accidents] **crashes**, crime scenes or similar purposes depicting physical features or events
23 or generating or using georeferenced data involving crime statistics or criminal activities.

24 (22) Activities of a peace officer, as defined in ORS 161.015, or a fire service professional, as
25 defined in ORS 181A.355, in conducting, reporting on or testifying about or otherwise performing
26 duties regarding an official investigation.

27 (23) The creation of general maps prepared for private firms or governmental agencies:

28 (a) For use as guides to motorists, boaters, aviators or pedestrians;

29 (b) For publication in a gazetteer or an atlas as an educational tool or reference publication;

30 (c) For use in the curriculum of any course of study;

31 (d) If produced by any electronic or print media, for use as an illustrative guide to the ge-
32 ographic location of any event; or

33 (e) If prepared for conversational or illustrative purposes, including but not limited to for use
34 as advertising material or user guides.

35 **SECTION 106.** ORS 676.260 is amended to read:

36 676.260. (1) A health care facility that provides medical care immediately after a motor vehicle
37 [accident] **crash** to a person reasonably believed to be the operator of a motor vehicle involved in
38 the [accident] **crash** shall notify any law enforcement officer who is at the health care facility and
39 is acting in an official capacity in relation to the motor vehicle [accident] **crash** if the health care
40 facility becomes aware, as a result of any blood test performed in the course of that treatment, that:

41 (a) The person's blood alcohol level meets or exceeds the percent specified in ORS 813.010;

42 (b) The person's blood contains cannabis; or

43 (c) The person's blood contains a controlled substance, as defined in ORS 475.005.

44 (2) If a health care facility is required to notify a law enforcement officer of test results under
45 subsection (1) of this section and no law enforcement officer is present in an official capacity at the

1 health care facility, the health care facility shall notify a law enforcement agency in the county in
 2 which the [accident] **crash** occurred, or an Oregon State Police dispatch center, as soon as possible
 3 but no more than 72 hours after becoming aware of the results of the blood test.

4 (3) A notice required under this section must consist of:

5 (a) The name of the person being treated;

6 (b) The blood alcohol level, the blood cannabis level and name and level of any controlled sub-
 7 stance disclosed by the test; and

8 (c) The date and time of the administration of the test.

9 (4) ORS 40.225 to 40.295 do not affect the requirement to provide notice imposed by this section,
 10 and the health care facility shall not be considered to have breached any duty under ORS 40.225 to
 11 40.295 owed to the person about whom the notice is made.

12 **SECTION 107.** ORS 682.035 is amended to read:

13 682.035. ORS 820.330 to 820.380 and this chapter do not apply to:

14 (1) Ambulances owned by or operated, and emergency medical service providers who operate,
 15 under the control of the United States Government.

16 (2) Vehicles being used to render temporary assistance in the case of a major catastrophe or
 17 emergency with which the ambulance services of the surrounding locality are unable to cope, or
 18 when directed to be used to render temporary assistance by an official at the scene of [an
 19 accident] **a crash**.

20 (3) Vehicles operated solely on private property or within the confines of institutional grounds,
 21 whether or not the incidental crossing of any highway through the property or grounds is involved.

22 (4) Vehicles operated by lumber industries solely for the transportation of lumber industry em-
 23 ployees.

24 (5) Any person who drives or attends a patient, if the patient is transported in a vehicle de-
 25 scribed in subsections (2) to (4) of this section.

26 (6) Any person who otherwise by license is authorized to attend patients.

27 **SECTION 108.** ORS 682.105 is amended to read:

28 682.105. (1) In order to secure and retain a license under this chapter, the owner of an ambu-
 29 lance or ambulance service, other than a governmental unit, shall file and maintain with the Oregon
 30 Health Authority proof of ability to respond in damages for liability arising from the ownership,
 31 operation, use or maintenance of the ambulance, or arising from the delivery of prehospital care, in
 32 the amount of:

33 (a) \$100,000 because of bodily injury to or death of one person in any one [accident] **crash**;

34 (b) Subject to that limit for one person, \$300,000 because of bodily injury to or death of two or
 35 more persons in any one [accident] **crash**;

36 (c) \$20,000 because of injury to or destruction of the property of others in any one [accident]
 37 **crash**; and

38 (d) \$500,000 because of injury arising from the negligent provision of prehospital care to any
 39 individual.

40 (2) Proof of financial responsibility under subsection (1) of this section may be given by filing
 41 with the authority, for the benefit of the owner:

42 (a) A certificate of insurance issued by an insurance carrier licensed to transact insurance in
 43 this state showing that the owner has procured and that there is in effect a motor vehicle liability
 44 policy for the limits of financial responsibility mentioned in subsection (1)(a) to (c) of this section
 45 designating by explicit description all motor vehicles with respect to which coverage is granted

1 thereby and insuring the named insured and all other persons using any such motor vehicle with
 2 insured's consent against loss from the liabilities imposed by law for damages arising out of the
 3 ownership, operation, use or maintenance of any such motor vehicle, and that there is in effect a
 4 professional liability policy for the limit of financial responsibility described in subsection (1)(d) of
 5 this section insuring the named insured and all other persons engaged in the provision of prehospital
 6 care under the auspices of the licensed ambulance service against loss from the liabilities imposed
 7 by law for damages arising out of the provision of prehospital care;

8 (b) A bond conditioned for the paying in behalf of the principal, the limits of financial respon-
 9 sibility mentioned in subsection (1) of this section; or

10 (c) A certificate of the State Treasurer that such owner has deposited with the State Treasurer
 11 the sum of \$320,000 in cash, in the form of an irrevocable letter of credit issued by an insured in-
 12 stitution as defined in ORS 706.008 or in securities such as may legally be purchased by fiduciaries
 13 or for trust funds of a market value of \$320,000.

14 **SECTION 109.** ORS 742.490 is amended to read:

15 742.490. (1) Any rate, rating plan or rating system filed with the Director of the Department of
 16 Consumer and Business Services for a motor vehicle insurance policy offering liability, personal in-
 17 jury protection or collision coverage, shall provide an appropriate reduction in premium charges for
 18 such coverage if:

19 (a) The principal operator of the covered vehicle is an insured 55 years of age or older.

20 (b) The principal operator of the covered vehicle has successfully completed, within the appro-
 21 priate time as specified in this subsection, a motor vehicle [*accident*] **crash** prevention course ap-
 22 proved by the Department of Transportation. To meet the requirements of this subsection, a course
 23 must be completed no more than three years prior to the beginning of the policy period for which
 24 the discounted rate applies if the person is less than 70 years of age at the time of taking the course
 25 or no more than two years prior to the beginning of the policy period for which the discounted rate
 26 applies if the person is 70 years of age or more at the time of taking the course.

27 (c) There are no persons under 25 years of age who regularly operate the vehicle.

28 (d) The vehicle is not classified for underwriting purposes as used for a business.

29 (2) If the person qualifying for a premium reduction under subsection (1) of this section is the
 30 principal operator of two or more vehicles, the premium discount shall apply to only one vehicle.
 31 No more than one premium discount may be applied to one vehicle.

32 **SECTION 110.** ORS 742.492 is amended to read:

33 742.492. Except as otherwise provided in this section, the premium reduction required by ORS
 34 742.490 (1) shall be effective for an insured for a three-year period after successful completion of the
 35 approved course if the person is less than 70 years of age at the time of taking the course or for a
 36 two-year period after successful completion of an approved course if the person is 70 years of age
 37 or more at the time of taking the course. An insurer may require, as a condition of maintaining the
 38 discount, that the insured:

39 (1) Not be involved in [*an accident*] **a crash** for which the insured is at fault; and

40 (2) Not be convicted of or plead guilty or nolo contendere to a moving traffic violation.

41 **SECTION 111.** ORS 742.494 is amended to read:

42 742.494. Any organization offering a motor vehicle [*accident*] **crash** prevention course approved
 43 by the Department of Transportation shall issue a certificate to each person who successfully com-
 44 pletes the course. The person shall present the certificate to an insurer to qualify for the premium
 45 discount required under ORS 742.490 (1).

SECTION 112. ORS 742.504 is amended to read:

742.504. Every policy required to provide the coverage specified in ORS 742.502 shall provide uninsured motorist coverage that in each instance is no less favorable in any respect to the insured or the beneficiary than if the following provisions were set forth in the policy. However, nothing contained in this section requires the insurer to reproduce in the policy the particular language of any of the following provisions:

(1)(a) Notwithstanding ORS 30.260 to 30.300, the insurer will pay all sums that the insured or the heirs or legal representative of the insured is legally entitled to recover as damages from the owner or operator of an uninsured vehicle because of bodily injury sustained by the insured caused by accident and arising out of the ownership, maintenance or use of the uninsured vehicle. Determination as to whether the insured, the insured's heirs or the insured's legal representative is legally entitled to recover such damages, and if so, the amount thereof, shall be made by agreement between the insured and the insurer, or, in the event of disagreement, may be determined by arbitration as provided in subsection (10) of this section.

(b) No judgment against any person or organization alleged to be legally responsible for bodily injury, except for proceedings instituted against the insurer as provided in this policy, shall be conclusive, as between the insured and the insurer, on the issues of liability of the person or organization or of the amount of damages to which the insured is legally entitled.

(2) As used in this policy:

(a) "Bodily injury" means bodily injury, sickness or disease, including death resulting therefrom.

(b) "Hit-and-run vehicle" means a vehicle that causes bodily injury to an insured arising out of physical contact of the vehicle with the insured or with a vehicle the insured is occupying at the time of the [accident] **crash**, provided:

(A) The identity of either the operator or the owner of the hit-and-run vehicle cannot be ascertained;

(B) The insured or someone on behalf of the insured reported the [accident] **crash** within 72 hours to a police, peace or judicial officer, to the Department of Transportation or to the equivalent department in the state where the [accident] **crash** occurred, and filed with the insurer within 30 days thereafter a statement under oath that the insured or the legal representative of the insured has a cause or causes of action arising out of the [accident] **crash** for damages against a person or persons whose identities are unascertainable, and setting forth the facts in support thereof; and

(C) At the insurer's request, the insured or the legal representative of the insured makes available for inspection the vehicle the insured was occupying at the time of the [accident] **crash**.

(c) "Insured," when unqualified and when applied to uninsured motorist coverage, means:

(A) The named insured as stated in the policy and any person designated as named insured in the schedule and, while residents of the same household, the spouse of any named insured and relatives of either, provided that neither the relative nor the spouse is the owner of a vehicle not described in the policy and that, if the named insured as stated in the policy is other than an individual or spouses in a marriage who are residents of the same household, the named insured shall be only a person so designated in the schedule;

(B) Any child residing in the household of the named insured if the insured has performed the duties of a parent to the child by rearing the child as the insured's own although the child is not related to the insured by blood, marriage or adoption; and

(C) Any other person while occupying an insured vehicle, provided the actual use thereof is with the permission of the named insured.

1 (d) “Insured vehicle,” except as provided in paragraph (e) of this provision, means:

2 (A) The vehicle described in the policy or a newly acquired or substitute vehicle, as each of
 3 those terms is defined in the public liability coverage of the policy, insured under the public liability
 4 provisions of the policy; or

5 (B) A nonowned vehicle operated by the named insured or spouse if a resident of the same
 6 household, provided that the actual use thereof is with the permission of the owner of the vehicle
 7 and the vehicle is not owned by nor furnished for the regular or frequent use of the insured or any
 8 member of the same household.

9 (e) “Insured vehicle” does not include a trailer of any type unless the trailer is a described ve-
 10 hicle in the policy.

11 (f) “Occupying” means in or upon or entering into or alighting from.

12 (g) “Phantom vehicle” means a vehicle that causes bodily injury to an insured arising out of a
 13 motor vehicle [*accident*] **crash** that is caused by a vehicle that has no physical contact with the
 14 insured or the vehicle the insured is occupying at the time of the [*accident*] **crash**, provided:

15 (A) The identity of either the operator or the owner of the phantom vehicle cannot be ascer-
 16 tained;

17 (B) The facts of the [*accident*] **crash** can be corroborated by competent evidence other than the
 18 testimony of the insured or any person having an uninsured motorist claim resulting from the [*ac-*
 19 *cident*] **crash**; and

20 (C) The insured or someone on behalf of the insured reported the [*accident*] **crash** within 72
 21 hours to a police, peace or judicial officer, to the Department of Transportation or to the equivalent
 22 department in the state where the [*accident*] **crash** occurred, and filed with the insurer within 30
 23 days thereafter a statement under oath that the insured or the legal representative of the insured
 24 has a cause or causes of action arising out of the [*accident*] **crash** for damages against a person or
 25 persons whose identities are unascertainable, and setting forth the facts in support thereof.

26 (h) “State” includes the District of Columbia, a territory or possession of the United States and
 27 a province of Canada.

28 (i) “Stolen vehicle” means an insured vehicle that causes bodily injury to the insured arising
 29 out of a motor vehicle [*accident*] **crash** if:

30 (A) The vehicle is operated without the consent of the insured;

31 (B) The operator of the vehicle does not have collectible motor vehicle bodily injury liability
 32 insurance;

33 (C) The insured or someone on behalf of the insured reported the [*accident*] **crash** within 72
 34 hours to a police, peace or judicial officer or to the equivalent department in the state where the
 35 [*accident*] **crash** occurred; and

36 (D) The insured or someone on behalf of the insured cooperates with the appropriate law
 37 enforcement agency in the prosecution of the theft of the vehicle.

38 (j) “Sums that the insured or the heirs or legal representative of the insured is legally entitled
 39 to recover as damages” means the amount of damages that:

40 (A) A claimant could have recovered in a civil action from the owner or operator at the time
 41 of the injury after determination of fault or comparative fault and resolution of any applicable de-
 42 fenses;

43 (B) Are calculated without regard to the tort claims limitations of ORS 30.260 to 30.300; and

44 (C) Are no larger than benefits payable under the terms of the policy as provided in subsection
 45 (7) of this section.

1 (k) "Uninsured vehicle," except as provided in paragraph (L) of this provision, means:

2 (A) A vehicle with respect to the ownership, maintenance or use of which there is no collectible
 3 motor vehicle bodily injury liability insurance, in at least the amounts or limits prescribed for bodily
 4 injury or death under ORS 806.070 applicable at the time of the [accident] **crash** with respect to any
 5 person or organization legally responsible for the use of the vehicle, or with respect to which there
 6 is collectible bodily injury liability insurance applicable at the time of the [accident] **crash** but the
 7 insurance company writing the insurance denies coverage or the company writing the insurance
 8 becomes voluntarily or involuntarily declared bankrupt or for which a receiver is appointed or be-
 9 comes insolvent. It shall be a disputable presumption that a vehicle is uninsured in the event the
 10 insured and the insurer, after reasonable efforts, fail to discover within 90 days from the date of the
 11 [accident] **crash**, the existence of a valid and collectible motor vehicle bodily injury liability insur-
 12 ance applicable at the time of the [accident] **crash**.

13 (B) A hit-and-run vehicle.

14 (C) A phantom vehicle.

15 (D) A stolen vehicle.

16 (E) A vehicle that is owned or operated by a self-insurer:

17 (i) That is not in compliance with ORS 806.130 (1)(c); or

18 (ii) That provides recovery to an insured in an amount that is less than the sums that the in-
 19 sured or the heirs or legal representative of the insured is legally entitled to recover as damages
 20 for bodily injury or death that is caused by accident and that arises out of owning, maintaining or
 21 using an uninsured vehicle.

22 (L) "Uninsured vehicle" does not include:

23 (A) An insured vehicle, unless the vehicle is a stolen vehicle;

24 (B) Except as provided in paragraph (k)(E) of this subsection, a vehicle that is owned or oper-
 25 ated by a self-insurer within the meaning of any motor vehicle financial responsibility law, motor
 26 carrier law or any similar law;

27 (C) A vehicle that is owned by the United States of America, Canada, a state, a political sub-
 28 division of any such government or an agency of any such government;

29 (D) A land motor vehicle or trailer, if operated on rails or crawler-treads or while located for
 30 use as a residence or premises and not as a vehicle;

31 (E) A farm-type tractor or equipment designed for use principally off public roads, except while
 32 actually upon public roads; or

33 (F) A vehicle owned by or furnished for the regular or frequent use of the insured or any
 34 member of the household of the insured.

35 (m) "Vehicle" means every device in, upon or by which any person or property is or may be
 36 transported or drawn upon a public highway, but does not include devices moved by human power
 37 or used exclusively upon stationary rails or tracks.

38 (3) This coverage applies only to [accidents] **crashes** that occur on and after the effective date
 39 of the policy, during the policy period and within the United States of America, its territories or
 40 possessions, or Canada.

41 (4)(a) This coverage does not apply to bodily injury of an insured with respect to which the in-
 42 sured or the legal representative of the insured shall, without the written consent of the insurer,
 43 make any settlement with or prosecute to judgment any action against any person or organization
 44 who may be legally liable therefor.

45 (b) This coverage does not apply to bodily injury to an insured while occupying a vehicle, other

1 than an insured vehicle, owned by, or furnished for the regular use of, the named insured or any
 2 relative resident in the same household, or through being struck by the vehicle.

3 (c) This coverage does not apply so as to inure directly or indirectly to the benefit of any
 4 workers' compensation carrier, any person or organization qualifying as a self-insurer under any
 5 workers' compensation or disability benefits law or any similar law or the State Accident Insurance
 6 Fund Corporation.

7 (d) This coverage does not apply with respect to underinsured motorist benefits unless:

8 (A) The limits of liability under any bodily injury liability insurance applicable at the time of
 9 the [*accident*] **crash** regarding the injured person have been exhausted by payment of judgments or
 10 settlements to the injured person or other injured persons;

11 (B) The described limits have been offered in settlement, the insurer has refused consent under
 12 paragraph (a) of this subsection and the insured protects the insurer's right of subrogation to the
 13 claim against the tortfeasor;

14 (C) The insured gives credit to the insurer for the unrealized portion of the described liability
 15 limits as if the full limits had been received if less than the described limits have been offered in
 16 settlement, and the insurer has consented under paragraph (a) of this subsection; or

17 (D) The insured gives credit to the insurer for the unrealized portion of the described liability
 18 limits as if the full limits had been received if less than the described limits have been offered in
 19 settlement and, if the insurer has refused consent under paragraph (a) of this subsection, the insured
 20 protects the insurer's right of subrogation to the claim against the tortfeasor.

21 (e) When seeking consent under paragraph (a) or (d) of this subsection, the insured shall allow
 22 the insurer a reasonable time in which to collect and evaluate information related to consent to the
 23 proposed offer of settlement. The insured shall provide promptly to the insurer any information that
 24 is reasonably requested by the insurer and that is within the custody and control of the insured.
 25 Consent will be presumed to be given if the insurer does not respond within a reasonable time. For
 26 purposes of this paragraph, a "reasonable time" is no more than 30 days from the insurer's receipt
 27 of a written request for consent, unless the insured and the insurer agree otherwise.

28 (5)(a) As soon as practicable, the insured or other person making claim shall give to the insurer
 29 written proof of claim, under oath if required, including full particulars of the nature and extent of
 30 the injuries, treatment and other details entering into the determination of the amount payable
 31 hereunder. The insured and every other person making claim hereunder shall submit to examinations
 32 under oath by any person named by the insurer and subscribe the same, as often as may reasonably
 33 be required. Proof of claim shall be made upon forms furnished by the insurer unless the insurer fails
 34 to furnish the forms within 15 days after receiving notice of claim.

35 (b) Upon reasonable request of and at the expense of the insurer, the injured person shall submit
 36 to physical examinations by physicians, naturopathic physicians, physician assistants or nurse
 37 practitioners selected by the insurer and shall, upon each request from the insurer, execute au-
 38 thorization to enable the insurer to obtain medical reports and copies of records.

39 (6) If, before the insurer makes payment of loss hereunder, the insured or the legal represen-
 40 tative of the insured institutes any legal action for bodily injury against any person or organization
 41 legally responsible for the use of a vehicle involved in the [*accident*] **crash**, a copy of the summons
 42 and complaint or other process served in connection with the legal action shall be forwarded im-
 43 mediately to the insurer by the insured or the legal representative of the insured.

44 (7)(a) The limit of liability stated in the declarations as applicable to "each person" is the limit
 45 of the insurer's liability for all damages because of bodily injury sustained by one person as the

1 result of any one [accident] **crash** and, subject to the above provision respecting each person, the
 2 limit of liability stated in the declarations as applicable to “each [accident] **crash**” is the total limit
 3 of the company’s liability for all damages because of bodily injury sustained by two or more persons
 4 as the result of any one [accident] **crash**.

5 (b) Any amount payable under the terms of this coverage because of bodily injury sustained in
 6 [an accident] **a crash** by a person who is an insured under this coverage shall be reduced by the
 7 amount paid and the present value of all amounts payable on account of the bodily injury under any
 8 workers’ compensation law, disability benefits law or any similar law.

9 (c) Any amount payable under the terms of this coverage because of bodily injury sustained in
 10 [an accident] **a crash** by a person who is an insured under this coverage shall be reduced by the
 11 credit given to the insurer pursuant to subsection (4)(d)(C) or (D) of this section.

12 (d) The amount payable under the terms of this coverage may not be reduced by the amount of
 13 liability proceeds offered, described in subsection (4)(d)(B) or (D) of this section, that has not been
 14 paid to the injured person. If liability proceeds have been offered and not paid, the amount payable
 15 under the terms of the coverage shall include the amount of liability limits offered but not accepted
 16 due to the insurer’s refusal to consent. The insured shall cooperate so as to permit the insurer to
 17 proceed by subrogation or assignment to prosecute the claim against the uninsured motorist.

18 (8) [No] **An** action [shall] **may not** lie against the insurer unless, as a condition precedent
 19 thereto, the insured or the legal representative of the insured has fully complied with all the terms
 20 of this policy.

21 (9)(a) With respect to bodily injury to an insured:

22 (A) While occupying a vehicle owned by a named insured under this coverage, the insurance
 23 under this coverage is primary.

24 (B) While occupying a vehicle not owned by a named insured under this coverage, the insurance
 25 under this coverage shall apply only as excess insurance over any primary insurance available to
 26 the occupant that is similar to this coverage, and this excess insurance coverage shall then apply
 27 only to the sums that the insured or the heirs or legal representative of the insured is legally enti-
 28 tled to recover as damages for bodily injury or death that is caused by accident and that arises out
 29 of owning, maintaining or using an uninsured vehicle.

30 (b) With respect to bodily injury to an insured while occupying any motor vehicle used as a
 31 public or livery conveyance, the insurance under this coverage shall apply only as excess insurance
 32 over any other insurance available to the insured that is similar to this coverage, and this excess
 33 insurance coverage shall then apply only to the amount by which the applicable limit of liability of
 34 this coverage exceeds the sum of the applicable limits of liability of all other insurance.

35 (10) If any person making claim hereunder and the insurer do not agree that the person is le-
 36 gally entitled to recover damages from the owner or operator of an uninsured vehicle because of
 37 bodily injury to the insured, or do not agree as to the amount of payment that may be owing under
 38 this coverage, then, in the event the insured and the insurer elect by mutual agreement at the time
 39 of the dispute to settle the matter by arbitration, the arbitration shall take place as described in
 40 ORS 742.505. Any judgment upon the award rendered by the arbitrators may be entered in any court
 41 having jurisdiction thereof, provided, however, that the costs to the insured of the arbitration pro-
 42 ceeding do not exceed \$100 and that all other costs of arbitration are borne by the insurer.
 43 “Costs” as used in this provision does not include attorney fees or expenses incurred in the pro-
 44 duction of evidence or witnesses or the making of transcripts of the arbitration proceedings. The
 45 person and the insurer each agree to consider themselves bound and to be bound by any award made

1 by the arbitrators pursuant to this coverage in the event of such election. At the election of the
 2 insured, the arbitration shall be held:

3 (a) In the county and state of residence of the insured;

4 (b) In the county and state where the insured's cause of action against the uninsured motorist
 5 arose; or

6 (c) At any other place mutually agreed upon by the insured and the insurer.

7 (11) In the event of payment to any person under this coverage:

8 (a) The insurer shall be entitled to the extent of the payment to the proceeds of any settlement
 9 or judgment that may result from the exercise of any rights of recovery of the person against any
 10 uninsured motorist legally responsible for the bodily injury because of which payment is made;

11 (b) The person shall hold in trust for the benefit of the insurer all rights of recovery that the
 12 person shall have against such other uninsured person or organization because of the damages that
 13 are the subject of claim made under this coverage, but only to the extent that the claim is made or
 14 paid herein;

15 (c) If the insured is injured by the joint or concurrent act or acts of two or more persons, one
 16 or more of whom is uninsured, the insured shall have the election to receive from the insurer any
 17 payment to which the insured would be entitled under this coverage by reason of the act or acts
 18 of the uninsured motorist, or the insured may, with the written consent of the insurer, proceed with
 19 legal action against any or all persons claimed to be liable to the insured for the injuries. If the
 20 insured elects to receive payment from the insurer under this coverage, then the insured shall hold
 21 in trust for the benefit of the insurer all rights of recovery the insured shall have against any other
 22 person, firm or organization because of the damages that are the subject of claim made under this
 23 coverage, but only to the extent of the actual payment made by the insurer;

24 (d) The person shall do whatever is proper to secure and shall do nothing after loss to prejudice
 25 such rights;

26 (e) If requested in writing by the insurer, the person shall take, through any representative not
 27 in conflict in interest with the person, designated by the insurer, such action as may be necessary
 28 or appropriate to recover payment as damages from such other uninsured person or organization,
 29 such action to be taken in the name of the person, but only to the extent of the payment made
 30 hereunder. In the event of a recovery, the insurer shall be reimbursed out of the recovery for ex-
 31 penses, costs and attorney fees incurred by the insurer in connection therewith; and

32 (f) The person shall execute and deliver to the insurer any instruments and papers as may be
 33 appropriate to secure the rights and obligations of the person and the insurer established by this
 34 provision.

35 (12)(a) The parties to this coverage agree that no cause of action shall accrue to the insured
 36 under this coverage unless within two years from the date of the *[accident]* **crash**:

37 (A) Agreement as to the amount due under the policy has been concluded;

38 (B) The insured or the insurer has formally instituted arbitration proceedings;

39 (C) The insured has filed an action against the insurer; or

40 (D) Suit for bodily injury has been filed against the uninsured motorist and, within two years
 41 from the date of settlement or final judgment against the uninsured motorist, the insured has
 42 formally instituted arbitration proceedings or filed an action against the insurer.

43 (b) For purposes of this subsection:

44 (A) "Date of settlement" means the date on which a written settlement agreement or release is
 45 signed by an insured or, in the absence of these documents, the date on which the insured or the

1 attorney for the insured receives payment of any sum required by the settlement agreement. An
 2 advance payment as defined in ORS 31.550 shall not be deemed a payment of a settlement for pur-
 3 poses of the time limitation in this subsection.

4 (B) “Final judgment” means a judgment that has become final by lapse of time for appeal or by
 5 entry in an appellate court of an appellate judgment.

6 **SECTION 113.** ORS 742.508 is amended to read:

7 742.508. As used in this section and ORS 742.510:

8 (1) “Covered motor vehicle” means a private passenger motor vehicle or a self-propelled mobile
 9 home that is owned by the named insured for which a premium has been paid for coverage under
 10 this section and ORS 742.510.

11 (2) “Insured vehicle” means a motor vehicle described in the declarations for which a specific
 12 premium charge indicates that underinsured motorists coverage is afforded but the term “insured
 13 vehicle” shall not include a vehicle while used as a public or livery conveyance.

14 (3) “Private passenger motor vehicle” means a four-wheel passenger or station wagon type motor
 15 vehicle not more than 12 years old and not used as a public or livery conveyance, and includes any
 16 other four-wheel motor vehicle of the utility, pickup body, sedan delivery or panel truck type not
 17 used for wholesale or retail delivery.

18 (4)(a) “Uninsured vehicle” means:

19 (A) A vehicle with respect to the ownership, maintenance or use of which there is no collectible
 20 property damage insurance, in at least the amounts or limits prescribed under ORS 806.070 (2)(c)
 21 applicable at the time of the [*accident*] **crash** with respect to any person or organization legally
 22 responsible for the use of such vehicle, or with respect to which there is such collectible insurance
 23 applicable at the time of the [*accident*] **crash** but the insurance company writing the same denies
 24 coverage thereunder or, within two years of the date of the [*accident*] **crash**, such company writing
 25 the same becomes voluntarily or involuntarily declared bankrupt or for which a receiver is ap-
 26 pointed or becomes insolvent. It shall be a disputable presumption that a vehicle is uninsured in the
 27 event the insured and the insurer, after reasonable efforts, fail to discover within 90 days from the
 28 date of the [*accident*] **crash**, the existence of valid and collectible property damage insurance ap-
 29 plicable at the time of the [*accident*] **crash**.

30 (B) A hit-and-run vehicle as defined in subsection (5) of this section.

31 (C) A phantom vehicle as defined in subsection (5) of this section.

32 (b) As used in this section and ORS 742.510, “uninsured vehicle” does not include:

33 (A) An insured vehicle;

34 (B) A vehicle which is owned or operated by a self-insurer within the meaning of any motor
 35 vehicle financial responsibility law, motor carrier law or any similar law;

36 (C) A vehicle which is owned by the United States of America, Canada, a state, a political
 37 subdivision of any such government or an agency of any of the foregoing;

38 (D) A land motor vehicle or trailer, if operated on rails or crawler-treads or while located for
 39 use as a residence or premises and not as a vehicle;

40 (E) A farm-type tractor or equipment designed for use principally off public roads, except while
 41 actually upon public roads; or

42 (F) A vehicle owned by or furnished for the regular or frequent use of the insured or any
 43 member of the household of the insured.

44 (5) As used in this section:

45 (a) “Hit-and-run vehicle” means a vehicle that causes damage to the covered vehicle of an in-

1 sured arising out of physical contact between the vehicles, provided:

2 (A) There cannot be ascertained the identity of either the operator or the owner of such hit-
3 and-run vehicle;

4 (B) The insured or someone on behalf of the insured reports the [accident] **crash** within 72 hours
5 to a police, peace or judicial officer, to the Department of Transportation or to the equivalent de-
6 partment in the state where the [accident] **crash** occurred, and files with the insurer within 30 days
7 thereafter a statement under oath that the insured or the legal representative of the insured has a
8 cause or causes of action arising out of such [accident] **crash** for damages against a person or per-
9 sons whose identity is unascertainable, and setting forth the facts in support thereof; and

10 (C) At the insurer's request, the insured or the legal representative of the insured makes avail-
11 able for inspection the vehicle which was insured at the time of the [accident] **crash**.

12 (b) "Phantom vehicle" means a vehicle that causes damage to the covered vehicle of an insured,
13 although there is no physical contact between the vehicles, provided:

14 (A) There cannot be ascertained the identity of either the operator or the owner of such phan-
15 tom vehicle;

16 (B) The facts of such [accident] **crash** can be corroborated by competent evidence other than the
17 testimony of the insured or any passenger in the insured motor vehicle; and

18 (C) The insured or someone on behalf of the insured shall have reported the [accident] **crash**
19 within 72 hours to a police, peace or judicial officer, to the Department of Transportation or to the
20 equivalent department in the state where the [accident] **crash** occurred, and shall have filed with
21 the insurer within 30 days thereafter a statement under oath that the insured or the legal repre-
22 sentative of the insured has a cause or causes of action arising out of such [accident] **crash** for
23 damages against a person or persons whose identity is unascertainable, and setting forth the facts
24 in support thereof.

25 **SECTION 114.** ORS 742.510 is amended to read:

26 742.510. (1) Every insurer issuing motor vehicle liability insurance policies on private passenger
27 motor vehicles or on self-propelled mobile homes for delivery in this state shall have for sale cov-
28 erage for property damage to a vehicle of the insured caused by an uninsured vehicle. Coverage
29 offered under this section shall be at least the amount prescribed to meet the requirements of ORS
30 806.070 for insurance for injury to or destruction of the property of others in any one [accident]
31 **crash**.

32 (2) A policy with the coverage described in this section does not cover the first \$300 of property
33 damage to the covered motor vehicle as the result of [an accident] **a crash** with a hit-and-run vehicle
34 or phantom vehicle. In all other cases the first \$200 damage is not covered.

35 (3) Coverage for property damage described in this section:

36 (a) Applies only to the amount of damages the insured may be legally entitled to recover.

37 (b) Does not include coverage for loss of use of the covered vehicle.

38 **SECTION 115.** ORS 742.530 is amended to read:

39 742.530. (1) The insurer may exclude from the coverage for personal injury protection benefits
40 any injured person who:

41 (a) Intentionally causes self-injury;

42 (b) Is participating in any prearranged or organized racing or speed contest or practice or
43 preparation for any such contest; or

44 (c) Willfully conceals or misrepresents any material fact in connection with a claim for personal
45 injury protection benefits.

1 (2) The insurer may exclude from the coverage for the benefits required by ORS 742.524 (1)(b)
2 and (c) any person injured as a pedestrian in [*an accident*] a **crash** outside this state, other than the
3 insured person or a member of that person's family residing in the same household.

4 **SECTION 116.** ORS 742.534 is amended to read:

5 742.534. (1) Except as provided in ORS 742.544, every authorized motor vehicle liability insurer
6 whose insured is or would be held legally liable for damages for injuries sustained in a motor vehicle
7 [*accident*] **crash** by a person for whom personal injury protection benefits have been furnished by
8 another such insurer, or for whom benefits have been furnished by an authorized health insurer,
9 shall reimburse such other insurer for the benefits it has so furnished if it has requested such re-
10 imbursement, has not given notice as provided in ORS 742.536 that it elects recovery by lien in ac-
11 cordance with that section and is entitled to reimbursement under this section by the terms of its
12 policy. Reimbursement under this subsection, together with the amount paid to injured persons by
13 the liability insurer, shall not exceed the limits of the policy issued by the insurer.

14 (2) In calculating such reimbursement, the amount of benefits so furnished shall be diminished
15 in proportion to the amount of negligence attributable to the person for whom benefits have been
16 so furnished, and the reimbursement shall not exceed the amount of damages legally recoverable by
17 the person.

18 (3) Disputes between insurers as to such issues of liability and the amount of reimbursement
19 required by this section shall be decided by arbitration.

20 (4) Findings and awards made in such an arbitration proceeding are not admissible in any action
21 at law or suit in equity.

22 (5) If an insurer does not request reimbursement under this section for recovery of personal in-
23 jury protection payments, then the insurer may only recover personal injury protection payments
24 under the provisions of ORS 742.536 or 742.538.

25 **SECTION 117.** ORS 742.536 is amended to read:

26 742.536. (1) If an authorized motor vehicle liability insurer has furnished personal injury pro-
27 tection benefits, or an authorized health insurer has furnished benefits, to a person who was injured
28 in a motor vehicle [*accident*] **crash** and the injured person makes a claim, or brings legal action, for
29 damages for injuries against any other person, the injured person shall give notice of the claim or
30 legal action to the insurer by personal service or by registered or certified mail. Service of a copy
31 of the summons and complaint or copy of other process served in connection with the legal action
32 is sufficient notice to the insurer, in which case a return showing service of the notice must be filed
33 with the clerk of the court but is not a part of the record except to give notice.

34 (2) An insurer may elect to seek reimbursement as provided in this section for benefits the
35 insurer has furnished to the injured person out of any recovery the injured person obtains from a
36 claim or legal action if the insurer has not been a party under ORS 742.534 to an interinsurer re-
37 imbursement proceeding with respect to benefits the insurer furnished to the injured person and the
38 insurer is entitled by the terms of the insurer's policy to the benefit of this section. The insurer shall
39 give written notice of an election under this subsection by personal service or by registered or
40 certified mail within 30 days after receiving the notice or knowledge of the claim or legal action to
41 the person who made the claim or brought the legal action and to the person against whom the in-
42 jured person made a claim or brought legal action. In the case of a legal action, a return showing
43 service of the notice of election must be filed with the clerk of the court but is not a part of the
44 record except to give notice to the claimant and the defendant of the lien of the insurer.

45 (3) If the insurer serves a written notice of the insurer's election under subsection (2) of this

1 section and, if applicable, files a return showing service:

2 (a) Subject to ORS 742.544, an insurer has a lien, for not more than the amount of benefits the
 3 insurer furnished, against an injured person's recovery in an action for damages, less a propor-
 4 tionate amount of not more than 100 percent of the expenses, costs and attorney fees the injured
 5 person incurred in connection with the recovery. The proportionate amount must be calculated as
 6 the ratio between the amount of the lien before a reduction under this paragraph and the amount
 7 of the recovery.

8 (b) The injured person shall include the benefits the insurer furnished as damages in a claim or
 9 legal action.

10 (c) In the case of a legal action, the action must be taken in the name of the injured person.

11 (4) As used in this section, "makes a claim" means delivers a written demand for a specific
 12 amount of damages that meets requirements reasonably established by the director's rule.

13 **SECTION 118.** ORS 742.538 is amended to read:

14 742.538. If a motor vehicle liability insurer has furnished personal injury protection benefits, or
 15 a health insurer has furnished benefits, to a person who was injured in a motor vehicle [*accident*]
 16 **crash** and the interinsurer reimbursement benefit of ORS 742.534 is not available under the terms
 17 of that section, the insurer has not elected recovery by lien as provided in ORS 742.536, and the
 18 insurer is entitled by the terms of the insurer's policy to the benefit of this section:

19 (1) Subject to ORS 742.544, the insurer is entitled to the proceeds of any settlement or judgment
 20 that results from the exercise of any rights of recovery the injured person has against any person
 21 legally responsible for the [*accident*] **crash**, to the extent of the benefits the insurer furnished less
 22 the insurer's share of expenses, costs and attorney fees the injured person incurred in connection
 23 with the recovery.

24 (2) The injured person shall hold in trust for the benefit of the insurer the amount to which the
 25 insurer is entitled under this section, which may not exceed the amount of benefits the insurer fur-
 26 nished.

27 (3) The injured person shall do whatever is proper to secure, and may not prejudice, the rights
 28 an insurer has under this section.

29 (4) If requested in writing by the insurer, the injured person shall take, in the injured person's
 30 name and through any representative the insurer designates who is not in conflict in interest with
 31 the injured person, such action as is necessary or appropriate to recover the amounts to which the
 32 insurer is entitled under this section, including amounts for the injured person's share of expenses,
 33 costs and attorney fees that the insurer incurred in connection with the recovery.

34 (5) In calculating respective shares of expenses, costs and attorney fees under this section, the
 35 basis of allocation must be the respective proportions borne to the total recovery by:

36 (a) Benefits the insurer furnished; and

37 (b) The total recovery less the benefits the insurer furnished.

38 (6) The injured person shall execute and deliver to the insurer instruments and papers as are
 39 appropriate to secure the rights and obligations of the insurer and the injured person as established
 40 by this section.

41 (7) Any provisions in a motor vehicle liability insurance policy or health insurance policy giving
 42 rights to the insurer relating to subrogation or the subject matter of this section must be construed
 43 and applied in accordance with the provisions of this section.

44 **SECTION 119.** ORS 742.542 is amended to read:

45 742.542. Payment by a motor vehicle liability insurer of personal injury protection benefits for

1 its own insured shall be applied in reduction of the amount of damages that the insured may be
 2 entitled to recover from the insurer under uninsured or underinsured motorist coverage for the same
 3 [accident] **crash** but may not be applied in reduction of the uninsured or underinsured motorist
 4 coverage policy limits.

5 **SECTION 120.** ORS 742.544 is amended to read:

6 742.544. (1)(a) As used in this subsection, “total amount of the recovery” means the amount that
 7 a person injured in a motor vehicle [accident] **crash** recovers from:

8 (A) Underinsured motorist benefits described in ORS 742.502 (2);

9 (B) Liability insurance coverage the injured person receives from other parties involved in the
 10 motor vehicle [accident] **crash**;

11 (C) Personal injury protection benefits or health insurance benefits; and

12 (D) Any other payment by or on behalf of the party that caused the motor vehicle [accident]
 13 **crash**.

14 (b) An insurer may not receive a reimbursement or subrogation for personal injury protection
 15 benefits or health benefits the insurer provided to a person injured in a motor vehicle [accident]
 16 **crash** from any recovery the injured person obtains in an action for damages except to the extent
 17 that:

18 (A) The injured person first receives full compensation for the injured person’s injuries; and

19 (B) The reimbursement or subrogation is paid only from the total amount of the recovery in
 20 excess of the amount that fully compensates for the injured person’s injuries.

21 (2) For purposes of this section, the following rebuttable presumptions apply:

22 (a) The amount of any judgment that an injured person obtains is the amount necessary to fully
 23 compensate for the injured person’s injuries.

24 (b) An injured person has received full compensation for the injured person’s injuries if the
 25 amount of the recovery is less than the coverage available to the injured person from the sum of
 26 benefits paid under another person’s motor vehicle liability policy, under an underinsured motorist
 27 policy described in ORS 742.502 (2), as personal injury protection payments and from any other
 28 source of payment from or on behalf of the party whose fault caused the injuries.

29 (c) An injured person has not received full compensation for the injured person’s injuries if the
 30 injured person recovers an amount that is equal to the coverage available to the injured person from
 31 the sum of benefits paid under another person’s motor vehicle liability policy, under an underinsured
 32 motorist policy described in ORS 742.502 (2), as personal injury protection payments and from any
 33 other source of payment from or on behalf of the party whose fault caused the injuries.

34 (3) An insurer may not deny or refuse to provide benefits that are otherwise available to an
 35 injured person because of the potential the injured person has to make a claim or bring an action
 36 against another person or enter into a settlement with another person.

37 (4) A person with whom an injured person enters into a settlement or from whom the injured
 38 person obtains a judgment in connection with a claim or action may not name an insurer that seeks
 39 a reimbursement or subrogation under ORS 742.536 or 742.538 as a payee on a check, draft or other
 40 form of payment in satisfaction of the claim or judgment.

41 (5) An insurer may not delay, withhold or reduce benefits to an injured person because of an
 42 act or omission for which a third party is or may be liable or as a means of enforcing or attempting
 43 to enforce a claim for reimbursement or subrogation.

44 (6) An insurer that receives a reimbursement for benefits the insurer provided to an injured
 45 person shall apply the amount of the reimbursement as a credit against any lifetime maximum ben-

1 efit set forth for the injured person in the policy, benefit plan or contract under which the insurer
 2 paid the benefits.

3 (7) A provision in a policy, benefit plan or contract that permits reimbursement or subrogation
 4 other than as provided in this section is void and unenforceable.

5 (8) This section does not:

6 (a) Prohibit insurers from coordinating benefits;

7 (b) Limit an insurer's right to seek reimbursement or subrogation to recover, without reduction,
 8 amounts the insurer paid for property damage;

9 (c) Limit an insurer that provided coverage against underinsured motorists from pursuing a
 10 claim against a party at fault; or

11 (d) Require a person to repay more than the amount of personal injury protection benefits that
 12 the person actually received.

13 **SECTION 121.** ORS 742.546 is amended to read:

14 742.546. (1) When a motor vehicle liability insurer obtains a release for bodily injuries within
 15 60 calendar days following [*an accident*] a **crash** from a person who is eligible to receive personal
 16 injury protection benefits under ORS 742.518 to 742.542, the release must state that, subject to the
 17 motor vehicle liability insurer's applicable limits of liability, the rights of an insurer furnishing
 18 personal injury protection to recover payments made for medical benefits from the motor vehicle
 19 liability insurer are not impaired.

20 (2) Nothing in this section impairs the rights of a motor vehicle liability insurer to contest a
 21 recovery claim from an insurer furnishing personal injury protection, based upon liability or the
 22 reasonableness or necessity of medical benefits paid by the insurer furnishing personal injury pro-
 23 tection.

24 **SECTION 122.** ORS 746.265 is amended to read:

25 746.265. (1) Subject to subsection (2) of this section, an insurer may consider the abstract of an
 26 individual's nonemployment driving record under ORS 802.220 when evaluating the individual's ap-
 27 plication to obtain or renew personal insurance, as defined in ORS 746.600, that provides automobile
 28 liability coverage, uninsured motorist coverage, automobile medical payments coverage or automo-
 29 bile physical damage coverage on an individually owned passenger vehicle, including pickup and
 30 panel trucks and station wagons:

31 (a) For the purpose of determining whether to issue or renew the individual's policy.

32 (b) For the purpose of determining the rates of the individual's policy.

33 (2) For the purposes specified in subsection (1) of this section, an insurer that issues or renews
 34 a policy described in subsection (1) of this section may not consider any:

35 (a) [*Accident*] **Vehicle crash** or conviction for violation of motor vehicle laws that occurred
 36 more than three years immediately preceding the application for the policy or for renewal of the
 37 policy;

38 (b) Diversion agreements under ORS 813.220 that were entered into more than three years im-
 39 mediately preceding the application for the policy or for renewal of the policy; or

40 (c) Suspension of driving privileges pursuant to ORS 809.280 (6) or (8) if the suspension is based
 41 on a nondriving offense.

42 (3) Subsection (2) of this section does not apply if an insurer considers an individual's nonem-
 43 ployment driving record under ORS 802.220 for the purpose of providing a discount to the individual.

44 **SECTION 123.** ORS 746.292 is amended to read:

45 746.292. (1) All work done by a motor vehicle body and frame repair shop shall be recorded on

1 an invoice and shall describe all service work done and parts supplied. If any used parts are sup-
 2 plied, the invoice shall clearly state that fact. If any component system installed is composed of new
 3 and used parts, such invoice shall clearly state that fact. One copy of the invoice shall be given to
 4 the customer and one copy shall be retained by the motor vehicle body and frame repair shop.

5 (2) Before commencing repair work and upon the request of any customer, a motor vehicle body
 6 and frame repair shop shall make an estimate in writing of the parts and labor necessary for the
 7 repair work, and shall not charge for the work done or parts supplied in excess of the estimate
 8 without the consent of such customer.

9 (3)(a) If crash parts to be used in the repair work are supplied by the original equipment man-
 10 ufacturer, the parts shall be accompanied by a warranty that guarantees the customer that the parts
 11 meet or exceed standards used in manufacturing the original equipment.

12 (b) If crash parts to be used in the repair work are not supplied by the original equipment
 13 manufacturer, the estimate shall include a statement that says:

14
 15
 16 This estimate has been prepared based on the use of a motor vehicle crash part not made by the
 17 original equipment manufacturer. The use of a motor vehicle crash part not made by the original
 18 equipment manufacturer may invalidate any remaining warranties of the original equipment man-
 19 ufacturer on that motor vehicle part. The person who prepared this estimate will provide a copy of
 20 the part warranty for crash parts not made by the original equipment manufacturer for comparison
 21 purposes.

22
 23
 24 (4) [No] A motor vehicle body and frame shop may **not**:

25 (a) Supply or install used parts, or any component system composed of new and used parts, when
 26 new parts or component systems are or were to be supplied or installed.

27 (b) Supply or install, without the owner's consent, any aftermarket crash part unless the part
 28 has been certified by an independent test facility to be at least equivalent to the part being replaced.
 29 For purposes of this paragraph, an aftermarket crash part is at least equivalent to the part being
 30 replaced if the aftermarket crash part is the same kind of part and is at least the same quality with
 31 respect to fit, finish, function and corrosion resistance.

32 (c) Charge for repairs not actually performed, or add the cost of repairs not actually to be per-
 33 formed to any repair estimate.

34 (d) Refuse any insurer, or its insured, or their agents or employees, reasonable access to any
 35 repair facility for the purpose of inspecting or reinspecting the damaged vehicle during usual busi-
 36 ness hours.

37 (5) As used in ORS 746.287 and this section, "aftermarket crash part" means a motor vehicle
 38 replacement part, sheet metal or plastic, that constitutes the visible exterior of the vehicle, includ-
 39 ing an inner or outer panel, is generally repaired or replaced as the result of a *[collision]* **crash** and
 40 is not supplied by the original equipment manufacturer.
