

Enrolled
Senate Bill 1574

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CHAPTER

AN ACT

Relating to public safety; creating new provisions; amending ORS 163A.005, 163A.115, 192.672, 243.706, 243.808, 243.809, 802.179, 802.240, 807.115, 811.700, 811.705, 811.710, 811.720, 811.725, 811.730, 811.735, 811.740, 811.745, 811.748 and 811.750; and declaring an emergency.

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

SECTION 1. ORS 163A.005 is amended to read:

163A.005. As used in ORS 163A.005 to 163A.235:

(1) "Another United States court" means a federal court, a military court, the tribal court of a federally recognized Indian tribe or a court of:

- (a) A state other than Oregon;
- (b) The District of Columbia;
- (c) The Commonwealth of Puerto Rico;
- (d) Guam;
- (e) American Samoa;
- (f) The Commonwealth of the Northern Mariana Islands; or
- (g) The United States Virgin Islands.

(2) "Attends" means is enrolled on a full-time or part-time basis.

(3)(a) "Correctional facility" means any place used for the confinement of persons:

(A) Charged with or convicted of a crime or otherwise confined under a court order.

(B) Found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a crime.

(b) "Correctional facility" applies to a state hospital or a secure intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after being found guilty except for insanity under ORS 161.290 to 161.373 or responsible except for insanity under ORS 419C.411.

(4) "Institution of higher education" means a public or private educational institution that provides a program of post-secondary education.

(5) "Sex crime" means:

- (a) Rape in any degree;
- (b) Sodomy in any degree;
- (c) Unlawful sexual penetration in any degree;
- (d) Sexual abuse in any degree;
- (e) Incest with a child victim;

- (f) Using a child in a display of sexually explicit conduct;
 - (g) Encouraging child sexual abuse in any degree;
 - (h) Transporting child pornography into the state;
 - (i) Paying for viewing a child's sexually explicit conduct;
 - (j) Compelling prostitution;
 - (k) Promoting prostitution;
 - (L) Kidnapping in the first degree if the victim was under 18 years of age;
 - (m) Contributing to the sexual delinquency of a minor;
 - (n) Sexual misconduct if the offender is at least 18 years of age;
 - (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;
 - (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent or by a person found to be within the jurisdiction of the juvenile court;
 - (q) Online sexual corruption of a child in any degree if the offender reasonably believed the child to be more than five years younger than the offender;
 - (r) Luring a minor, if:
 - (A) The offender reasonably believed the minor or, in the case of a police officer or agent of a police officer posing as a minor, the purported minor to be more than five years younger than the offender or under 16 years of age; and
 - (B) The court designates in the judgment that the offense is a sex crime;
 - (s) Sexual assault of an animal;
 - (t) Public indecency or private indecency, if the person has a prior conviction for a crime listed in this subsection;
 - (u) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);
 - (v) Purchasing sex with a minor if the court designates the offense as a sex crime pursuant to ORS 163.413 (3)(d), or the offense is the defendant's second or subsequent conviction under ORS 163.413 (3)(b)(B);
 - (w) Invasion of personal privacy in the first degree, if the court designates the offense as a sex crime pursuant to ORS 163.701 (3);
 - (x) Sexual abuse by fraudulent representation;
 - (y) Abuse of a corpse in the first degree as described in ORS 166.087 (1)(a);**
 - ~~[(y)]~~ **(z)** Any attempt to commit any of the crimes listed in paragraphs (a) to ~~[(x)]~~ **(y)** of this subsection;
 - ~~[(z)]~~ **(aa)** Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a) to ~~[(x)]~~ **(y)** of this subsection; or
 - ~~[(aa)]~~ **(bb)** Criminal conspiracy if the offender agrees with one or more persons to engage in or cause the performance of an offense listed in paragraphs (a) to ~~[(x)]~~ **(y)** of this subsection.
- (6) "Sex offender" means a person who:
- (a) Has been convicted of a sex crime;
 - (b) Has been found guilty except for insanity of a sex crime;
 - (c) Has been convicted in another United States court of a crime:
 - (A) That would constitute a sex crime if committed in this state; or
 - (B) For which the person would have to register as a sex offender in that court's jurisdiction, or as required under federal law, regardless of whether the crime would constitute a sex crime in this state; or
 - (d) Is described in ORS 163A.025 (1).
- (7) "Works" or "carries on a vocation" means full-time or part-time employment for more than 14 days within one calendar year whether financially compensated, volunteered or for the purpose of governmental or educational benefit.

SECTION 2. ORS 163A.115 is amended to read:

163A.115. Notwithstanding any other provision of law:

- (1) A person who is a sexually violent dangerous offender under ORS 137.765:
 - (a) Must be classified as a level three sex offender under ORS 163A.100 (3); and

(b) Is not eligible for relief from the obligation to report as a sex offender or reclassification as a level two sex offender under ORS 163A.100 (2), pursuant to a petition filed under ORS 163A.125.

(2) A person who has been convicted or found guilty except for insanity of one of the following offenses is not eligible for relief from the obligation to report as a sex offender pursuant to a petition filed under ORS 163A.125 (1):

- (a) Rape in the first degree;
- (b) Sodomy in the first degree;
- (c) Unlawful sexual penetration in the first degree;
- (d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) or when the victim is under 18 years of age; or
- (e) Burglary in the first degree when committed with the intent to commit any of the offenses listed in ORS 163A.005 (5)(a) to [(x)] (y).

(3) A person classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws 2013, is not eligible for relief from the obligation to report as a sex offender pursuant to a petition filed under ORS 163A.125 (1).

SECTION 3. ORS 802.179 is amended to read:

802.179. (1) The Department of Transportation, upon request or as required by law, shall disclose personal information from a motor vehicle record to a government agency for use in carrying out its governmental functions.

(2) The department shall disclose personal information from a motor vehicle record for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of any of the following federal Acts:

- (a) The Automobile Information Disclosure Act.
- (b) The Motor Vehicle Information and Cost Saving Act.
- (c) The National Traffic and Motor Vehicle Safety Act of 1966.
- (d) The Anti-Car Theft Act of 1992.
- (e) The Clean Air Act.

(3)(a) If the department determines that a business is a legitimate business, the department shall disclose personal information to the business for use in the normal course of business in:

- (A) Verifying the accuracy of personal information submitted to the business; or
- (B) Correcting personal information submitted to the business, but only in order to:

- (i) Prevent fraud;
- (ii) Pursue legal remedies against the individual who submitted the personal information; or
- (iii) Recover a debt from, or satisfy a security interest against, the individual.

(b) The department shall adopt rules specifying the kind of information that the department will accept as evidence that a business is a legitimate business.

(4) The department shall disclose personal information to:

(a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbitration proceeding in any court, government agency or self-regulatory body. Permissible uses of personal information under this paragraph include, but are not limited to, service of process, investigation in anticipation of litigation and the execution and enforcement of judgments and orders.

(b) A process server acting as an agent for an individual for use in serving documents in connection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities of a process server when acting as an agent for an attorney, collection agency or like person or for a government agency.

(5) The department shall disclose personal information other than names to a researcher for use in researching health and educational questions and providing statistical reports, as long as the

personal information is not published, redisclosed or used to contact individuals. The department may disclose information under this subsection only for research sponsored by an educational institution or a health research institution.

(6) The department shall disclose personal information to an insurer, an insurance support organization or a self-insured entity in connection with claims investigation activities, antifraud activities, underwriting or rating.

(7) The department shall disclose personal information regarding ownership or other financial interests in a vehicle to a person who is required by the state or federal Constitution, a statute or an ordinance to give notice to another person concerning the vehicle. Personal information disclosed under this subsection may be used only for giving the required notice. Persons authorized to receive personal information under this subsection include, but are not limited to:

- (a) Tow companies;
- (b) Persons who have or are entitled to have liens on the vehicle; and
- (c) Persons taking an action that could affect ownership rights to the vehicle.

(8) The department shall disclose personal information to any private security professional certified under ORS 181A.870, to be used for the purpose of determining ownership of vehicles parked in a place over which the private security professional, acting within the scope of the professional's employment, exercises control.

(9) The department shall disclose personal information to the employer of an individual who holds commercial driving privileges, or the insurer of the employer, to obtain or verify information about the individual.

(10) The department shall disclose personal information to the operator of a private toll facility for use in collecting tolls.

(11) The department may not disclose personal information for bulk distributors of surveys, marketing materials or solicitations except as provided in this subsection. The department shall implement methods and procedures to ensure:

- (a) That individuals are offered an opportunity to request that personal information about themselves be disclosed to bulk distributors; and
- (b) That the personal information provided by the department will be used, rented or sold solely for bulk distribution of surveys, marketing materials and solicitations.

(12) The department shall disclose personal information to a person who requests the information if the requester provides the department with written permission from the individual whose personal information is requested. The written permission from the individual must be notarized.

(13) The department shall disclose personal information to a person who is in the business of disseminating such information under the following conditions:

(a) In addition to any other requirements under the contract executed pursuant to paragraph (b) of this subsection, the person requesting the information must file a performance bond with the department in the amount of \$25,000. The bond must be executed in favor of the State of Oregon and its form is subject to approval by the Attorney General.

(b) The disseminator shall enter into a contract with the department. A contract under this paragraph shall contain at least the following provisions:

(A) That the disseminator will not reproduce or distribute the personal information in bulk but only in response to an individual record inquiry.

(B) That the disseminator will provide the personal information only to a person or government agency authorized to receive the information under this section and only if the person or government agency has been authorized by the department to receive the information.

(C) That the disseminator will have a method of ensuring that the disseminator can delay for a period of up to two days the giving of personal information to a requester who is not a subscriber.

(14) The department shall disclose personal information to representatives of the news media for the gathering or dissemination of information related to the operation of a motor vehicle or to public safety.

(15) The department shall disclose personal information as provided in ORS 802.220 (5).

(16) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who has a financial interest in the vehicle. Rules adopted under this subsection may include, but need not be limited to, rules establishing procedures for the department to verify the financial interest of the person making the request for personal information.

(17) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who is injured by the unsafe operation of a vehicle or who owns property that is damaged because of the unsafe operation of a vehicle.

(18) The department shall disclose personal information to a private investigator licensed by any licensing authority within the State of Oregon, to be used for any purpose permitted under this section. A licensed private investigator requesting information must prove to the department that the person has a corporate surety bond, an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 or such other security as the Department of Public Safety Standards and Training may prescribe by rule in the minimum amount of \$5,000 or errors and omissions insurance in the minimum amount of \$5,000.

(19) The department shall disclose personal information to a procurement organization as defined in ORS 97.953 for the purpose of facilitating the making of anatomical gifts under the provisions of ORS 97.955.

(20) The department, upon request, shall disclose personal information to a humane special agent as defined in ORS 181A.345.

SECTION 4. ORS 807.115 is amended to read:

807.115. (1) The Department of Transportation shall retain a digital image of each photograph and signature shown on a driver license under the provisions of ORS 807.110 or an identification card under ORS 807.400.

(2) The digital images of photographs may not be made available to anyone other than law enforcement officials and employees of the department acting in an official capacity.

(3) As used in this section, "law enforcement official" includes a humane special agent as defined in ORS 181A.345.

SECTION 4a. For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, a humane investigation agency, as defined in ORS 181A.340, may require the fingerprints of a person who:

(1) Is employed or applying for employment by the agency; or

(2) Provides services or seeks to provide services to the agency as a contractor, vendor or volunteer.

SECTION 5. ORS 243.706 is amended to read:

243.706. (1) A public employer may enter into a written agreement with the exclusive representative of an appropriate bargaining unit setting forth a grievance procedure culminating in binding arbitration or any other dispute resolution process agreed to by the parties. As a condition of enforceability, any arbitration award that orders the reinstatement of a public employee or otherwise relieves the public employee of responsibility for misconduct shall comply with public policy requirements as clearly defined in statutes or judicial decisions including but not limited to policies respecting sexual harassment or sexual misconduct, unjustified and egregious use of physical or deadly force and serious criminal misconduct, related to work. In addition, with respect to claims that a grievant should be reinstated or otherwise relieved of responsibility for misconduct based upon the public employer's alleged previous differential treatment of employees for the same or similar conduct, the arbitration award must conform to the following principles:

(a) Some misconduct is so egregious that no employee can reasonably rely on past treatment for similar offenses as a justification or defense to discharge or other discipline.

(b) Public managers have a right to change disciplinary policies at any time, notwithstanding prior practices, if such managers give reasonable advance notice to affected employees and the change does not otherwise violate a collective bargaining agreement.

(2) In addition to subsection (1) of this section, a public employer may enter into a written agreement with the exclusive representative of its employees providing that a labor dispute over conditions and terms of a contract may be resolved through binding arbitration.

(3) Notwithstanding subsection (1) of this section, when an arbitration proceeding involves alleged misconduct by a sworn law enforcement officer of any law enforcement agency, as those terms are defined in ORS [131.930] **243.812**, and the arbitrator makes a finding that misconduct has occurred consistent with the law enforcement agency's finding of misconduct or, if applicable, consistent with a finding of misconduct by a civilian or community oversight board, agency or review body, the arbitration award may not order any disciplinary action that differs from the disciplinary action imposed by the law enforcement agency or the civilian or community oversight board, agency or review body, if the disciplinary action imposed by the law enforcement agency, or the civilian or community oversight board, agency or review body was in accordance with the uniform standards adopted by the Commission on Statewide Law Enforcement Standards of Conduct and Discipline established under ORS 243.812.

(4) In an arbitration proceeding under this section, the arbitrators, or a majority of the arbitrators, may:

(a) Issue subpoenas on their own motion or at the request of a party to the proceeding to:

(A) Compel the attendance of a witness properly served by either party; and

(B) Require from either party the production of books, papers and documents the arbitrators find are relevant to the proceeding;

(b) Administer oaths or affirmations to witnesses; and

(c) Adjourn a hearing from day to day, or for a longer time, and from place to place.

(5) The arbitrators shall promptly provide a copy of a subpoena issued under this section to each party to the arbitration proceeding.

(6) The arbitrators issuing a subpoena under this section may rule on objections to the issuance of the subpoena.

(7) If a person fails to comply with a subpoena issued under this section or if a witness refuses to testify on a matter on which the witness may be lawfully questioned, the party who requested the subpoena or seeks the testimony may apply to the arbitrators for an order authorizing the party to apply to the circuit court of any county to enforce the subpoena or compel the testimony. On the application of the attorney of record for the party or on the application of the arbitrators, or a majority of the arbitrators, the court may require the person or witness to show cause why the person or witness should not be punished for contempt of court to the same extent and purpose as if the proceedings were pending before the court.

(8) Witnesses appearing pursuant to subpoena, other than parties or officers or employees of the public employer, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2).

(9) As used in this section, "civilian or community oversight board, agency or review body" means a board, an agency or a body:

(a) Designated by a municipality or a law enforcement agency in performing duties related to investigating allegations of officer misconduct or reviewing police policies and practices; or

(b) Created to oversee disciplinary matters concerning law enforcement officers pursuant to a city charter or ordinance for which a measure that included the question of whether to establish the board, agency or body was referred to and approved by the people of the city at an election held on or after July 1, 2020.

SECTION 6. ORS 243.808 is amended to read:

243.808. (1) For purposes of an arbitration proceeding under ORS 243.706 concerning alleged misconduct by a law enforcement officer:

(a) A law enforcement agency or, if applicable, a civilian or community oversight board, agency or review body, has the burden of proof by a preponderance of the evidence to show that:

(A) The officer engaged in the alleged misconduct; and

(B) Any disciplinary action taken against the officer was with just cause, as defined in ORS 236.350.

(b) In determining the reasonableness of a disciplinary action imposed by a law enforcement agency or a civilian or community oversight board, agency or review body, including whether the level of discipline is appropriate, an arbitrator shall uphold the disciplinary action unless the arbitrator finds that the disciplinary action is arbitrary and capricious.

(c) When the imposed disciplinary action is termination of employment, an arbitrator may not set aside or reduce the imposed disciplinary action if setting aside or reducing the disciplinary action is inconsistent with the public interest in maintaining community trust, enforcing a higher standard of conduct for law enforcement officers and ensuring an accountable, fair and just disciplinary process.

(2)(a) Notwithstanding ORS 243.706 (1), and subject to paragraph (b) of this subsection, in carrying out an arbitration proceeding described under ORS 243.706 (3), the Employment Relations Board shall appoint a person from a list of qualified, indifferent and unbiased persons to serve as the arbitrator of the proceeding. The board shall submit to each of the parties subject to the proceeding the list of persons who may serve as arbitrators.

(b) After the board has selected a person from the list to serve as the arbitrator of the proceeding, each of the parties subject to the proceeding is entitled to one opportunity to object to the board's proposed arbitrator. If a party objects to the proposed arbitrator, the board shall select an alternative person to serve as the arbitrator. If the other party objects to the alternative person, the board shall make a final selection from the names remaining on the list as to who shall serve as the arbitrator of the proceeding.

(3) The requirements described in this section are not subject to collective bargaining.

(4) As used in this section:

(a) "Civilian or community oversight board, agency or review body" means a board, an agency or a body:

(A) Designated by a municipality or a law enforcement agency in performing duties related to investigating allegations of officer misconduct or reviewing police policies and practices; or

(B) Created to oversee disciplinary matters concerning law enforcement officers pursuant to a city charter or ordinance for which a measure that included the question of whether to establish the board, agency or body was referred to and approved by the people of the city at an election held on or after July 1, 2020.

(b) "Law enforcement agency" and "law enforcement officer" have the meanings given those terms in ORS [131.930] **243.812**.

SECTION 7. ORS 243.809 is amended to read:

243.809. (1) For matters concerning alleged misconduct by a law enforcement officer, the following shall make determinations regarding the alleged misconduct and impose disciplinary action in response to such determinations in accordance with the uniform standards adopted by the Commission on Statewide Law Enforcement Standards of Conduct and Discipline under ORS 243.812:

(a) A law enforcement agency located anywhere in this state.

(b) An arbitrator who serves in an arbitration proceeding described under ORS 243.706 (3).

(c) A civilian or community oversight board, agency or review body.

(2) The requirements described in this section are not subject to collective bargaining.

(3) As used in this section:

(a) "Civilian or community oversight board, agency or review body" means a board, an agency or a body:

(A) Designated by a municipality or a law enforcement agency in performing duties related to investigating allegations of officer misconduct or reviewing police policies and practices; or

(B) Created to oversee disciplinary matters concerning law enforcement officers pursuant to a city charter or ordinance for which a measure that included the question of whether to establish the board, agency or body was referred to and approved by the people of the city at an election held on or after July 1, 2020.

(b) "Law enforcement agency" and "law enforcement officer" have the meanings given those terms in ORS [131.930] **243.812**.

SECTION 8. ORS 192.672 is amended to read:

192.672. (1) A state board or commission may meet through telephone or other electronic means in accordance with ORS 192.610 to 192.705.

(2)(a) Notwithstanding ORS 171.072 or 292.495, a member of a state board or commission who attends a meeting through telephone or other electronic means is not entitled to compensation or reimbursement for expenses for attending the meeting.

(b) A state board or commission may compensate or reimburse a member, other than a member who is a member of the Legislative Assembly, who attends a meeting through telephone or other electronic means as provided in ORS 292.495 at the discretion of the board or commission.

(3)(a) A state board or commission that meets through telephone or other electronic means in accordance with ORS 192.610 to 192.705 shall record and promptly publish the meeting on a publicly accessible website or hosting service, so that members of the public may without charge:

(A) Observe a recording of the meeting if the meeting was conducted through videoconferencing technology; or

(B) Listen to a recording of the meeting if the meeting was conducted through teleconferencing technology that did not include video capabilities.

(b) The requirement that a meeting be published under this subsection does not apply to that portion of a state board or commission meeting that was lawfully held in executive session under ORS 192.660 or other law, **or to hearings of the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board.**

(c) The requirement to record and publish meetings under this subsection applies to any state board or commission that is within the executive department, as defined in ORS 174.112, and whose members are subject to Senate confirmation under ORS 171.562 and 171.565.

SECTION 9. Section 10 of this 2024 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 10. A court shall, at the request of a party to a prosecution for driving while suspended or revoked in violation of ORS 811.175 or 811.182, admit into evidence data prepared or recorded by the Department of Transportation that details the suspension of a person's driving privileges.

SECTION 11. (1) The Oregon Public Defense Commission Lawyer Trust Account is established as a trust account in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust account shall be credited to the trust account. All moneys in the trust account are appropriated continuously to and shall be used by the Oregon Public Defense Commission for the sole purpose of making payments on behalf of clients of the commission.

(2) The trust account established by this section consists of moneys received by the commission on behalf of clients and temporarily credited to the account prior to the distribution of the moneys on behalf of clients.

(3) The commission may establish subaccounts within the trust account when the commission determines that subaccounts are necessary or desirable.

(4) The commission shall transfer interest earned on moneys deposited in the trust account or in any of its subaccounts according to rules of professional conduct adopted pursuant to ORS 9.490 governing lawyer trust accounts.

(5) Moneys in the trust account are not subject to allotment under ORS 291.234 to 291.260.

SECTION 12. The amendments to ORS 192.672 by section 8 of this 2024 Act apply to hearings conducted before, on or after the effective date of this 2024 Act.

SECTION 13. The amendments to ORS 163A.005, 163A.115, 243.706, 243.808 and 243.809 by sections 1, 2 and 5 to 7 of this 2024 Act become operative on January 1, 2025.

SECTION 14. ORS 811.700 is amended to read:

811.700. (1) A driver of a vehicle who knows or has reason to believe that the driver's vehicle was involved in a collision commits the offense of failure to perform the duties of a driver when

property is damaged if the driver's vehicle is involved in a collision that results in damage to property and the driver does not perform duties required under any of the following:

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

(b) If the driver's vehicle has been involved in a collision that results only in damage to a vehicle that is driven or attended by any other person, the driver shall perform all of the following duties:

(A) Remain at the scene of the collision until the driver has fulfilled all of the requirements under this paragraph.

(B) Give to the other driver or passenger:

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

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

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

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

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

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

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

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

(i) The driver's name and address and the name and address of the owner of the vehicle that struck the unattended vehicle and a statement of the circumstances of the collision; and

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

(d) If the driver's vehicle has been involved in a collision resulting only in damage to fixtures or property legally upon or adjacent to a highway, the driver shall perform all of the following duties:

(A) Take reasonable steps to notify the owner or person in charge of the property of the collision and of the driver's name and address, the vehicle owner's name and address and, if the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the name of the insurance carrier covering the motor vehicle, the insurance policy number of the insurance policy insuring the motor vehicle and the phone number of the insurance carrier.

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

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

(2) As used in this section, "reason to believe" means that the driver is aware of a circumstance that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the driver's vehicle has been in a collision. The risk must be of such nature or degree that failure to

be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

(3) The offense described in this section, failure to perform the duties of a driver when property is damaged, is a Class A misdemeanor and is applicable *[on any premises open to the public]*, **notwithstanding ORS 801.020 (9), to a collision that results in damage to property caused by the motion of a vehicle or its load that occurs on any highway or premises open to the public, or any premises adjacent to a highway or premises open to the public.**

SECTION 15. ORS 811.705 is amended to read:

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

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

(b) Remain at the scene of the collision until the driver has fulfilled all of the requirements under this subsection.

(c) Give to the other driver or a surviving passenger or any person not a passenger who is injured as a result of the collision:

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

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

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

(e) Render to any person injured in the collision reasonable assistance, including the conveying, or the making of arrangements for the conveying, of an injured person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such conveying is requested by any injured person.

(f) Remain at the scene of a collision until a police officer has arrived and has received the required information, if all persons required to be given information under paragraph (c) of this subsection are killed in the collision or are unconscious or otherwise incapable of receiving the information. The requirement of this paragraph to remain at the scene of a collision until a police officer arrives does not apply to a driver who needs immediate medical care, who needs to leave the scene in order to secure medical care for another person injured in the collision or who needs to leave the scene in order to report the collision to the authorities, as long as the driver who leaves takes reasonable steps to return to the scene or to contact the nearest police officer.

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

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

(3)(a) Except as otherwise provided in paragraph (b) of this subsection, the offense described in this section, failure to perform the duties of a driver to injured persons, is a Class C felony and is

applicable, *[on any premises open to the public]* **notwithstanding ORS 801.020 (9), to any place a collision is caused by the motion of a vehicle or its load that results in injury or death.**

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

(b) If a person suffers serious physical injury as defined in ORS 161.015 or dies as a result of the collision, the offense described in this section, failure to perform the duties of a driver to injured persons, is a Class B felony, and is applicable, notwithstanding ORS 801.020 (9), to any place a collision is caused by the motion of a vehicle or its load.

SECTION 16. ORS 811.710 is amended to read:

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

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

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

(c) Give reasonable attention to the animal.

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

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

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

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

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

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

SECTION 17. ORS 811.720 is amended to read:

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

(1) Except as provided in subsection (4) of this section, and notwithstanding ORS 801.020 (9), any place a collision is caused by the motion of a vehicle or its load that results in injury or death to any person, the collision is subject to the reporting requirements under the following sections:

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

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

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

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

(2) Except as provided in subsection (4) of this section, and notwithstanding ORS 801.020 (9), a collision caused by the motion of a vehicle or its load that occurs on any highway or premises open to the public, or any premises adjacent to a highway or premises open to the

public, that results in damage to the property of any person in excess of \$2,500, is subject to the reporting requirements under the following sections:

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) "Lawful intervention technique" means a method by which one motor vehicle causes, or attempts to cause, another motor vehicle to stop.

SECTION 18. ORS 811.725 is amended to read:

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

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

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

(c) Is driving any vehicle that is involved in [an accident] **a collision** required to be reported under ORS 811.720 and does not, within 72 hours of the [accident] **collision**, provide proof of compliance with financial responsibility requirements to the department, in a form furnished by the de-

partment, that at the time of the [accident] **collision** the person was in compliance with the financial responsibility requirements.

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

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

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

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

SECTION 19. ORS 811.730 is amended to read:

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

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

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

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

(C) The owner of the vehicle fails to report the [accident] **collision** to the Department of Transportation in a form specified by the department as soon as the owner learns of the [accident] **collision**.

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

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

SECTION 20. ORS 811.735 is amended to read:

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

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

(b) The driver of the vehicle is physically incapable of making [an accident] **a collision** report required under ORS 811.725; and

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

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

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

SECTION 21. ORS 811.740 is amended to read:

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

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

SECTION 22. ORS 811.745 is amended to read:

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

(1) Except as provided in subsection (4) of this section, and notwithstanding ORS 801.020 (9), any place a collision is caused by the motion of a vehicle or its load that results in injury or death to any person, the collision is subject to:

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

(b) The reporting requirements for occupants of vehicles in [accidents] collisions under ORS 811.750.

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

(2) Except as provided in subsection (4) of this section, and notwithstanding ORS 801.020 (9), a collision caused by the motion of a vehicle or its load that occurs on any highway or premises open to the public, or any premises adjacent to a highway or premises open to the public, that results in damage to the property of any person in excess of \$2,500, is subject to the following:

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

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

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

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

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

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

(b) A law enforcement official acting in the course of official duty if the [accident] collision involved a law enforcement official performing a lawful intervention technique or involved a law enforcement official and a person acting during the commission of a criminal offense. As used in this paragraph:

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

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

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

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

(B) "Lawful intervention technique" means a method by which one motor vehicle causes, or attempts to cause, another motor vehicle to stop.

(5) The reporting requirements under this section are in addition to, and not in lieu of, the reporting requirements under ORS 811.720.

SECTION 23. ORS 811.750 is amended to read:

811.750. (1) A person commits the offense of failure of a vehicle occupant to make [an accident] a collision report if:

(a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is involved in [an accident] a collision required to be reported to a police officer or a law enforcement agency under ORS 811.745;

(b) The driver of the vehicle is physically incapable of giving notice to a police officer or a law enforcement agency as required under ORS 811.748; and

(c) The occupant does not give notice of the [accident] **collision** immediately to a police officer or a law enforcement agency by the quickest means available.

(2) Notwithstanding subsection (1) of this section, a person does not commit the offense of failure of a vehicle occupant to make [an accident] **a collision** report if:

(a) The [accident] **collision** required to be reported under ORS 811.745 results in a serious injury or death; and

(b) The person gives notice of the [accident] **collision** immediately to the emergency communications system by the quickest means available.

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

SECTION 24. ORS 802.240 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(c) Any deposit of security required under the financial responsibility requirements of the vehicle code.

(5) Except as provided in this subsection, the [accident] **collision** reports filed with the department under ORS 811.725, 811.730 or 811.735 shall be without prejudice to the individual filing the report and no such report shall be used as evidence in any trial, civil or criminal, arising out of [an accident] **a collision**. The following uses are allowable under this subsection:

(a) The certificate issued by the department under ORS 802.220 to show whether or not [an accident] **a collision** report has been made to the department shall be used solely to prove a compli-

ance or failure to comply with the requirements that the [accident] **collision** report be made to the department.

(b) [An accident] **A collision** report submitted under ORS 811.725 or 811.735 may be used in an administrative hearing or an appeal from such hearing to support any suspension of driving privileges for:

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

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

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

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

SECTION 25. ORS 811.748 is amended to read:

811.748. (1) The driver of a vehicle commits the offense of driver failure to report [an accident] **a collision** if the driver is driving any vehicle that is involved in [an accident] **a collision** required to be reported under ORS 811.745 and the driver, if physically capable, does not give notice of the [accident] **collision** immediately to a police officer or a law enforcement agency by the quickest means available.

(2) Notwithstanding subsection (1) of this section, a driver does not commit the offense of driver failure to report [an accident] **a collision** if:

(a) The [accident] **collision** required to be reported under ORS 811.745 results in a serious injury or death; and

(b) The driver gives notice of the [accident] **collision** immediately to the emergency communications system by the quickest means available.

(3) The offense described in this section, driver failure to report [an accident] **a collision**, is a Class A traffic violation.

SECTION 26. The amendments to ORS 802.240, 811.700, 811.705, 811.710, 811.720, 811.725, 811.730, 811.735, 811.740, 811.745, 811.748 and 811.750 by sections 14 to 25 of this 2024 Act apply to collisions occurring on or after January 1, 2025.

SECTION 27. The amendments to ORS 802.240, 811.700, 811.705, 811.710, 811.720, 811.725, 811.730, 811.735, 811.740, 811.745, 811.748 and 811.750 by sections 14 to 25 of this 2024 Act become operative January 1, 2025.

SECTION 28. This 2024 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect on its passage.

Passed by Senate February 22, 2024

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House March 5, 2024

.....
Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2024

Approved:

.....M,....., 2024

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2024

.....
LaVonne Griffin-Valade, Secretary of State