

HB 4109-30  
(LC 180)  
2/22/24 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Senator Chris Gorsek, Representative Susan McLain)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4109**

1 On page 1 of the printed bill, line 2, after “ORS” insert “105.672,” and  
2 delete “319.023 and 810.444” and insert “153.083, 166.116, 319.023, 423.478,  
3 468.446, 468.448, 468.449, 810.444 and 811.609 and section 14, chapter 30,  
4 Oregon Laws 2010”.

5 On page 3, delete lines 7 through 45.

6 On page 4, delete lines 1 through 17 and insert:

7 **“SECTION 2.** ORS 810.444 is amended to read:

8 “810.444. (1) Notwithstanding any other provision of law, in [*the jurisdic-*  
9 *tion*] **a city** operating a [*fixed*] photo radar system under ORS [*810.443*]  
10 **810.438:**

11 “(a) A citation for speeding may be issued on the basis of [*fixed*] photo  
12 radar if:

13 “(A) A sign that provides drivers with information about the driver’s  
14 current rate of speed is posted between 100 and 400 yards before the location  
15 of each [*fixed*] photo radar unit; [*and*]

16 “[*(B) A police officer or a duly authorized traffic enforcement agent who*  
17 *has reviewed the photographic evidence of the conduct signs the citation.*]

18 **“(B) A police officer or a duly authorized traffic enforcement agent**  
19 **has reviewed the photographic evidence of the conduct; and**

20 **“(C) A police officer signs and issues the citation, except that a ci-**  
21 **tation issued by the City of Portland may be signed and issued by a**

1 **duly authorized traffic enforcement agent or a police officer.**

2 “(b) A rebuttable presumption exists that the registered owner of the ve-  
3 hicle was the driver of the vehicle when the citation is issued and delivered  
4 as provided in subsection (2) of this section.

5 “(c) An individual issued a citation under this subsection may respond to  
6 the citation by submitting a certificate of innocence under subsection (3)(a)  
7 of this section or may make any other response allowed by law.

8 “(d) A business or public agency issued a citation under this subsection  
9 may respond to the citation by submitting an affidavit of nonliability under  
10 subsection (3)(b) of this section or may make any other response allowed by  
11 law.

12 “(2) A citation issued on the basis of [*fixed*] photo radar may be delivered  
13 by mail or otherwise to the registered owner of the vehicle or to the driver.  
14 The citation may be prepared on a digital medium, and the signature may  
15 be electronic in accordance with the provisions of ORS 84.001 to 84.061.

16 “(3)(a) An individual named as the registered owner of a vehicle in cur-  
17 rent records of the Department of Transportation may respond by mail to a  
18 citation issued under subsection (1) of this section by submitting a certificate  
19 of innocence within 30 days from the mailing of the citation swearing or  
20 affirming that the registered owner was not the driver of the vehicle and by  
21 providing a photocopy of the registered owner’s driver license. A  
22 [*jurisdiction*] **city** that receives a certificate of innocence under this para-  
23 graph shall dismiss the citation without requiring a court appearance by the  
24 registered owner or any other information from the registered owner other  
25 than the swearing or affirmation and the photocopy. The citation may be  
26 reissued only once, only to the registered owner and only if the  
27 [*jurisdiction*] **city** verifies that the registered owner appears to have been the  
28 driver at the time of the violation. A registered owner may not submit a  
29 certificate of innocence in response to a reissued citation.

30 “(b) If a business or public agency named as the registered owner of a

1 vehicle in current records of the Department of Transportation responds to  
2 a citation issued under subsection (1) of this section by submitting an affi-  
3 davit of nonliability within 30 days from the mailing of the citation stating  
4 that at the time of the alleged speeding violation the vehicle was in the  
5 custody and control of an employee, or was in the custody and control of a  
6 renter or lessee under the terms of a rental agreement or lease, and if the  
7 business or public agency provides the driver license number, name and ad-  
8 dress of the employee, renter or lessee, the citation shall be dismissed with  
9 respect to the business or public agency. The citation may then be issued and  
10 delivered by mail or otherwise to the employee, renter or lessee identified in  
11 the affidavit of nonliability.

12 “(4) If the registered owner, employee, renter or lessee fails to respond to  
13 a citation issued under this section, a default judgment under ORS 153.102  
14 may be entered for failure to appear after notice has been given that the  
15 judgment will be entered.

16 “(5) The penalties for and all consequences of a speeding violation initi-  
17 ated by the use of [*fixed*] photo radar are the same as for a speeding vio-  
18 lation initiated by any other means.

19 “(6) A registered owner, employee, renter or lessee against whom a judg-  
20 ment for failure to appear is entered may move the court to relieve the reg-  
21 istered owner, employee, renter or lessee from the judgment as provided in  
22 ORS 153.105 if the failure to appear was due to mistake, inadvertence, sur-  
23 prise or excusable neglect.

24 “(7)[*(a)*] As used in this section[,]:

25 “**(a)(A)** ‘Duly authorized traffic enforcement agent’ means an individual  
26 who:

27 “[*(A)*] **(i)** Is employed, appointed and duly sworn in by the governing body  
28 of the incorporated city in which the agent performs the agent’s duties; and

29 “[*(B)*] **(ii)** Has completed all necessary technical, administrative and other  
30 training to:

1       “(I) Review photographs [*and*] **under this section; and**  
2       “(II) Issue **and sign** citations under this section, **if employed by the**  
3 **City of Portland.**

4       “[(*b*)] (B) Duly authorized traffic enforcement agents are not police offi-  
5 cers.

6       “(b) ‘Police officer’ includes ‘reserve officers’ as defined in ORS  
7 **133.005.**

8       “**SECTION 3.** ORS 153.083 is amended to read:

9       “153.083. (1) Notwithstanding ORS 9.160 and 9.320, in any trial of a vio-  
10 lation, whether created by ordinance or statute, in which a city attorney or  
11 district attorney does not appear, the peace officer who issued the citation  
12 for the offense may present evidence, examine and cross-examine witnesses  
13 and make arguments relating to:

14       “(a) The application of statutes and rules to the facts in the case;

15       “(b) The literal meaning of the statutes or rules at issue in the case;

16       “(c) The admissibility of evidence; and

17       “(d) Proper procedures to be used in the trial.

18       “(2) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation,  
19 whether created by ordinance or statute, in which a city attorney or district  
20 attorney does not appear, the duly authorized traffic enforcement agent who  
21 issued the citation for the offense may present the evidence reviewed by the  
22 agent as the basis for issuing a citation under ORS 810.436, 810.437 or  
23 810.444.

24       “(3) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation,  
25 whether created by ordinance or statute, in which a city attorney or district  
26 attorney does not appear, the weighmaster or motor carrier enforcement of-  
27 ficer who issued the citation for the offense may present the evidence re-  
28 viewed by the weighmaster or motor carrier enforcement officer as the basis  
29 for issuing a citation listed under ORS 810.530.

30       “(4)(a) As used in this section, ‘duly authorized traffic enforcement

1 agent' means an individual who:

2 “(A) Is employed, appointed and duly sworn in by the governing body of  
3 the incorporated city in which the agent performs the agent’s duties; and

4 “(B) Has completed all necessary technical, administrative and other  
5 training to review photographs and issue citations under ORS 810.436,  
6 810.437 or 810.444.

7 “(b) Duly authorized traffic enforcement agents are not police officers as  
8 defined in ORS 801.395 **or reserve officers as defined in ORS 133.005.**”.

9 In line 18, delete “3” and insert “4”.

10 In line 19, delete “4” and insert “5”.

11 After line 23, insert:

12

13 **“COMPRESSED NATURAL GAS FUELING AT DAS FLEET CENTER**

14

15 **“SECTION 6.** Section 14, chapter 30, Oregon Laws 2010, is amended to  
16 read:

17 **“Sec. 14.** Section 13, chapter 30, Oregon Laws 2010, is repealed on Janu-  
18 ary 2, [2025] **2026.**

19

20 **“FAMILY PLACARDS**

21

22 **“SECTION 7.** ORS 811.609 is amended to read:

23 **“811.609. (1)** The Department of Transportation shall issue disabled person  
24 parking permits in the form of family placards for use on vehicles that are  
25 regularly used by:

26 **“(a)** A family that includes [*more than one person with a disability*] **at**  
27 **least two persons with disabilities; or**

28 **“(b) Multiple households that are caring for at least one person with**  
29 **a disability.**

30 **“(2)** All the following apply to placards issued under this section:

1 “[1] (a) The department shall determine the form, size and content of the  
2 placards except that the department shall require that the expiration date  
3 of a placard be visible when the placard is displayed in the vehicle.

4 “[2] (b) Placards issued under this section shall be valid for a period  
5 of eight years from the date of issue. Upon expiration, placards may be re-  
6 newed in a manner determined by the department by rule.

7 “[3] (c) The department [shall] **may** not issue or renew a placard under  
8 this section unless a licensed physician certifies that:

9 “(A) The family includes at least two persons with disabilities; **or**

10 “(B) **Multiple households are caring for at least one person with a**  
11 **disability.**

12 “**SECTION 8. The amendments to ORS 811.609 by section 7 of this**  
13 **2024 Act apply to family placards issued on or after the effective date**  
14 **of this 2024 Act.**

15

16 “**CHARGE AHEAD OREGON PROGRAM**

17

18 “**SECTION 9.** ORS 468.446 is amended to read:

19 “468.446. (1) As used in this section:

20 “(a) ‘Charge ahead rebate’ means a rebate for the purchase or lease of a  
21 new or used light-duty zero-emission vehicle or plug-in hybrid electric vehicle  
22 issued through the Charge Ahead Oregon Program established under this  
23 section.

24 “(b) ‘Low-income service provider’ means an organization that provides  
25 health, dental, social, financial, energy conservation or other assistive ser-  
26 vices to low or moderate income individuals or low or moderate income  
27 households, as further defined by the Environmental Quality Commission by  
28 rule.

29 “(c) ‘Qualifying household’ means a household with income that does not  
30 exceed 400 percent of federal poverty guidelines.

1 “(2) The Department of Environmental Quality shall establish a Charge  
2 Ahead Oregon Program for providing charge ahead rebates to qualifying  
3 households and low-income service providers. The Director of the Department  
4 of Environmental Quality may hire or contract with a third-party organiza-  
5 tion to implement and serve as the administrator of the program required  
6 by this section.

7 “(3) The department may:

8 “(a) Specify design features for the program; and

9 “(b) Establish procedures to:

10 “(A) Prioritize available moneys to specific income levels or geographic  
11 areas; and

12 “(B) Limit the number of charge ahead rebates available.

13 “(4) An eligible purchaser or lessee of a new or used light-duty zero-  
14 emission vehicle or plug-in hybrid electric vehicle may apply for a charge  
15 ahead rebate for a portion of the purchase price or may choose to assign the  
16 charge ahead rebate to a vehicle dealer or lessor.

17 “(5) Rebates under the Charge Ahead Oregon Program shall be made from  
18 moneys credited to or deposited in the Zero-Emission Incentive Fund estab-  
19 lished under ORS 468.449 **or the Charge Ahead Zero-Emission Incentive**  
20 **Fund established under section 13 of this 2024 Act.** A rebate may not be  
21 made [*until*] **unless** there are sufficient moneys available [*in the fund*] to  
22 make the rebate.

23 “(6) The department shall prescribe the rebate application procedure for  
24 eligible purchasers and lessees. All rebate applications must include a dec-  
25 laration under penalty of perjury in the form required by ORCP 1 E.

26 “(7) [*Charge ahead rebates shall be in an amount up to \$5,000, but not less*  
27 *than \$2,500.*] **Charge ahead rebates shall be:**

28 “(a) **Up to \$7,500 for the purchase or lease of a new light-duty**  
29 **zero-emission vehicle or plug-in hybrid electric vehicle, but not less**  
30 **than \$2,500; or**

1       **“(b) Up to \$5,000 for the purchase or lease of a used light-duty**  
2 **zero-emission vehicle or plug-in hybrid electric vehicle, but not less**  
3 **than \$2,500.**

4       “(8) To be eligible for a charge ahead rebate, a person requesting a rebate  
5 under the program must:

6       “(a) Be a member of a qualifying household or be a low-income service  
7 provider.

8       “(b) Purchase or lease a new or used light-duty zero-emission vehicle or  
9 plug-in hybrid electric vehicle. A lease must have a minimum term of 24  
10 months.

11       “(c) Provide proof of an intent to use the light-duty zero-emission vehicle  
12 or plug-in hybrid electric vehicle primarily on the public highways of this  
13 state, which may be satisfied by providing proof of registration of the vehicle  
14 in Oregon.

15       “(d) Submit an application for a charge ahead rebate to the administrator  
16 of the program within six months of the date of purchase or six months from  
17 the date the lease begins.

18       “(e) Retain registration of the light-duty zero-emission vehicle for a min-  
19 imum of 24 consecutive months following the date of purchase or following  
20 the date the lease begins.

21       “(9) A person that receives a charge ahead rebate may not make or allow  
22 any modifications to the vehicle’s emissions control systems, hardware, soft-  
23 ware calibrations or hybrid system.

24       “(10)(a) If a charge ahead rebate recipient sells the vehicle or terminates  
25 the vehicle lease before the end of 24 months, the charge ahead rebate re-  
26 cipient shall:

27       “(A) Notify the administrator of the program of the sale or termination;  
28 and

29       “(B) Reimburse the administrator for the rebate in a prorated amount  
30 based on the number of months that the rebate recipient owned or leased the



1 qualifying vehicle.

2 “(b) The administrator may waive the reimbursement requirement under  
3 paragraph (a) of this subsection if the administrator determines that a  
4 waiver is appropriate given unforeseeable or unavoidable circumstances that  
5 gave rise to a need for the rebate recipient to sell the qualifying vehicle or  
6 terminate the qualifying vehicle lease before the end of 24 months.

7 “(11) Charge ahead rebate recipients may be requested to participate in  
8 ongoing research efforts.

9 “(12) The administrator of the program shall work to ensure timely pay-  
10 ment of charge ahead rebates with a goal of paying rebates within 60 days  
11 of receiving an application for a charge ahead rebate.

12 “(13) In establishing the Charge Ahead Oregon Program, the department  
13 shall provide opportunities for public comment by qualifying households,  
14 low-income service providers and other community-based organizations that  
15 are located in areas of this state that have elevated concentrations of air  
16 contaminants attributable to motor vehicle emissions, relative to other areas  
17 of the state. The department shall use the comments received pursuant to  
18 this subsection to inform, evaluate and strengthen the design of the program  
19 in order to increase the usage of light-duty zero-emission vehicles and plug-in  
20 hybrid electric vehicles.

21 “(14) The administrator of the program shall, throughout the course of  
22 implementing the program, conduct community outreach to qualifying  
23 households, low-income service providers and other community-based organ-  
24 izations that are located in areas of this state that have elevated concen-  
25 trations of air contaminants attributable to motor vehicle emissions, relative  
26 to other areas of the state, in order to:

27 “(a) Solicit feedback on program implementation; and

28 “(b) Take steps to ensure that the program is promoted effectively.

29 “(15) A vehicle dealer may advertise the Charge Ahead Oregon Program  
30 on the premises owned or operated by the vehicle dealer. If no moneys are

1 available from the program or the program otherwise changes, a vehicle  
2 dealer who advertises the program may not be held liable for advertising  
3 false or misleading information.

4 “(16) A charge ahead rebate may **not** be combined with a rebate described  
5 in ORS 468.444.

6 “(17) An organization that the department has hired or contracted with  
7 to implement and serve as the administrator of the program may offer ex-  
8 panded financing mechanisms for program participants, including, but not  
9 limited to, a loan or loan-loss reserve credit enhancement program to in-  
10 crease consumer access to new or used light-duty zero-emission vehicles and  
11 plug-in hybrid electric vehicles.

12 “(18) The Environmental Quality Commission may adopt any rules neces-  
13 sary to carry out the provisions of this section.

14 **“SECTION 10.** ORS 468.448 is amended to read:

15 “468.448. (1) The Department of Environmental Quality shall periodically  
16 audit, or cause to be audited, the programs established under ORS 468.444  
17 and 468.446 to determine whether the programs are being implemented and  
18 administered in compliance with the provisions of ORS 468.442 to 468.449.

19 “(2) No later than September 15 of each even-numbered year, the depart-  
20 ment shall provide a report to the Legislative Assembly, in the manner pro-  
21 vided in ORS 192.245, that includes, at a minimum:

22 “(a) A description of the uses to date of moneys in the Zero-Emission In-  
23 centive Fund established under ORS 468.449;

24 “(b) An analysis of the effectiveness of the rebate program established  
25 under ORS 468.444;

26 **“(c) A description of the uses to date of moneys in the Charge**  
27 **Ahead Zero-Emission Incentive Fund established under section 13 of**  
28 **this 2024 Act;**

29 “[c] **(d)** An analysis of the effectiveness of the Charge Ahead Oregon  
30 Program established under ORS 468.446;

1       “[(d)] (e) Recommendations, which may include recommendations for leg-  
2 islation, on ways to improve the programs established under ORS 468.444 and  
3 468.446; and

4       “[(e)] (f) The results of any audits conducted under subsection (1) of this  
5 section.

6       “**SECTION 11.** ORS 468.449 is amended to read:

7       “468.449. (1) The Zero-Emission Incentive Fund is established in the State  
8 Treasury, separate and distinct from the General Fund. Interest earned by  
9 the Zero-Emission Incentive Fund shall be credited to the fund.

10       “(2) Moneys in the Zero-Emission Incentive Fund shall consist of:

11       “(a) Amounts donated to the fund;

12       “(b) Amounts transferred to the fund by the Department of Revenue under  
13 ORS 320.435;

14       “(c) Amounts appropriated or otherwise transferred to the fund by the  
15 Legislative Assembly;

16       “(d) Other amounts deposited in the fund from any public or private  
17 source; and

18       “(e) Interest earned by the fund.

19       “(3) The Department of Environmental Quality shall encourage gifts,  
20 grants, donations or other contributions to the fund.

21       “(4) Moneys in the fund are continuously appropriated to the department  
22 to be used to carry out the provisions of ORS 468.442 to 468.449.

23       “(5)(a) No more than 10 percent of the moneys deposited in the fund per  
24 biennium may be expended to pay administrative expenses incurred in the  
25 administration of ORS 468.442 to 468.449 by:

26       “(A) The department; and

27       “(B) Any third-party organization that the department hires or contracts  
28 with under ORS 468.444 and 468.446.

29       “(b) As used in this subsection, ‘administrative expenses’ does not include  
30 expenses incurred by the department or third-party organizations in:

1 “(A) Conducting community outreach under ORS 468.446 (14); or

2 “(B) Otherwise engaging in efforts to promote transportation  
3 electrification through participation in the programs established under ORS  
4 468.444 and 468.446.

5 “(6)(a) The Environmental Quality Commission may adopt by rule pro-  
6 visions for the allocation of moneys deposited in the fund between the pro-  
7 grams established under ORS 468.444 and 468.446.

8 “(b) Rules adopted under this subsection must require that at least 20  
9 percent of the moneys deposited in the fund per biennium are allocated to  
10 fund the provision of rebates through the Charge Ahead Oregon Program  
11 established under ORS 468.446.

12 “(c) **The amount required to be allocated under paragraph (b) of this**  
13 **subsection in any biennium shall be reduced, but not below zero, by**  
14 **the amount deposited from any other source in the Charge Ahead**  
15 **Zero-Emission Incentive Fund established under section 13 of this 2024**  
16 **Act.**

17 “**SECTION 12. Section 13 of this 2024 Act is added to and made a**  
18 **part of ORS 468.442 to 468.449.**

19 “**SECTION 13. (1) The Charge Ahead Zero-Emission Incentive Fund**  
20 **is established in the State Treasury, separate and distinct from the**  
21 **General Fund. Interest earned by the Charge Ahead Zero-Emission**  
22 **Incentive Fund shall be credited to the fund.**

23 “(2) **Moneys in the Charge Ahead Zero-Emission Incentive Fund**  
24 **shall consist of:**

25 “(a) **Amounts donated to the fund;**

26 “(b) **Amounts appropriated or otherwise transferred to the fund by**  
27 **the Legislative Assembly;**

28 “(c) **Other amounts deposited in the fund from any public or private**  
29 **source; and**

30 “(d) **Interest earned by the fund.**

1       **“(3) The Department of Environmental Quality shall encourage**  
2 **gifts, grants, donations or other contributions to the fund.**

3       **“(4) Moneys in the fund are continuously appropriated to the de-**  
4 **partment to be used to:**

5       **“(a) Provide charge ahead rebates under ORS 468.446; and**

6       **“(b) Pay administrative expenses incurred in the administration of**  
7 **ORS 468.442 to 468.449 by:**

8       **“(A) The department; and**

9       **“(B) Any third-party organization that the department hires or**  
10 **contracts with under ORS 468.444 and 468.446.**

11       **“(5) No more than 10 percent of the moneys deposited in the fund**  
12 **per biennium may be expended to pay administrative expenses in-**  
13 **curring by the department and any third-party organization.**

14       **“(6) As used in this section, ‘administrative expenses’ does not in-**  
15 **clude expenses incurred by the department or third-party organiza-**  
16 **tions in:**

17       **“(a) Conducting community outreach under ORS 468.446 (14); or**

18       **“(b) Otherwise engaging in efforts to promote transportation**  
19 **electrification through participation in the programs established under**  
20 **ORS 468.444 and 468.446.**

21  
22       **“CRIME OF INTERFERING WITH PUBLIC TRANSPORTATION**

23  
24       **“SECTION 14. ORS 166.116 is amended to read:**

25       **“166.116. (1) A person commits the crime of interfering with public**  
26 **transportation if the person:**

27       **“(a) Intentionally or knowingly enters or remains unlawfully in or on a**  
28 **public transit vehicle or public transit station;**

29       **“(b) Intentionally or knowingly interferes with the provision or use of**  
30 **public transportation services by, among other things, interfering with the**

1 movement of, or access to, public transit vehicles;

2 “(c) While in or on a public transit vehicle or public transit station, en-  
3 gages in disorderly conduct in the second degree as defined in ORS 166.025;  
4 [or]

5 “(d) Subjects a public transportation passenger, employee, agent or secu-  
6 rity officer or transit police officer to offensive physical contact[.]; or

7 **“(e) While in or on a public transit vehicle or public transit station,**  
8 **knowingly ingests, inhales, ignites, injects or otherwise consumes a**  
9 **controlled substance that is not lawfully possessed by the person.**

10 “(2)(a)(A) Interfering with public transportation as provided in subsection  
11 (1)(a) of this section is a Class C misdemeanor.

12 “(B) Notwithstanding subparagraph (A) of this paragraph, interfering  
13 with public transportation as provided in subsection (1)(a) of this section is  
14 a Class A misdemeanor if the person has three or more prior convictions for  
15 interfering with public transportation as provided in subsection (1)(a) of this  
16 section.

17 “(b) Interfering with public transportation as provided in subsection (1)(b)  
18 to [(d)] (e) of this section is a Class A misdemeanor.

19 “(3) As used in this section:

20 **“(a) ‘Controlled substance’ has the meaning given that term in ORS**  
21 **475.005.**

22 “[a)] (b) ‘Enter or remain unlawfully’ has the meaning given that term  
23 in ORS 164.205.

24 “[b)] (c) ‘Public transit station’ includes all facilities, structures, lands  
25 and rights of way that are owned, leased, held or used for the purposes of  
26 providing public transportation services.

27 “[c)] (d) ‘Public transit vehicle’ means a vehicle that is used for public  
28 transportation or operated by or under contract to any public body in order  
29 to provide public transportation.

30 “[d)] (e) ‘Public transportation’ means transportation provided by a city,

1 county, special district or any other political subdivision or municipal or  
2 public corporation.

3 **“SECTION 15.** ORS 423.478 is amended to read:

4 “423.478. (1) The Department of Corrections shall:

5 “(a) Operate prisons for offenders sentenced to terms of incarceration for  
6 more than 12 months;

7 “(b) Provide central information and data services sufficient to:

8 “(A) Allow tracking of offenders; and

9 “(B) Permit analysis of correlations between sanctions, supervision, ser-  
10 vices and programs, and future criminal conduct; and

11 “(c) Provide interstate compact administration and jail inspections.

12 “(2) Subject to ORS 423.483, each county, in partnership with the depart-  
13 ment, shall assume responsibility for community-based supervision, sanctions  
14 and services for offenders convicted of felonies, designated drug-related  
15 misdemeanors or designated person misdemeanors who are:

16 “(a) On parole;

17 “(b) On probation;

18 “(c) On post-prison supervision;

19 “(d) Sentenced, on or after January 1, 1997, to 12 months or less incar-  
20 ceration;

21 “(e) Sanctioned, on or after January 1, 1997, by a court or the State Board  
22 of Parole and Post-Prison Supervision to 12 months or less incarceration for  
23 violation of a condition of parole, probation or post-prison supervision; or

24 “(f) On conditional release under ORS 420A.206.

25 “(3) Notwithstanding the fact that the court has sentenced a person to a  
26 term of incarceration, when an offender is committed to the custody of the  
27 supervisory authority of a county under ORS 137.124 (2) or (4), the supervi-  
28 sory authority may execute the sentence by imposing sanctions other than  
29 incarceration if deemed appropriate by the supervisory authority. If the su-  
30 pervisory authority releases a person from custody under this subsection and

1 the person is required to report as a sex offender under ORS 163A.010, the  
2 supervisory authority, as a condition of release, shall order the person to  
3 report to the Department of State Police, a city police department or a  
4 county sheriff's office or to the supervising agency, if any:

5 “(a) When the person is released;

6 “(b) Within 10 days of a change of residence;

7 “(c) Once each year within 10 days of the person's birth date;

8 “(d) Within 10 days of the first day the person works at, carries on a  
9 vocation at or attends an institution of higher education; and

10 “(e) Within 10 days of a change in work, vocation or attendance status  
11 at an institution of higher education.

12 “(4) As used in this section:

13 “(a) ‘Attends,’ ‘institution of higher education,’ ‘works’ and ‘carries on a  
14 vocation’ have the meanings given those terms in ORS 163A.005.

15 “(b) ‘Designated drug-related misdemeanor’ means:

16 “(A) Unlawful possession of fentanyl under ORS 475.752 (8)(a);

17 “(B) Unlawful possession of methadone under ORS 475.824 (2)(b);

18 “(C) Unlawful possession of oxycodone under ORS 475.834 (2)(b);

19 “(D) Unlawful possession of heroin under ORS 475.854 (2)(b);

20 “(E) Unlawful possession of 3,4-methylenedioxymethamphetamine under  
21 ORS 475.874 (2)(b);

22 “(F) Unlawful possession of cocaine under ORS 475.884 (2)(b); [or]

23 “(G) Unlawful possession of methamphetamine under ORS 475.894  
24 (2)(b)[.]; **or**

25 **“(H) Interfering with public transportation under ORS 166.116 (1)(e).**

26 “(c) ‘Designated person misdemeanor’ means:

27 “(A) Assault in the fourth degree constituting domestic violence if the  
28 judgment document is as described in ORS 163.160 (4);

29 “(B) Menacing constituting domestic violence if the judgment document  
30 is as described in ORS 163.190 (3); or



1 “(C) Sexual abuse in the third degree under ORS 163.415.

2  
3 **“RAIL**

4  
5 **“SECTION 16. (1) The Department of Transportation shall pursue**  
6 **cooperative efforts with the State of Idaho to apply for assistance from**  
7 **the Federal Railroad Administration to study potential for reestab-**  
8 **lishing service on the Amtrak Pioneer Line.**

9 **“(2) The department shall report on the progress to carry out the**  
10 **provisions of subsection (1) of this section in the manner provided by**  
11 **ORS 192.245 to the Joint Committee on Transportation no later than**  
12 **December 31, 2024.**

13 **“SECTION 17. Section 16 of this 2024 Act is repealed on January 2,**  
14 **2025.**

15  
16 **“RECREATIONAL IMMUNITY**

17  
18 **“SECTION 18. ORS 105.672 is amended to read:**

19 **“105.672. As used in ORS 105.672 to 105.696:**

20 **“(1) ‘Charge’:**

21 **“(a) Means the admission price or fee requested or expected by an owner**  
22 **in return for granting permission for a person to enter or go upon the**  
23 **owner’s land.**

24 **“(b) Does not mean any amount received from a public body in return for**  
25 **granting permission for the public to enter or go upon the owner’s land.**

26 **“(c) Does not include the fee for a winter recreation parking permit or**  
27 **any other parking fee of \$15 or less per day.**

28 **“(2) ‘Harvest’ has that meaning given in ORS 164.813.**

29 **“(3) ‘Land’ includes all real property, whether publicly or privately**  
30 **owned.**

1 “(4) ‘Owner’ means:

2 “(a) The possessor of any interest in any land, including but not limited  
3 to the holder of any legal or equitable title, a tenant, a lessee, an occupant,  
4 the holder of an easement, the holder of a right of way or a person in pos-  
5 session of the land;

6 “(b) An officer, employee, volunteer or agent of a person described in  
7 paragraph (a) of this subsection, while acting within the scope of assigned  
8 duties; and

9 “(c) A director, partner, general partner, shareholder, limited liability  
10 company member, limited liability partner or limited partner of a person  
11 described in paragraph (a) of this subsection.

12 “(5) ‘Recreational purposes’ includes, but is not limited to[,]:

13 “(a) Outdoor activities such as hunting, fishing, swimming, boating,  
14 camping, picnicking, hiking, **walking, running, bicycling**, nature study,  
15 outdoor educational activities, waterskiing, winter sports, viewing or enjoy-  
16 ing historical, archaeological, scenic or scientific sites or volunteering for  
17 any public purpose project; **or**

18 “(b) **Travel on any path or trail to or from a site available for rec-**  
19 **reational purposes, except for travel that is within the right of way**  
20 **of a state highway, as defined in ORS 366.005.**

21 “(6) ‘Special forest products’ has that meaning given in ORS 164.813.

22 “(7) ‘Woodcutting’ means the cutting or removal of wood from land by an  
23 individual who has obtained permission from the owner of the land to cut  
24 or remove wood.”.

25 In line 27, delete “5” and insert “19”.

26 In line 33, delete “6” and insert “20”.

27

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