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# OREGON TRAFFIC SAFETY LEGISLATIVE SUMMARY

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2012 Regular Session  
2011 Regular Session  
2010 Special Session







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**OREGON TRAFFIC SAFETY**  
Oregon Department of Transportation  
Transportation Safety Division  
235 Union Street NE  
Salem, Oregon 97301-1054

<http://www.oregon.gov/ODOT/TS/>

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**Full Text of Traffic Safety Bills: 2012, 2011 and 2010 Sessions**  
*(In numeric order by bill number, starting with House Bills then Senate Bills, separated by year.)*



## Introduction

The following pages provide a summary of the Oregon Department of Transportation, Transportation Safety (ODOT-TSD) related legislation passed during the 2010 Special Legislative Session, 2011 Legislative Session and the 2012 Legislative Session. This document will focus on the 2011 Legislative Session.

### 2011 Legislative Session

During the 2011 Legislative Session, there were 3,021 bills, memorials and resolutions introduced in the 2011 Legislative Session. The Legislature passed 807 bills, memorials and resolutions in 2011. The Transportation Safety Division reviewed 75 bills and followed 56 bills that in some way may have affected transportation safety.

All legislative bills become law on January 1, 2012, unless otherwise noted. The new laws will be incorporated into the 2011 Oregon Revised Statutes (ORS) and ready for distribution in January 2012.

If you have questions, please contact one of the TSD program managers involved in 2011 legislative discussions:

Driver Education -----	William Warner -----	(503) 986-4413
Impaired Driving -----	Linda Fisher-Lewis-----	(503) 986-4183
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To view this summary on-line: <http://www.oregon.gov/ODOT/TS/Legislation.shtml>

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To view the 2011 Oregon Department of Transportation Legislative Summary: <http://www.oregon.gov/ODOT/docs/2011LegislativeSummary.pdf>

To view the 2011 Oregon Department of Transportation Legislation Affecting Transportation Advance Sheets: <http://www.oregon.gov/ODOT/docs/2011Legislation.pdf>

To view the 2012 Oregon Department of Transportation Legislative Summary: <http://www.oregon.gov/ODOT/GOVREL/docs/2012-leg-sum.pdf>



	<b>Number of <u>Bills</u></b>
<b><u>Transportation Safety Concepts</u></b>	
Oregon Transportation Safety Committee Report to Oregon Transportation Commission	1
Oregon Transportation Commission Report to Governor and Governor Approved for Filing	1
Governor's Advisory Committee (DUII) Report To Oregon Transportation Commission	3
Oregon Transportation Commission Report to Governor and Governor Approved for Filing	3
Governor's Advisory Committee (MC) Report To Oregon Transportation Commission	1
Oregon Transportation Commission Report to Governor and Governor Approved for Filing	1
<b><u>Transportation Safety Bills / Passed</u></b>	
Oregon Department of Transportation Pre-Filed	0 (Out of 1 Filed)
Governor's Advisory Committee Pre-Filed (DUII)	1 (Out of 3 Filed)
Governor's Advisory Committee Pre-Filed (MC)	1 (Out of 1 Filed)
Bills of Interest	8
Bills Vetoed by Governor	0
Bills for Voter Referral	0
General Tracking	75



## 2012 Regular Session

### Bills of Interest / Passed

### Bill Summaries

#### **House Bill 4017 Ignition Interlock Device Requirements for Certain Offenses**

**Effective Date: January 1, 2013**

House Bill 4017 requires ODOT to require an individual convicted of certain crimes relating to Driving Under the Influence of Intoxicants (DUII) to install and use an ignition interlock device (IID) for five years after the reinstatement of his driving privileges. The crimes include:

- DUII in conjunction with certain crimes (murder, manslaughter, criminally negligent homicide, and assault in the first degree);
- Aggravated vehicular homicide;
- DUII after the individual's driving privileges have been revoked and restored.

Under current law, an individual convicted of these crimes may petition the court to reinstate driving privileges 10 years after having served the sentence. The individual must have the IID for two years following reinstatement of driving privileges.

DMV enters the requirement to install an IID on the person's driver record. DMV imposes appropriate sanctions, such as driver license suspension, when it is notified that a person has tampered with or removed the device.

IIDs are installed and serviced by private companies at the individuals' expense. People who are indigent can have the cost of an IID paid by the Impaired Drivers Prevention Fund administered by the Oregon Health Authority.

**Sponsor: Representatives G SMITH, HUNT, Senator DEVLIN; Representatives BARKER, CAMERON, ESQUIVEL, HICKS, THATCHER, WHISNANT, Senators ATKINSON, BATES, BOQUIST, COURTNEY, FERRIOLI, GEORGE, GIROD, HASS, JOHNSON, KRUSE, MONROE, MORSE, OLSEN, ROSENBAUM, STARR, STEINER HAYWARD, TELFER, THOMSEN, VERGER, WINTERS at the request of Mothers Against Drunk Driving (MADD)**

**House: Ayes = 60**

**Senate: Ayes = 27, Excused = 3**

#### **House Bill 4169 Fees for Diversion and Court Programs related to DUII Evaluation and Treatment**

**Effective Date: March 27, 2012**

House Bill 4169 modifies fees that first-time offenders must pay when they are convicted of driving under the influence of intoxicants and petition the court for a diversion agreement. Four measures (HB 2103, HB 2104, HB 3075 and HB 2712) affecting DUII-related fees were passed during the 2011 session. The timing of their passage created conflicts in the amount of the fee increases and the distribution of funds. HB 4169 clarifies the fee amounts and the distribution of the revenue.

ODOT maintains record of DUII convictions in driver records.

The department does not receive revenue attributable to the fees related to DUII diversion agreements.

**Sponsor: By Committee on Ways and Means**

**House: Ayes = 58, Excused for Business of the House = 2**

**Senate: Ayes = 25, Nays = 5**





## 2011 Regular Session

### Bills of Interest / Passed

### Bill Summaries

#### **House Bill 2103 Abstinence Required During DUII Diversion Agreement**

**Effective Date: June 23, 2011**

House Bill 2103 modifies requirements regarding a court determination of Driving Under the Influence of Intoxicants (DUII) in two ways. First, it clarifies that for a person convicted of DUII or who enters a DUII Diversion Agreement, the state medical assistance plan may be used by those who qualify for the plan to pay for medically necessary chemical dependency treatment covered by the plan. Second, the bill requires that a person who enters a DUII Diversion Agreement must not use any intoxicants for the duration of the Diversion Agreement. Exceptions are provided for appropriate use of prescription or non-prescription medications, or consuming sacramental wine in a religious service.

**Sponsor: Governor John A. Kitzhaber for Oregon Health Authority**

**House: Ayes = 57, Nays = 2, Excused = 1**

**Senate: Ayes = 25, Nays = 1, Excused = 4**

#### **House Bill 2104 DUII Diversion Agreement Fees**

**Effective Date: January 1, 2012**

House Bill 2104 increases the fee to be paid to a court by a person convicted of Driving Under the Influence of Intoxicants (DUII), or a person convicted of Minor in Possession who is ordered by the court to have drug or alcohol assessment and treatment. The fee goes from \$130 to \$255. The bill also increases the fee to apply for a DUII Diversion Agreement from \$261 to \$386. The additional fees collected go to the Intoxicated Driver Program Fund, which is used to pay for ignition interlock devices and substance abuse treatment for indigent DUII offenders.

**Sponsor: Governor John A. Kitzhaber for Oregon Health Authority**

**House: Ayes = 51, Nays = 9**

**Senate: Ayes = 25, Nays = 2, Excused = 3**



#### **House Bill 2210 Counties Providing Teen Driver Education**

**Effective Date: January 1, 2012**

House Bill 2210 adds counties to the list of those who may be reimbursed by ODOT for providing an ODOT-approved traffic safety education course to teens. Some public schools and private businesses provide driver education to 15-, 16- and 17-year olds as one option toward obtaining their provisional driver license.

Under the bill counties that provide ODOT-approved driver education are eligible for reimbursement up to \$210 for each eligible pupil completing the course. The subsidy program is funded by the Student Driver Training Fund, supported by a \$6 fee paid each time a driver license is issued or renewed. The bill allows that counties, like other public and private providers of driver education, make accommodations for students in low-income families. Providers must adopt written policies and procedures regarding their plan to accommodate these students.

**Sponsor: Representative HUFFMAN; Representatives BEYER, COWAN at the request of Association of Oregon Counties**



*House: Ayes = 58, Nays = 1, Excused for Business of the House = 1*

*Senate: Ayes = 30*

### **House Bill 2329 All Terrain Vehicle Classifications**

**Effective Date: January 1, 2012**

House Bill 2329 defines a new Class IV all-terrain vehicle (ATV) that is designed for or is capable of cross-country travel over land, water, sand or other natural terrain. The bill alters the definitions of Class I, II and III all-terrain vehicles as needed to be consistent with the new Class IV ATV definition.

HB 2329 requires an individual who operates a Class IV all-terrain vehicle to have a valid driver license. The requirement does not apply to a child under 16 years of age who meets the manufacturer's recommendations for operator's age, is accompanied by a person over 18, and holds a Class IV ATV operator permit or to operators of Class IV ATVs used for farming or forestry. Operating a Class IV ATV without driving privileges and endangering a child under 16 by allowing the child to operate a Class IV ATV without meeting the conditions above are Class C violations subject to a \$160 fine.

State Parks and Recreation Department must establish a Class IV ATV safety education course and issue operator permits to individuals who complete the course beginning July 2012. HB 2329 alters the membership of the All-Terrain Vehicle Advisory Committee, whose members are appointed by the State Parks and Recreation Commission. The bill adds three members: one representing a Class IV ATV user organization, one representing the Department of Fish and Wildlife knowledgeable about the use of ATVs for hunting and fishing, and one representing persons with disabilities. An ODOT representative knowledgeable about safety serves on the committee.

**Sponsor: House Interim Committee on Transportation for All-Terrain Vehicle Advisory Committee**

*House: Ayes = 59, Excused = 1*

*Senate: Ayes = 24, Nays = 6*

### **House Bill 2702 Diversion Agreements for Individuals Serving on Active Duty**

**Effective Date: January 1, 2012**

House Bill 2702 prohibits a court from denying a person entry into a driving while under the influence of intoxicants diversion agreement solely on the basis that the defendant is on or will be called into active military service and that active military service will interfere with the defendant's ability to complete the diversion program. The bill allows a court to extend the diversion period (normally one year) if the defendant demonstrates that the military service will interfere with completing the terms of the agreement. It also requires a court to allow a defendant to appear at a termination hearing by phone or by other communication device, provided the defendant's military service permits such an appearance, or to postpone the termination hearing. A court may also allow a defendant on active duty to complete a treatment program that is a condition of a diversion agreement within another jurisdiction.



**Sponsor:** *House Interim Committee on Judiciary*

**House:** Ayes = 60

**Senate:** Ayes = 27, Excused = 3

### House Bill 2712 Fines for Offenses and Violations

**Effective Date:** July 1, 2011

House Bill 2712 updates and simplifies the current statutory revenue and distribution structure related to criminal fines, assessments, and other financial penalties imposed on conviction for felonies, misdemeanors, and violations other than parking infractions. The measure does not make any change to the current misdemeanor law or felony structure.

The major provisions of the measure include the following:

- Establishes a fine, eliminating the need for calculation of a foundation amount, base fine amount, and the minimum fine amount.
- Establishes the fine by statute, applies this fine statewide, and eliminates variability in fine amounts based on the court into which a person is cited.
- Eliminates the unitary assessment and the county assessment by consolidating them into the fine.
- Provides for judicial discretion to reduce the fine by up to 50 percent.
- Increases the judicial discretion in school, work zone, and safety corridor zones fines.
- Adds \$3 to the uniform fine amounts for state court facilities and security.
- Traveling at or above 100 mph is a \$1,150 fine and a mandatory 30-90 day driver license suspension.



This bill does have a minor affect on the distribution of fine revenue. The measure eliminates the Unitary Assessment and the county assessment and replaces it with a flat fine amount, a portion of which is to be remitted to the state in lieu of the Unitary Assessment and the county assessment.

The bill allocates money to a number of court-related and public safety-related programs. While most of these programs are not transportation-related, three are. The allocations include:

- \$190,004 to Oregon State Police for enforcement of laws concerning driving under the influence of intoxicants.
- \$4,323,000 to the Oregon Health Authority for treatment of persons in DUII diversion programs.
- \$42,884 to the Oregon Health Authority for indigent individuals in diversion.

**Sponsor:** *House Interim Committee on Judiciary for Joint Interim Committee on State Justice System Revenues*

**House:** Ayes = 45, Nays = 13, Excused = 2

**Senate:** Ayes = 28, Nays = 1, Excused = 1

\*A further detailed explanation is on page 14.

**House Bill 3075 Ignition Interlock Devices**

**Effective Date: January 1, 2012**

House Bill 3075 requires the installation of an ignition interlock device as a condition of entry into a driving under the influence of intoxicants (DUII) diversion program. The bill increases the fee required pursuant to a conviction for DUII. It requires the provider of an interlock device to notify the court of non-installation or tampering with the device, and it removes the ability of courts to suspend the interlock requirement due to insufficient moneys in the Intoxicated Driver Program Fund. HB 3075 makes a violation of this requirement a Class A traffic violation.

**Sponsor: Representatives HUNT, HOYLE, BARKER, THATCHER; Representatives BARNHART, DOHERTY, GELSER, Senators DEVLIN, MONNES ANDERSON, PROZANSKI, SHIELDS**

**House: Ayes = 60**

**Senate: Ayes = 27, Excused = 3**

**House Bill 3150 Lower Speed for Streets in Residential Districts**

**Effective Date: January 1, 2012**

House Bill 3150 allows a road authority (state, city and county) to establish by ordinance a speed for a highway under its jurisdiction that is five miles per hour lower than the statutory speed. The highway must be in a residence district and it must have an average traffic volume of fewer than 2,000 motor vehicles per day with more than 85% of traffic volume traveling at less than 30 miles per hour. A traffic control device must be posted indicating the presence of pedestrians or bicyclists.

To implement the lower speed, the road authority must post signs at each end of the highway where the designated speed is imposed and at other locations as necessary, notifying drivers of the reduced speed. The reduced speed becomes effective when signs are posted. Oregon law sets the statutory speed at 25 miles per hour for residential streets, unless a different speed has been designated and posted.

ODOT does not anticipate changing speed zones on state highways as authorized by the bill, as very few areas of the state highway system meet the specific conditions identified in the bill.

**Sponsor: By Representative CANNON; Senators BURDICK, DINGFELDER**

**House: Ayes = 53, Nays = 5, Excused = 1, Excused for Business of the House = 1**

**Senate: Ayes = 26, Nays = 3, Excused = 1**

**House Bill 3186 Prohibits Cell Phone Use and Texting While Driving**

**Effective Date: January 1, 2012**

House Bill 3186 modifies the law prohibiting use of cell phones and other "mobile communication devices" (MCD) while operating a motor vehicle. The bill removes all exemptions for texting. The bill removes the general exemption for hand-held MCD use for those "in the scope of the person's employment if operation of the motor vehicle is necessary for the person's job." The bill adds specific exemptions for hand-held MCD use for those operating a roadside assistance or tow vehicle, and those operating a utility vehicle for the purpose of servicing a utility. The bill expands the exemption to all transit operators using one-way hand-held communication, not just those transporting senior and disabled persons.



**Sponsor:** By Representative BERGER, Senators PROZANSKI, ROSENBAUM; Representatives BEYER, BOONE, BUCKLEY, CANNON, CONGER, COWAN, ESQUIVEL, KOMP, MATTHEWS, PARRISH, THOMPSON, TOMEI, Senators BOQUIST, WINTERS  
**House:** Ayes = 39, Nays = 20, Excused for Business of the House = 1  
**Senate:** Ayes = 17, Nays = 12, Excused = 1

**House Bill 3590 Vehicle Passenger Safety**

**Effective Date:** January 1, 2012

House Bill 3590 changes the Oregon law relating to securing children in a motor vehicle. The bill makes it legal for a child weighing more than 40 pounds to be secured in a child safety system designed for a child weighing more than 40 pounds that meets the standards adopted by the department by rule.

Under the prior law, a child weighing more than 40 pounds must be secured in a booster seat using a lap or shoulder belt. Child safety systems using a 5-point harness system are now available for children weighing more than 40 pounds that meets current Department standards; they are safer for young children than a booster seat used with a lap or shoulder belt.

**Sponsor:** Representative BOONE; Representative HOLVEY

**House:** Ayes = 59, Excused = 1

**Senate:** Ayes = 26, Excused = 4



**Senate Bill 65 Measurement of Alcohol Content in Breath**

**Effective Date:** January 1, 2012

Provides that measurement of alcohol content in breath may be used to determine percent by weight of alcohol in blood.

**Sponsor:** Governor John A. Kitzhaber for Oregon State Police

**House:** Ayes = 60

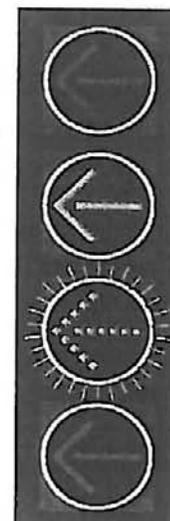
**Senate:** Ayes = 30

**Senate Bill 130 Bicycle and Flashing Yellow Arrow Signals**

**Effective Date:** January 1, 2012

Senate Bill 130 modifies the list of specific traffic control devices in Oregon law and establishes appropriate bicyclist and driver responses. The bill adds definitions for green, yellow and red bicycle signals and describes how bicyclists are expected to respond to these signals:

- Bicyclists facing a green bicycle signal may proceed through the intersection, turn right or turn left, unless a sign prohibits either turn movement. Bicycles must yield the right of way to other vehicles in the intersection at the time the signal turns green.
- Bicycles facing a yellow bicycle signal are warned the signal will soon turn to red. Bicyclists must stop at a marked stop line, before a marked crosswalk, or before entering the intersection. If a bicyclist cannot safely stop, the bicyclist may proceed cautiously through the intersection.



• Bicyclists facing a red bicycle signal must stop at a marked stop line, before a marked crosswalk, or before entering the intersection. The bicyclists must remain stopped until the signal turns green or to make a turn movement otherwise allowed by law. The City of Portland has installed five bicycle signals at intersections with high volumes of bicycle traffic. ODOT plans to use a bicycle signal for the South Ashland Interchange Project at the Green Springs Highway (OR 66) and the I-5 south ramp. Under the bill, a cyclist who fails to obey bicycle signals may be cited for failure to obey a traffic control device. This is the same citation that may be issued to a driver who commits the same violation. SB 130 also adds a definition for a flashing yellow arrow signal to Oregon law and describes how drivers are expected to respond to a flashing yellow arrow signal. Drivers facing a flashing yellow arrow signal may cautiously enter an intersection when making a turn, but must yield to other drivers in the intersection and to approaching traffic.

**Sponsor: Governor John A. Kitzhaber for Department of Transportation**

**House: Ayes = 58, Nays = 5**

**Senate: Ayes = 25, Excused = 5**

### **Senate Bill 133 Restricted Motorcycle Endorsement**

**Effective Date: January 1, 2012**

SB 133 removes the requirement to complete a motorcycle rider education course in order to obtain a motorcycle endorsement for those who seek a restricted endorsement to operate a motorcycle with more than two wheels. A national study currently is being conducted into the various issues surrounding 3-wheel motorcycles, including testing, training, and whether it is appropriate to continue defining this whole class of vehicles as "motorcycles." The bill also requires the department to submit that report and a summary to the Legislature within 60 days of that report being issued.



**Sponsor: Governor John A. Kitzhaber for Department of Transportation**

**House: Ayes = 60**

**Senate: Ayes = 27, Excused = 3**

### **Senate Bill 415 Careless Driving Involving Vulnerable User of a Public Way**

**Effective Date: January 1, 2012**

Senate Bill 415 makes changes to Oregon laws around careless driving. The bill requires that a police officer issuing a citation for careless driving must note on the citation if the offense appeared to have contributed to the serious physical injury or death of a vulnerable user of a public way. Under the bill, a defendant who has been issued a careless driving citation on which this notation has been made must make a first court appearance personally as required in the summons. ORS 801.608 defines the term "vulnerable user of a public way" to mean a pedestrian, a highway worker, a person riding an animal or a person operating any of the following on a public way, crosswalk or shoulder of the highway:



(1) a farm tractor or implement of husbandry,

(2) a skateboard,

(3) roller skates,

- (4) in-line skates,
- (5) a scooter, or
- (6) a bicycle.

**Sponsor:** Senate Interim Committee on Judiciary

**House:** Ayes = 56, Excused for Business of the House = 4

**Senate:** Ayes = 28, Excused = 2

**Senate Bill 424 Pedestrian in a Crosswalk**

**Effective Date:** June 23, 2011

Senate Bill 424 makes changes to traffic laws relating to pedestrians. The bill clarifies that a pedestrian is considered crossing the roadway in a crosswalk when any part or extension of the pedestrian is in the crosswalk. An extension could include a wheelchair, cane, crutch or bicycle. It also clarifies how drivers should respond to blind pedestrians. The bill considers a blind pedestrian to be crossing the roadway when any part or extension of the pedestrian moves onto the roadway, including a leashed animal.

The bill makes permanent a 2008 law relating to a permitted event like the "Fill-the-Boot for Muscular Dystrophy", that creates an exception to the offense of pedestrian with improper position or improperly proceeding on the highway if the pedestrian:

- Doesn't impede traffic or create a hazard.
- Posts advance warning signs.
- Wears appropriate safety apparel.
- Has a permit issued by the appropriate road authority.

**Sponsor:** Senate Interim Committee on Judiciary

**House:** Ayes = 56, Nays = 3, Excused for Business of the House = 1

**Senate:** Ayes = 17, Nays = 12, Excused = 1



**Senate Bill 973 Nighttime Driving for Individuals with Limited Vision**

**Effective Date:** May 27, 2011

Senate Bill 973 makes permanent statutory provisions that allow individuals with limited vision to operate motor vehicles at night. The 2007 Legislature authorized a pilot program that allowed drivers with limited vision (between 20/80 and 20/200) to drive at night. Of 30 licensed drivers with limited vision, close to 50 percent have completed nighttime driving requirements and are not subject to a daylight-only driving restriction. In addition to the daytime driver license requirements, these individuals must submit a report from a vision specialist verifying that their condition does not prevent them from driving safely at night and must receive additional instruction in nighttime driving. The pilot program for nighttime driving had been scheduled to sunset on June 30, 2011.

**Sponsor:** Senator COURTNEY

**House:** Ayes = 58, Excused = 2

**Senate:** Ayes = 29, Excused = 1

**Presumptive Fines as of January 1, 2012**

A Violation = \$435 / \$870 if in a School Zone, Work Zone and Safety Corridor

B Violation = \$260 / \$520 if in a School Zone, Work Zone and Safety Corridor

C Violation = \$160 / \$320 if in a School Zone, Work Zone and Safety Corridor

D Violation = \$110 / \$220 if in a School Zone, Work Zone and Safety Corridor

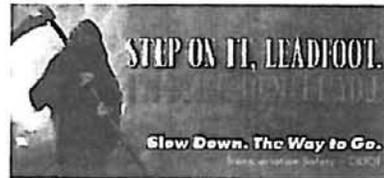
**Example of A Violation:** Speeding 21 mph or over on an interstate highway / No motorcycle endorsement

**Example of B Violation:** Running a stop sign or red light / Tailgating / Careless driving (No crash)

**Example of C Violation:** Unlawful U-turn (No crash) / 1-10 mph over speed limit on an interstate highway

**Example of D Violation:** Cell phone use / Texting while driving / No safety belt

Traveling at or above 100 mph on any roadway is now a \$1,150 fine and a mandatory 30-90 days driver license suspension.



#### Senate Bill 1019 Omnibus Transportation

**Effective Date: March 4, 2010**

Senate Bill 1019 is an omnibus bill relating to transportation. The bill:

- Removes the requirement that each *ConnectOregon* recipient pay the department an amount equal to two percent of its project cost for grants and loans made after December 31, 2009. The requirement had carried over from the 2007 *ConnectOregon* II program and was not intended to apply to the 2009 *ConnectOregon* III program.
- Revises the distribution of revenues raised by 2009 House Bill 2001 to include revenues from heavy vehicle registration fees, correcting an oversight made in HB 2001. The revision ensures that 50 percent of the revenue from heavy vehicle registration fees will be distributed to the state highway program, 30 percent to county road programs, and 20 percent to city street programs as was assumed when HB 2001 was passed.
- Removes the requirement that vehicle safety standards for medium speed electric vehicles be consistent with federal vehicle safety standards. The National Highway Traffic Safety Administration (NHTSA) chose not to establish a safety standard for medium-speed vehicles under its federal authority. The NHTSA decision effectively pre-empted the department's ability to adopt an Oregon standard that is consistent with the federal standard for this type of vehicle.
- Revises dedication of revenue raised by sales of Pacific Wonderland plates, removing limits that had been placed on how the Oregon Historical Society may use the funds that it receives from the Pacific Wonderland plates.
- Requires additional signage when photo radar is used within a school zone that does not have a flashing light to indicate that school is in session.
- Clarifies that children under sixteen years of age must use safety belts when operating or riding a Class I or Class II all-terrain vehicle except when operating or using the vehicle on "public lands." The term "public lands" includes privately owned land that is open to the public for the use of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account.
- Amends the variance permit statute to reflect current and long-standing practice. Over-dimension vehicles sometimes must extend into an exclusive use lane. This change makes that practice specifically allowable so long as the vehicle has a valid permit issued by the Motor Carrier Transportation Division.
- Allows the Department of Administrative Services (DAS) to sell compressed natural gas for use in motor vehicles to private parties. The change will allow the DAS motor pool on Swan Island to sell compressed natural gas to Daimler / Freightliner so that Freightliner can test CNG fueled trucks in Portland. Freightliner is located on Swan Island. There are no retail CNG sales outlets in Portland.
- Requires the Oregon Transportation Commission to make a *ConnectOregon* grant or loan to any rural airport that has a project under construction or that has completed a project, provided that the rural airport received a federal grant on or after July 1, 2009.
- Allows the Travel Information Council to borrow money.
- Modifies the conditions for the offense of failure to maintain a safe distance from emergency vehicles and certain other vehicles stopped on a roadside. A driver may maintain a safe distance from these vehicles by changing lanes or slowing down when a lane change is not possible. The bill recognizes Oregon's distinction between roads with speed limits (the Interstates and roads and streets within a city) and roads with posted speeds (all other highways) where the basic rule is applied.



• Requires the department to make quarterly reports to the legislative revenue committees and the Legislative Revenue Officer concerning the revenues attributable to 2009 HB 2001.

**Sponsor: Senate Interim Committee on Business & Transportation**

**House: Ayes = 57, Nays = 1, Excused = 2**

**Senate: Ayes = 28, Nays = 1, Excused = 1**

**House Bill 3601 Implied Consent Hearings**

**Effective Date: January 1, 2011**

A person who has been granted driving privileges impliedly consents to take a breath, blood or urine test when requested by a police officer. Oregon's Legislature established the Implied Consent program as an administrative procedure to compel a person to take a test. If a person arrested for driving under the influence of intoxicants (DUII) refuses to take a test or fails it, his or her driving privileges will be suspended. Currently, a person whose driving privileges have been suspended may request a hearing with an administrative law judge to determine the validity of the suspension.

House Bill 3601 requires that implied consent hearings be conducted by telephone or other two-way electronic device unless an in-person hearing is requested by the driver or by an officer involved in the investigation. The bill requires DMV to establish the process and time constraints in which a person or officer may request an in-person hearing by administrative rule. An in-person hearing must be conducted within 100 miles of the location of the offense, unless another location is agreed upon by the person and the department.



In addition, HB 3601 allows any officer involved in the investigation to present evidence and argument at the hearing. Currently, only the officer who signs the citation is allowed to present evidence and argument at the implied consent hearing. The changes to implied consent hearings apply to arrests made on or after January 1, 2011.

**Sponsor: By Representative STIEGLER, BARKER, CLEM, GARRETT, GELSER, HUFFMAN, KAHL, KOMP, TOBLAN, SHAUFLER, J SMITH, VANORMAN, WHISNANT**

**House: Ayes = 53, Nays = 3, Excused = 4**

**Senate: Ayes = 30**

## **Legislative Information**

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If you would like additional copies of this summary, please contact Kelly Kapri, TSD Legislative Coordinator at the Transportation Safety Division at (503) 986-3293 or email at:

[Kelly.A.Kapri@odot.state.or.us](mailto:Kelly.A.Kapri@odot.state.or.us)

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If you would like to view additional bill information, you can go to the Oregon Legislation website at: [http://www.leg.state.or.us/bills\\_laws/home.htm](http://www.leg.state.or.us/bills_laws/home.htm)

To view the 2011 Oregon Department of Transportation Legislative Summary:

<http://www.oregon.gov/ODOT/docs/2011LegislativeSummary.pdf>

To view the 2011 Oregon Department of Transportation Legislation Affecting Transportation Advance Sheets: <http://www.oregon.gov/ODOT/docs/2011Legislation.pdf>

To view the 2012 Oregon Department of Transportation Legislative Summary:

<http://www.oregon.gov/ODOT/GOVREL/docs/2012-leg-sum.pdf>

