

---

# OREGON TRAFFIC SAFETY LEGISLATIVE SUMMARY

---

2015 Legislative Session



## 2015 Introduction

---

The following page provides a summary of the Oregon Department of Transportation, Transportation Safety (ODOT-TSD) related legislation passed during the 2015 Special Legislative Session.

During the 2015 Legislative Session there were 2,799 bills, memorials and resolutions introduced. The Legislature passed 921 bills, memorials and resolutions in 2015. The Transportation Safety Division reviewed 91 bills, followed 71 bills that in some way may have affected transportation safety and 9 bills passed.

The 2015 Legislative Assembly adjourned Sine Die July 6, at 6:04 PM.

Effective date for bills is January 1, 2016, unless there is an emergency clause stating otherwise.

2015 ODOT Legislative Summary:

<http://www.oregon.gov/ODOT/GOVREL/docs/2015LegislativeSummary.pdf>

2015 Oregon State Legislature Official Website Bills and copy of Enrolled Bills (final bills signed by the Governor): <https://olis.leg.state.or.us/liz/2015R1/Measures/list/>

Measures as they were signed into law are known as "session laws" and will be available on the legislative web site at: [https://www.oregonlegislature.gov/bills\\_laws/Pages/Oregon-Laws.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/Oregon-Laws.aspx). Permanent laws passed during the 2015 legislative session will not be codified until the 2016 edition of the Oregon Revised Statutes is released. The 2016 ORS will be distributed and made available online in January or February 2016.

***Thanks to everyone for making 2015 a successful legislative session.***

ODOT Transportation Safety Division  
Troy Costales, Transportation Safety Division Administrator  
503-986-4192

For copies or more information, please contact Kelly Kapri, TSD Legislative Coordinator  
503-986-3293



---

**OREGON TRAFFIC SAFETY**

**Oregon Department of Transportation  
Transportation Safety Division  
4040 Fairview Industrial Drive MS-3  
Salem, Oregon 97302-1142**

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

---

## 2015 Regular Session

### Bills of Interest / Passed

### Bill Summaries

#### **House Bill 2621 Use of Photo Radar in Portland High Crash Corridors**

**Effective Date: Upon signature by the Governor (operative date, January 1, 2016)**

House Bill 2621 authorizes an eight-year pilot project for the City of Portland to operate photo radar on urban high crash corridors. These are highway segments where the incidence of fatalities and serious injuries is at least 25 percent higher than similar highway segments. The Portland City Council must find that speeding is affecting traffic safety negatively in order for the city to use photo radar units in a corridor.

The city must operate the photo radar units at its own expense. The city may not operate photo radar on access controlled highways. The city must also post signs alerting motorists to the photo radar units. A police officer need not be present at the location of a photo radar unit but must review the photographic evidence and sign the citation.

The city may use the proceeds of citations to pay the cost of operating and maintaining photo radar units and to improve traffic safety for all modes of transportation.

The city must evaluate the effect of photo radar on traffic safety and report the results of its evaluation to the Legislative Assembly no later than March 1 of odd-numbered years.

**Sponsor: Sponsored by Representative REARDON; Representatives GORSEK, LIVELY**

**House: Ayes = 31, Nays = 24, Excused = 5**

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

**Program Manager: Kristin Twenge, 503-986-4446**

#### **House Bill 2837 Medical Exemptions from Safety Belt Use**

**Effective Date: January 1, 2016**

House Bill 2837 allows a nurse practitioner or a physician assistant to sign a certificate of exemption from the requirement to use a safety belt, safety harness or child safety system. The certificate is submitted to ODOT, Transportation Safety Division for review.

The driver and other vehicle occupants must use a safety belt, safety harness or child safety system. The law recognizes that there are circumstances when the requirement to use a seat belt, etc. may be impractical or harmful and provides an exception process.

Only an Oregon physician may sign a certificate of exemption under the current law. HB 2837 recognizes the changing structure of health care delivery by allowing other Oregon health care professionals to sign a certificate of exemption.

**Sponsor: Representative GOMBERG**

**House: Ayes = 56, Absent = 1, Excused = 3**

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

**Program Manager: Carla Levinski, 503-986-4199**

#### **House Bill 2660 Court Discretion to Waive Ignition Interlock Device in Certain Cases**

**Effective Date: January 1, 2016**

House Bill 2660 changes the conditions under which a court must order installation of an ignition interlock device (IID) and those under which the court has discretion to order an IID to be installed when a person is participating in a driving under the influence of intoxicants (DUII) diversion agreement.

A court must order installation of an IID for a person participating in a DUII diversion agreement under three circumstances:

- When the person refused a breath or blood test;
- When a breath, blood or urine test disclosed a blood alcohol content (BAC) of 0.08 percent or more by weight; or,
- When blood or urine test disclosed a BAC greater than zero but less than 0.08 percent by weight and also disclosed the presence of a controlled substance or an inhalant.

A court may order installation of an IID when the person submitted to a breath, blood or urine test and the test disclosed a BAC less than 0.08 percent by weight, including a BAC of 0.00. HB 2660 also reorganizes statutes related to IIDs.

**Sponsor: Representative OLSON, Senator PROZANSKI; Representatives BUCKLEY, DAVIS, DOHERTY, ESQUIVEL, GALLEGOS, HUFFMAN, LIVELY**

**House: Ayes = 45, Nays = 15**

**Senate: Ayes = 19, Nays = 10, Excused = 1**

**Program Manager: Dan Estes, 503-986-4183**

### **House Bill 3402 Increase Speed Limits on Eastern Oregon Highways**

**Effective Date: Upon signature by the Governor (operative date, March 1, 2016)**

House Bill 3402 sets the speed limits on certain highways in Central and Eastern Oregon. In general, the bill sets one speed limit (70 mph or 65 mph) for most vehicles and a speed limit 5 mph lower for trucks with a gross vehicle weight rating greater than 10,000 pounds, school buses, school activity vehicles, worker transport buses, church activity buses, and other buses. Where necessary, the department may designate a lower speed on segments of these highways after conducting a speed study.

The highways affected by HB 3402 include:

- I-84 east of The Dalles – 70 mph / 65 mph
- US 95 between the Idaho state line and the California state line – 70 mph / 65 mph
- US 20 between Bend and Ontario – 65 mph / 60 mph
- US 197 and US 97 between The Dalles and Klamath Falls – 65 mph / 60 mph
- OR 31 between Valley Falls and La Pine – 65 mph / 60 mph
- OR 78 between Burns Junction and Burns – 65 mph / 60 mph
- US 395 between Burns and John Day – 65 mph / 60 mph
- OR 205 between Burns and Frenchglen – 65 mph / 60 mph
- US 26 between John Day and Vale – 65 mph / 60 mph

The higher speed limits specified in HB 3402 on US 95, US 20, US 197 and US 97 do not apply to highways within city limits.

Except for I-84 where the speed limit is 65 mph / 60 mph trucks, these highways generally have 55 mph posted speeds.

The new speed limits will go into effect on March 1, 2016, giving the department time to identify locations where 65 / 60 speed limits may not be safe and to transition been the old posted speed and new speed limit signs.

**Sponsor: Representatives BARRETO, WEIDNER; Representatives BUEHLER, ESQUIVEL, EVANS, HACK, HAYDEN, HEARD, HUFFMAN, KENNEMER, KRIEGER, LIVELY, NEARMAN, PARRISH, POST, WHISNANT, WHITSETT, Senators BATES, BOQUIST, GIROD, HANSELL, KNOPP, THOMSEN, WHITSETT**

**House: Ayes = 52, Nays = 5 Excused = 3**

**Senate: Ayes = 22, Nays = 6, Excused = 2**  
**Program Manager: Kristin Twenge, 503-986-4446**

**Senate Bill 192 Work Group on Use of ATVs on Highways****Effective Date: January 1, 2016**

Senate Bill 192 directs the State Parks and Recreation Department to convene a work group that includes all-terrain vehicle (ATV) users, ATV dealers, staff from ODOT, and other stakeholders.

The work group will study options to allow ATVs to operate on state highways. The work group's conclusions and recommendations for legislation must be reported to the appropriate interim committee no later than September 15, 2016.

As initially conceived, SB 192 would have allowed ATVs to be operated on state highways in sparsely populated counties. ATVs are not built for on-road driving and lack safety features that are part of on-road vehicles, raising significant safety concerns.

**Sponsor: Senator FERRIOLI****House: Ayes = 47, Nays = 4, Absent = 1, Excused = 8****Senate: Ayes = 30****Program Manager: Jeff Greiner, 503-986-4198****Senate Bill 387 Sanctions for DUII Offenders****Effective Date: January 1, 2016**

Senate Bill 387 requires that an individual who is cited for driving under the influence of intoxicants (DUII) submit for booking. A court must ensure that the individual submits to booking on the charge of DUII, if he or she has not already been booked. In addition, when a court grants a petition for a DUII diversion agreement, the court must ensure that the person has been booked on the charge. The booking process ensures each DUII offense will be captured in the data used for research on recidivism, effectiveness of interventions, etc.

DUII offenders must be booked for DUII offenses committed on or after January 1, 2016, the effective date of the bill.

**Sponsor: Senate Interim Committee on Judiciary****House: Ayes = 55, Excused = 5****Senate: Ayes = 29, Excused = 1****Program Manager: Dan Estes, 503-986-4183****Senate Bill 397 Ignition Interlock Device Omnibus Measure****Effective Date: January 1, 2016**

Senate Bill 397 requires ignition interlock devices (IID) providers to report to the court or the court's designee and the prosecutor that they have installed an IID in the vehicle(s) used by a person who is required to have an IID as a condition of a DUII diversion agreement. In addition, IID providers must report negative reports (tampering with or removal of an IID, lockout, or a test violation) to the court or designee and the prosecutor.

A DUII defendant who is required to use an IID must experience at least 90 days without a negative report before the courts may order the IID to be removed regardless of the term of time initially specified by the court for use of an IID. The bill also allows a defendant who has

complied with the conditions of his or her diversion agreement for at least six months without a negative report, and who is complying their treatment program, to file a motion to vacate the IID requirement. The court may vacate the order to use an IID after considering relevant factors, such as the nature of the underlying crime, and must notify DMV.

DMV must prescribe the format that an IID provider must use to make a negative report. In addition, DMV may further define what constitutes a "test violation" by rule. When DMV receives the court order removing the requirement that a defendant use an IID, DMV must remove IID notation from the defendant's driving record "as soon as practicable."

**Sponsor: Senate Interim Committee on Judiciary**

**House: Ayes = 48, Nays = 1, Excused = 11**

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

**Program Manager: Dan Estes, 503-986-4183**

**Senate Bill 463 Darker Window Tinting**

**Effective Date: January 1, 2016**

Senate Bill 463 changes the law concerning when darker window tinting than is otherwise allowed may be used. Current law allows the use of darker window tinting when the driver has a physical condition that requires less light be transmitted through the windows. An affidavit from a physician or optometrist provides the needed documentation. The bill allows the use of a prescription or letter on letterhead from physician or optometrist. The bill also allows use of such a document to benefit a driver who is in the same household as the person with the physical condition.

The driver may show the documentation to the officer who has stopped their vehicle. In addition, a court may dismiss a citation for the offense of illegal window tinting or reduce the fine that the court would otherwise impose after the defendant shows, to the court's satisfaction, that he or she or an individual in the household has a condition that requires less light be transmitted through the windows.

**Sponsor: Senator PROZANSKI (at the request of Wayne Allen, Eugene Municipal Court Judge)**

**House: Ayes = 50, Nays = 7, Excused = 3**

**Senate: Ayes = 21, Nays = 9**

**Program Manager: Jeff Greiner, 503-986-4198**

**Senate Bill 533 Motorcycles, Mopeds, Bicycles Proceed at "Dead Red" Light**

**Effective Date: January 1, 2016**

Senate Bill 533 allows a motorcyclist or a bicyclist to proceed through a red traffic signal when the signal is controlled by a vehicle detection device and the motorcyclist or bicyclist has stopped and waited for at least one complete cycle of the traffic signal before proceeding. SB 533 is intended to deal with a situation where the vehicle detection device does not detect the presence of a motorcycle or bicycle and goes through multiple cycles without allowing the motorcycle or bicycle to proceed (a "dead red").

**Sponsor: Sponsored by Senator EDWARDS, Representative WHISNANT; Senator HANSELL, Representatives BARKER, HUFFMAN, LIVELY**

**House: Ayes = 55, Excused = 5**

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

**Program Manager: Jeff Greiner, 503-986-4198**

