

Minority Report
A-Engrossed
Senate Bill 443

Ordered by the Senate April 12
Including Senate Minority Report Amendments dated April 12

Sponsored by nonconcurring members of the Senate Committee on Business and General Government: Senators GIROD, OLSEN

SUMMARY

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

Requires use of headlights at all times. [*Punishes by maximum fine of \$1,000.*] **Punishes first offense by specific fine of \$100. Punishes second offense by maximum fine of \$250. Punishes third or subsequent offense by maximum fine of \$1,000.**

A BILL FOR AN ACT

1
2 Relating to vehicle headlight use; creating new provisions; and amending ORS 153.633, 153.645,
3 153.650, 153.660, 811.515 and 811.520.

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

5 **SECTION 1.** ORS 811.515 is amended to read:

6 811.515. This section establishes requirements for ORS 811.520. Except where an exemption un-
7 der ORS 811.525 specifically provides otherwise, a vehicle that does not comply with this section is
8 in violation of ORS 811.520. Where specific types of lighting equipment are mentioned in this section,
9 those types are types described in ORS 816.040 to 816.290. The requirements under this section are
10 as follows:

11 (1) Subject to any other provision of this section, any lighting equipment a vehicle is required
12 to be equipped with under ORS 816.040 to 816.290 must be displayed when the vehicle is upon a
13 highway within this state at any time limited visibility conditions exist. The provisions of this sub-
14 section apply during the times stated when the required visibility is measured on a straight, level
15 unlighted highway.

16 (2) Parking lights and lights other than clearance, identification and marker lights that are
17 mounted on the front of a vehicle and are designed to be displayed primarily when the vehicle is
18 parked [*shall*] **may** not be lighted when a vehicle is driven upon a highway at times when limited
19 visibility conditions exist except when:

20 (a) The lights are being used as turn signals; or

21 (b) The headlights are also lighted at the same time.

22 (3) Any vehicle parked or stopped upon a roadway or shoulder adjacent [*thereto*] **to a roadway**
23 **or shoulder**, whether attended or unattended, during times when limited visibility conditions exist
24 must display parking lights.

25 (4) All vehicles not specifically required by ORS 816.320 to be equipped with lighting equipment

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 shall at times when limited visibility conditions exist display exempt-vehicle safety lighting equip-
 2 ment. This section includes, but is not limited to, animal drawn vehicles and vehicles exempted from
 3 required lighting equipment under ORS 816.340.

4 (5) Tow vehicle warning lights on tow vehicles shall be activated when the tow vehicles are
 5 engaged in connecting with other vehicles and drawing such vehicles onto highways or while ser-
 6 vicing disabled vehicles.

7 (6) When limited visibility conditions exist a person shall use a distribution of light or composite
 8 beam that is directed sufficiently high and that is of such intensity so as to reveal persons and ve-
 9 hicles on the highway at a safe distance in advance of the vehicle. A person violates this subsection
 10 if the person does not comply with the following:

11 (a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver
 12 must use a distribution of light or composite beam so aimed that the glaring rays are not projected
 13 into the eyes of the oncoming driver. The use of the low beams of the vehicle headlight system is
 14 in compliance with this paragraph at all times regardless of road contour and loading of the vehicle.

15 (b) Except when in the act of overtaking or passing, a driver of a vehicle following another ve-
 16 hicle within 350 feet to the rear must use the low beams of the vehicle headlight system.

17 (7) When a vehicle is upon a highway a person [*shall light not*] **may not light** more than a total
 18 of four lights at any one time that are mounted on the front of a vehicle and that each projects a
 19 beam of intensity greater than 300 candlepower.

20 (8)(a) A light, other than a headlight, that projects a beam of light of an intensity greater than
 21 300 candlepower [*shall*] **may not** be operated on a vehicle:

22 (A) Unless the beam is so directed that no part of the high intensity portion of the beam will
 23 strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from
 24 the vehicle; or

25 (B) Except as provided in paragraph (b) of this subsection, when use of the low beams of the
 26 vehicle headlight system is required under subsection (6) of this section.

27 (b) Notwithstanding paragraph (a)(B) of this subsection, a light, other than a headlight, may be
 28 lighted on a motorcycle provided that the intensity of the light does not exceed the intensity of the
 29 low beams of the headlight system. A motorcycle may not be operated with more than two lights,
 30 other than headlights, under this paragraph.

31 (9) A spotlight [*shall*] **may not** be lighted upon approaching another vehicle unless the spotlight
 32 is so aimed and used so that no part of the high-intensity portion of the beam will be directed to the
 33 left of the prolongation of the extreme left side of the vehicle upon which it is mounted, more than
 34 100 feet ahead of the vehicle.

35 (10) Auxiliary lights mounted higher than 54 inches [*shall*] **may not** be lighted when the vehicle
 36 is used on a highway.

37 (11) A back-up light [*shall*] **may not** be lighted when the vehicle is in forward motion.

38 (12) Bus safety lights shall only be operated in accordance with the following:

39 (a) The lights may be operated when the vehicle is stopping or has stopped for the purpose of
 40 loading or unloading students who are going to or from any school or authorized school activity or
 41 function.

42 (b) The lights may be operated when the vehicle is stopping or has stopped for the purpose of
 43 loading or unloading workers from worker transport buses.

44 (c) The lights may be operated when the vehicle is stopping or has stopped for the purpose of
 45 loading or unloading children being transported to or from religious services or an activity or

1 function authorized by a religious organization.

2 (d) The lights may be operated when the vehicle is stopping or has stopped in a place that ob-
3 structs other drivers' ability to see the bus safety lights on another vehicle.

4 (e) Notwithstanding any other paragraph of this subsection, the lights [shall] **may** not be oper-
5 ated if the vehicle is stopping or has stopped at an intersection where traffic is controlled by elec-
6 trical traffic control signals, other than flashing signals, or by a police officer.

7 (f) Notwithstanding any other paragraph of this subsection, the lights [shall] **may** not be oper-
8 ated if the vehicle is stopping or has stopped at a loading or unloading area where the vehicle is
9 completely off the roadway.

10 (13)(a) Hazard lights shall be used for the purpose of warning the operators of other vehicles
11 of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching,
12 overtaking or passing.

13 (b) Hazard lights shall be used by the first and last vehicles in a funeral procession.

14 (14) Mail delivery lights may be used only while in active service transporting United States
15 mail for the purpose of warning other vehicle operators of the vehicle's presence and to exercise
16 caution in approaching, overtaking or passing. A vehicle with mail delivery lights is in compliance
17 with this subsection if the lights are flashed continuously while the vehicle is in motion in active
18 service transporting mail or if the lights are actuated by application of the service brake while the
19 vehicle is parked.

20 (15) A pilot vehicle warning light may be activated only when the vehicle equipped with the
21 light is an escort accompanying a motor vehicle carrying or towing a load of a size or description
22 not permitted under ORS 818.020, 818.060, 818.090 or 818.160.

23 (16) Fire company warning lights authorized under a permit granted under ORS 818.250 may be
24 used by the persons authorized under the permit while being driven to a fire station or fire location
25 in response to a fire alarm. Fire company warning lights authorized under ORS 811.800 may be used
26 by funeral escort vehicle or funeral lead vehicle drivers while driving in a funeral procession. The
27 lights shall be covered or otherwise concealed when not being displayed as provided in this sub-
28 section.

29 (17) Any lighted headlights upon a parked vehicle shall be dimmed.

30 (18) Commercial vehicle warning lights may be used only:

31 (a) To warn operators of other vehicles of the presence of a traffic hazard requiring the exercise
32 of unusual care in approaching, overtaking or passing the commercial vehicle; and

33 (b) When the commercial vehicle is being used for commercial purposes and the vehicle is:

34 (A) Stopped, parked or left standing at a commercial or work site; or

35 (B) In a highway work zone as defined in ORS 811.230.

36 (19) **Lighted headlights must be displayed at all times when a vehicle is being driven upon**
37 **a highway.**

38 **SECTION 2. The amendments to ORS 811.515 by section 1 of this 2019 Act apply to con-**
39 **duct occurring on or after the effective date of this 2019 Act.**

40 **SECTION 3.** ORS 811.520 is amended to read:

41 811.520. (1) A person commits the offense of unlawful use or failure to use lights if the person
42 does any of the following:

43 (a) Drives or moves on any highway any vehicle at a time when vehicle lighting is required to
44 be operated or is prohibited from being operated under ORS 811.515 and operates or fails to operate
45 lighting equipment as required under ORS 811.515.

1 (b) Owns a vehicle or combination of vehicles and causes or knowingly permits the vehicle or
2 combination of vehicles to be driven or moved on any highway at a time when ORS 811.515 requires
3 or prohibits the operation of vehicle lighting equipment without compliance with the requirements
4 under ORS 811.515.

5 (c) Drives any vehicle in a funeral procession without using the low beam headlights.

6 (2) The application of this section is subject to the exemptions from this section established
7 under ORS 811.525.

8 (3) The offense described in this section, unlawful use of or failure to use lights, is a Class B
9 traffic violation, except:

10 (a) That violation of ORS 811.515 (3), (4), (13) or (17) or subsection (1)(c) of this section is a
11 Class D traffic violation.

12 (b) **That a violation of ORS 811.515 (19) is:**

13 (A) **For the first offense, a specific fine traffic violation. The presumptive fine is \$100.**

14 (B) **For a second offense, a Class D traffic violation.**

15 (C) **For a third or subsequent offense, a Class B traffic violation.**

16 **SECTION 4.** ORS 153.633 is amended to read:

17 153.633. (1) In any criminal action in a circuit court in which a fine is imposed, the lesser of the
18 following amounts is payable to the state before any other distribution of the fine is made:

19 (a) \$65; or

20 (b) The amount of the fine if the fine is less than \$65.

21 (2) In any criminal action in a justice or municipal court in which a fine is imposed, the lesser
22 of the following amounts is payable to the state before any other distribution of the fine is made:

23 (a) \$50; or

24 (b) The amount of the fine if the fine is less than \$50.

25 (3) A justice or municipal court shall forward the amount prescribed under subsection (2) of this
26 section to the Department of Revenue for deposit in the Criminal Fine Account.

27 (4)(a) The provisions of this section do not apply to fines imposed under ORS 339.990.

28 (b) The provisions of subsection (2) of this section do not apply to fines imposed in justice and
29 municipal courts under ORS **811.520 (3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or
30 830.990 (1).

31 **SECTION 5.** ORS 153.645 is amended to read:

32 153.645. (1) If a justice court enters a judgment of conviction for a traffic offense and the con-
33 viction resulted from a prosecution arising out of an arrest or complaint made by an officer of the
34 Oregon State Police or by any other enforcement officer employed by state government, as defined
35 in ORS 174.111:

36 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
37 the Department of Revenue for deposit in the Criminal Fine Account;

38 (b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
39 required by paragraph (a) of this subsection is payable to the county in which the justice court is
40 located; and

41 (c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
42 required by paragraph (a) of this subsection is payable to the state.

43 (2) If a justice court enters a judgment of conviction for a traffic offense and the conviction
44 resulted from a prosecution arising out of an arrest or complaint made by a sheriff, deputy sheriff
45 or any other enforcement officer employed by the county:

1 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
2 the Department of Revenue for deposit in the Criminal Fine Account; and

3 (b) Subject to subsection (4) of this section, the remaining amount of the fine is payable to the
4 county in which the court is located.

5 (3) If a justice court enters a judgment of conviction for a traffic offense and the conviction
6 resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer
7 employed by any other local government, as defined in ORS 174.116:

8 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
9 the Department of Revenue for deposit in the Criminal Fine Account;

10 (b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
11 required by paragraph (a) of this subsection is payable to the local government that employs the
12 enforcement officer; and

13 (c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
14 required by paragraph (a) of this subsection is payable to the county in which the court is located.

15 (4) If the full amount of the fine imposed by a justice court is collected, the last \$16 of the
16 amount collected shall be paid to the county treasurer for the county in which the court is located
17 and may be used only for the purposes specified in ORS 153.660. If the full amount of the fine im-
18 posed is not collected, the \$16 payment required by this subsection shall be reduced by one dollar
19 for every dollar of the fine that is not collected. The provisions of this subsection do not apply to
20 fines imposed for violations of ORS **811.520 (3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536,
21 814.600 or 830.990 (1).

22 **SECTION 6.** ORS 153.650 is amended to read:

23 153.650. (1) If a municipal court enters a judgment of conviction for a traffic offense and the
24 conviction resulted from a prosecution arising out of an arrest or complaint made by an officer of
25 the Oregon State Police or by any other enforcement officer employed by state government, as de-
26 fined in ORS 174.111:

27 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
28 the Department of Revenue for deposit in the Criminal Fine Account;

29 (b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
30 required by paragraph (a) of this subsection is payable to the city in which the municipal court is
31 located; and

32 (c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
33 required by paragraph (a) of this subsection is payable to the state.

34 (2) If a municipal court enters a judgment of conviction for a traffic offense and the conviction
35 resulted from a prosecution arising out of an arrest or complaint made by a city police officer or
36 any other enforcement officer employed by the city:

37 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
38 the Department of Revenue for deposit in the Criminal Fine Account; and

39 (b) Subject to subsection (4) of this section, the remaining amount of the fine is payable to the
40 city in which the court is located.

41 (3) If a municipal court enters a judgment of conviction for a traffic offense and the conviction
42 resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer
43 employed by any other local government, as defined in ORS 174.116:

44 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
45 the Department of Revenue for deposit in the Criminal Fine Account;

1 (b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
2 required by paragraph (a) of this subsection is payable to the local government that employs the
3 enforcement officer; and

4 (c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
5 required by paragraph (a) of this subsection is payable to the city in which the court is located.

6 (4) If the full amount of the fine imposed by a municipal court is collected, the last \$16 of the
7 amount collected shall be paid to the county treasurer for the county in which the court is located
8 and may be used only for the purposes specified in ORS 153.660. If the full amount of the fine im-
9 posed is not collected, the \$16 payment required by this subsection shall be reduced by one dollar
10 for every dollar of the fine that is not collected. The provisions of this subsection do not apply to
11 fines imposed for violations of ORS **811.520 (3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536,
12 814.600 or 830.990 (1).

13 **SECTION 7.** ORS 153.660 is amended to read:

14 153.660. (1) If a justice or municipal court imposes a fine for any offense other than a traffic
15 offense and the full amount of the fine imposed is collected, the last \$16 of the amount collected
16 shall be paid to the county treasurer for the county in which the court is located and may be used
17 only for the purposes specified in this section. If the full amount of the fine imposed is not collected,
18 the \$16 payment required by this subsection shall be reduced by one dollar for every dollar of the
19 fine that is not collected. The provisions of this subsection do not apply to fines imposed for vio-
20 lations of ORS **811.520 (3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1).

21 (2) Sixty percent of the amounts paid to the county treasurer under this section and under ORS
22 153.645 (4) and 153.650 (4) shall be deposited by the treasurer in the county treasury and may be
23 used only for drug and alcohol programs and for the costs of planning, operating and maintaining
24 county juvenile and adult corrections programs and facilities.

25 (3) Forty percent of the amounts paid to the county treasurer under this section and under ORS
26 153.645 (4) and 153.650 (4) shall be deposited by the treasurer in the court facilities security account
27 established under ORS 1.182 for the county in which the court is located.

28