

Requested by Representative NOBLE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3050**

1 In line 2 of the printed bill, after “transportation” insert “; amending ORS
2 12.278, 30.480, 31.760, 41.905, 98.854, 105.932, 105.935, 105.938, 133.405, 135.857,
3 146.113, 153.061, 163.115, 181A.085, 336.802, 374.005, 390.565, 431.144, 445.090,
4 471.703, 672.060, 676.260, 682.035, 682.105, 742.490, 742.492, 742.494, 742.504,
5 742.508, 742.510, 742.530, 742.534, 742.536, 742.538, 742.542, 742.544, 742.546,
6 746.265, 746.292, 801.026, 801.040, 801.280, 801.440, 802.040, 802.050, 802.060,
7 802.070, 802.075, 802.091, 802.200, 802.220, 802.240, 802.320, 802.325, 806.010,
8 806.020, 806.040, 806.060, 806.070, 806.075, 806.130, 806.170, 806.190, 806.200,
9 806.210, 806.245, 807.070, 807.072, 807.170, 807.240, 807.570, 807.720, 809.020,
10 809.050, 809.380, 809.409, 809.417, 809.450, 809.470, 809.480, 810.410, 810.415,
11 810.460, 811.135, 811.207, 811.230, 811.235, 811.360, 811.365, 811.483, 811.507,
12 811.510, 811.525, 811.700, 811.705, 811.707, 811.710, 811.715, 811.717, 811.720,
13 811.725, 811.730, 811.735, 811.740, 811.745, 811.748, 811.750, 813.100, 813.131,
14 813.215, 814.414, 814.416, 816.280, 816.350, 818.105, 820.110, 822.510, 822.600,
15 824.212, 825.248 and 825.402 and section 2, chapter 330, Oregon Laws 2017,
16 and section 2, chapter 501, Oregon Laws 2019, and ORCP 7 D”.

17 Delete lines 4 through 11 and insert:

18 **“SECTION 1.** ORS 801.026 is amended to read:

19 “801.026. (1) Persons, motor vehicles and equipment employed or used by
20 a public or telecommunications utility, electric cooperative or by the United
21 States, this state or any political subdivision of this state are exempt from

1 the provisions of the vehicle code specified in subsection (3) of this section
2 while on a highway and working or being used to service, construct, main-
3 tain or repair the facilities of a utility.

4 “(2) Persons, motor vehicles and equipment employed or being used in the
5 construction or reconstruction of a street or highway are exempt from the
6 provisions of the vehicle code specified in subsection (3) of this section if:

7 “(a) They are within the immediate construction project as described in
8 the governmental agency contract, if there is a contract; and

9 “(b) The work is being done in an area that is signed in accordance with
10 the manual adopted under ORS 810.200.

11 “(3) Persons, motor vehicles and equipment described in subsections (1)
12 and (2) of this section are exempt from provisions of the vehicle code relating
13 to rules of the road as described in ORS chapter 811, except that this sub-
14 section does not apply to:

15 “(a) Reckless driving, as defined in ORS 811.140.

16 “(b) Driving while under the influence of intoxicants, as defined in ORS
17 813.010.

18 “(c) Failure to perform the duties of a driver involved in a [*collision*]
19 **crash**, as described in ORS 811.700 or 811.705.

20 “(d) Criminal driving while suspended or revoked, as defined in ORS
21 811.182.

22 “(e) Fleeing or attempting to elude a police officer, as defined in ORS
23 811.540.

24 “(f) The provisions of ORS 811.145, 811.155, 811.170 and 811.175.

25 “(4) Motor vehicles and equipment being used in the area and in the
26 manner described in subsection (2) of this section are also exempt from the
27 provisions of the vehicle code relating to vehicle size and weight to the ex-
28 tent set out in the governmental agency contract.

29 “(5) Devices moved exclusively on stationary rail tracks are exempt from
30 the vehicle code.

1 “(6) Devices that are powered exclusively by human power are not subject
2 to those provisions of the vehicle code that relate to vehicles. Notwith-
3 standing this subsection, bicycles are generally subject to the vehicle code
4 as provided under ORS 814.400.

5 “(7) The exemptions in subsection (3) of this section do not apply to the
6 persons and vehicles when traveling to or from the facilities or construction
7 project.

8 “**SECTION 2.** ORS 801.040 is amended to read:

9 “801.040. This section describes circumstances where special provisions
10 are made concerning the authority of cities, counties or other political sub-
11 divisions in relation to some portion of the vehicle code. This section is not
12 the only section of the vehicle code that applies to such authority and
13 [shall] **may** not be interpreted to affect the vehicle code except as specif-
14 ically provided in this section. The following limits are partial or complete
15 as described:

16 “(1) [No] **A** county, municipal or other local body with authority to adopt
17 and administer local police regulations under the Constitution and laws of
18 this state [shall] **may not** enact or enforce any rule or regulation in conflict
19 with the provisions of the vehicle code described in this subsection except
20 as specifically authorized in the vehicle code. This subsection applies to the
21 provisions of the vehicle code relating to abandoned vehicles, vehicle equip-
22 ment, regulation of vehicle size, weight and load, the manner of operation
23 of vehicles and use of roads by persons, animals and vehicles.

24 “(2) Except as provided in ORS 822.230 and this subsection, [no] **a** city,
25 county or other political [subdivisions shall] **subdivision may not** regulate
26 or require or issue any registration, licenses, permits or surety bonds or
27 charge any fee for the regulatory or surety registration of any person re-
28 quired to obtain a certificate from the Department of Transportation under
29 ORS 822.205. This subsection does not:

30 “(a) Limit any authority of a city or county to license and collect a gen-

1 eral and nondiscriminatory license fee levied upon all businesses or to levy
2 a tax based upon business conducted by any person within the city or county.

3 “(b) Limit the authority of any city or county to impose any requirements
4 or conditions as part of any contract to perform towing or recovering ser-
5 vices for the city or county.

6 “(c) Limit the authority of any city or county to impose requirements and
7 conditions that govern the towing of a vehicle by a towing business under
8 ORS 98.812 so long as those requirements and conditions are consistent with
9 the provisions of ORS 822.230.

10 “(3) [No] A city, county or other political subdivision of this state, [nor]
11 or any state agency, may **not** adopt a regulation or ordinance that imposes
12 a special fee for the use of public lands or waters by snowmobiles or Class
13 I all-terrain vehicles, or for the use of any access thereto that is owned by
14 or under the jurisdiction of either the United States, this state or any such
15 city, county or other political subdivision. The registration fees provided by
16 ORS 821.320 are in lieu of any personal property or excise tax imposed on
17 snowmobiles by this state or any political subdivision. [No] A city, county
18 or other municipality, [and no] or a state agency [shall] **may not** impose
19 any other registration or license fee on any snowmobile in this state. This
20 subsection does not prohibit any city, county or other political subdivision,
21 or any state agency from regulating the operation of snowmobiles or Class
22 I all-terrain vehicles on public lands, waters and other properties under its
23 jurisdiction and on streets or highways within its boundaries by adopting
24 regulations or ordinances of its governing body if such regulations are not
25 inconsistent with ORS 821.150 to 821.292.

26 “(4) The provisions of ORS 819.110 to 819.215 relating to towing of vehi-
27 cles that are abandoned establish minimum requirements subject to the fol-
28 lowing:

29 “(a) Notwithstanding paragraph (b) of this subsection, a county or incor-
30 porated city may supersede such provisions by ordinance or charter pro-

1 vision.

2 “(b) Any road authority described under ORS 810.010 may adopt rules or
3 procedures that do not conflict with such provisions to provide for additional
4 protection for the owner or person with an interest in a vehicle subject to
5 such provisions or that more quickly accomplish the procedures established
6 under such provisions.

7 “(5) Any incorporated city may by ordinance require that the driver of a
8 vehicle involved in [*an accident*] **a crash** file with a designated city depart-
9 ment a copy of any report required to be filed under ORS 811.725. All such
10 reports shall be for the confidential use of the city department but subject
11 to the same requirements for release of such reports as provided for the re-
12 lease of such reports by the department under ORS 802.220 and 802.240.

13 “(6) Except as otherwise specifically provided in this section, in accord-
14 ance with the provisions of ORS 801.041, the governing body of a county may
15 establish by ordinance registration fees for vehicles registered at a residence
16 or business address within the county.

17 “(7) Except as otherwise specifically provided in this section, in accord-
18 ance with the provisions of ORS 801.042, the governing body of a district
19 may establish by ordinance registration fees for vehicles registered at a res-
20 idence or business address within the district.

21 **“SECTION 3.** ORS 801.280 is amended to read:

22 “801.280. ‘Financial responsibility requirements’ means the ability to re-
23 spond in damages for liability, on account of [*accidents*] **crashes** arising out
24 of the ownership, operation, maintenance or use of a motor vehicle in a
25 manner provided under ORS 806.060.

26 **“SECTION 4.** ORS 801.440 is amended to read:

27 “801.440. ‘Right of way’ means the right of one vehicle or pedestrian to
28 proceed in a lawful manner in preference to another vehicle or pedestrian
29 approaching under such circumstances of direction, speed and proximity as
30 to give rise to danger of [*collision*] **crashing** unless one grants precedence

1 to the other.

2 **“SECTION 5.** ORS 802.040 is amended to read:

3 “802.040. (1) The Department of Transportation shall specify the minimum
4 contents of a report about, and the means for reporting, [*accidents*] **crashes**
5 that are required to be reported under ORS 810.460, 811.725, 811.730 and
6 811.735. The department shall consult with the state police and city and
7 county law enforcement officials before approving means for [*accident*] **crash**
8 reports required under ORS 810.460. Any means of reporting specified under
9 this subsection shall require sufficiently detailed information to disclose,
10 with reference to a [*traffic accident*] **crash**, the cause, conditions then exist-
11 ing and the persons and vehicles involved. Upon request, if the department
12 adopts forms as one means of reporting [*accidents*] **crashes**, the department
13 shall make the forms available through police departments, sheriffs’ offices
14 and other suitable agencies or individuals.

15 “(2) The department shall assure that any means specified under sub-
16 section (1) of this section for use in [*accident*] **crash** reports required under
17 ORS 811.725, 811.730 and 811.735 include a way of making owners aware of
18 the definition of a totaled vehicle and of the owner’s duty under ORS 819.012.

19 “(3) The department shall prescribe and provide suitable forms for the
20 administration and enforcement of the financial responsibility requirements
21 under the vehicle code or shall prescribe any other means of accomplishing
22 the same end that the department finds convenient.

23 **“SECTION 6.** ORS 802.050 is amended to read:

24 “802.050. (1) The Department of Transportation may compile, publish and
25 distribute a vehicle code book containing statutes administered by the de-
26 partment concerning vehicles and drivers, along with other related laws. The
27 department may establish and collect a reasonable fee for books issued to
28 groups or persons who are not employees of the department. Any fee estab-
29 lished under this section shall not exceed the costs of the compilation, pub-
30 lication and distribution of the books.

1 “(2) The department shall publish statistical information based on the
2 analysis and tabulation of [*accident*] **crash** reports under ORS 802.220. Pub-
3 lication under this subsection shall be annual or at more frequent intervals.

4 “(3) The department shall make rules it adopts concerning aiming of
5 headlights, auxiliary lights and passing lights available to the public in an
6 appropriate publication.

7 **“SECTION 7.** ORS 802.060 is amended to read:

8 “802.060. The Department of Transportation may:

9 “(1) Apply for, accept and receive such grants, contributions or other
10 moneys as may be available to this state or any of its agencies for research
11 and other programs concerning the safe operation of motor vehicles upon the
12 highways, including research or educational programs for the improvement
13 of drivers, the reduction of [*traffic accidents*] **crashes** and the reduction of
14 violations of traffic laws and ordinances.

15 “(2) Enter into such contracts or agreements, employ such personnel, and
16 do all things necessary to receive available moneys and carry on any re-
17 search or program mentioned in subsection (1) of this section, provided that
18 the authority herein granted and the contracts, agreements and other acts
19 authorized to be entered into or performed, shall be subject to and not in
20 conflict with the provisions of any other applicable state statutes.

21 **“SECTION 8.** ORS 802.070 is amended to read:

22 “802.070. The Department of Transportation shall assist accredited schools
23 and educational institutions of this state in the promotion of highway safety
24 and shall carry on with other activities under the laws providing for the
25 registration of motor vehicles and motor vehicle operators and chauffeurs,
26 other projects having for their purpose the prevention of motor vehicle [*ac-*
27 *cidents*] **crashes**.

28 **“SECTION 9.** ORS 802.075 is amended to read:

29 “802.075. The Department of Transportation shall adopt rules for approval
30 of a motor vehicle [*accident*] **crash** prevention course that will qualify a

1 person for the reduction in premium provided by ORS 742.490 to 742.494. The
2 rules may include requirements for the contents of a course and qualifica-
3 tions of an organization offering a course.

4 **“SECTION 10.** ORS 802.091 is amended to read:

5 “802.091. (1) The Department of Transportation shall pay reasonable costs
6 for the removal of any vehicle, cargo or debris resulting from a motor vehicle
7 [*accident*] **crash** if:

8 “(a) The motor vehicle [*accident*] **crash** resulted in the death of a person
9 18 years of age or younger;

10 “(b) The [*accident*] **crash** occurred on a state highway;

11 “(c) The surviving family members would otherwise be responsible for the
12 cost of the cleanup; and

13 “(d) There is no insurance available.

14 “(2) Subsection (1) of this section does not apply if:

15 “(a) It is established by a preponderance of the evidence that the deceased
16 was engaged in conduct that would constitute a crime; or

17 “(b) The vehicle of the deceased was not insured under a motor vehicle
18 liability insurance policy that complied with financial responsibility re-
19 quirements under ORS 806.060.

20 **“SECTION 11.** ORS 802.200, as amended by section 16, chapter 701,
21 Oregon Laws 2019, is amended to read:

22 “802.200. In addition to any other records the Department of Transporta-
23 tion may establish, the department is subject to the following provisions
24 concerning records:

25 “(1) The department shall maintain records concerning the titling of ve-
26 hicles in this state. The records under this subsection shall include the fol-
27 lowing:

28 “(a) For vehicles issued a title by this state, the records shall identify the
29 vehicle and contain the following:

30 “(A) The name of the vehicle owner and any security interest holders in

1 order of priority, except that a security interest holder need not be identified
2 if the debtor who granted the interest is in the business of selling vehicles
3 and the vehicles constitute inventory held for sale;

4 “(B) The name of any lessor of the vehicle;

5 “(C) The vehicle description; and

6 “(D) Whether a certificate of title was issued for the vehicle.

7 “(b) If the vehicle is an antique vehicle that is reconstructed, the records
8 shall indicate that the vehicle is reconstructed.

9 “(c) If the vehicle is a replica, the records shall indicate that the vehicle
10 is a replica.

11 “(d) Any other information concerning the titling of vehicles that the
12 department considers convenient or appropriate.

13 “(e) All odometer disclosures and readings for a vehicle that are reported
14 to the department under provisions of the vehicle code. The department shall
15 keep the most recent version of records required under this paragraph in
16 electronic form.

17 “(f) If the vehicle has been reported to the department as a totaled vehicle
18 under the provisions of ORS 819.012 or 819.014, the records shall indicate
19 that the vehicle is a totaled vehicle unless the reason for the report was
20 theft and the vehicle has been recovered.

21 “(2) If a vehicle that has been registered or titled in another jurisdiction
22 is registered or titled in this state, the department shall retain a record of
23 any odometer readings shown on the title or registration documents submit-
24 ted to the department at the time of registration or title.

25 “(3) Except as otherwise provided in ORS 826.003, the department shall
26 maintain records concerning the registration of vehicles required to be reg-
27 istered by the department. The records concerning the registration of vehi-
28 cles may be stored along with records concerning the titling of vehicles. The
29 records under this subsection shall include the following:

30 “(a) For vehicles registered by the department, the records shall identify

1 the vehicle and contain the following:

2 “(A) The registration plate number assigned by the department to the
3 vehicle;

4 “(B) The name of the vehicle owner;

5 “(C) The vehicle description and vehicle identification number; and

6 “(D) An indication that the vehicle is a totaled vehicle if it has been re-
7 ported to the department as a totaled vehicle under the provisions of ORS
8 819.012 or 819.014, unless the reason for the report was theft and the vehicle
9 has been recovered.

10 “(b) Any other information concerning the registration of vehicles that
11 the department considers convenient or appropriate.

12 “(4) The department shall maintain separate records for the regulation
13 of vehicle dealers. The records required under this subsection shall include
14 the following information about persons issued dealer certificates:

15 “(a) The person’s application for a vehicle dealer certificate.

16 “(b) An alphabetical index of the name of each person applying for a ve-
17 hicle dealer certificate.

18 “(c) A numerical index according to the distinctive number assigned to
19 each vehicle dealer.

20 “(5) The department shall maintain a file on vehicles for which the title
21 record is canceled under ORS 819.030. The records required under this sub-
22 section shall disclose the last registered owner of each vehicle, any security
23 interest holder or holders and lessors of each vehicle as shown by the can-
24 celed title record for each vehicle and the make and year model for each
25 vehicle.

26 “(6) The department shall maintain a record of each agreement or decla-
27 ration under ORS 802.500 and 802.520.

28 “(7) The department shall maintain separate and comprehensive records
29 of all transactions affecting the Revolving Account for Emergency Cash
30 Advances described under ORS 802.100.

1 “(8) The department shall maintain suitable records of driver licenses,
2 driver permits and identification cards. The records required under this
3 subsection shall include all of the following:

4 “(a) An index by name and number.

5 “(b) Supporting documentation of all driver licenses, driver permits or
6 identification cards issued.

7 “(c) Every application for a driver license, driver permit or identification
8 card.

9 “(d) All driver licenses or driver permits that have been suspended, re-
10 voked or canceled.

11 “(e)(A) For each driver license, driver permit or identification card, the
12 Social Security number of the person to whom the driver license, driver
13 permit or identification card is issued or the written statement that the
14 person has not been assigned a Social Security number.

15 “(B) As used in this paragraph, a ‘driver license,’ ‘driver permit’ or
16 ‘identification card’ means a driver license, driver permit or identification
17 card that is not a:

18 “(i) Real ID;

19 “(ii) Commercial driver license; or

20 “(iii) Commercial learner driver permit.

21 “(f) For each commercial driver license and commercial learner driver
22 permit, the Social Security number of the person to whom the license or
23 permit is issued, or any other number or identifying information that the
24 Secretary of the United States Department of Transportation determines ap-
25 propriate to identify the person.

26 “(g) For each Real ID, the Social Security number of the person to whom
27 the Real ID is issued, or proof that the person is not eligible for a Social
28 Security number.

29 “(9) The Department of Transportation shall maintain a two-part driving
30 record consisting of an employment driving record and a nonemployment

1 driving record for each person as required under this subsection. All of the
2 following apply to the records required under this subsection:

3 “(a) The department shall maintain driving records on each person the
4 department determines requires an Oregon driving record to comply with
5 federal regulations or provisions of the vehicle code. The department shall
6 establish rules for maintaining driving records under this subsection.

7 “(b) In addition to other information required by this paragraph, the em-
8 ployment driving record shall include all reports of drug test results that are
9 made to the department under ORS 825.410 or 825.415. Notwithstanding any
10 other provision of law, release of the portion of the employment driving re-
11 cord that shows drug test results reported under ORS 825.410 or 825.415 is
12 permitted only in accordance with ORS 802.202. The employment driving re-
13 cord shall also include all motor vehicle [*accidents*] **crashes** that the person
14 is required to report under ORS 811.720, all suspensions of driving privileges
15 required to be placed on the record under ORS 809.280, all suspensions of the
16 person’s commercial driving privileges that result from operation or use of
17 a commercial motor vehicle and all convictions, as determined by the de-
18 partment by rule, of the person for violation of motor vehicle laws except
19 convictions for offenses requiring mandatory revocation or suspension of
20 driving privileges under ORS 809.409, 809.411, 809.510 to 809.545 and 813.400,
21 but shall include only such [*accidents*] **crashes**, suspensions and convictions
22 that occur while the person is driving a motor vehicle:

23 “(A) In the course of the person’s employment when the person is em-
24 ployed by another for the principal purpose of driving a motor vehicle;

25 “(B) Carrying persons or property for compensation;

26 “(C) In the course of the person’s employment in the collection, trans-
27 portation or delivery of mail if the vehicle is government owned or marked
28 for the collection, transportation or delivery of mail in accordance with
29 government rules;

30 “(D) That is an authorized emergency vehicle;

1 “(E) That is a commercial motor vehicle; or

2 “(F) In the course of the person’s employment with a federal, state or lo-
3 cal government in a public works project involving repair or maintenance
4 of water, sewer or road systems.

5 “(c) The nonemployment driving record shall include the person’s:

6 “(A) Motor vehicle [*accidents*] **crashes** that the person is required to re-
7 port under ORS 811.720, other than the motor vehicle [*accidents*] **crashes**
8 that are included on the person’s employment driving record;

9 “(B) Suspensions, cancellations and revocations of licenses, permits and
10 driving privileges;

11 “(C) Judgments and convictions, as determined by the department by rule,
12 for violation of the motor vehicle laws including, for each violation of ORS
13 811.100 or 811.111, the speed at which the person was convicted of traveling
14 and the posted speed, the speed limit or the speed that constitutes prima
15 facie evidence of violation of the basic speed rule, as appropriate; and

16 “(D) Diversion agreements entered into under ORS 813.220 within the
17 preceding 15 years.

18 “(d) The department may record other entries to indicate correspondence,
19 interviews, participation in driver improvement programs or other matters
20 concerning the status of the driving privileges of the person.

21 “(e) When a person is issued a driver license or driver permit by this
22 state, the department may request a copy of driving records that exist for the
23 person in any other jurisdiction. The department shall adopt rules specifying
24 when the department may request driving records from other jurisdictions
25 and may apply entries from out-of-state records for use in Oregon.

26 “(f) When a suspension of a driver permit, driver license or other driving
27 privilege is placed on the driving record under ORS 809.280 for failure to
28 appear in court on a traffic crime, the department shall note on the record
29 that the suspension was for failure to appear in court and shall also note the
30 offense charged against the person on which the person failed to appear.

1 “(g) The Department of Transportation, in consultation with the Depart-
2 ment of State Police, shall devise and implement a method of noting sus-
3 pensions and revocations of driving privileges on the record in such a way
4 that police agencies can determine directly from the record what class of
5 offense, as provided by law, is committed by a person who drives in violation
6 of the suspension or revocation. If the Department of Transportation and the
7 Department of State Police devise a mutually agreeable alternative method
8 of informing police agencies of the nature of a suspension or revocation and
9 the consequences of its violation, the implementation of that method shall
10 satisfy the duty of the Department of Transportation under this paragraph.

11 “(10) The department shall maintain [*accident*] **crash** reports filed with
12 the department under ORS 810.460 and 811.725 to 811.735.

13 “(11) The department shall maintain records of bank checks or money
14 orders returned under ORS 802.110.

15 “(12) The department shall maintain records of trip permits issued by the
16 department under ORS 803.600, as provided under this subsection. The re-
17 cords required by this subsection shall include the following:

18 “(a) A description of the vehicle sufficient to identify the vehicle.

19 “(b) The person to whom the permit was issued.

20 “(c) When the permit was issued.

21 “(d) The type of permit issued.

22 “(e) For registration weight trip permits, the maximum allowable regis-
23 tration weight permitted for operation under the permit.

24 “(f) Any other information the department determines appropriate or
25 convenient.

26 “**SECTION 12.** ORS 802.220 is amended to read:

27 “802.220. (1) Except as otherwise provided in this subsection and ORS
28 802.177, the records the Department of Transportation maintains under ORS
29 802.200 on vehicles are public records. The records of vehicles registered
30 under ORS 805.060 are not public records and are exempt from public in-

1 specification as provided under ORS 181A.220 and are for the confidential use of
2 criminal justice agencies described under ORS 181A.010. The department may
3 charge the fee established under ORS 802.230 for furnishing information un-
4 der this section concerning a vehicle or its owner.

5 “(2) The department may charge the fee established under ORS 802.230 for
6 furnishing to the public information from the records the department main-
7 tains under ORS 802.200 concerning driver licenses or driver permits.

8 “(3) The records the department keeps under ORS 802.200 on judgments
9 or convictions under ORS 810.375 shall be open to the inspection of any
10 person during reasonable business hours. Nothing in this subsection author-
11 izes the release of personal information as defined in ORS 802.175.

12 “(4) The department shall upon request furnish any person certified ab-
13 stracts of the employment driving record and the nonemployment driving
14 record of any person whose driving records are maintained under ORS
15 802.200. If an abstract of the employment driving record is not specifically
16 requested, the department shall only furnish an abstract of the nonemploy-
17 ment driving record. Nothing in this subsection authorizes the release of
18 personal information as defined in ORS 802.175. The department shall collect
19 the fee established for abstracts of driving records under ORS 802.230. A
20 certified abstract issued under this section shall not contain any of the fol-
21 lowing, unless the abstract is being requested under ORS 746.265 (3):

22 “(a) Any [*accident*] **crash** or conviction for violation of motor vehicles
23 laws that occurred more than three years immediately preceding a request
24 for abstract.

25 “(b) Any suspension ordered under ORS 809.220 after the department has
26 received notice to reinstate a person’s suspended driving privileges under
27 ORS 809.220.

28 “(c) Any diversion agreement under ORS 813.220 entered into more than
29 three years immediately preceding a request for the abstract.

30 “(5) Except as otherwise provided in this subsection, [*accident*] **crash** re-

1 ports filed with the department under ORS 811.725, 811.730 or 811.735 shall
2 be without prejudice to the individual filing the report and shall be for the
3 confidential use of state administrative and enforcement agencies. The de-
4 partment may use the confidential [accident] **crash** reports to provide the
5 following information to the persons described:

6 “(a) Upon request, the department shall disclose the following information
7 to any party involved in the [accident] **crash** or to their personal represen-
8 tative or any member of the family of a party involved in the [accident]
9 **crash**:

10 “(A) The identity of the owner, driver, occupants and the registration
11 number of a vehicle involved in the [accident] **crash**;

12 “(B) The names of any companies insuring the owner or driver of a ve-
13 hicle involved in the [accident] **crash**; and

14 “(C) The names of any witnesses to the [accident] **crash**.

15 “(b) The department shall furnish a certificate showing that a specified
16 [accident] **crash** report has or has not been made to the department upon
17 demand of any person who has or claims to have made such a report or upon
18 demand of a court.

19 “(6) The department shall tabulate and may analyze all [accident] **crash**
20 reports to develop statistical information based thereon as to the number and
21 circumstances of [traffic accidents] **crashes**. The department shall publish
22 information compiled under this section in the manner provided under ORS
23 802.050.

24 “(7) Except as otherwise provided in this subsection, the records the de-
25 partment is required under ORS 802.200 to maintain on trip permits issued
26 under ORS 803.600 are public records. The department may charge a fee es-
27 tablished under ORS 802.230 for furnishing information from the records on
28 trip permits. Nothing in this subsection authorizes the release of personal
29 information as defined in ORS 802.175.

30 “(8) The records the department maintains under ORS 802.200 concerning

1 odometer readings for vehicles are public records. The department may sep-
2 arately furnish information concerning odometer readings shown by its re-
3 cords. The department may charge the fee established under ORS 802.230 for
4 information separately provided under this subsection. Nothing in this sub-
5 section authorizes the release of personal information as defined in ORS
6 802.175.

7 **“SECTION 13.** ORS 802.240 is amended to read:

8 “802.240. (1) In all actions, suits or criminal proceedings when the title
9 to, or right of possession of, any vehicle is involved, the record of title, as
10 it appears in the files and records of the Department of Transportation, is
11 prima facie evidence of ownership or right to possession of the vehicle. As
12 used in this section, the record of title does not include records of salvage
13 titles unless the record itself is the salvage title. Proof of the ownership or
14 right to possession of a vehicle shall be made by means of any of the fol-
15 lowing methods:

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

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

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

29 “(3) A certified copy of a person’s driving record, as maintained by the
30 department:

1 “(a) May be admitted as evidence in any hearing or proceeding under ORS
2 813.200 to 813.270.

3 “(b) Is prima facie evidence that the person named therein was duly con-
4 victed of each offense shown by the record.

5 “(c) Is prima facie evidence that the person named therein is participating
6 in or has participated in a driving under the influence of intoxicants diver-
7 sion program or in any similar alcohol or drug rehabilitation program in this
8 state or in any other jurisdiction if the record shows that the person has
9 participated in such a program.

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

14 “(a) The report required following [*an accident*] **a crash**.

15 “(b) Any action taken by the department to revoke or suspend a driver
16 license or driver permit or taken by the department under the financial re-
17 sponsibility requirements of the vehicle code or the findings, if any, of the
18 department upon which such action of the department is based.

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

21 “(5) Except as provided in this subsection, the [*accident*] **crash** reports
22 filed with the department under ORS 811.725, 811.730 or 811.735 shall be
23 without prejudice to the individual filing the report and [*no such report*
24 *shall*] **the report may not** be used as evidence in any trial, civil or criminal,
25 arising out of [*an accident*] **a crash**. The following uses are allowable under
26 this subsection:

27 “(a) The certificate issued by the department under ORS 802.220 to show
28 whether or not [*an accident*] **a crash** report has been made to the department
29 shall be used solely to prove a compliance or failure to comply with the re-
30 quirements that the [*accident*] **crash** report be made to the department.

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

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

5 “(B) Failure to comply with financial responsibility requirements or fail-
6 ure to comply with future responsibility filings.

7 “(6) A photocopy, facsimile copy, digital or electronic copy of an appli-
8 cation for perfection of a security interest by notation on a title under ORS
9 803.097 that is certified by the department is proof of the date of perfection
10 of the security interest unless the date is invalid as provided under ORS
11 803.097.

12 “(7) A report filed by a physician or health care provider under ORS
13 807.710 is confidential and may not be admitted as evidence in any civil or
14 criminal action. A report described in this subsection may be used in an
15 administrative hearing or an appeal from an administrative hearing in which
16 an issue is the qualification of a person to operate a motor vehicle.

17 “**SECTION 14.** ORS 802.320 is amended to read:

18 “802.320. (1) In addition to any duties under ORS 802.310, the Department
19 of Transportation, in consultation with the Transportation Safety Committee,
20 shall establish a motorcycle safety program that complies with this section
21 to the extent moneys are available for such program from the Motorcycle
22 Safety Subaccount under ORS 802.340. The program established may include
23 the following:

24 “(a) Motorcycle safety promotion and public education.

25 “(b) The development of training sites for courses approved by the de-
26 partment to teach safe and proper operation of motorcycles and mopeds.

27 “(c) Classroom instruction and actual driving instruction necessary to
28 teach safe and proper operation of motorcycles and mopeds.

29 “(d) The development of a mobile training unit.

30 “(e) The acquisition of films and equipment that may be loaned to the

1 public for the encouragement of motorcycle and moped safety.

2 “(f) Advice and assistance, including monetary assistance, for motorcycle
3 safety programs operated by government or nongovernment organizations.

4 “(g) Other education or safety programs the department determines will
5 help promote the safe operation of motorcycles and mopeds, promote safe and
6 lawful driving habits, assist in [*accident*] **crash** prevention and reduce the
7 need for intensive highway policing.

8 “(2) Subject to the State Personnel Relations Law under ORS chapter 240,
9 the department shall employ such employees as the department determines
10 necessary to carry out the purposes of this section to:

11 “(a) Advise and assist motorcycle safety programs in this state.

12 “(b) Act as a liaison between government agencies and advisory commit-
13 tees and interested motorcyclist groups.

14 “(3) The department may provide for the performance of training and
15 other functions of the program established under this section by contracting
16 with any private or public organizations or entities the department deter-
17 mines appropriate to achieve the purposes of this section. The organizations
18 the department may contract with under this subsection include, but are not
19 limited to, nonprofit private organizations, private organizations that are
20 operated for profit, public or private schools, community colleges or public
21 agencies or political subdivision.

22 “(4) The department may charge a fee for services provided under the
23 program established under this section. Any fee charged by the department
24 under this subsection must be established by rule and may not be in an
25 amount that will discourage persons from participating in safety programs
26 offered by the department under this section.

27 **“SECTION 15.** ORS 802.325 is amended to read:

28 “802.325. (1) The Department of Transportation, in consultation with the
29 Transportation Safety Committee, shall establish a bicycle safety program
30 that complies with this section to the extent moneys are available for such

1 program. The program established may include the following:

2 “(a) Bicycle safety promotion and public education.

3 “(b) Advice and assistance for bicycle safety programs operated by gov-
4 ernment or nongovernment organizations.

5 “(c) Classroom instruction and actual riding instruction necessary to
6 teach safe and proper operation of bicycles.

7 “(d) Bicycle education and information that assist police agencies in the
8 enforcement of bicycle laws.

9 “(e) Other education or safety programs the department determines will
10 help promote the safe operation of bicycles, promote safe and lawful riding
11 habits and assist in [*accident*] **crash** prevention.

12 “(2) The department shall act as a liaison between government agencies
13 and advisory committees and interested bicyclist groups.

14 “(3) The department may accept donations and solicit grants to enable the
15 department to carry out the functions of this section.

16 “(4) The department may charge a fee for services provided under the
17 program established under this section. Any fee charged by the department
18 under this subsection must be established by rule and may not be in an
19 amount that will discourage persons from participating in safety programs
20 offered by the department under this section.

21 **“SECTION 16.** ORS 806.010 is amended to read:

22 “806.010. (1) A person commits the offense of driving uninsured if the
23 person operates a motor vehicle in this state on any highway or premises
24 open to the public in this state without either:

25 “(a) The person being insured while driving the vehicle under a motor
26 vehicle liability insurance policy that meets the requirements described un-
27 der ORS 806.080; or

28 “(b) The person or the owner of the vehicle providing the Department of
29 Transportation with other satisfactory proof of compliance with the financial
30 responsibility requirements of this state.

1 “(2) Exemptions from this section are established under ORS 806.020.

2 “(3) In addition to other penalties under this section the following apply:

3 “(a) A person who is involved in a motor vehicle [*accident*] **crash** at any
4 time the person is in violation of this section is subject to suspension of the
5 person’s driving privileges under ORS 809.417.

6 “(b) A person who is convicted of violating this section is subject to ORS
7 806.230, if the person does not make future responsibility filings as required
8 by that section.

9 “(4) A person convicted for violation of this section must file with the
10 department, and thereafter maintain for a period of three years, proof of fi-
11 nancial responsibility that complies with ORS 806.060. Failure to comply
12 with this subsection is subject to ORS 809.415.

13 “(5) The offense described in this section, driving uninsured, is a Class
14 B traffic violation.

15 “**SECTION 17.** ORS 806.020 is amended to read:

16 “806.020. This section provides exemptions from the necessity for compli-
17 ance with or proof of compliance with financial responsibility requirements
18 in [*accident*] **crash** reports under ORS 811.725, when applying for vehicle
19 registration under ORS 803.370 or 803.460 and for operating a vehicle under
20 ORS 806.010. The owner or operator of a vehicle is exempt, as provided by
21 this section, from financial responsibility requirements if the vehicle in-
22 volved in the [*accident*] **crash**, sought to be registered or operated is any of
23 the following:

24 “(1) An antique vehicle issued permanent registration under ORS 805.010.

25 “(2) A farm trailer.

26 “(3) A farm tractor.

27 “(4) An implement of husbandry.

28 “(5) A vehicle of special interest that is maintained as a collector’s item
29 and used for exhibitions, parades, club activities and similar uses, but not
30 used primarily for the transportation of persons or property.

1 “(6) A snowmobile or a Class I, Class III or Class IV all-terrain vehicle,
2 unless the vehicle is operating on an all-terrain vehicle highway access route
3 that is designated by the Oregon Transportation Commission as open to all-
4 terrain vehicles.

5 “(7) Any motor vehicle not operated on any highway or premises open to
6 the public in this state.

7 “(8) A motor assisted scooter.

8 “(9) An electric personal assistive mobility device.

9 “**SECTION 18.** ORS 806.040 is amended to read:

10 “806.040. Financial responsibility requirements are designed to provide for
11 minimum payment of judgments of the type described in this section. For the
12 purposes of ORS 806.130, 806.140, 809.020, 809.130 and 809.470, judgments of
13 the type described in this section must:

14 “(1) Have become final by expiration, without appeal, of the time within
15 which an appeal might have been perfected or by final affirmation on appeal;

16 “(2) Be rendered by a court of competent jurisdiction of any state or of
17 the United States;

18 “(3) Be upon a cause of action for damages of the type described under
19 subsection (4) of this section or upon a cause of action on an agreement of
20 settlement for such damages; and

21 “(4) Be for one or more of the following kinds of damage arising out of
22 a motor vehicle [*accident*] **crash** on public or private property:

23 “(a) Damages, including damages for care and loss of services, because
24 of bodily injury to or death of any person.

25 “(b) Damages because of injury to or destruction of property, including
26 the loss of use thereof.

27 “**SECTION 19.** ORS 806.060 is amended to read:

28 “806.060. A person who is required to comply with the financial respon-
29 sibility requirements of this state must be able to respond in damages, in
30 amounts required under this section, for liability on account of [*accidents*]

1 **crashes** arising out of the ownership, operation, maintenance or use of mo-
2 tor vehicles and must establish that ability by one of the methods required
3 by this section. All of the following apply to the financial responsibility re-
4 quirements of this state:

5 “(1) To meet the financial responsibility requirements, a person must be
6 able to respond in damages in amounts not less than those established under
7 the payment schedule under ORS 806.070.

8 “(2) A person may only comply with the financial responsibility require-
9 ments of this state by establishing the required ability to respond in damages
10 in one of the following ways:

11 “(a) Obtaining a motor vehicle liability policy meeting the requirements
12 under ORS 806.080 that will provide at least minimum limits necessary to
13 pay amounts established under the payment schedule under ORS 806.070.

14 “(b) Becoming self-insured as provided under ORS 806.130.

15 **“SECTION 20.** ORS 806.070 is amended to read:

16 “806.070. (1) This section establishes a schedule of payments for the fol-
17 lowing purposes:

18 “(a) An insurance policy described under ORS 806.080 must provide for
19 payment of at least amounts necessary to cover the minimum required pay-
20 ments under this section to qualify for use for financial responsibility under
21 ORS 806.060.

22 “(b) A person who is self-insured under ORS 806.130 must agree to pay
23 according to the payment schedule established by this section.

24 “(c) The payment schedule is the minimum required payment of a judg-
25 ment for purposes of ORS 809.020, 809.130 and 809.415.

26 “(2) The schedule of payments is as follows:

27 “(a) \$25,000 because of bodily injury to or death of one person in any one
28 [*accident*] **crash**;

29 “(b) Subject to that limit for one person, \$50,000 because of bodily injury
30 to or death of two or more persons in any one [*accident*] **crash**; and

1 “(c) \$20,000 because of injury to or destruction of the property of others
2 in any one [*accident*] **crash**.

3 **“SECTION 21.** ORS 806.075 is amended to read:

4 “806.075. Notwithstanding any other provision of this chapter, a person
5 convicted of driving under the influence of intoxicants under ORS 813.010 is
6 subject to the following requirements for the method of complying with and
7 the amounts needed to meet financial responsibility requirements and for the
8 duration of future responsibility filings:

9 “(1) The person must have a certificate or certificates of insurance that
10 meet the requirements of ORS 806.270 except that the certificate or certifi-
11 cates must show that the person is covered by insurance that provides at
12 least:

13 “(a) \$50,000 because of bodily injury to or death of one person in any one
14 [*accident*] **crash**;

15 “(b) Subject to that limit for one person, \$100,000 because of bodily injury
16 to or death of two or more persons in any one [*accident*] **crash**; and

17 “(c) \$10,000 because of injury to or destruction of the property of others
18 in any one [*accident*] **crash**.

19 “(2) The person must maintain future responsibility filings showing in-
20 surance coverage in the amounts specified in subsection (1) of this section
21 for a period of three years from the date that the first filing is required.

22 **“SECTION 22.** ORS 806.130 is amended to read:

23 “806.130. (1) To qualify as a self-insurer for purposes of financial respon-
24 sibility requirements under ORS 806.060, a person must do all of the follow-
25 ing:

26 “(a) Apply to the Department of Transportation and be issued by the de-
27 partment a certificate of self-insurance under ORS 806.140.

28 “(b) Either:

29 “(A) Establish to the satisfaction of the department that the person pos-
30 sesses and will continue to possess the ability to pay and discharge judg-

1 ments described under ORS 806.040 that might be obtained against the
2 applicant; or

3 “(B) Be qualified under the laws of the State of Oregon or under an or-
4 dinance of a city of this state to act as a self-insurer and be acting as a
5 self-insurer.

6 “(c) Agree to provide the same coverage and to pay the same amounts
7 with respect to [*an accident*] **a crash** occurring while the certificate is in
8 force that an insurer would be obligated to provide and to pay under a motor
9 vehicle liability insurance policy, including providing the coverage required
10 under ORS 806.080 (1)(b) and uninsured motorist coverage and liability cov-
11 erage to at least the limits specified in ORS 806.070.

12 “(d) Have more than 25 motor vehicles including commercial buses regis-
13 tered in the person’s name.

14 “(2)(a) If [*an accident*] **a crash** occurs while a certificate of self-insurance
15 issued under ORS 806.140 is in force, the liability protection provided and
16 the amounts paid under subsection (1)(c) of this section are secondary to any
17 motor vehicle liability insurance or uninsured motorist coverage available
18 to a customer of the self-insurer, an operator of the self-insured vehicle or
19 an occupant of the self-insured vehicle unless otherwise agreed to by the
20 self-insurer. A self-insurer is required to provide the minimum payments es-
21 tablished under ORS 742.502 and 806.070 only when the motor vehicle liabil-
22 ity insurance policy of a customer of the self-insurer or an operator of the
23 self-insured vehicle does not provide the minimum required payments estab-
24 lished in ORS 742.502 and 806.070.

25 “(b) A self-insurer may recover from a customer of the self-insurer or an
26 operator of the self-insured vehicle the amounts paid under subsection (1)(c)
27 of this section.

28 “(3) Nothing in this section requires a self-insurer to provide liability
29 coverage when a person is operating the vehicle without permission of the
30 self-insurer.

1 **“SECTION 23.** ORS 806.170 is amended to read:

2 “806.170. The Department of Transportation shall investigate all certifi-
3 cations of compliance with financial responsibility requirements made on
4 reports of [*accidents*] **crashes** under ORS 811.725 and 811.730. The department
5 shall contact the insurers listed on the certifications to determine whether
6 each certification is accurate. If the certification is not correct, an insurer
7 shall notify the department no later than 60 days after receiving a request
8 from the department for verification of the accuracy of the certification.

9 **“SECTION 24.** ORS 806.190 is amended to read:

10 “806.190. (1) Every insurance carrier that issues property and casualty
11 insurance policies, as defined in ORS chapter 731, in this state shall report
12 to the Department of Transportation any person the carrier has reason to
13 believe is involved in [*an accident*] **a crash** while the person is operating a
14 vehicle in violation of ORS 806.010. The carrier shall make the report re-
15 quired by this section whether or not the [*accident*] **crash**:

16 “(a) Is a reportable [*accident*] **crash** under ORS 811.720; or

17 “(b) Occurred on a highway or on any other premises open to the public.

18 “(2) An insurance carrier shall file the report no later than 60 days after
19 the carrier first has reason to believe that a person was involved in [*an ac-*
20 *cident*] **a crash** while the person was operating a vehicle in violation of ORS
21 806.010.

22 “(3) [*No*] Civil liability [*shall*] **does not** accrue to an insurance carrier
23 or any of its employees for reports made to the department under this section
24 when the reports are made in good faith.

25 **“SECTION 25.** ORS 806.200 is amended to read:

26 “806.200. (1) A person commits the offense of failure to make a future re-
27 sponsibility filing after [*an accident*] **a crash** if:

28 “(a) The person is the owner or driver of a motor vehicle involved in [*an*
29 *accident*] **a crash**;

30 “(b) At the time of the [*accident*] **crash** the vehicle was operated in vio-

1 lation of ORS 806.010;

2 “(c) The person does not make a future responsibility filing within 30 days
3 after the [*accident*] **crash**; and

4 “(d) The person is not exempt under ORS 806.210 from making a future
5 responsibility filing.

6 “(2) The employer of a driver is subject to the requirements and penalties
7 under this section if the driver is an employee exempted from this section
8 under ORS 806.210. If an employer is subject to this section, the registration
9 of the employer’s vehicles may be suspended as provided under ORS 809.050.

10 “(3) In addition to any other penalties under this section, violation of this
11 section subjects the violator to suspension of driving privileges as provided
12 under ORS 809.415.

13 “(4) The offense described in this section, failure to make a future re-
14 sponsibility filing after [*an accident*] **a crash**, is a Class B traffic violation.

15 “**SECTION 26.** ORS 806.210 is amended to read:

16 “806.210. As appropriate, the driver or the owner, or both, are exempt
17 from the requirement under ORS 806.200 to make a future responsibility fil-
18 ing if the person claiming exemption furnishes to the Department of Trans-
19 portation proof of any of the following:

20 “(1) At the time of the [*accident*] **crash** the driver was operating a vehicle
21 owned by or leased to and operated under the direction of the United States
22 of America, this state or any municipality or subdivision thereof.

23 “(2) At the time of the [*accident*] **crash** the vehicle was lawfully parked.

24 “(3) Such liability as may arise from the driver’s operation of the vehicle
25 involved in the [*accident*] **crash** was covered by some form of liability in-
26 surance which complies with the financial responsibility requirements.

27 “(4) The owner of the vehicle involved in the [*accident*] **crash** was a
28 self-insurer under ORS 806.130.

29 “(5) The vehicle involved in the [*accident*] **crash** was being operated un-
30 der a permit issued by the department under ORS chapter 825.

1 “(6) At the time of the [accident] **crash** the owner’s vehicle was being
2 operated without the owner’s permission, expressed or implied, or was parked
3 by a person who had been operating such vehicle without the owner’s per-
4 mission unless the vehicle at the time of its taking had been left unattended
5 in a condition prohibited by a regulation or ordinance designed to prevent
6 the operation of vehicles by unauthorized persons. This subsection only ex-
7 empts owners of vehicles who qualify.

8 “(7) At the time of the [accident] **crash**, the driver was operating a vehi-
9 cle owned, operated or leased by the driver’s employer with the permission
10 of that employer. This subsection only exempts drivers of vehicles. Owners
11 remain subject as provided under ORS 806.200.

12 **“SECTION 27.** ORS 806.245 is amended to read:

13 “806.245. A termination of the requirement to maintain a future respon-
14 sibility filing does not remove a person’s responsibility to comply with fi-
15 nancial responsibility requirements. The Department of Transportation shall
16 terminate requirements for a future responsibility filing when any of the
17 following occurs:

18 “(1) The person on whose behalf the filing was made dies.

19 “(2) More than three years have passed from the date the filing was re-
20 quired.

21 “(3) A person on whose behalf the filing was made requests termination
22 and either:

23 “(a) The person was required to file because of an error committed by the
24 department; or

25 “(b) The person was required to file because of an error committed by an
26 insurance company in notifying the department regarding the correctness of
27 proof of compliance with financial responsibility requirements provided un-
28 der ORS 806.150.

29 “(4) A person who was required to file under ORS 806.150 requests ter-
30 mination and the department determines either:

1 “(a) That the person was in fact in compliance with financial responsi-
2 bility requirements as of the date specified by the department by rule under
3 ORS 806.150; or

4 “(b) That the person reasonably and in good faith believed that the person
5 was in compliance with financial responsibility requirements on the date
6 specified by the department by rule under ORS 806.150.

7 “(5) A person who was required to file because of failure to prove under
8 ORS 806.210 that the person was in compliance with financial responsibility
9 requirements requests termination and the department determines either:

10 “(a) That the person was in fact in compliance with financial responsi-
11 bility requirements at the time of the [*accident*] **crash**; or

12 “(b) That the person reasonably and in good faith believed that the person
13 was in compliance with financial responsibility requirements at the time of
14 the [*accident*] **crash**.

15 “(6) A person’s hardship permit expires and the filing was required only
16 for issuance of the hardship permit under ORS 807.240.

17 “**SECTION 28.** ORS 807.070 is amended to read:

18 “807.070. The Department of Transportation shall administer an examina-
19 tion to establish qualification for each class of license and endorsement. The
20 examination for each class of license or endorsement must include all of the
21 following as described:

22 “(1) A test of the applicant’s eyesight. This subsection does not apply to
23 an applicant with a limited vision condition as defined in ORS 807.355.

24 “(2) A test of the applicant’s knowledge and understanding of the traffic
25 laws of this state, safe driving practices and factors that cause [*accidents*]
26 **crashes**. The following all apply to the test under this subsection:

27 “(a) The test may not cover any subject that is not presented in the
28 publications of the department intended for the instruction of applicants for
29 licenses and driver permits.

30 “(b) The test for each class of license and endorsement must include, but

1 is not limited to, a test of knowledge and understanding of traffic laws that
2 relate specifically to the type of driving privileges granted under the specific
3 class of license or endorsement sought.

4 “(c) The test must include, but is not limited to, the following subjects:

5 “(A) Rights of pedestrians who are blind.

6 “(B) The meaning of official traffic signs and signals.

7 “(C) Proper operating procedure in emergency situations.

8 “(D) Vehicle safety equipment and its use.

9 “(E) Practices necessary for safe operation of a vehicle around pedestrians
10 and bicyclists.

11 “(F) Practices necessary for safe operation of a vehicle around
12 motorcyclists.

13 “(d) The test must include at least two questions pertaining to the prac-
14 tices necessary for safe operation of a vehicle around motorcyclists.

15 “(e) The test may include a question regarding fuel efficient driving
16 techniques.

17 “(f) The department may waive the test under circumstances described in
18 ORS 807.072.

19 “(3) A test that is an actual demonstration of the applicant’s ability to
20 operate a motor vehicle without endangering the safety of persons or prop-
21 erty. The following apply to this subsection:

22 “(a) The actual demonstration for each class of license shall be performed
23 in a vehicle that may be operated under the class of license sought, but that
24 may not be operated under lower classes of license.

25 “(b) An actual demonstration for a passenger endorsement shall be per-
26 formed in a vehicle that may be operated under the endorsement.

27 “(c) An actual demonstration for a school bus endorsement shall be per-
28 formed in a school bus.

29 “(d) An actual demonstration required for a commercial driver license
30 may be performed by a person only if the person has held for at least 14 days

1 a commercial learner driver permit that was issued by the department or by
2 another jurisdiction that authorizes operation of the vehicle used for testing.

3 “(e) The department may waive the demonstration under circumstances
4 described in ORS 807.072.

5 “(4) Any other examination or test, including demonstrations, that the
6 department determines may be necessary to assist the department in estab-
7 lishing whether the applicant is eligible for a license under ORS 807.060 or
8 whether the applicant is fit to operate a motor vehicle safely on the high-
9 ways of this state. In any examination or test under this subsection, the de-
10 partment shall only conduct an investigation for facts relating directly to the
11 ability of the applicant to operate a motor vehicle safely or other facts that
12 are specifically required to show the fitness of the applicant for license.

13 **“SECTION 29.** ORS 807.072 is amended to read:

14 “807.072. (1) The Department of Transportation, by rule, may waive any
15 examination, test or demonstration required under ORS 807.065 (1)(b) or
16 807.070 (2) or (3) if the department receives satisfactory proof that the person
17 required to take the examination, test or demonstration has passed an ex-
18 amination, test or demonstration approved by the department that:

19 “(a) Is given in conjunction with a traffic safety education course certi-
20 fied by the department under ORS 336.802;

21 “(b) Is given in conjunction with a motorcycle rider education course es-
22 tablished under ORS 802.320;

23 “(c) Is given in conjunction with a course conducted by a commercial
24 driver training school certified by the department under ORS 822.515; or

25 “(d) Is given in conjunction with an application for a special limited vi-
26 sion condition learner’s permit under ORS 807.359.

27 “(2) The department, by rule, may waive the actual demonstration re-
28 quired under ORS 807.070 (3) for a person who is applying for a commercial
29 driver license or a Class C license if the person holds a valid out-of-state
30 license or applies for an Oregon license within one year of the expiration

1 of a valid out-of-state license. A demonstration may be waived under this
2 subsection only if the person has applied for the same driving privileges as
3 those granted under the person's out-of-state license or for privileges granted
4 by a lower class of license.

5 “(3) The department may waive the actual demonstration required under
6 ORS 807.070 for a person who is applying for a commercial driver license,
7 an endorsement related to a commercial driver license or the removal of a
8 restriction from a commercial driver license:

9 “(a) If the person has been certified, as defined by rule, under ORS 807.080
10 or a similar statute of another jurisdiction as competent to safely exercise
11 the driving privileges granted by a Class A commercial driver license, a
12 Class B commercial driver license or a Class C commercial driver license;
13 or

14 “(b) Under circumstances, established by the department by rule, that es-
15 tablish the person's ability to drive without an actual demonstration.

16 “(4) The department may issue a Class A farm endorsement without re-
17 quiring additional tests to a person who has a Class C driver license if a
18 farm employer or a self-employed farmer certifies to the department that the
19 person is experienced in driving a vehicle that may be driven only by persons
20 who have a Class A commercial driver license and the person's two-part
21 driving record does not show either a [*traffic accident*] **crash** within two
22 years of the date of application for the endorsement or a conviction for one
23 of the following traffic crimes within five years of the date of application for
24 the endorsement:

25 “(a) Reckless driving, as defined in ORS 811.140.

26 “(b) Driving while under the influence of intoxicants, as defined in ORS
27 813.010.

28 “(c) Failure to perform the duties of a driver involved in a [*collision*]
29 **crash**, as described in ORS 811.700 or 811.705.

30 “(d) Criminal driving while suspended or revoked, as defined in ORS

1 811.182.

2 “(e) Fleeing or attempting to elude a police officer, as defined in ORS
3 811.540.

4 “(5) The department may issue a Class B farm endorsement without re-
5 quiring additional tests to a person who has a Class C driver license if a
6 farm employer or a self-employed farmer certifies to the department that the
7 person is experienced in driving a vehicle that may be driven only by persons
8 who have a Class B commercial driver license and the person’s two-part
9 driving record does not show either a conviction for a traffic crime specified
10 in subsection (4) of this section within five years of the date of application
11 for the endorsement or a [*traffic accident*] **crash** within two years of the date
12 of application for the endorsement.

13 “(6) The department by rule may establish other circumstances under
14 which a farm endorsement may be issued without an actual demonstration.
15 The authority granted by this subsection includes, but is not limited to, au-
16 thority to adopt rules specifying circumstances under which the endorsement
17 may be granted to a person despite the appearance of [*traffic accidents*]
18 **crashes** on the person’s record.

19 “(7) The department by rule may waive the test required under ORS
20 807.070 (2) for a person who applies for a motorcycle endorsement if the
21 person:

22 “(a) Holds a valid out-of-state driver license that authorizes the person
23 to operate a motorcycle; or

24 “(b) Applies for a motorcycle endorsement within one year after the ex-
25 piration date of a valid out-of-state driver license that authorizes the person
26 to operate a motorcycle.

27 “(8) The department by rule may waive the actual demonstration required
28 under ORS 807.070 (3) for a person who is applying for a restricted motor-
29 cycle endorsement that only authorizes the person to operate a motorcycle
30 with more than two wheels.

1 **“SECTION 30.** ORS 807.170 is amended to read:

2 “807.170. (1) The Department of Transportation shall provide for the
3 granting of driver license endorsements in a manner consistent with this
4 section.

5 “(2) The department shall grant an endorsement to any person who com-
6 plies with all of the following requirements:

7 “(a) The person must hold a valid license other than a restricted Class
8 C license issued under the vehicle code.

9 “(b) The person must successfully complete any tests and demonstrations
10 referred to in ORS 807.070 that the department determines necessary to de-
11 termine whether the applicant is qualified for the type of endorsement
12 sought. The actual demonstration required under ORS 807.070, if any, must
13 be performed in a vehicle that may be operated under the endorsement
14 sought but that may not be operated without the endorsement. Tests shall
15 include, but are not limited to, those tests necessary to determine whether
16 the applicant:

17 “(A) Has satisfactory knowledge of laws relating to operation under the
18 type of endorsement sought, defensive driving skills, the common causes of
19 [*accidents*] **crashes** involving vehicles operated under the type of endorse-
20 ment sought; and

21 “(B) Can operate under the endorsement in a manner that will not jeop-
22 ardize the safety of persons or property.

23 “(c) The appropriate fee under ORS 807.370 for the endorsement, including
24 the fee for the Motorcycle Safety Subaccount, must be paid.

25 “(d) If the person is applying for a motorcycle endorsement, the person
26 must comply with ORS 807.175.

27 “(3) An endorsement granted under this section is subject to the follow-
28 ing:

29 “(a) It is part of the license upon which it is endorsed and is subject to
30 any provisions applicable to the endorsed license under the statutes of this

1 state.

2 “(b) It is valid only if the license endorsed is valid.

3 “(c) The appropriate fee under ORS 807.370 must be paid upon renewal
4 of the endorsement in addition to any fee for renewal of the license endorsed.

5 “(d) Except as provided under ORS 807.350 or as specifically provided
6 under ORS 809.419, an endorsement cannot be canceled, suspended or revoked
7 separately from the license endorsed. When an endorsed license is canceled,
8 suspended or revoked, all endorsements on the license are subject to the
9 same cancellation, suspension or revocation as the license.

10 “(4) Before the department may renew any license with a motorcycle
11 endorsement, the applicant shall pay the department the Motorcycle Safety
12 Subaccount fee established under ORS 807.370 in addition to any fee for re-
13 newal of the license.

14 **“SECTION 31.** ORS 807.240 is amended to read:

15 “807.240. The Department of Transportation shall provide for issuance of
16 hardship driver permits in a manner consistent with this section. A hardship
17 driver permit grants the driving privileges provided in this section or under
18 the permit. Except as otherwise provided in this section, a hardship driver
19 permit is subject to the fees, provisions, conditions, prohibitions and penal-
20 ties applicable to a license. The following apply to a hardship driver permit:

21 “(1) The department may only issue a permit to a person whose driving
22 privileges under the vehicle code have been suspended, or revoked under ORS
23 809.600 as a habitual offender.

24 “(2) Except as provided in this section and ORS 813.520, the department
25 may reinstate the privilege to operate a motor vehicle of any person whose
26 license to operate a motor vehicle has been suspended, or revoked under ORS
27 809.600 as a habitual offender, by issuing the person a hardship permit.

28 “(3) To qualify for a hardship permit, a person must do all of the follow-
29 ing:

30 “(a) The person must submit to the department an application for the

1 permit that demonstrates the person's need for the permit.

2 “(b) The person must present satisfactory evidence, as determined by the
3 department by rule:

4 “(A) That the person must operate a motor vehicle as a requisite of the
5 person's occupation or employment;

6 “(B) That the person must operate a motor vehicle to seek employment
7 or to get to or from a place of employment;

8 “(C) That the person must operate a motor vehicle to get to or from an
9 alcohol or drug treatment or rehabilitation program;

10 “(D) That the person or a member of the person's immediate family re-
11 quires medical treatment on a regular basis and that the person must operate
12 a motor vehicle in order that the treatment may be obtained;

13 “(E) That the person must operate a motor vehicle to get to or from a
14 gambling addiction treatment program; or

15 “(F) That the person must operate a motor vehicle to provide necessary
16 services to the person or to a member of the person's family. The department
17 shall determine by rule what constitutes necessary services for purposes of
18 this subparagraph. The rule shall include as necessary services, but need not
19 be limited to, grocery shopping, driving the person or the person's children
20 to school, driving to medical appointments and caring for elderly family
21 members.

22 “(c) If the person is applying for a permit because the person or a member
23 of the person's immediate family requires medical treatment on a regular
24 basis, the person must present, in addition to any evidence required by the
25 department under paragraph (b) of this subsection, a statement signed by a
26 licensed physician or licensed nurse practitioner that indicates that the
27 person or a member of the person's immediate family requires medical
28 treatment on a regular basis.

29 “(d) The person must show that the person is not incompetent to drive
30 nor a habitual incompetent, reckless or criminally negligent driver as es-

1 tablished by the person's driving record in this or any other jurisdiction.

2 “(e) The person must make a future responsibility filing.

3 “(f) The person must submit any other information the department may
4 require for purposes of determining whether the person qualifies under this
5 section and ORS 813.520.

6 “(4) If the department finds that the person meets the requirements of this
7 section and any applicable requirements under ORS 813.520, the department
8 may issue the person a hardship permit, valid for the duration of the sus-
9 pension or revocation or for a shorter period of time established by the de-
10 partment unless sooner suspended or revoked under this section. If the
11 department issues the permit for a period shorter than the suspension or
12 revocation period, renewal of the permit shall be on such terms and condi-
13 tions as the department may require. The permit:

14 “(a) Shall limit the holder to operation of a motor vehicle only during
15 specified times.

16 “(b) May bear other reasonable limitations relating to the hardship permit
17 or the operation of a motor vehicle that the department deems proper or
18 necessary. The limitations may include any limitation, condition or require-
19 ment. Violation of a limitation is punishable as provided by ORS 811.175 or
20 811.182.

21 “(5) The department, upon receiving satisfactory evidence of any violation
22 of the limitations of a permit issued under this section, may suspend or re-
23 voke the hardship permit.

24 “(6) The fee charged for application or issuance of a hardship driver per-
25 mit is the hardship driver permit application fee under ORS 807.370. The
26 department may not refund the fee if the application is denied or if the driver
27 permit is suspended or revoked. The fee upon renewal of the driver permit
28 is the same fee as that charged for renewal of a license. The application fee
29 charged under this subsection is in addition to any fee charged for rein-
30 statement of driving privileges under ORS 807.370.

1 “(7) The department may issue a permit granting the same driving privi-
2 leges as those suspended or revoked or may issue a permit granting fewer
3 driving privileges, as the department determines necessary to assure safe
4 operation of motor vehicles by the permit holder.

5 “(8) The department may not issue a hardship permit to a person:

6 “(a) Whose driver license or driver permit is suspended pursuant to ORS
7 25.750 to 25.783;

8 “(b) Whose driving privileges are suspended pursuant to ORS 809.280 (2);

9 “(c) That authorizes the person to operate a commercial motor vehicle;

10 “(d) Whose suspension of driving privileges is based on a second or sub-
11 sequent conviction of driving while under the influence of intoxicants in vi-
12 olation of ORS 813.010 or the statutory counterpart to ORS 813.010 in
13 another jurisdiction and the suspension period is determined by ORS 809.428
14 (2)(b) or (c);

15 “(e) Whose driving privileges are suspended for a conviction of assault in
16 the second, third or fourth degree if the person, within 10 years preceding
17 application for the permit, has been convicted of:

18 “(A) Any degree of murder, manslaughter, criminally negligent homicide
19 or assault resulting from the operation of a motor vehicle;

20 “(B) Reckless driving, as defined in ORS 811.140;

21 “(C) Driving while under the influence of intoxicants, as defined in ORS
22 813.010;

23 “(D) Failure to perform the duties of a driver involved in a [*collision*]
24 **crash**, as described in ORS 811.700 or 811.705;

25 “(E) Criminal driving while suspended or revoked, as defined in ORS
26 811.182;

27 “(F) Fleeing or attempting to elude a police officer, as defined in ORS
28 811.540;

29 “(G) Aggravated vehicular homicide, as defined in ORS 163.149; or

30 “(H) Aggravated driving while suspended or revoked, as defined in ORS

1 163.196; or

2 “(f) Whose driving privileges are suspended for a conviction of assault in
3 the second, third or fourth degree:

4 “(A) For a period of four years from the date the department suspends
5 driving privileges if the person’s driving privileges are suspended for con-
6 viction of assault in the second degree and the person was not incarcerated
7 for that conviction.

8 “(B) For a period of four years from the date the person is released from
9 incarceration for the conviction if the person’s driving privileges are sus-
10 pended for conviction of assault in the second degree and the person was
11 incarcerated for that conviction.

12 “(C) For a period of two years from the date the department suspends
13 driving privileges if the person’s driving privileges are suspended for con-
14 viction of assault in the third degree and the person was not incarcerated
15 for that conviction.

16 “(D) For a period of two years from the date the person is released from
17 incarceration for the conviction if the person’s driving privileges are sus-
18 pended for conviction of assault in the third degree and the person was
19 incarcerated for that conviction.

20 “(E) For a period of six months from the date the department suspends
21 driving privileges if the person’s driving privileges are suspended for con-
22 viction of assault in the fourth degree and the person is not incarcerated for
23 that conviction.

24 “(F) For a period of six months from the date the person is released from
25 incarceration for the conviction if the person’s driving privileges are sus-
26 pended for conviction of assault in the fourth degree and the person was
27 incarcerated for that conviction.

28 “(9) A conviction arising out of the same episode as the current suspen-
29 sion is not considered a conviction for purposes of subsection (8)(e) of this
30 section.

1 “(10) A person’s driving privileges under a hardship permit are subject to
2 suspension or revocation if the person does not maintain a good driving re-
3 cord, as defined by the administrative rules of the department, during the
4 term of the permit.

5 **“SECTION 32.** ORS 807.570 is amended to read:

6 “807.570. (1) A person commits the offense of failure to carry a license or
7 to present a license to a police officer if the person either:

8 “(a) Drives any motor vehicle upon a highway in this state without a li-
9 cense, driver permit or out-of-state license in the person’s possession; or

10 “(b) Does not present and deliver such license or permit to a police officer
11 when requested by the police officer under any of the following circum-
12 stances:

13 “(A) Upon being lawfully stopped or detained when driving a vehicle.

14 “(B) When the vehicle that the person was driving is involved in [*an ac-*
15 *cident*] **a crash.**

16 “(2) This section does not apply to any person expressly exempted under
17 ORS 807.020 from the requirement to have a driver license or driver permit.

18 “(3) Except as provided in ORS 813.110, it is a defense to any charge un-
19 der this section that the person so charged produce a license, driver permit
20 or out-of-state license that had been issued to the person and was valid at
21 the time of violation of this section.

22 “(4) A police officer may detain a person arrested or cited for the offense
23 described in this section only for such time as reasonably necessary to in-
24 vestigate and verify the person’s identity.

25 “(5) The offense described in this section, failure to carry a license or to
26 present a license to a police officer, is a Class C misdemeanor.

27 **“SECTION 33.** ORS 807.720 is amended to read:

28 “807.720. On or before the 15th day of each month, the Director of the
29 Oregon Health Authority shall forward to the Department of Transportation
30 a copy of the death record of any persons within the jurisdiction of the Di-

1 rector of the Oregon Health Authority who died from a motor vehicle [*acci-*
2 *dent*] **crash** during the preceding calendar month.

3 **“SECTION 34.** ORS 809.020 is amended to read:

4 “809.020. When the Department of Transportation receives an order from
5 a court to suspend the registration of a vehicle, the department shall respond
6 to the order as provided in this section based on the type of suspension. If
7 the court orders the suspension of registration under:

8 “(1) ORS 809.120, the department shall impose the suspension as ordered
9 by the court.

10 “(2) ORS 809.010, the department shall forthwith suspend the registration
11 and require the owner to return the registration card and plates. When the
12 department suspends a registration under this subsection the department
13 shall:

14 “(a) Destroy the registration card and plates; and

15 “(b) Issue a new registration card and new plates to the owner upon ex-
16 piration of the period specified by the court in its order upon payment by the
17 owner to the department of a restoration fee established under ORS 809.030.
18 The department may not charge the owner any fee for the card and plates
19 other than the restoration fee.

20 “(3) ORS 809.130, the department, after opportunity for hearing under ORS
21 809.040, shall suspend the registration of the person’s employer’s vehicles,
22 until notified by the court to reinstate the registration and until the de-
23 partment receives proof of compliance with future responsibility filings from
24 the employer, if the department determines that all of the following apply:

25 “(a) A judgment of the type described under ORS 806.040 was rendered
26 against the person.

27 “(b) The judgment has remained unsettled as described by ORS 809.470 for
28 60 days.

29 “(c) The judgment continues to be unsettled.

30 “(d) At the time of the [*accident*] **crash** that is the source of the judgment,

1 the employee was driving, with the permission of the employer, a vehicle
2 owned, operated or leased by the employer.

3 **“SECTION 35.** ORS 809.050 is amended to read:

4 “809.050. (1) If an employer is required to make future responsibility
5 filings by ORS 806.200 and fails to make the filings, the Department of
6 Transportation shall revoke or suspend the vehicle registration of vehicles
7 owned by the employer until the owner:

8 “(a) Makes [*accident*] **crash** reports as required under ORS 811.730; and

9 “(b) Makes future responsibility filings.

10 “(2) The department shall provide an opportunity for a hearing described
11 under ORS 809.040 before suspending or revoking registration under this
12 section.

13 **“SECTION 36.** ORS 809.380, as amended by section 3, chapter 10, Oregon
14 Laws 2020 (first special session), is amended to read:

15 “809.380. All of the following apply to a person whose driving privileges
16 have been suspended:

17 “(1) The period of suspension shall last as long as provided for that par-
18 ticular suspension by law.

19 “(2) During the period of suspension, the person is not entitled to exercise
20 any driving privileges in this state except as provided under this subsection.
21 Unless otherwise specifically provided by law, a person whose driving privi-
22 leges are suspended may obtain, if the person qualifies, a hardship driver
23 permit under ORS 807.240, and exercise driving privileges under the driver
24 permit.

25 “(3) Upon expiration of the suspension, the Department of Transportation
26 shall reissue, upon request of the person, the suspended driving privileges
27 and any license or driver permit that evidences the driving privileges. The
28 reissuance shall be without requalification by the person except that the
29 department may require the person to furnish evidence satisfactory to the
30 department that the person is qualified to continue to exercise driving priv-

1 illeges in this state before the department reissues the driving privileges.

2 “(4) The department may not issue any driving privileges in contradiction
3 to this section.

4 “(5) If the person fails to surrender to the department any license or
5 driver permit issued as evidence of driving privileges that are suspended, the
6 person is subject to the penalties under ORS 809.500.

7 “(6) No reinstatement of suspended driving privileges will be made by the
8 department until the fee for reinstatement of suspended driving privileges
9 established under ORS 807.370 is paid to or waived by the department. The
10 department may waive the reinstatement fee for any of the following reasons:

11 “(a) The suspension occurred under ORS 809.419 for failure to take an
12 examination upon request of the department under ORS 807.340.

13 “(b) The suspension occurred under ORS 809.419 for failure to obtain re-
14 quired medical clearance upon request of the department under ORS 807.070
15 or 807.090.

16 “(c) The suspension occurred under ORS 809.419 for incompetence to drive
17 a motor vehicle or having a mental or physical condition or impairment that
18 affects the person’s ability to safely operate a motor vehicle.

19 “(d) The suspension occurred under ORS 809.419 upon notification by the
20 superintendent of a hospital under ORS 807.700 that a person should not
21 drive.

22 “(e) The suspension occurred under ORS 809.419 upon notification by a
23 court under ORS 810.375 that a person charged with a traffic offense has
24 been found guilty except for insanity.

25 “(f) The department committed an error in issuing the suspension.

26 “(g) The suspension was the result of an error committed by an insurance
27 company in issuing or failing to issue a certification of insurance or in
28 canceling a certification of insurance filed with the department under ORS
29 806.270.

30 “(h) The department issued the suspension without error because the

1 person failed to respond as required under ORS 806.150 or to furnish proof
2 of exemption under ORS 806.210 from the filing requirement of ORS 806.200,
3 but the department later determines that the person in fact was in compli-
4 ance with financial responsibility requirements as of the date specified by
5 the department by rule under ORS 806.150 or at the time of [*an accident*] a
6 **crash** described in ORS 806.200.

7 “(i) The department issued the suspension without error because the per-
8 son was not in compliance with financial responsibility requirements as of
9 the date specified by the department by rule under ORS 806.150 or at the
10 time of [*an accident*] a **crash** described in ORS 806.200, but the department
11 later determines that the person reasonably and in good faith believed that
12 the person was in compliance with financial responsibility requirements on
13 the date specified by the department by rule under ORS 806.150 or at the
14 time of the [*accident*] **crash**.

15 “(j) The suspension was the result of an error committed by an insurance
16 company in notifying the department regarding the correctness of proof of
17 compliance with financial responsibility requirements provided under ORS
18 806.150.

19 “(k) The suspension occurred because the person failed to make future
20 responsibility filings but the department later determines that the reason for
21 the failure was that the person was a military reservist or a member of a
22 national guard unit that was ordered to active military duty to a location
23 outside of the United States. The effective date of the military orders must
24 be prior to the effective date of a suspension issued by the department for
25 failure to make a future responsibility filing.

26 “(L) The department issued the suspension without error because the de-
27 partment received a notice to suspend from a court under ORS 809.220, but
28 the department later determines that the person in fact was in compliance
29 with the requirements of the court prior to the effective date of the suspen-
30 sion.

1 **“SECTION 37.** ORS 809.409 is amended to read:

2 “809.409. (1)(a) Upon receipt of a record of conviction of an offense de-
3 scribed in this section, the Department of Transportation shall revoke the
4 driving privileges of the person convicted.

5 “(b) A person is entitled to administrative review under ORS 809.440 of
6 a revocation under this section.

7 “(c) Except as otherwise provided in subsections (2) and (3) of this sec-
8 tion, the revocation shall be for a period of one year from the date of revo-
9 cation, except that the department may not reinstate driving privileges of
10 any person whose privileges are revoked under this section until the person
11 complies with future responsibility filings.

12 “(2) The department shall take action under subsection (1) of this section
13 upon receipt of a record of conviction of aggravated vehicular homicide or
14 aggravated driving while suspended or revoked or any degree of murder,
15 manslaughter or criminally negligent homicide resulting from the operation
16 of a motor vehicle or assault in the first degree resulting from the operation
17 of a motor vehicle, except that the provisions of this subsection do not apply
18 to a person whose driving privileges are ordered revoked under ORS 809.235.
19 A person whose driving privileges are revoked under this subsection may
20 apply for reinstatement of driving privileges:

21 “(a) If the sentence for the crime for which the person’s driving privileges
22 were revoked, or any other crimes arising from the same criminal episode,
23 includes incarceration, no sooner than 10 years from the date the person is
24 released from incarceration for all crimes arising out of the same criminal
25 episode; or

26 “(b) If the sentence for the crime for which the person’s driving privileges
27 were revoked and any other crimes arising from the same criminal episode
28 does not include incarceration, no sooner than 10 years from the date the
29 department revoked the privileges under this subsection.

30 “(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, the

1 department shall take action under subsection (1) of this section upon receipt
2 of a record of conviction of failure to perform the duties of a driver to in-
3 jured persons under ORS 811.705.

4 “(b) The department shall revoke driving privileges under this subsection
5 for a period of three years if the court indicates on the record of conviction
6 that a person sustained serious physical injury, as defined in ORS 161.015,
7 as a result of the [accident] **crash**. The person may apply for reinstatement
8 of privileges three years after the date the person was released from incar-
9 ceration, if the sentence includes incarceration. If the sentence does not in-
10 clude incarceration, the person may apply for reinstatement three years from
11 the date the revocation was imposed under this subsection.

12 “(c) The department shall revoke driving privileges under this subsection
13 for a period of five years if the court indicates on the record of conviction
14 that a person was killed as a result of the [accident] **crash**. The person may
15 apply for reinstatement of privileges five years after the date the person was
16 released from incarceration, if the sentence includes incarceration. If the
17 sentence does not include incarceration, the person may apply for rein-
18 statement five years from the date the revocation was imposed under this
19 subsection.

20 “(4) The department shall take action under subsection (1) of this section
21 upon receipt of a record of conviction of any felony with a material element
22 involving the operation of a motor vehicle.

23 **“SECTION 38.** ORS 809.417 is amended to read:

24 “809.417. (1)(a) The Department of Transportation shall suspend the driv-
25 ing privileges of a person who fails to file [an accident] **a crash** report re-
26 quired under ORS 811.725 or 811.730.

27 “(b) A suspension under this subsection shall continue until the person
28 files the required report or for five years from the date of suspension,
29 whichever is sooner.

30 “(2) The department shall suspend the driving privileges of any person for

1 a period of time required by this subsection if the person is involved in a
2 motor vehicle [*accident*] **crash** at any time when the department determines
3 the person has been operating a vehicle in violation of ORS 806.010. A sus-
4 pension under this subsection shall be for a period of one year except that
5 the department shall not reinstate any driving privileges to the person until
6 the person complies with future responsibility filing requirements.

7 “(3)(a) The department may suspend the driving privileges of a person
8 who, while operating a motor vehicle, causes or contributes to [*an accident*]
9 **a crash** resulting in death to any other person if the department has reason
10 to believe that the person’s incompetence, recklessness, criminal negligence
11 or unlawful operation of the vehicle caused or contributed to the [*accident*]
12 **crash**.

13 “(b) A suspension under this subsection shall continue for a period de-
14 termined by the department and shall be subject to any conditions the de-
15 partment determines to be necessary.

16 “(c) The department may impose an immediate suspension of driving
17 privileges of any person described in paragraph (a) of this subsection without
18 hearing and without receiving a record of the conviction of the person of a
19 crime if the department has reason to believe that the person may endanger
20 people or property if the person’s driving privileges are not immediately
21 suspended. A suspension under this paragraph is subject to a post-imposition
22 hearing under ORS 809.440.

23 **“SECTION 39.** ORS 809.450 is amended to read:

24 “809.450. (1) If a person whose driving privileges have been suspended for
25 one of the reasons specified in subsection (2) of this section requests that the
26 suspension be rescinded and specifies the reason for the request, the De-
27 partment of Transportation may provide a hearing to determine the validity
28 of the suspension. The department may rescind a suspension only as provided
29 in subsection (3) of this section.

30 “(2) This section applies to suspensions under:

1 “(a) ORS 809.415 for failure to make a future responsibility filing;

2 “(b) ORS 809.415 for false certification of financial responsibility re-
3 quirements; and

4 “(c) ORS 809.417 for involvement in a motor vehicle [*accident*] **crash** when
5 the department has determined that the person has been operating a vehicle
6 in violation of ORS 806.010.

7 “(3) The granting of a hearing under this section [*shall*] **does** not stay the
8 suspension. However, the department shall rescind the suspension if the de-
9 partment determines:

10 “(a) That an error was committed by the department;

11 “(b) That the person in fact was in compliance with financial responsi-
12 bility requirements on the date specified by the department by rule under
13 ORS 806.150;

14 “(c) That an error was committed by an insurance company in notifying
15 the department regarding the correctness of proof of compliance with finan-
16 cial responsibility requirements provided under ORS 806.150;

17 “(d) That the person was not in compliance with financial responsibility
18 requirements on the date specified by the department by rule under ORS
19 806.150 and the department also determines that the person reasonably and
20 in good faith believed that the person was in compliance with financial re-
21 sponsibility requirements on the date the department sent the notice of ver-
22 ification and that the person currently is in compliance with financial
23 responsibility requirements; or

24 “(e) That at the time of the [*accident*] **crash** the person reasonably and
25 in good faith believed that the person was in compliance with financial re-
26 sponsibility requirements and the person is currently in compliance with fi-
27 nancial responsibility requirements.

28 “(4) The hearing shall be held in the manner provided in ORS 809.440.

29 “**SECTION 40.** ORS 809.470 is amended to read:

30 “809.470. (1) This section establishes when a judgment described under

1 ORS 806.040 is settled for purposes of ORS 809.130, 809.280 and 809.415. A
2 judgment shall be deemed settled for the purposes described if any of the
3 following occur:

4 “(a) Payments in the amounts established by the payment schedule under
5 ORS 806.070 have been credited upon any judgment or judgments rendered
6 in excess of those amounts.

7 “(b) Judgments rendered for less than the amounts established under ORS
8 806.070 have been satisfied.

9 “(c) The judgment creditor and the judgment debtor have mutually agreed
10 upon a compromise settlement of the judgment.

11 “(d) The judgment against the judgment debtor has been discharged in
12 bankruptcy.

13 “(2) Payments made in settlement of any claims because of bodily injury,
14 death or property damage arising from the [accident] **crash** shall be credited
15 in reduction of the amounts provided for in subsection (1) of this section.

16 **“SECTION 41.** ORS 809.480 is amended to read:

17 “809.480. (1) The Department of Transportation may establish, by admin-
18 istrative rule, programs for the improvement of the driving behavior of per-
19 sons who drive in this state. The programs shall have as their goal the
20 reduction of traffic convictions and especially [accidents] **crashes**. The pro-
21 grams may include, but need not be limited to, letters, interviews and class-
22 room instruction.

23 “(2) The department may establish programs for persons who are under
24 18 years of age that are different from programs for adults. Differences may
25 include, but need not be limited to, differences in criteria for entry into a
26 program and differences in content.

27 “(3) The department, under a program authorized by this section, may
28 suspend driving privileges based on any of the following:

29 “(a) A person’s record of convictions or [accidents] **crashes**.

30 “(b) A person’s failure or refusal to complete or comply with a require-

1 ment of a program established by the department under this section.

2 “(4) The department may charge a reasonable fee to participants in a
3 driver improvement program to cover costs of administration.

4 “(5) Any suspension that the department stays under a driver improve-
5 ment program in this section shall continue for the full term of the suspen-
6 sion if a person fails to complete the program. For purposes of reinstating
7 driving privileges, the stay of a suspension under this section may not be
8 used to determine the length of time a person’s driving privileges have been
9 suspended if the person does not successfully complete the program.

10 “(6) A person is entitled to administrative review of a suspension imposed
11 under this section if based on a conviction.

12 “**SECTION 42.** ORS 810.410 is amended to read:

13 “810.410. (1) A police officer may arrest or issue a citation to a person for
14 a traffic crime at any place within or outside the jurisdictional authority of
15 the governmental unit by which the police officer is authorized to act as
16 provided by ORS 133.235 and 133.310.

17 “(2) A police officer may issue a citation to a person for a traffic violation
18 at any place within or outside the jurisdictional authority of the govern-
19 mental unit by which the police officer is authorized to act:

20 “(a) When the traffic violation is committed in the police officer’s pres-
21 ence; or

22 “(b) When the police officer has probable cause to believe an offense has
23 occurred based on a description of the vehicle or other information received
24 from a police officer who observed the traffic violation.

25 “(3) A police officer:

26 “(a) [*Shall*] **May** not arrest a person for a traffic violation.

27 “(b) May stop and detain a person for a traffic violation for the purposes
28 of investigation reasonably related to the traffic violation, identification and
29 issuance of citation.

30 “(c) May make an inquiry into circumstances arising during the course

1 of a detention and investigation under paragraph (b) of this subsection that
2 give rise to a reasonable suspicion of criminal activity.

3 “(d) May make an inquiry to ensure the safety of the officer, the person
4 stopped or other persons present, including an inquiry regarding the presence
5 of weapons.

6 “(e) May request consent to search in relation to the circumstances re-
7 ferred to in paragraph (c) of this subsection or to search for items of evi-
8 dence otherwise subject to search or seizure under ORS 133.535.

9 “(f) May use the degree of force reasonably necessary to make the stop
10 and ensure the safety of the police officer, the person stopped or other per-
11 sons present.

12 “(g) May make an arrest of a person as authorized by ORS 133.310 (2) if
13 the person is stopped and detained pursuant to the authority of this section.

14 “(4) When a police officer at the scene of a [*traffic accident*] **crash** has
15 reasonable grounds, based upon the police officer’s personal investigation,
16 to believe that a person involved in the [*accident*] **crash** has committed a
17 traffic offense in connection with the [*accident*] **crash**, the police officer may
18 issue to the person a citation for that offense. The authority under this
19 subsection is in addition to any other authority to issue a citation for a
20 traffic offense.

21 “**SECTION 43.** ORS 810.415 is amended to read:

22 “810.415. A law enforcement officer who comes to the scene of a
23 [*collision*] **crash** described in ORS 811.700 may remove or direct the driver
24 of a vehicle involved in the [*collision*] **crash** to remove from the roadway any
25 vehicle, cargo or debris resulting from the [*collision*] **crash**. A person acting
26 under the authority granted by this section is not liable for damage to a
27 vehicle, cargo or debris caused by reasonable efforts at removal.

28 “**SECTION 44.** ORS 810.460 is amended to read:

29 “810.460. (1) A police officer shall submit a report to the Department of
30 Transportation whenever the officer does any of the following:

1 “(a) Investigates a vehicle [*accident*] **crash** which ORS 811.725 or 822.600
2 requires to be reported.

3 “(b) Prepares a report of [*an accident*] **a crash** investigated at the time
4 and place of the [*accident*] **crash** or by field interviews with the participants
5 or witnesses.

6 “(2) A police officer shall submit a report required by this section to the
7 department within 10 days of the investigation or preparation of the report.

8 “(3) Police reports submitted to the department under this section are
9 subject to release or use as provided under ORS 802.240.

10 “**SECTION 45.** ORS 811.135 is amended to read:

11 “811.135. (1) A person commits the offense of careless driving if the person
12 drives any vehicle upon a highway or other premises described in this section
13 in a manner that endangers or would be likely to endanger any person or
14 property.

15 “(2) The offense described in this section, careless driving, applies on any
16 premises open to the public and is a Class B traffic violation unless com-
17 mission of the offense contributes to [*an accident*] **a crash**. If commission
18 of the offense contributes to [*an accident*] **a crash**, the offense is a Class A
19 traffic violation.

20 “(3) In addition to any other penalty imposed for an offense committed
21 under this section, if the court determines that the commission of the offense
22 described in this section contributed to the serious physical injury or death
23 of a vulnerable user of a public way, the court shall:

24 “(a) Impose a sentence that requires the person to:

25 “(A) Complete a traffic safety course; and

26 “(B) Perform between 100 and 200 hours of community service, notwith-
27 standing ORS 137.129. The community service must include activities related
28 to driver improvement and providing public education on traffic safety;

29 “(b) Order, but suspend on the condition that the person complete the
30 requirements of paragraph (a) of this subsection:

1 “(A) A fine of up to \$12,500, notwithstanding ORS 153.018; and
2 “(B) A suspension of driving privileges for one year as provided in ORS
3 809.280; and
4 “(c) Set a hearing date up to one year from the date of sentencing.
5 “(4) At the hearing described in subsection (3)(c) of this section, the court
6 shall:
7 “(a) If the person has successfully completed the requirements described
8 in subsection (3)(a) of this section, dismiss the penalties ordered under sub-
9 section (3)(b) of this section; or
10 “(b) If the person has not successfully completed the requirements de-
11 scribed in subsection (3)(a) of this section:
12 “(A) Grant the person an extension based on good cause shown; or
13 “(B) Order the penalties under subsection (3)(b) of this section.
14 “(5) When a court orders a suspension under subsection (4) of this section,
15 the court shall prepare and send to the Department of Transportation an
16 order of suspension of driving privileges of the person. Upon receipt of an
17 order under this subsection, the department shall take action as directed
18 under ORS 809.280.
19 “(6) The police officer issuing the citation for an offense under this sec-
20 tion shall note on the citation if the cited offense appears to have contrib-
21 uted to the serious physical injury or death of a vulnerable user of a public
22 way.
23 **“SECTION 46.** ORS 811.207 is amended to read:
24 “811.207. The Legislative Assembly finds that:
25 “(1) Oregon drivers look to the law in deciding how to restrain and pro-
26 tect children in motor vehicles.
27 “(2) The proper restraint of children in motor vehicles will reduce the
28 number of children killed in motor vehicle [*accidents*] **crashes** and reduce
29 the severity of injuries to children who survive motor vehicle [*accidents*]
30 **crashes.**

1 **“SECTION 47.** ORS 811.230 is amended to read:

2 “811.230. (1) As used in ORS 811.230, 811.231, 811.232 and 811.233:

3 “(a) ‘Flagger’ means a person who controls the movement of vehicular
4 traffic through construction projects using sign, hand or flag signals.

5 “(b) ‘Highway work zone’ means an area identified by advance warning
6 where road construction, repair or maintenance work is being done by
7 highway workers on or adjacent to a highway, regardless of whether or not
8 highway workers are actually present. As used in this paragraph, ‘road
9 construction, repair or maintenance work’ includes, but is not limited to, the
10 setting up and dismantling of advance warning systems.

11 “(c) ‘Highway worker’ means an employee of a government agency, pri-
12 vate contractor or utility company working in a highway work zone.

13 “(2)(a) The presumptive fine for a person convicted of an offense that is
14 listed in subsection (3)(a) or (b) of this section and that is committed in a
15 highway work zone is the presumptive fine for the offense established under
16 ORS 153.020.

17 “(b) The minimum fine for a person convicted of a misdemeanor offense
18 that is listed in subsection (3)(c) to (g) of this section and that is committed
19 in a highway work zone is 20 percent of the maximum fine established for
20 the offense.

21 “(c) The minimum fine for a person convicted of a felony offense that is
22 listed in subsection (3)(c) to (g) of this section and that is committed in a
23 highway work zone is two percent of the maximum fine established for the
24 offense.

25 “(3) This section applies to the following offenses if committed in a
26 highway work zone:

27 “(a) Class A or Class B traffic violations.

28 “(b) Class C or Class D traffic violations related to exceeding a legal
29 speed.

30 “(c) Reckless driving, as defined in ORS 811.140.

1 “(d) Driving while under the influence of intoxicants, as defined in ORS
2 813.010.

3 “(e) Failure to perform the duties of a driver involved in a [*collision*]
4 **crash**, as described in ORS 811.700 or 811.705.

5 “(f) Criminal driving while suspended or revoked, as defined in ORS
6 811.182.

7 “(g) Fleeing or attempting to elude a police officer, as defined in ORS
8 811.540.

9 “(4) When a highway work zone is created, the agency, contractor or
10 company responsible for the work may post signs designed to give motorists
11 notice of the provisions of this section.

12 **“SECTION 48.** ORS 811.235 is amended to read:

13 “811.235. (1)(a) If signs authorized by ORS 810.245 are posted, the
14 presumptive fine for a person charged with an offense that is listed in sub-
15 section (2)(a) or (b) of this section and that is committed in a school zone
16 shall be the amount established under ORS 153.020 for the offense.

17 “(b) If signs authorized by ORS 810.245 are posted, the minimum fine for
18 a person convicted of a misdemeanor offense that is listed in subsection (2)(c)
19 to (g) of this section and that is committed in a school zone is 20 percent
20 of the maximum fine established for the offense.

21 “(c) If signs authorized by ORS 810.245 are posted, the minimum fine for
22 a person convicted of a felony offense that is listed in subsection (2)(c) to (g)
23 of this section and that is committed in a school zone is two percent of the
24 maximum fine established for the offense.

25 “(2) This section applies to the following offenses if committed in a school
26 zone:

27 “(a) Class A or Class B traffic violations.

28 “(b) Class C or Class D traffic violations related to exceeding a legal
29 speed.

30 “(c) Reckless driving, as defined in ORS 811.140.

1 “(d) Driving while under the influence of intoxicants, as defined in ORS
2 813.010.

3 “(e) Failure to perform the duties of a driver involved in a [*collision*]
4 **crash**, as described in ORS 811.700 or 811.705.

5 “(f) Criminal driving while suspended or revoked, as defined in ORS
6 811.182.

7 “(g) Fleeing or attempting to elude a police officer, as defined in ORS
8 811.540.

9 “(3) For purposes of this section, a traffic offense occurs in a school zone
10 if the offense occurs while the motor vehicle is in a school zone, notice of
11 the school zone is indicated plainly by traffic control devices conforming to
12 the requirements established under ORS 810.200 and posted under authority
13 granted by ORS 810.210 and:

14 “(a) Children are present as described in ORS 811.124; or

15 “(b) A flashing light is used as a traffic control device and operated as
16 provided under ORS 810.243.

17 **“SECTION 49.** ORS 811.360 is amended to read:

18 “811.360. (1) The driver of a vehicle, subject to this section, who is in-
19 tending to turn at an intersection where there is a traffic control device
20 showing a steady circular red signal, a steady red bicycle signal or a steady
21 red arrow signal may do any of the following without violating ORS 811.260
22 and 811.265:

23 “(a) Make a right turn into a two-way street.

24 “(b) Make a right or left turn into a one-way street in the direction of
25 traffic upon the one-way street.

26 “(2) In addition to the provisions of subsection (1) of this section, a
27 bicyclist or motorcyclist does not violate ORS 811.260 and 811.265 if:

28 “(a) The bicyclist or motorcyclist approaches an intersection where there
29 is a traffic control device showing a steady circular red signal, a steady red
30 bicycle signal or a steady red arrow signal;

1 “(b) The traffic control device is controlled by a vehicle detection device;

2 “(c) The bicyclist or motorcyclist comes to a complete stop and waits for
3 the traffic control device to complete one full cycle; and

4 “(d) After the vehicle detection device fails to detect the presence of the
5 bicycle or motorcycle and change the traffic control device to a green signal,
6 the bicyclist or motorcyclist proceeds with caution through the intersection.

7 “(3) A person commits the offense of improperly proceeding at a stop light
8 if the person does any of the following while proceeding as described in this
9 section:

10 “(a) Fails to stop at the light as required.

11 “(b) Fails to exercise caution to avoid [*an accident*] **a crash**.

12 “(c) Disobeys the directions of another traffic control device, other than
13 the device described in subsections (1) and (2) of this section, or a police
14 officer that prohibits the driver, motorcyclist or bicyclist from proceeding.

15 “(d) Fails to yield the right of way to traffic lawfully within the inter-
16 section or approaching so close to the intersection as to constitute an im-
17 mediate hazard.

18 “(4) A driver, motorcyclist or bicyclist who is proceeding as described in
19 this section is also subject to the requirements under ORS 811.028 to stop for
20 a pedestrian before proceeding.

21 “(5) The offense described in this section, improperly proceeding at a stop
22 light, is a Class B traffic violation.

23 **“SECTION 50.** ORS 811.365 is amended to read:

24 “811.365. (1) A person commits the offense of making an illegal U-turn if
25 the person is operating a vehicle and the person turns the vehicle so as to
26 proceed in the opposite direction in any of the following places:

27 “(a) Within an intersection where traffic is controlled by an electrical
28 signal. This paragraph does not apply where posted otherwise.

29 “(b) Upon a highway within the limits of an incorporated city between
30 intersections.

1 “(c) At any place upon a highway where the vehicle cannot be seen by
2 another driver approaching from either direction within a distance of:

3 “(A) 500 feet within the incorporated limits of a city; or

4 “(B) 1,000 feet outside a city.

5 “(2) The offense described in this section, illegal U-turn, is a Class C
6 traffic violation unless commission of the offense contributes to [*an*
7 *accident*] **a crash**. If commission of the offense contributes to [*an accident*]
8 **a crash**, the offense is a Class B traffic violation.

9 **“SECTION 51.** ORS 811.483 is amended to read:

10 “811.483. (1) The Department of Transportation shall post signs in safety
11 corridors chosen by the department indicating that fines for traffic offenses
12 committed in those safety corridors will be doubled.

13 “(2)(a) The presumptive fine for a person charged with an offense that is
14 listed in subsection (3)(a) or (b) of this section and that is committed in a
15 safety corridor chosen by the department under subsection (1) of this section
16 shall be the amount established under ORS 153.020.

17 “(b) The minimum fine for a person convicted of a misdemeanor offense
18 that is listed in subsection (3)(c) to (g) of this section and that is committed
19 in a safety corridor is 20 percent of the maximum fine established for the
20 offense.

21 “(c) The minimum fine for a person convicted of a felony offense that is
22 listed in subsection (3)(c) to (g) of this section and that is committed in a
23 safety corridor is two percent of the maximum fine established for the of-
24 fense.

25 “(3) This section applies to the following offenses if committed in the
26 designated safety corridors:

27 “(a) Class A or Class B traffic violations.

28 “(b) Class C or Class D traffic violations related to exceeding a legal
29 speed.

30 “(c) Reckless driving, as defined in ORS 811.140.

1 “(d) Driving while under the influence of intoxicants, as defined in ORS
2 813.010.

3 “(e) Failure to perform the duties of a driver involved in a [*collision*]
4 **crash**, as described in ORS 811.700 or 811.705.

5 “(f) Criminal driving while suspended or revoked, as defined in ORS
6 811.182.

7 “(g) Fleeing or attempting to elude a police officer, as defined in ORS
8 811.540.

9 **“SECTION 52.** Section 2, chapter 501, Oregon Laws 2019, is amended to
10 read:

11 **“Sec. 2.** (1)(a) The Department of Transportation shall establish a safety
12 corridor pilot program in this state to evaluate the processes for and effec-
13 tiveness of allowing counties to designate as safety corridors roads over
14 which the counties have road authority.

15 “(b) The County Safety Corridor Advisory Group established in subsection
16 (3)(a) of this section shall select up to five counties in the state to partic-
17 ipate in the pilot program established in paragraph (a) of this subsection.

18 “(c) The county commission for each county selected under paragraph (b)
19 of this subsection may designate one segment of highway that is between 2
20 and 10 miles long as a safety corridor.

21 “(d) A safety corridor designated under paragraph (c) of this subsection
22 must satisfy the criteria established by the advisory group under subsection
23 (3)(c)(A) of this section.

24 “(e) The department shall adopt rules necessary to carry out the pro-
25 visions of this section.

26 “(2)(a) Each county selected under subsection (1)(b) of this section shall
27 post signs in the safety corridor designated by the county indicating that
28 fines for traffic offenses committed in the safety corridor will be doubled.

29 “(b) The presumptive fine for a person charged with an offense that is
30 listed in paragraph (e)(A) or (B) of this subsection and that is committed in

1 a safety corridor designated by a county under this section shall be the
2 amount established under ORS 153.020.

3 “(c) The minimum fine for a person convicted of a misdemeanor offense
4 that is listed in paragraph (e)(C) to (G) of this subsection and that is com-
5 mitted in a safety corridor designated by a county under this section is 20
6 percent of the maximum fine established for the offense.

7 “(d) The minimum fine for a person convicted of a felony offense that is
8 listed in paragraph (e)(C) to (G) of this subsection and that is committed in
9 a safety corridor designated by a county under this section is two percent
10 of the maximum fine established for the offense.

11 “(e) This subsection applies to the following offenses if committed in the
12 designated safety corridors:

13 “(A) Class A or Class B traffic violations.

14 “(B) Class C or Class D traffic violations related to exceeding a legal
15 speed.

16 “(C) Reckless driving, as defined in ORS 811.140.

17 “(D) Driving while under the influence of intoxicants, as defined in ORS
18 813.010.

19 “(E) Failure to perform the duties of a driver involved in a [*collision*]
20 **crash**, as described in ORS 811.700 or 811.705.

21 “(F) Criminal driving while suspended or revoked, as defined in ORS
22 811.182.

23 “(G) Fleeing or attempting to elude a police officer, as defined in ORS
24 811.540.

25 “(3)(a) The County Safety Corridor Advisory Group is established.

26 “(b) The Director of Transportation shall appoint the following members
27 to serve on the advisory group:

28 “(A) Two members who are representatives of the Department of Trans-
29 portation;

30 “(B) Two members who are representatives of counties;

1 “(C) One member who is a firefighter or emergency medical services pro-
2 vider; and

3 “(D) One member who is a representative of a law enforcement agency.

4 “(c) The advisory group shall:

5 “(A) Establish objective criteria for designating a segment of highway as
6 a safety corridor under subsection (1)(c) of this section;

7 “(B) Establish requirements for the counties selected under subsection
8 (1)(b) of this section, including for regular community engagement, height-
9 ened enforcement, engineering improvements, infrastructure investments and
10 public outreach; and

11 “(C) Establish content requirements for reports mandated under sub-
12 section (4)(a) of this section.

13 “(4)(a) Each county selected under subsection (1)(b) of this section shall,
14 in consultation with the department, prepare two reports on its findings,
15 including any recommendations for legislation, and shall submit the reports
16 to an appropriate committee or interim committee of the Legislative Assem-
17 bly related to transportation.

18 “(b) The first report must be submitted no later than September 15, 2022.
19 The second report must be submitted no later than September 15, 2024.

20 “(c) Each report must satisfy the content requirements established by the
21 advisory group under subsection (3)(c)(C) of this section.

22 “**SECTION 53.** ORS 811.507 is amended to read:

23 “811.507. (1) As used in this section:

24 “(a)(A) ‘Driving’ means operating a motor vehicle on a highway or prem-
25 ises open to the public, and while temporarily stationary because of traffic,
26 a traffic control device or other momentary delays.

27 “(B) ‘Driving’ does not include when the motor vehicle has stopped in a
28 location where it can safely remain stationary and:

29 “(i) Is pulled over on the side of, or is pulled off, a roadway;

30 “(ii) Is in a designated parking space; or

1 “(iii) Is required to park in the roadway to conduct construction or utility
2 maintenance work.

3 “(b) ‘Hands-free accessory’ means an attachment or built-in feature for or
4 an addition to a mobile electronic device that gives a person the ability to
5 keep both hands on the steering wheel at all times while using the device
6 or requires only the minimal use of a finger, via a swipe or tap, to activate
7 or deactivate a function of the device.

8 “(c) ‘Livestock’ has the meaning given that term in ORS 609.125.

9 “(d)(A) ‘Mobile electronic device’ means an electronic device that is not
10 permanently installed in a motor vehicle.

11 “(B) ‘Mobile electronic device’ includes but is not limited to a device ca-
12 pable of text messaging, voice communication, entertainment, navigation,
13 accessing the Internet or producing electronic mail.

14 “(e) ‘Using a mobile electronic device’ includes but is not limited to using
15 a mobile electronic device for text messaging, voice communication, enter-
16 tainment, navigation, accessing the Internet or producing electronic mail.

17 “(2) A person commits the offense of driving a motor vehicle while using
18 a mobile electronic device if the person, while driving a motor vehicle on a
19 highway or premises open to the public:

20 “(a) Holds a mobile electronic device in the person’s hand; or

21 “(b) Uses a mobile electronic device for any purpose.

22 “(3) This section does not apply to a person:

23 “(a) Who is employed as a commercial motor vehicle driver, or as a school
24 bus driver, and is using a mobile electronic device within the scope of the
25 person’s employment if the use is permitted under regulations promulgated
26 pursuant to 49 U.S.C. 31136;

27 “(b) Who is employed as a driver of a vehicle having a gross vehicle
28 weight rating or gross vehicle weight of at least 10,001 pounds and is using
29 a mobile electronic device within the scope of the person’s employment and
30 as required under regulations promulgated pursuant to 49 U.S.C. 31137;

1 “(c) Who is operating a two-way radio device that transmits radio com-
2 munication transmitted by a station operating on an authorized frequency
3 within the business, citizens’ or family radio service bands in accordance
4 with rules of the Federal Communications Commission while transporting
5 forest products, or while operating a vehicle to assist in logging operations,
6 within the scope of the person’s employment;

7 “(d) Who is using a two-way radio device while operating a school bus
8 or school activity vehicle within the scope of the person’s employment;

9 “(e) Who is using a two-way radio device or operating a two-way radio
10 device that transmits radio communication transmitted by a station operat-
11 ing on an authorized frequency within the business, citizens’ or family radio
12 service bands in accordance with rules of the Federal Communications
13 Commission while operating a vehicle owned or contracted by a utility for
14 the purpose of installing, repairing, maintaining, operating or upgrading
15 utility service, including but not limited to natural gas, electricity, water
16 or telecommunications, within the scope of the person’s employment;

17 “(f) Who is using a two-way radio device while operating a vehicle wider
18 than the lane of travel, a vehicle transporting livestock or a vehicle requir-
19 ing a slow-moving vehicle emblem under ORS 815.110, and the use of the
20 device facilitates the safe operation of the vehicle; or

21 “(g) Who is using a two-way radio device while operating a pilot or safety
22 vehicle used to assist the safe movement of a vehicle described in paragraph
23 (f) of this subsection, and the use of the device facilitates the safe movement
24 of the vehicle described in paragraph (f) of this subsection.

25 “(4) It is an affirmative defense to a prosecution of a person under this
26 section that the person:

27 “(a) Used the mobile electronic device to communicate if the person was
28 summoning or providing medical or other emergency help if no other person
29 in the vehicle was capable of summoning help;

30 “(b) Was 18 years of age or older and was using a hands-free accessory;

1 “(c) Was driving an ambulance or emergency vehicle while acting within
2 the scope of the person’s employment;

3 “(d) Was a police officer, firefighter or emergency medical services pro-
4 vider and was acting within the scope of the person’s employment;

5 “(e) Was 18 years of age or older, held a valid amateur radio operator
6 license issued or any other license issued by the Federal Communications
7 Commission and was operating an amateur radio;

8 “(f) Was operating a two-way radio device that transmits radio commu-
9 nication transmitted by a station operating on an authorized frequency
10 within the business, citizens’ or family radio service bands in accordance
11 with rules of the Federal Communications Commission to summon medical
12 or other emergency help; or

13 “(g) Was using a medical device.

14 “(5) The offense described in this section, driving a motor vehicle while
15 using a mobile electronic device, is:

16 “(a) Except as provided in paragraph (b) of this subsection, for a person’s
17 first conviction, a Class B traffic violation.

18 “(b) For a person’s first conviction, if commission of the offense contrib-
19 utes to [*an accident*] a **crash** described in ORS 811.720, a Class A traffic vi-
20 olation.

21 “(c) For a person’s second conviction within a 10-year period following
22 the date of the person’s first conviction, a Class A traffic violation.

23 “(d) For a person’s third or subsequent conviction within a 10-year period
24 preceding the date of the person’s current conviction, a Class B
25 misdemeanor.

26 “(6) In addition to any other sentence that may be imposed, the court
27 shall impose a minimum fine of \$2,000 on a person convicted of a Class B
28 misdemeanor under subsection (5)(d) of this section.

29 “(7) For purposes of this section, sentences for two or more convictions
30 that are imposed in the same sentencing proceeding are considered to be one

1 sentence.

2 “(8)(a) For a person’s first conviction of driving a motor vehicle while
3 using a mobile electronic device, the court may suspend the fine to be im-
4 posed under subsection (5)(a) of this section on the condition that the person,
5 within 120 days of sentencing:

6 “(A) Complete at the person’s own expense a distracted driving avoidance
7 course approved by the Department of Transportation under ORS 811.508;
8 and

9 “(B) Provide proof of completion to the court.

10 “(b) The court may schedule a hearing to determine whether the person
11 successfully completed the distracted driving avoidance course.

12 “(c) If the person has successfully completed the requirements described
13 in paragraph (a) of this subsection, the court shall enter a sentence of dis-
14 charge. Notwithstanding ORS 153.021, a sentence of discharge imposed under
15 this paragraph may not include a fine.

16 “(d) If the person has not successfully completed the requirements de-
17 scribed in paragraph (a) of this subsection, the court shall:

18 “(A) Grant the person an extension based on good cause shown; or

19 “(B) Impose the fine under subsection (5)(a) of this section.

20 “(9) The department shall place signs on state highways to notify drivers
21 that it is unlawful to drive a motor vehicle on the highways of this state
22 while using a mobile electronic device and violators are subject to criminal
23 penalties.

24 **“SECTION 54.** ORS 811.510 is amended to read:

25 “811.510. (1) A person commits the offense of dangerous operation around
26 livestock if the person is operating a vehicle upon a highway and the person
27 fails to do any of the following:

28 “(a) A driver shall use caution when approaching or passing a person
29 riding, leading or herding livestock on the highway.

30 “(b) If a person riding or leading livestock upon a highway gives a dis-

1 tress signal to an approaching driver by raising a hand, the driver must
2 promptly stop the driver's vehicle, unless movement forward is necessary to
3 avoid [*an accident*] **a crash**, and, if requested, shall turn off the engine until
4 the livestock is under control.

5 “(c) A driver shall yield the right of way to livestock being driven on a
6 highway.

7 “(2) This section is only applicable if the livestock is an animal of the
8 species of horses, mules, donkeys, cattle, swine, sheep or goats.

9 “(3) The offense described in this section, dangerous operation around
10 livestock, is a Class B traffic violation.

11 **“SECTION 55.** ORS 811.525 is amended to read:

12 “811.525. This section establishes exemptions from ORS 811.515 and
13 811.520. The exemptions under this section are in addition to any exemptions
14 under ORS 801.026. The exemptions established under this section are partial
15 or complete as described in the following:

16 “(1) ORS 811.515 and 811.520 [*shall*] **may** not be construed to prohibit the
17 use of additional parts and accessories on any vehicle not inconsistent with
18 the provisions of those sections.

19 “(2) Except for the provisions relating to exempt-vehicle safety lighting
20 equipment, ORS 811.515 and 811.520 do not apply to any of the following:

21 “(a) Road machinery.

22 “(b) Road rollers.

23 “(c) Farm tractors.

24 “(d) Antique vehicles that are maintained as a collector's item and used
25 for exhibitions, parades, club activities and similar uses, but not used pri-
26 marily for the transportation of persons or property.

27 “(3) Whenever motor and other vehicles are operated in combination
28 during the time that lights are required, any lighting equipment, except the
29 taillight, which by reason of its location on a vehicle of the combination
30 would be obscured by another vehicle of the combination, need not be

1 lighted. This subsection shall not affect the requirement that lighted clear-
2 ance lights be displayed on the front of the foremost vehicle required to have
3 clearance lights nor the requirement that all lights on the rear of the
4 rearmost vehicle of the combination be lighted.

5 “(4) Lighting equipment on bicycles shall be lighted as required under
6 ORS 815.280.

7 “(5) Parked or stopped vehicles are not required to display parking lights
8 if the road authority for the highway provides by ordinance or resolution
9 that no lights need be displayed upon a vehicle parked on the highway in
10 accordance with legal parking regulations where there is sufficient light to
11 render clearly discernible any person or object within a distance of 500 feet
12 from the highway.

13 “(6) Nothing under ORS 811.515 and 811.520 limits the ability to use the
14 following lights with any other lights during the day or at night:

15 “(a) Public vehicle warning lights.

16 “(b) Pilot vehicle warning lights.

17 “(c) Tow vehicle warning lights.

18 “(d) Police lights.

19 “(e) Warning lights on vehicles at the scene of an actual or potential re-
20 lease of hazardous materials, as described in ORS 816.280.

21 “(f) Warning lights on vehicles being used by medical examiners to reach
22 the scene of [*an accident*] **a crash** or of a death investigation, as described
23 in ORS 816.280.

24 “(g) Commercial vehicle warning lights.

25 “(7) Requirements for use of motorcycle and moped headlights are under
26 ORS 814.320.

27 “(8) Requirements for lighting equipment for an electric personal assistive
28 mobility device are under ORS 815.284.

29 “**SECTION 56.** ORS 811.700 is amended to read:

30 “811.700. (1) A driver of a vehicle who knows or has reason to believe that

1 the driver's vehicle was involved in a [*collision*] **crash** commits the offense
2 of failure to perform the duties of a driver when property is damaged if the
3 driver's vehicle is involved in a [*collision*] **crash** that results in damage to
4 property and the driver does not perform duties required under any of the
5 following:

6 “(a) Immediately stop the driver's vehicle at the scene of the [*collision*]
7 **crash** or as close to the scene of the [*collision*] **crash** as possible and rea-
8 sonably investigate what the driver's vehicle struck. Every stop required
9 under this paragraph should be made without obstructing traffic more than
10 is necessary.

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

14 “(A) Remain at the scene of the [*collision*] **crash** until the driver has
15 fulfilled all of the requirements under this paragraph.

16 “(B) Give to the other driver or passenger:

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

20 “(ii) If the driver's vehicle is a motor vehicle, the registration number of
21 the motor vehicle, the name of the insurance carrier covering the motor ve-
22 hicle, the insurance policy number of the insurance policy insuring the motor
23 vehicle and the phone number of the insurance carrier.

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

27 “(c) If the driver's vehicle has been involved in a [*collision*] **crash** re-
28 sulting in damage to any vehicle that is unattended, the driver shall perform
29 all the following duties:

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

1 the operator or owner of:

2 “(i) The driver’s name and address and the name and address of the owner
3 of the vehicle that struck the unattended vehicle; and

4 “(ii) If the driver’s vehicle is a motor vehicle, the registration number of
5 the motor vehicle, the name of the insurance carrier covering the motor ve-
6 hicle, the insurance policy number of the insurance policy insuring the motor
7 vehicle and the phone number of the insurance carrier; or

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

10 “(i) The driver’s name and address and the name and address of the owner
11 of the vehicle that struck the unattended vehicle and a statement of the
12 circumstances of the [*collision*] **crash**; and

13 “(ii) If the driver’s vehicle is a motor vehicle, the registration number of
14 the motor vehicle, the name of the insurance carrier covering the motor ve-
15 hicle, the insurance policy number of the insurance policy insuring the motor
16 vehicle and the phone number of the insurance carrier.

17 “(d) If the driver’s vehicle has been involved in a [*collision*] **crash** re-
18 sulting only in damage to fixtures or property legally upon or adjacent to a
19 highway, the driver shall perform all of the following duties:

20 “(A) Take reasonable steps to notify the owner or person in charge of the
21 property of the [*collision*] **crash** and of the driver’s name and address, the
22 vehicle owner’s name and address and, if the driver’s vehicle is a motor ve-
23 hicle, the registration number of the motor vehicle, the name of the insur-
24 ance carrier covering the motor vehicle, the insurance policy number of the
25 insurance policy insuring the motor vehicle and the phone number of the
26 insurance carrier.

27 “(B) Upon request and if available, exhibit any document issued as evi-
28 dence of driving privileges granted to the driver.

29 “(e) If the driver discovers only after leaving the scene of the [*collision*]
30 **crash** that the driver’s vehicle may have been involved in a [*collision*] **crash**

1 that resulted in damage to another vehicle, fixture or property, the driver
2 shall as soon as reasonably possible make a good faith effort to comply with
3 the requirements of this subsection.

4 “(2) As used in this section, ‘reason to believe’ means that the driver is
5 aware of a circumstance that would cause a reasonable person to be aware
6 of a substantial and unjustifiable risk that the driver’s vehicle has been in
7 a [collision] **crash**. The risk must be of such nature or degree that failure
8 to be aware of it constitutes a gross deviation from the standard of care that
9 a reasonable person would observe in the situation.

10 “(3) The offense described in this section, failure to perform the duties
11 of a driver when property is damaged, is a Class A misdemeanor and is ap-
12 plicable on any premises open to the public.

13 **“SECTION 57.** ORS 811.705 is amended to read:

14 “811.705. (1) A driver of a vehicle who knows or has reason to believe that
15 the driver’s vehicle was involved in a [collision] **crash** commits the offense
16 of failure to perform the duties of a driver to injured persons if the driver’s
17 vehicle has been in a [collision] **crash** that results in injury or death to a
18 person and the driver does not perform all of the following duties:

19 “(a) Immediately stop the driver’s vehicle at the scene of the [collision]
20 **crash** or as close to the scene of the [collision] **crash** as possible and rea-
21 sonably investigate what the driver’s vehicle struck. Every stop required
22 under this paragraph should be made without obstructing traffic more than
23 is necessary.

24 “(b) Remain at the scene of the [collision] **crash** until the driver has ful-
25 filled all of the requirements under this subsection.

26 “(c) Give to the other driver or a surviving passenger or any person not
27 a passenger who is injured as a result of the [collision] **crash**:

28 “(A) The driver’s name and address, the name and address of the owner
29 of the driver’s vehicle and the name and address of any other occupants of
30 the driver’s vehicle; and

1 “(B) If the driver’s vehicle is a motor vehicle, the registration number of
2 the motor vehicle, the name of the insurance carrier covering the motor ve-
3 hicle, the insurance policy number of the insurance policy insuring the motor
4 vehicle and the phone number of the insurance carrier.

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

9 “(e) Render to any person injured in the [*collision*] **crash** reasonable as-
10 sistance, including the conveying, or the making of arrangements for the
11 conveying, of an injured person to a physician, surgeon or hospital for med-
12 ical or surgical treatment, if it is apparent that such treatment is necessary
13 or if such conveying is requested by any injured person.

14 “(f) Remain at the scene of a [*collision*] **crash** until a police officer has
15 arrived and has received the required information, if all persons required to
16 be given information under paragraph (c) of this subsection are killed in the
17 [*collision*] **crash** or are unconscious or otherwise incapable of receiving the
18 information. The requirement of this paragraph to remain at the scene of a
19 [*collision*] **crash** until a police officer arrives does not apply to a driver who
20 needs immediate medical care, who needs to leave the scene in order to se-
21 cure medical care for another person injured in the [*collision*] **crash** or who
22 needs to leave the scene in order to report the [*collision*] **crash** to the au-
23 thorities, as long as the driver who leaves takes reasonable steps to return
24 to the scene or to contact the nearest police officer.

25 “(g) If the driver discovers only after leaving the scene of the [*collision*]
26 **crash** that the driver’s vehicle may have been involved in a [*collision*] **crash**
27 that resulted in injury or death to any person, shall as soon as reasonably
28 possible make a good faith effort to comply with the requirements of this
29 subsection. The driver shall immediately contact 9-1-1 and provide to the
30 dispatcher any requested information described in paragraph (c) of this sub-

1 section and the location and approximate time of the [*collision*] **crash**.

2 “(2) As used in this section, ‘reason to believe’ means that the driver is
3 aware of a circumstance that would cause a reasonable person to be aware
4 of a substantial and unjustifiable risk that the driver’s vehicle has been in
5 a [*collision*] **crash**. The risk must be of such nature or degree that failure
6 to be aware of it constitutes a gross deviation from the standard of care that
7 a reasonable person would observe in the situation.

8 “(3)(a) Except as otherwise provided in paragraph (b) of this subsection,
9 the offense described in this section, failure to perform the duties of a driver
10 to injured persons, is a Class C felony and is applicable on any premises open
11 to the public.

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

15 **“SECTION 58.** ORS 811.707 is amended to read:

16 “811.707. The Oregon Criminal Justice Commission shall classify the
17 crime of failure to perform the duties of a driver to injured persons as crime
18 category 8 of the sentencing guidelines grid of the commission if a person
19 suffers serious physical injury as defined in ORS 161.015 or dies as a result
20 of the [*collision*] **crash** that forms the basis of the conviction.

21 **“SECTION 59.** ORS 811.710 is amended to read:

22 “811.710. (1) A driver of a vehicle who knows or has reason to believe that
23 the driver’s vehicle was involved in a [*collision*] **crash** commits the offense
24 of failure to perform the duties of a driver when an animal is injured if the
25 driver’s vehicle injures or kills a domestic animal and the driver does not
26 perform all of the following duties:

27 “(a) Immediately stop the driver’s vehicle at the scene of the [*collision*]
28 **crash** or as close to the scene of the [*collision*] **crash** as possible and rea-
29 sonably investigate what the driver’s vehicle struck. Every stop required
30 under this paragraph should be made without obstructing traffic more than

1 is necessary.

2 “(b) Make a reasonable effort to determine the nature of the animal’s in-
3 juries.

4 “(c) Give reasonable attention to the animal.

5 “(d) Immediately report the injury to the animal’s owner.

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

7 “(f) If the driver discovers only after leaving the scene of the [*collision*]
8 **crash** that the driver’s vehicle may have been involved in a [*collision*] **crash**
9 that injured or killed a domestic animal, the driver shall as soon as reason-
10 ably possible make a good faith effort to comply with the requirements of
11 this section.

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

14 “(3) As used in this section, ‘reason to believe’ means that the driver is
15 aware of a circumstance that would cause a reasonable person to be aware
16 of a substantial and unjustifiable risk that the driver’s vehicle has been in
17 a [*collision*] **crash**. The risk must be of such nature or degree that failure
18 to be aware of it constitutes a gross deviation from the standard of care that
19 a reasonable person would observe in the situation.

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

22 “**SECTION 60.** ORS 811.715 is amended to read:

23 “811.715. (1) A person commits the offense of failure to perform the duties
24 of a witness to [*an accident*] **a crash** if the person:

25 “(a) Witnesses [*an accident*] **a crash** that results in injury or death to any
26 person or causes damage to a vehicle that is driven or attended by any per-
27 son; and

28 “(b) Does not furnish to the driver or occupant of such vehicles or injured
29 person, the true name and address of the witness.

30 “(2) The offense described in this section, failure to perform the duties

1 of a witness to [*an accident*] **a crash**, is a Class B traffic violation.

2 **“SECTION 61.** ORS 811.717 is amended to read:

3 “811.717. (1) The driver of a motor vehicle commits the offense of failure
4 to remove a motor vehicle from the roadway if, after [*an accident*] **a crash**:

5 “(a) A person has not suffered any apparent personal injury as a result
6 of the [*accident*] **crash**;

7 “(b) The motor vehicle is operable and does not require towing;

8 “(c) It is safe to drive the motor vehicle to a location off of the roadway
9 as close to the [*accident*] **crash** scene as possible; and

10 “(d) The driver does not move the motor vehicle to a location off of the
11 roadway as close to the [*accident*] **crash** scene as possible.

12 “(2) The offense described in this section, failure to remove a motor ve-
13 hicle from the roadway, is a Class C traffic violation.

14 **“SECTION 62.** ORS 811.720 is amended to read:

15 “811.720. (1) Except as provided in subsection (4) of this section, any [*ac-*
16 *cident*] **crash** occurring on a highway or upon premises open to the public
17 resulting in injury or death to any person is subject to the reporting re-
18 quirements under the following sections:

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

20 “(b) The reporting requirements for occupants of vehicles in [*accidents*]
21 **crashes** under ORS 811.735.

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

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

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

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

1 circumstances specified in ORS 811.730.

2 “(c) If the property damage is to property other than a vehicle involved
3 in the [accident] **crash**, each driver involved in the [accident] **crash** must
4 report the [accident] **crash** in the manner specified under ORS 811.725 and
5 each owner of a vehicle involved in the [accident] **crash** must report the
6 [accident] **crash** in the manner specified in ORS 811.730 and under the cir-
7 cumstances specified in ORS 811.730.

8 “(d) If a vehicle involved in the [accident] **crash** is damaged to the extent
9 that the vehicle must be towed from the scene of the [accident] **crash**, each
10 driver involved in the [accident] **crash** must report the [accident] **crash** in
11 the manner specified under ORS 811.725 and each owner of a vehicle involved
12 in the [accident] **crash** must report the [accident] **crash** in the manner
13 specified in ORS 811.730 and under the circumstances specified in ORS
14 811.730.

15 “(3) The dollar amount specified in subsection (2) of this section may be
16 increased every five years by the Department of Transportation based upon
17 any increase in the Consumer Price Index for All Urban Consumers, West
18 Region (All Items), as published by the Bureau of Labor Statistics of the
19 United States Department of Labor or its successor during the preceding
20 12-month period. The amount determined under this subsection shall be
21 rounded to the nearest \$100.

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

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

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

30 “(A) ‘Law enforcement official’ means a person who is responsible for

1 enforcing the criminal laws of this state or a political subdivision of this
2 state and who is employed or volunteers:

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

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

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

11 “(iv) As an authorized tribal police officer as defined in ORS 181A.680.

12 “(B) ‘Lawful intervention technique’ means a method by which one motor
13 vehicle causes, or attempts to cause, another motor vehicle to stop.

14 “**SECTION 63.** ORS 811.725 is amended to read:

15 “811.725. (1) The driver of a vehicle commits the offense of driver failure
16 to report [*an accident*] **a crash** if the driver does any of the following:

17 “(a) Is driving any vehicle that is involved in [*an accident*] **a crash** re-
18 quired to be reported under ORS 811.720 and does not, within 72 hours of the
19 [*accident*] **crash**, complete a report of the [*accident*] **crash** in a form ap-
20 proved by the Department of Transportation and submit the report to the
21 department.

22 “(b) Is driving a vehicle that is involved in [*an accident*] **a crash** and does
23 not submit to the department any report required by the department that is
24 other than or in addition to the reports required by this section. The de-
25 partment may request a supplemental report if in the opinion of the depart-
26 ment the original report is insufficient.

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

1 at the time of the [*accident*] **crash** the person was in compliance with the
2 financial responsibility requirements.

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

6 “(3) The reports described under this section are subject to the provisions
7 of ORS 802.220 and 802.240 relating to the use of such reports after sub-
8 mission. Exemptions from requirements to provide proof of compliance with
9 financial responsibility are established under ORS 806.020.

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

12 “(5) The offense described in this section, driver failure to report [*an ac-*
13 *cident*] **a crash**, is a Class B traffic violation.

14 “**SECTION 64.** ORS 811.730 is amended to read:

15 “811.730. (1) The owner of a vehicle commits the offense of owner failure
16 to report [*an accident*] **a crash** if the owner does any of the following:

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

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

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

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

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

30 “(2) The offense described in this section, owner failure to report [*an ac-*

1 *cident*] **a crash**, is a Class B traffic violation.

2 **“SECTION 65.** ORS 811.735 is amended to read:

3 “811.735. (1) A person commits the offense of failure of a vehicle occupant
4 to make [*an accident*] **a crash** report if:

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

8 “(b) The driver of the vehicle is physically incapable of making [*an acci-*
9 *dent*] **a crash** report required under ORS 811.725; and

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

12 “(2) This section does not require an occupant of a vehicle who is not a
13 driver to provide proof of compliance with financial responsibility require-
14 ments.

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

17 **“SECTION 66.** ORS 811.740 is amended to read:

18 “811.740. (1) A person commits the offense of giving a false [*accident*]
19 **crash** report if the person gives information in any report required under
20 ORS 811.725 or 811.730, knowing or having reason to believe that such in-
21 formation is false.

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

24 **“SECTION 67.** ORS 811.745 is amended to read:

25 “811.745. (1) Except as provided in subsection (4) of this section, any [*ac-*
26 *cident*] **crash** occurring on a highway or upon premises open to the public
27 resulting in injury or death to any person is subject to the reporting re-
28 quirements under the following sections:

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

30 “(b) The reporting requirements for occupants of vehicles in [*accidents*]

1 **crashes** under ORS 811.750.

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

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

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

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

15 “(3) The dollar amount specified in subsection (2) of this section may be
16 increased every five years by the Department of Transportation based upon
17 any increase in the Consumer Price Index for All Urban Consumers, West
18 Region (All Items), as published by the Bureau of Labor Statistics of the
19 United States Department of Labor or its successor during the preceding
20 12-month period. The amount determined under this subsection shall be
21 rounded to the nearest \$100.

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

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

26 “(b) A law enforcement official acting in the course of official duty if the
27 [*accident*] **crash** involved a law enforcement official performing a lawful
28 intervention technique or involved a law enforcement official and a person
29 acting during the commission of a criminal offense. As used in this para-
30 graph:

1 “(A) ‘Law enforcement official’ means a person who is responsible for
2 enforcing the criminal laws of this state or a political subdivision of this
3 state and who is employed or volunteers:

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

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

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

12 “(B) ‘Lawful intervention technique’ means a method by which one motor
13 vehicle causes, or attempts to cause, another motor vehicle to stop.

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

16 “**SECTION 68.** ORS 811.748 is amended to read:

17 “811.748. (1) The driver of a vehicle commits the offense of driver failure
18 to report [*an accident*] **a crash** if the driver is driving any vehicle that is
19 involved in [*an accident*] **a crash** required to be reported under ORS 811.745
20 and the driver, if physically capable, does not give notice of the [*accident*]
21 **crash** immediately to a police officer or a law enforcement agency by the
22 quickest means available.

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

25 “(a) The [*accident*] **crash** required to be reported under ORS 811.745 re-
26 sults in a serious injury or death; and

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

29 “(3) The offense described in this section, driver failure to report [*an ac-*
30 *cident*] **a crash**, is a Class A traffic violation.

1 **“SECTION 69.** ORS 811.750 is amended to read:

2 “811.750. (1) A person commits the offense of failure of a vehicle occupant
3 to make [*an accident*] **a crash** report if:

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

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

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

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

16 “(a) The [*accident*] **crash** required to be reported under ORS 811.745 re-
17 sults in a serious injury or death; and

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

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

22 **“SECTION 70.** ORS 813.100 is amended to read:

23 “813.100. (1) Any person who operates a motor vehicle upon premises open
24 to the public or the highways of this state shall be deemed to have given
25 consent, subject to the [*implied consent law*] **Motorist Implied Consent**
26 **Law**, to a chemical test of the person’s breath, or of the person’s blood if the
27 person is receiving medical care in a health care facility immediately after
28 a motor vehicle [*accident*] **crash**, for the purpose of determining the alcoholic
29 content of the person’s blood if the person is arrested for driving a motor
30 vehicle while under the influence of intoxicants in violation of ORS 813.010

1 or of a municipal ordinance. A test shall be administered upon the request
2 of a police officer having reasonable grounds to believe the person arrested
3 to have been driving while under the influence of intoxicants in violation
4 of ORS 813.010 or of a municipal ordinance. Before the test is administered
5 the person requested to take the test shall be informed of consequences and
6 rights as described under ORS 813.130.

7 “(2) If a person refuses to submit to a test under this section or if a
8 breath test under this section discloses that the person, at the time of the
9 test, had a level of alcohol in the person’s blood that constitutes being under
10 the influence of intoxicating liquor under ORS 813.300 and the person has
11 been informed of rights and consequences as provided under ORS 813.130, the
12 person’s driving privileges are subject to suspension under ORS 813.410 and
13 the police officer shall do all of the following:

14 “(a) Immediately take custody of any driver license or permit issued by
15 this state to the person to grant driving privileges.

16 “(b) Provide the person with a written notice of intent to suspend, on
17 forms prepared and provided by the Department of Transportation. The
18 written notice shall inform the person of consequences and rights as de-
19 scribed under ORS 813.130.

20 “(c) If the person qualifies under ORS 813.110, issue to the person, on
21 behalf of the department, a temporary driving permit described under ORS
22 813.110.

23 “(d) Within a period of time required by the department by rule, report
24 action taken under this section to the department and prepare and cause to
25 be delivered to the department a report as described in ORS 813.120, along
26 with the confiscated license or permit and a copy of the notice of intent to
27 suspend.

28 “(3) If a blood test under this section discloses that the person, at the
29 time of the test, had a level of alcohol in the person’s blood that constitutes
30 being under the influence of intoxicating liquor under ORS 813.300, the

1 person's driving privileges are subject to suspension under ORS 813.410 and
2 the police officer shall report to the department within 45 days of the date
3 of arrest that the person failed the blood test.

4 “(4) Nothing in this section precludes a police officer from obtaining a
5 chemical test of the person's breath or blood through any lawful means for
6 use as evidence in a criminal or civil proceeding including, but not limited
7 to, obtaining a search warrant.

8 **“SECTION 71.** ORS 813.131 is amended to read:

9 “813.131. (1) A person may be asked to provide a urine sample under ORS
10 813.140 or subsection (2) of this section.

11 “(2) Any person who operates a motor vehicle upon premises open to the
12 public or the highways of this state shall be deemed to have given consent,
13 subject to the Motorist Implied Consent Law, to a chemical test of the
14 person's urine for the purpose of determining the presence of cannabis, a
15 controlled substance or an inhalant in the person's body if the person is ar-
16 rested for driving while under the influence of intoxicants in violation of
17 ORS 813.010 or of a municipal ordinance and either:

18 “(a) The person takes the breath test described in ORS 813.100 and the
19 test discloses a blood alcohol content of less than 0.08 percent; or

20 “(b) The person is involved in [*an accident*] **a crash** resulting in injury
21 or property damage. A urine test may be requested under this paragraph re-
22 gardless of whether a breath test has been requested and regardless of the
23 results of a breath test, if one is taken.

24 “(3) A police officer may not request a urine test unless the officer is
25 certified by the Department of Public Safety Standards and Training as
26 having completed at least eight hours of training in recognition of drug im-
27 paired driving and the officer has a reasonable suspicion that the person
28 arrested has been driving while under the influence of cannabis, a controlled
29 substance, an inhalant or any combination of cannabis, a controlled sub-
30 stance, an inhalant and intoxicating liquor.

1 “(4) A person asked to give a urine sample shall be given privacy and
2 may not be observed by a police officer when producing the sample.

3 “(5)(a) At the trial of any civil or criminal action, suit or proceeding
4 arising out of the acts committed by a person driving a motor vehicle while
5 under the influence of intoxicants, a valid chemical analysis of a person’s
6 urine is admissible as evidence and may be used with other evidence, if any,
7 to determine whether the person was driving while under the influence of
8 intoxicants.

9 “(b) A chemical analysis of a person’s urine is valid if analysis is per-
10 formed in an accredited or licensed toxicology laboratory.

11 **“SECTION 72.** ORS 813.215 is amended to read:

12 “813.215. (1) A defendant is eligible for diversion if the defendant meets
13 all of the following conditions:

14 “(a) On the date the defendant filed the petition for a driving while under
15 the influence of intoxicants diversion agreement, the defendant had no
16 charge, other than the charge for the present offense, pending for:

17 “(A) An offense of driving while under the influence of intoxicants in vi-
18 olation of:

19 “(i) ORS 813.010; or

20 “(ii) The statutory counterpart to ORS 813.010 in another jurisdiction;

21 “(B) A driving under the influence of intoxicants offense in another ju-
22 risdiction that involved the impaired driving of a vehicle due to the use of
23 intoxicating liquor, cannabis, a controlled substance, an inhalant or any
24 combination thereof; or

25 “(C) A driving offense in another jurisdiction that involved operating a
26 vehicle while having a blood alcohol content above that jurisdiction’s per-
27 missible blood alcohol content.

28 “(b) The defendant has not been convicted of an offense described in
29 paragraph (a) of this subsection within the period beginning 15 years before
30 the date of the commission of the present offense and ending on the date the

1 defendant filed the petition for a driving while under the influence of
2 intoxicants diversion agreement.

3 “(c) The defendant has not been convicted of a felony offense described
4 in ORS 813.010 (5)(a).

5 “(d) The defendant was not participating in a driving while under the
6 influence of intoxicants diversion program or in any similar alcohol or drug
7 rehabilitation program in this state or in another jurisdiction on the date
8 the defendant filed the petition for a driving while under the influence of
9 intoxicants diversion agreement. A defendant is not ineligible for diversion
10 under this paragraph by reason of participation in a diversion program or
11 any similar alcohol or drug rehabilitation program as a result of the charge
12 for the present offense or a charge for violation of ORS 471.430.

13 “(e) The defendant did not participate in a diversion or rehabilitation
14 program described in paragraph (d) of this subsection within the period be-
15 ginning 15 years before the date of the commission of the present offense and
16 ending on the date the defendant filed the petition for a driving while under
17 the influence of intoxicants diversion agreement. A defendant is not ineligi-
18 ble for diversion under this paragraph by reason of participation in a diver-
19 sion program or rehabilitation program described in paragraph (d) of this
20 subsection as a result of the charge for the present offense or a charge for
21 violation of ORS 471.430.

22 “(f) The defendant had no charge of an offense of aggravated vehicular
23 homicide or of murder, manslaughter, criminally negligent homicide or as-
24 sult that resulted from the operation of a motor vehicle pending in this
25 state or in another jurisdiction on the date the defendant filed the petition
26 for a driving while under the influence of intoxicants diversion agreement.

27 “(g) The defendant has not been convicted of an offense described in
28 paragraph (f) of this subsection within the period beginning 15 years before
29 the date of the commission of the present offense and ending on the date the
30 defendant filed the petition for a driving while under the influence of

1 intoxicants diversion agreement.

2 “(h) The defendant did not hold commercial driving privileges on the date
3 of the commission of the offense.

4 “(i) The defendant was not operating a commercial motor vehicle at the
5 time of the offense.

6 “(j) The present driving while under the influence of intoxicants offense
7 did not involve [*an accident*] a **crash** resulting in:

8 “(A) Death of any person; or

9 “(B) Physical injury as defined in ORS 161.015 to any person other than
10 the defendant.

11 “(2) For the purposes of subsection (1)(a) of this section, a conviction for
12 a driving offense in another jurisdiction based solely on a person under 21
13 years of age having a blood alcohol content that is lower than the permis-
14 sible blood alcohol content in that jurisdiction for a person 21 years of age
15 or older does not constitute a prior conviction.

16 “(3) A defendant is eligible for a second or subsequent diversion if the
17 defendant meets all of the conditions of subsection (1) of this section and the
18 defendant has not been convicted of any other criminal offense involving a
19 motor vehicle within the period beginning 15 years before the date of the
20 commission of the present offense and ending on the date the defendant filed
21 the petition for the second or subsequent driving while under the influence
22 of intoxicants diversion agreement.

23 **“SECTION 73.** ORS 814.414 is amended to read:

24 “814.414. (1) A person operating a bicycle who is approaching an inter-
25 section where traffic is controlled by a stop sign may, without violating ORS
26 811.265, do any of the following without stopping if the person slows the bi-
27 cycle to a safe speed:

28 “(a) Proceed through the intersection.

29 “(b) Make a right or left turn into a two-way street.

30 “(c) Make a right or left turn into a one-way street in the direction of

1 traffic upon the one-way street.

2 “(2) A person commits the offense of improper entry into an intersection
3 where traffic is controlled by a stop sign if the person does any of the fol-
4 lowing while proceeding as described in subsection (1) of this section:

5 “(a) Fails to yield the right of way to traffic lawfully within the inter-
6 section or approaching so close as to constitute an immediate hazard;

7 “(b) Disobeys the directions of a police officer or flagger, as defined in
8 ORS 811.230;

9 “(c) Fails to exercise care to avoid [*an accident*] **a crash**; or

10 “(d) Fails to yield the right of way to a pedestrian in an intersection or
11 crosswalk under ORS 811.028.

12 “(3) The offense described in this section, improper entry into an inter-
13 section where traffic is controlled by a stop sign, is a Class D traffic vio-
14 lation.

15 **“SECTION 74.** ORS 814.416 is amended to read:

16 “814.416. (1) A person operating a bicycle who is approaching an inter-
17 section where traffic is controlled by a flashing red signal may, without vi-
18 olating ORS 811.265, do any of the following without stopping if the person
19 slows the bicycle to a safe speed:

20 “(a) Proceed through the intersection.

21 “(b) Make a right or left turn into a two-way street.

22 “(c) Make a right or left turn into a one-way street in the direction of
23 traffic upon the one-way street.

24 “(2) A person commits the offense of improper entry into an intersection
25 where traffic is controlled by a flashing red signal if the person does any of
26 the following while proceeding as described in subsection (1) of this section:

27 “(a) Fails to yield the right of way to traffic lawfully within the inter-
28 section or approaching so close as to constitute an immediate hazard;

29 “(b) Disobeys the directions of a police officer;

30 “(c) Fails to exercise care to avoid [*an accident*] **a crash**; or

1 “(d) Fails to yield the right of way to a pedestrian in an intersection or
2 crosswalk under ORS 811.028.

3 “(3) The offense described in this section, improper entry into an inter-
4 section where traffic is controlled by a flashing red signal, is a Class D
5 traffic violation.

6 “**SECTION 75.** ORS 816.280 is amended to read:

7 “816.280. This section establishes standards for different types of warning
8 lights. Each of the following is a requirement for warning lights as de-
9 scribed:

10 “(1) The following are the colors for the indicated type of warning light:

11 “(a) Public vehicle warning lights, pilot vehicle warning lights and com-
12 mercial vehicle warning lights shall be amber.

13 “(b) Tow vehicle warning lights may be amber or red.

14 “(c) Weighmaster and motor carrier enforcement officer warning lights
15 shall be red.

16 “(d) Warning lights on vehicles engaged in the removal, containment or
17 cleanup of a hazardous materials release, and on vehicles at the scene of a
18 potential release of hazardous materials, may be red or amber.

19 “(e) Warning lights on vehicles being used by medical examiners to reach
20 the scene of [*an accident*] **a crash** or of a death investigation may be red.

21 “(2) Warning lights shall provide an intermittent light that may be either
22 of a revolving or flashing type or any other type that provides an intermit-
23 tent light.

24 “(3) All warning lights shall be visible from a distance of not less than
25 500 feet under normal atmospheric conditions at night.

26 “**SECTION 76.** ORS 816.350 is amended to read:

27 “816.350. This section establishes requirements for ORS 816.360. When
28 specific types of lighting equipment are mentioned by this section, those
29 types are types described under ORS 816.040 to 816.290. Except as allowed
30 under this section or where an exemption under ORS 816.370 specifically

1 provides otherwise, a vehicle that does not comply with this section is in
2 violation of ORS 816.360:

3 “(1)(a) A motorcycle may not be equipped with more than three head-
4 lights.

5 “(b) A moped may not be equipped with more than two headlights.

6 “(2) Except when blue or purple inserts are allowed under ORS 816.080,
7 816.100 or 816.120, [no] a vehicle may **not** have any lighting equipment
8 mounted on the rear that displays or reflects any color other than red except
9 for the following lighting equipment:

10 “(a) Turn signal lights.

11 “(b) Rear mounted lighting systems.

12 “(c) Registration plate lights.

13 “(d) Back-up lights.

14 “(3) Except as otherwise allowed under this section, only the following
15 types of vehicles may be equipped with public vehicle warning lights:

16 “(a) A vehicle operated by the state, or any county, city, district or other
17 political subdivision of the state, and used for the construction, improve-
18 ment, repair, maintenance, operation or patrol of any public highway.

19 “(b) Vehicles operated by a public utility or telecommunications utility
20 involved in maintenance, repair or construction of their facilities along
21 public rights of way.

22 “(4) Vehicles operated by a police officer and used for law enforcement
23 may be equipped with any type of police lights, but only these vehicles may
24 be equipped with blue lights.

25 “(5) Except as otherwise allowed under this section, only a vehicle oper-
26 ated by a weighmaster or motor carrier enforcement officer proceeding under
27 the authority of ORS 810.530 may be equipped with weighmaster warning
28 lights.

29 “(6) Except as otherwise allowed under this section, only tow vehicles
30 may be equipped with tow vehicle warning lights.

1 “(7) Except as otherwise allowed under this section, only a motor vehicle
2 escort accompanying a motor vehicle carrying or towing a load of a size or
3 description not permitted under ORS 815.160, 815.170, 818.020, 818.060,
4 818.090, 818.110, 818.160 and 818.300 may be equipped with a pilot vehicle
5 warning light.

6 “(8) Except as otherwise allowed under this section, only the following
7 vehicles may be equipped with bus safety lights:

8 “(a) School buses.

9 “(b) Worker transport buses.

10 “(c) Vehicles issued a permit under ORS 818.260.

11 “(9) No vehicle except a vehicle used in active service transporting United
12 States Mail may be equipped with mail delivery lights.

13 “(10) Except as otherwise allowed under this section, fire company warn-
14 ing lights may only be used on the following vehicles:

15 “(a) An emergency vehicle.

16 “(b) A vehicle authorized under a permit issued under ORS 818.250.

17 “(c) Funeral lead vehicles and funeral escort vehicles used to escort fu-
18 neral processions.

19 “(11) Except as otherwise allowed under this section, no vehicle or
20 equipment may display or carry any lighting equipment or device with a red
21 light visible from directly in front of the vehicle or equipment.

22 “(12) Except as otherwise allowed under this section, all flashing lights
23 are prohibited on all motor vehicles on any street or highway except for turn
24 signals, hazard lights and headlight flashing systems described in ORS
25 816.050.

26 “(13) No motor vehicle other than an emergency vehicle may be equipped
27 with more than one spotlight.

28 “(14) No motor vehicle may be equipped with more than two cowl or
29 fender lights.

30 “(15) A vehicle at the scene of an actual or potential release of hazardous

1 materials may be equipped with warning lights as described in ORS 816.280
2 (1)(d).

3 “(16) A vehicle being used by medical examiners to reach the scene of
4 [*an accident*] **a crash** or of a death investigation may be equipped with
5 warning lights as described in ORS 816.280 (1)(e).

6 “(17) A vehicle may be equipped with covers on any of the following lights
7 if the covers are removed when the lights are required to be in operation:

8 “(a) Headlights under ORS 816.050.

9 “(b) Taillights under ORS 816.080.

10 “(c) Brake lights under ORS 816.100.

11 “(d) Turn signals under ORS 816.120.

12 “(e) Reflectors under ORS 816.180.

13 “(18) A commercial vehicle, as defined in ORS 801.210 (2), may be
14 equipped with commercial vehicle warning lights.

15 **“SECTION 77.** ORS 818.105 is amended to read:

16 “818.105. (1) Any person who transports property, or causes property to
17 be transported, by motor vehicle may request that a road authority, other
18 than a city, authorize unrestricted access by truck tractor and semitrailer
19 combinations in lengths in excess of that authorized under ORS 818.080 on
20 a specific highway within the jurisdiction of the road authority.

21 “(2) Within 60 days following receipt of a request, the road authority shall
22 do one of the following:

23 “(a) Grant the request and adopt a rule, resolution or ordinance as pro-
24 vided in ORS 810.060.

25 “(b) Complete an evaluation of the request to determine whether the
26 highway can safely accommodate the proposed operation. The evaluation
27 shall consist of a test run as described in subsection (3) of this section and
28 an examination of information about the highway as described in subsection
29 (4) of this section.

30 “(c) Produce a previous evaluation and determination that applies to the

1 proposed operation.

2 “(3) The following apply to a test run undertaken as part of an evaluation
3 under subsection (2)(b) of this section:

4 “(a) The party requesting the change in access shall provide a truck
5 tractor and semitrailer combination for the test run. The combination must
6 be equal to or greater in length than the truck tractor and semitrailer com-
7 binations for which access is requested.

8 “(b) The road authority shall issue a single trip variance permit for the
9 test run.

10 “(c) During the test run, road authority staff shall precede and follow the
11 test run combination to observe vehicle operability and to gather data to be
12 used by the road authority to determine:

13 “(A) Whether the test run combination maintained its lane of travel; and

14 “(B) Whether the test run combination maintained appropriate speed, or
15 there was adequate sight distance for trailing vehicles to pass the combina-
16 tion, or there was enough room for the combination to pull off the roadway
17 to allow trailing vehicles to pass.

18 “(4) In conducting an evaluation under subsection (2)(b) of this section,
19 the road authority shall examine the following information about the high-
20 way:

21 “(a) Average daily traffic flow;

22 “(b) [*Accident*] **Crash** rate;

23 “(c) Pavement and shoulder conditions; and

24 “(d) Any information the road authority has regarding proposed improve-
25 ments or any peculiarities associated with the highway.

26 “(5) All information gathered under subsections (3) and (4) of this section
27 shall be analyzed by the road authority to determine whether the highway
28 can safely accommodate the requested truck tractor and semitrailer length.

29 “(6) The road authority shall give written notification to the person re-
30 questing access to the highway of the results of any evaluation done under

1 subsection (2)(b) or (9) of this section.

2 “(7) When an evaluation under subsection (2)(b) of this section results in
3 a determination that the highway can safely accommodate the requested
4 truck tractor and semitrailer length only if conditions are imposed on the
5 operation, the road authority may require that any truck tractor and semi-
6 trailer combination of that length operate under a variance permit issued
7 under ORS 818.200 that states the conditions of operation.

8 “(8) When an evaluation under subsection (2)(b) of this section results in
9 a determination that the highway cannot safely accommodate the requested
10 truck tractor and semitrailer length, the requesting person may ask for fur-
11 ther evaluation.

12 “(9) When a person requests further evaluation under subsection (8) of
13 this section, the road authority shall conduct a detailed investigation of the
14 proposed operation that may include:

15 “(a) A more detailed analysis of average daily traffic flow, including
16 traffic peak hours and volumes;

17 “(b) Analysis of roadway and shoulder width;

18 “(c) Review of test run data, including any photographs or videotape;

19 “(d) Truck volume compared to total traffic volume;

20 “(e) Overlength truck volume compared to total traffic volume;

21 “(f) Stopping sight distance for legal speed;

22 “(g) Cost of spot improvements and facility improvements;

23 “(h) [*Accident*] **Crash** history for the highway or similar highways; and

24 “(i) Potential risk of [*collisions*] **crashes** between two trucks or a truck
25 and an automobile.

26 “(10) When an evaluation under subsection (9) of this section results in
27 a determination that the highway can safely accommodate the requested
28 truck tractor and semitrailer length only if conditions are imposed on the
29 operation, the road authority may require that any truck tractor and semi-
30 trailer combination of that length operate under a variance permit issued

1 under ORS 818.200 that states the conditions of operation.

2 “(11) When an evaluation under subsection (9) of this section results in
3 a determination that the highway cannot safely accommodate the requested
4 truck tractor and semitrailer length, no further evaluation may be conducted
5 unless improvements are made to the highway and a subsequent request is
6 made.

7 **“SECTION 78.** ORS 820.110 is amended to read:

8 “820.110. (1) The State Board of Education shall adopt and enforce rules
9 to establish requirements of operation, qualifications or special training of
10 drivers and special [*accident*] **crash** reports for school buses and school ac-
11 tivity vehicles.

12 “(2) The governing board of a public university listed in ORS 352.002 may
13 adopt and enforce separate standards of the type described under this section
14 for school buses and school activity vehicles that are under its jurisdiction.

15 “(3) The rules and standards adopted under this section:

16 “(a) Are subject to ORS 820.190 and 820.200 and to any other statute or
17 regulation relating to the operation of vehicles, qualifications of drivers and
18 [*accident*] **crash** reports.

19 “(b) Must be consistent with requirements established by statute or by
20 rule adopted under statutory authority that relate to the same subject.

21 “(c) May include different requirements for different classes or types of
22 school buses or school activity vehicles.

23 “(d) May include any exemptions determined appropriate under ORS
24 820.150.

25 “(4) If the Department of Transportation suspends, cancels or revokes any
26 driving privileges of a person who holds a school bus endorsement under
27 ORS 807.035 (5), the Department of Transportation shall notify the Depart-
28 ment of Education of the suspension, cancellation or revocation.

29 **“SECTION 79.** ORS 822.510 is amended to read:

30 “822.510. Except as provided in subsection (3) of this section, an applicant

1 or holder of a commercial driver training school certificate may maintain
2 proof of insurance required under ORS 822.515 for issuance or renewal of the
3 certificate by complying with any of the following:

4 “(1) The school may file a certificate of insurance with the Department
5 of Transportation that complies with all of the following:

6 “(a) The insurance must be issued to the school.

7 “(b) The insurance must be issued by an insurance company authorized
8 to do business in this state.

9 “(c) The insurance must show that the insured has procured and has in
10 effect a motor vehicle liability policy that provides at least the following
11 coverage:

12 “(A) \$100,000 because of bodily injury to or death of one person in any
13 one [*accident*] **crash**;

14 “(B) Subject to the limit for one person, \$300,000 because of bodily injury
15 to or death of two or more persons in any one [*accident*] **crash**; and

16 “(C) \$50,000 because of injury to or destruction of the property of others
17 in any one [*accident*] **crash**.

18 “(d) The policy shall designate by explicit description or by appropriate
19 reference all motor vehicles with respect to which coverage is granted.

20 “(e) The policy shall insure any and all persons using any motor vehicle
21 owned or operated by the school with the consent of the school against loss
22 from the liabilities imposed by law for damages arising out of the operation,
23 use or maintenance of the motor vehicle.

24 “(2) The school may obtain a valid certificate of self-insurance from the
25 department.

26 “(3) An applicant or holder of a commercial driver training school cer-
27 tificate does not need to submit proof of insurance required under ORS
28 822.515 for issuance or renewal of the certificate if the applicant or holder
29 of the certificate conducts only classroom instruction.

30 “**SECTION 80.** ORS 822.600 is amended to read:

1 “822.600. (1) A person commits the offense of failure of a garage to report
2 [*an accident*] **a crash** or bullet contact if the person is in charge of any ga-
3 rage or repair shop to which is brought any motor vehicle that shows evi-
4 dence of having been involved in a serious [*accident*] **crash** or struck by any
5 bullet and the person does not report to the nearest police station or sheriff’s
6 office within 24 hours after such motor vehicle is received giving the regis-
7 tration number and the name and address of the owner or operator of such
8 vehicle.

9 “(2) An additional report need not be made under this section when the
10 owner of the vehicle is also the owner of the garage or repair shop and the
11 person has made a report under ORS 811.725 or 811.730 that includes the
12 information required by this section.

13 “(3) The offense described in this section, failure of garage to report [*ac-*
14 *cident*] **crash** or bullet contact, is a Class A traffic violation.

15 **“SECTION 81.** ORS 824.212 is amended to read:

16 “824.212. (1) The Department of Transportation shall adopt regulations
17 prescribing specifications for the construction and maintenance of railroad-
18 highway crossings, both at grade level and at separated grades. The specifi-
19 cations shall be developed in consultation with representatives of cities and
20 counties and shall conform to nationally recognized and commonly used
21 standards to ensure that the crossings are constructed and maintained in a
22 manner that conforms to the public safety, necessity, convenience and gen-
23 eral welfare, including but not limited to the projected transportation needs.

24 “(2) Specifications for separate crossings adopted under subsection (1) of
25 this section do not apply to crossings in existence on the effective date of
26 the regulation prescribing the specifications. However, within a reasonable
27 period after the effective date, crossings shall be altered or reconstructed to
28 comply with the regulations in effect at the time of the alteration or recon-
29 struction.

30 “(3) Priorities for such alterations or reconstruction shall be established

1 by the Department of Transportation, based upon the expressed need of the
2 public authority in interest, and upon such other factors as danger or in-
3 convenience to motorists, age of the structure, frequency of reported [*acci-*
4 *dents*] **crashes** and degree of noncompliance with regulations.

5 “(4) If the public authority in interest or the railroad company fails to
6 so alter or reconstruct a crossing, the department, after following the pro-
7 cedures specified in ORS chapter 183 for contested cases, may order the al-
8 teration or reconstruction and proceed in accordance with ORS 824.216.

9 **“SECTION 82.** ORS 825.248 is amended to read:

10 “825.248. (1) The Department of Transportation shall develop an annual
11 commercial motor vehicle safety plan. The goal of the plan is to reduce [*ac-*
12 *cidents*] **crashes** involving commercial motor vehicles and to reduce injuries
13 and fatalities resulting from [*accidents*] **crashes** involving commercial motor
14 vehicles. The priority for each year’s plan shall be determined on the basis
15 of accurate and timely data. The department shall use performance measures
16 to determine the success of an annual plan and to develop the subsequent
17 plan.

18 “(2) In conducting inspections described in ORS 810.560, a person who is
19 trained and certified as a commercial vehicle inspector under ORS 810.560
20 shall adhere to the provisions of the commercial motor vehicle safety plan
21 developed under subsection (1) of this section.

22 **“SECTION 83.** ORS 825.402 is amended to read:

23 “825.402. (1) Except as provided in subsection (4) of this section, all motor
24 carriers that are domiciled in Oregon and that receive a certificate or permit
25 from the Department of Transportation for the first time on or after July 1,
26 1990, shall participate in the program established under ORS 825.400.

27 “(2) A motor carrier required by subsection (1) of this section to partic-
28 ipate in the program must do so within 90 days of the date on which it re-
29 ceives a certificate or permit from the department.

30 “(3) In addition to motor carriers required to participate in the program

1 established under ORS 825.400, the department may require participation by
2 any motor carrier that:

3 “(a) Has underpaid its tax obligation for the use of the highways by 15
4 percent or more;

5 “(b) Exceeds by more than 15 percent, in a one-year period, the industry
6 average for out-of-service violations for vehicle inspection or for [*accidents*]
7 **crashes** per mile; or

8 “(c) Receives, in a one-year period, two or more citations for being 10,000
9 pounds or more overweight.

10 “(4) Subsection (1) of this section does not apply to a carrier receiving a
11 certificate or permit for the first time on or after July 1, 1990, if the carrier
12 is a successor in interest to a carrier that held a certificate or permit prior
13 to that date.

14 “(5) Rules adopted by the department under ORS 825.400 shall require
15 each motor carrier participating in the program to have at least one person
16 having a substantial interest or control, directly or indirectly, in or over the
17 operations conducted or to be conducted under the certificate or permit is-
18 sued to the motor carrier participate in the program. No rule shall require
19 the participation of a motor carrier more than one time except for motor
20 carriers required to participate under subsection (3) of this section.

21 **“SECTION 84.** ORCP 7 D is amended to read:

22 **“D Manner of service.**

23 **“D(1) Notice required.** Summons shall be served, either within or without
24 this state, in any manner reasonably calculated, under all the circumstances,
25 to apprise the defendant of the existence and pendency of the action and to
26 afford a reasonable opportunity to appear and defend. Summons may be
27 served in a manner specified in this rule or by any other rule or statute on
28 the defendant or upon an agent authorized by appointment or law to accept
29 service of summons for the defendant. Service may be made, subject to the
30 restrictions and requirements of this rule, by the following methods: personal

1 service of true copies of the summons and the complaint upon defendant or
2 an agent of defendant authorized to receive process; substituted service by
3 leaving true copies of the summons and the complaint at a person's dwelling
4 house or usual place of abode; office service by leaving true copies of the
5 summons and the complaint with a person who is apparently in charge of
6 an office; service by mail; or service by publication.

7 “D(2) Service methods.

8 “D(2)(a) Personal service. Personal service may be made by delivery of a
9 true copy of the summons and a true copy of the complaint to the person to
10 be served.

11 “D(2)(b) Substituted service. Substituted service may be made by deliver-
12 ing true copies of the summons and the complaint at the dwelling house or
13 usual place of abode of the person to be served to any person 14 years of age
14 or older residing in the dwelling house or usual place of abode of the person
15 to be served. Where substituted service is used, the plaintiff, as soon as
16 reasonably possible, shall cause to be mailed by first class mail true copies
17 of the summons and the complaint to the defendant at defendant's dwelling
18 house or usual place of abode, together with a statement of the date, time,
19 and place at which substituted service was made. For the purpose of com-
20 puting any period of time prescribed or allowed by these rules or by statute,
21 substituted service shall be complete upon the mailing.

22 “D(2)(c) Office service. If the person to be served maintains an office for
23 the conduct of business, office service may be made by leaving true copies
24 of the summons and the complaint at that office during normal working
25 hours with the person who is apparently in charge. Where office service is
26 used, the plaintiff, as soon as reasonably possible, shall cause to be mailed
27 by first class mail true copies of the summons and the complaint to the de-
28 fendant at defendant's dwelling house or usual place of abode or defendant's
29 place of business or any other place under the circumstances that is most
30 reasonably calculated to apprise the defendant of the existence and pendency

1 of the action, together with a statement of the date, time, and place at which
2 office service was made. For the purpose of computing any period of time
3 prescribed or allowed by these rules or by statute, office service shall be
4 complete upon the mailing.

5 “D(2)(d) Service by mail.

6 “D(2)(d)(i) Generally. When service by mail is required or allowed by this
7 rule or by statute, except as otherwise permitted, service by mail shall be
8 made by mailing true copies of the summons and the complaint to the de-
9 fendant by first class mail and by any of the following: certified, registered,
10 or express mail with return receipt requested. For purposes of this para-
11 graph, ‘first class mail’ does not include certified, registered, or express mail,
12 return receipt requested, or any other form of mail that may delay or hinder
13 actual delivery of mail to the addressee.

14 “D(2)(d)(ii) Calculation of time. For the purpose of computing any period
15 of time provided by these rules or by statute, service by mail, except as
16 otherwise provided, shall be complete on the day the defendant, or other
17 person authorized by appointment or law, signs a receipt for the mailing, or
18 3 days after the mailing if mailed to an address within the state, or 7 days
19 after the mailing if mailed to an address outside the state, whichever first
20 occurs.

21 “D(3) Particular defendants. Service may be made upon specified defend-
22 ants as follows:

23 “D(3)(a) Individuals.

24 “D(3)(a)(i) Generally. Upon an individual defendant, by personal delivery
25 of true copies of the summons and the complaint to the defendant or other
26 person authorized by appointment or law to receive service of summons on
27 behalf of the defendant, by substituted service, or by office service. Service
28 may also be made upon an individual defendant or other person authorized
29 to receive service to whom neither subparagraph D(3)(a)(ii) nor D(3)(a)(iii)
30 of this rule applies by a mailing made in accordance with paragraph D(2)(d)

1 of this rule provided the defendant or other person authorized to receive
2 service signs a receipt for the certified, registered, or express mailing, in
3 which case service shall be complete on the date on which the defendant
4 signs a receipt for the mailing.

5 “D(3)(a)(ii) Minors. Upon a minor under 14 years of age, by service in the
6 manner specified in subparagraph D(3)(a)(i) of this rule upon the minor; and
7 additionally upon the minor’s father, mother, conservator of the minor’s es-
8 tate, or guardian, or, if there be none, then upon any person having the care
9 or control of the minor, or with whom the minor resides, or in whose service
10 the minor is employed, or upon a guardian ad litem appointed pursuant to
11 Rule 27 B.

12 “D(3)(a)(iii) Incapacitated persons. Upon a person who is incapacitated
13 or is financially incapable, as both terms are defined by ORS 125.005, by
14 service in the manner specified in subparagraph D(3)(a)(i) of this rule upon
15 the person and, also, upon the conservator of the person’s estate or guardian
16 or, if there be none, upon a guardian ad litem appointed pursuant to Rule
17 27 B.

18 “D(3)(a)(iv) Tenant of a mail agent. Upon an individual defendant who is
19 a ‘tenant’ of a ‘mail agent’ within the meaning of ORS 646A.340, by deliver-
20 ing true copies of the summons and the complaint to any person apparently
21 in charge of the place where the mail agent receives mail for the tenant,
22 provided that:

23 “D(3)(a)(iv)(A) the plaintiff makes a diligent inquiry but cannot find the
24 defendant; and

25 “D(3)(a)(iv)(B) the plaintiff, as soon as reasonably possible after delivery,
26 causes true copies of the summons and the complaint to be mailed by first
27 class mail to the defendant at the address at which the mail agent receives
28 mail for the defendant and to any other mailing address of the defendant
29 then known to the plaintiff, together with a statement of the date, time, and
30 place at which the plaintiff delivered the copies of the summons and the

1 complaint. Service shall be complete on the latest date resulting from the
2 application of subparagraph D(2)(d)(ii) of this rule to all mailings required
3 by this subparagraph unless the defendant signs a receipt for the mailing, in
4 which case service is complete on the day the defendant signs the receipt.

5 “D(3)(b) Corporations including, but not limited to, professional corpo-
6 rations and cooperatives. Upon a domestic or foreign corporation:

7 “D(3)(b)(i) Primary service method. By personal service or office service
8 upon a registered agent, officer, or director of the corporation; or by personal
9 service upon any clerk on duty in the office of a registered agent.

10 “D(3)(b)(ii) Alternatives. If a registered agent, officer, or director cannot
11 be found in the county where the action is filed, true copies of the summons
12 and the complaint may be served:

13 “D(3)(b)(ii)(A) by substituted service upon the registered agent, officer,
14 or director;

15 “D(3)(b)(ii)(B) by personal service on any clerk or agent of the corpo-
16 ration who may be found in the county where the action is filed;

17 “D(3)(b)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of
18 this rule true copies of the summons and the complaint to: the office of the
19 registered agent or to the last registered office of the corporation, if any, as
20 shown by the records on file in the office of the Secretary of State; or, if the
21 corporation is not authorized to transact business in this state at the time
22 of the transaction, event, or occurrence upon which the action is based oc-
23 curred, to the principal office or place of business of the corporation; and,
24 in any case, to any address the use of which the plaintiff knows or has rea-
25 son to believe is most likely to result in actual notice; or

26 “D(3)(b)(ii)(D) upon the Secretary of State in the manner provided in ORS
27 60.121 or 60.731.

28 “D(3)(c) Limited liability companies. Upon a limited liability company:

29 “D(3)(c)(i) Primary service method. By personal service or office service
30 upon a registered agent, manager, or (for a member-managed limited liability

1 company) member of a limited liability company; or by personal service upon
2 any clerk on duty in the office of a registered agent.

3 “D(3)(c)(ii) Alternatives. If a registered agent, manager, or (for a
4 member-managed limited liability company) member of a limited liability
5 company cannot be found in the county where the action is filed, true copies
6 of the summons and the complaint may be served:

7 “D(3)(c)(ii)(A) by substituted service upon the registered agent, manager,
8 or (for a member-managed limited liability company) member of a limited li-
9 ability company;

10 “D(3)(c)(ii)(B) by personal service on any clerk or agent of the limited
11 liability company who may be found in the county where the action is filed;

12 “D(3)(c)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of
13 this rule true copies of the summons and the complaint to: the office of the
14 registered agent or to the last registered office of the limited liability com-
15 pany, as shown by the records on file in the office of the Secretary of State;
16 or, if the limited liability company is not authorized to transact business in
17 this state at the time of the transaction, event, or occurrence upon which the
18 action is based occurred, to the principal office or place of business of the
19 limited liability company; and, in any case, to any address the use of which
20 the plaintiff knows or has reason to believe is most likely to result in actual
21 notice; or

22 “D(3)(c)(ii)(D) upon the Secretary of State in the manner provided in ORS
23 63.121.

24 “D(3)(d) Limited partnerships. Upon a domestic or foreign limited part-
25 nership:

26 “D(3)(d)(i) Primary service method. By personal service or office service
27 upon a registered agent or a general partner of a limited partnership; or by
28 personal service upon any clerk on duty in the office of a registered agent.

29 “D(3)(d)(ii) Alternatives. If a registered agent or a general partner of a
30 limited partnership cannot be found in the county where the action is filed,

1 true copies of the summons and the complaint may be served:

2 “D(3)(d)(ii)(A) by substituted service upon the registered agent or general
3 partner of a limited partnership;

4 “D(3)(d)(ii)(B) by personal service on any clerk or agent of the limited
5 partnership who may be found in the county where the action is filed;

6 “D(3)(d)(ii)(C) by mailing in the manner specified in paragraph D(2)(d) of
7 this rule true copies of the summons and the complaint to: the office of the
8 registered agent or to the last registered office of the limited partnership,
9 as shown by the records on file in the office of the Secretary of State; or, if
10 the limited partnership is not authorized to transact business in this state
11 at the time of the transaction, event, or occurrence upon which the action
12 is based occurred, to the principal office or place of business of the limited
13 partnership; and, in any case, to any address the use of which the plaintiff
14 knows or has reason to believe is most likely to result in actual notice; or

15 “D(3)(d)(ii)(D) upon the Secretary of State in the manner provided in ORS
16 70.040 or 70.045.

17 “D(3)(e) General partnerships and limited liability partnerships. Upon any
18 general partnership or limited liability partnership by personal service upon
19 a partner or any agent authorized by appointment or law to receive service
20 of summons for the partnership or limited liability partnership.

21 “D(3)(f) Other unincorporated associations subject to suit under a com-
22 mon name. Upon any other unincorporated association subject to suit under
23 a common name by personal service upon an officer, managing agent, or
24 agent authorized by appointment or law to receive service of summons for
25 the unincorporated association.

26 “D(3)(g) State. Upon the state, by personal service upon the Attorney
27 General or by leaving true copies of the summons and the complaint at the
28 Attorney General’s office with a deputy, assistant, or clerk.

29 “D(3)(h) Public bodies. Upon any county; incorporated city; school dis-
30 trict; or other public corporation, commission, board, or agency by personal

1 service or office service upon an officer, director, managing agent, or attorney
2 thereof.

3 “D(3)(i) Vessel owners and charterers. Upon any foreign steamship owner
4 or steamship charterer by personal service upon a vessel master in the
5 owner’s or charterer’s employment or any agent authorized by the owner or
6 charterer to provide services to a vessel calling at a port in the State of
7 Oregon, or a port in the State of Washington on that portion of the Columbia
8 River forming a common boundary with Oregon.

9 “D(4) Particular actions involving motor vehicles.

10 “D(4)(a) Actions arising out of use of roads, highways, streets, or premises
11 open to the public; service by mail.

12 “D(4)(a)(i) In any action arising out of any [*accident, collision,*] **crash** or
13 other event giving rise to liability in which a motor vehicle may be involved
14 while being operated upon the roads, highways, streets, or premises open to
15 the public as defined by law of this state if the plaintiff makes at least one
16 attempt to serve a defendant who operated such motor vehicle, or caused it
17 to be operated on the defendant’s behalf, by a method authorized by sub-
18 section D(3) of this rule except service by mail pursuant to subparagraph
19 D(3)(a)(i) of this rule and, as shown by its return, did not effect service, the
20 plaintiff may then serve that defendant by mailings made in accordance with
21 paragraph D(2)(d) of this rule addressed to that defendant at:

22 “D(4)(a)(i)(A) any residence address provided by that defendant at the
23 scene of the [*accident*] **crash**;

24 “D(4)(a)(i)(B) the current residence address, if any, of that defendant
25 shown in the driver records of the Department of Transportation; and

26 “D(4)(a)(i)(C) any other address of that defendant known to the plaintiff
27 at the time of making the mailings required by parts D(4)(a)(i)(A) and
28 D(4)(a)(i)(B) of this rule that reasonably might result in actual notice to that
29 defendant. Sufficient service pursuant to this subparagraph may be shown if
30 the proof of service includes a true copy of the envelope in which each of

1 the certified, registered, or express mailings required by parts D(4)(a)(i)(A),
2 D(4)(a)(i)(B), and D(4)(a)(i)(C) of this rule was made showing that it was re-
3 turned to sender as undeliverable or that the defendant did not sign the re-
4 ceipt. For the purpose of computing any period of time prescribed or allowed
5 by these rules or by statute, service under this subparagraph shall be com-
6 plete on the latest date on which any of the mailings required by parts
7 D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C) of this rule is made. If the mail-
8 ing required by part D(4)(a)(i)(C) of this rule is omitted because the plaintiff
9 did not know of any address other than those specified in parts D(4)(a)(i)(A)
10 and D(4)(a)(i)(B) of this rule, the proof of service shall so certify.

11 “D(4)(a)(ii) Any fee charged by the Department of Transportation for
12 providing address information concerning a party served pursuant to sub-
13 paragraph D(4)(a)(i) of this rule may be recovered as provided in Rule 68.

14 “D(4)(a)(iii) The requirements for obtaining an order of default against a
15 defendant served pursuant to subparagraph D(4)(a)(i) of this rule are as
16 provided in Rule 69 E.

17 “D(4)(b) Notification of change of address. Any person who; while oper-
18 ating a motor vehicle upon the roads, highways, streets, or premises open to
19 the public as defined by law of this state; is involved in any [*accident, colli-*
20 *sion,*] **crash** or other event giving rise to liability shall forthwith notify the
21 Department of Transportation of any change of the person’s address occur-
22 ring within 3 years after the [*accident, collision,*] **crash** or event.

23 “D(5) Service in foreign country. When service is to be effected upon a
24 party in a foreign country, it is also sufficient if service of true copies of the
25 summons and the complaint is made in the manner prescribed by the law of
26 the foreign country for service in that country in its courts of general ju-
27 risdiction, or as directed by the foreign authority in response to letters
28 rogatory, or as directed by order of the court. However, in all cases service
29 shall be reasonably calculated to give actual notice.

30 “D(6) Court order for service by other method. When it appears that ser-

1 vice is not possible under any method otherwise specified in these rules or
2 other rule or statute, then a motion supported by affidavit or declaration
3 may be filed to request a discretionary court order to allow alternative ser-
4 vice by any method or combination of methods that, under the circumstances,
5 is most reasonably calculated to apprise the defendant of the existence and
6 pendency of the action. If the court orders alternative service and the
7 plaintiff knows or with reasonable diligence can ascertain the defendant's
8 current address, the plaintiff must mail true copies of the summons and the
9 complaint to the defendant at that address by first class mail and any of the
10 following: certified, registered, or express mail, return receipt requested. If
11 the plaintiff does not know, and with reasonable diligence cannot ascertain,
12 the current address of any defendant, the plaintiff must mail true copies of
13 the summons and the complaint by the methods specified above to the de-
14 fendant at the defendant's last known address. If the plaintiff does not know,
15 and with reasonable diligence cannot ascertain, the defendant's current and
16 last known addresses, a mailing of copies of the summons and the complaint
17 is not required.

18 “D(6)(a) Non-electronic alternative service. Non-electronic forms of alter-
19 native service may include, but are not limited to, publication of summons;
20 mailing without publication to a specified post office address of the defend-
21 ant by first class mail as well as either by certified, registered, or express
22 mail with return receipt requested; or posting at specified locations. The
23 court may specify a response time in accordance with subsection C(2) of this
24 rule.

25 “D(6)(a)(i) Alternative service by publication. In addition to the contents
26 of a summons as described in section C of this rule, a published summons
27 must also contain a summary statement of the object of the complaint and
28 the demand for relief, and the notice required in subsection C(3) of this rule
29 must state: “The motion or answer or reply must be given to the court clerk
30 or administrator within 30 days of the date of first publication specified

1 herein along with the required filing fee.’ The published summons must also
2 contain the date of the first publication of the summons.

3 “D(6)(a)(i)(A) Where published. An order for publication must direct pub-
4 lication to be made in a newspaper of general circulation in the county
5 where the action is commenced or, if there is no such newspaper, then in a
6 newspaper to be designated as most likely to give notice to the person to be
7 served. The summons must be published four times in successive calendar
8 weeks. If the plaintiff knows of a specific location other than the county in
9 which the action is commenced where publication might reasonably result
10 in actual notice to the defendant, the plaintiff must so state in the affidavit
11 or declaration required by paragraph D(6) of this rule, and the court may
12 order publication in a comparable manner at that location in addition to, or
13 in lieu of, publication in the county in which the action is commenced.

14 “D(6)(a)(ii) Alternative service by posting. The court may order service
15 by posting true copies of the summons and complaint at a designated lo-
16 cation in the courthouse where the action is commenced and at any other
17 location that the affidavit or declaration required by subsection D(6) of this
18 rule indicates that the posting might reasonably result in actual notice to
19 the defendant.

20 “D(6)(b) Electronic alternative service. Electronic forms of alternative
21 service may include, but are not limited to: e-mail; text message; facsimile
22 transmission as defined in Rule 9 F; or posting to a social media account.
23 The affidavit or declaration filed with a motion for electronic alternative
24 service must include: verification that diligent inquiry revealed that the
25 defendant’s residence address, mailing address, and place of employment are
26 unlikely to accomplish service; the reason that plaintiff believes the defend-
27 ant has recently sent and received transmissions from the specific e-mail
28 address or telephone or facsimile number, or maintains an active social me-
29 dia account on the specific platform the plaintiff asks to use; and facts that
30 indicate the intended recipient is likely to personally receive the electronic

1 transmission. The certificate of service must verify compliance with subpar-
2 agraph D(6)(b)(i) and subparagraph D(6)(b)(ii) of this rule. An amended cer-
3 tificate of service must be filed if it later becomes evident that the intended
4 recipient did not personally receive the electronic transmission.

5 “D(6)(b)(i) Content of electronic transmissions. If the court allows service
6 by a specific electronic method, the case name, case number, and name of the
7 court in which the action is pending must be prominently positioned where
8 it is most likely to be read first. For e-mail service, those details must appear
9 in the subject line. For text message service, they must appear in the first
10 line of the first text. For facsimile service, they must appear at the top of
11 the first page. For posting to a social media account, they must appear in
12 the top lines of the posting.

13 “D(6)(b)(ii) Format of electronic transmissions. If the court allows alter-
14 native service by an electronic method, the summons, complaint, and any
15 other documents must be attached in a file format that is capable of showing
16 a true copy of the original document. When an electronic method is incapa-
17 ble of transferring transmissions that exceed a certain size, the plaintiff must
18 not exceed those express size limitations. If the size of the attachments ex-
19 ceeds the limitations of any electronic method allowed, then multiple se-
20 quential transmissions may be sent immediately after the initial transmission
21 to complete service.

22 “D(6)(c) Unknown heirs or persons. If service cannot be made by another
23 method described in this section because defendants are unknown heirs or
24 persons as described in Rule 20 I and J, the action will proceed against the
25 unknown heirs or persons in the same manner as against named defendants
26 served by publication and with like effect; and any unknown heirs or persons
27 who have or claim any right, estate, lien, or interest in the property in
28 controversy at the time of the commencement of the action, and who are
29 served by publication, will be bound and concluded by the judgment in the
30 action, if the same is in favor of the plaintiff, as effectively as if the action

1 had been brought against those defendants by name.

2 “D(6)(d) Defending before or after judgment. A defendant against whom
3 service pursuant to this subsection is ordered or that defendant’s represen-
4 tatives, on application and sufficient cause shown, at any time before judg-
5 ment will be allowed to defend the action. A defendant against whom service
6 pursuant to this subsection is ordered or that defendant’s representatives
7 may, upon good cause shown and upon any terms that may be proper, be
8 allowed to defend after judgment and within one year after entry of judg-
9 ment. If the defense is successful, and the judgment or any part thereof has
10 been collected or otherwise enforced, restitution may be ordered by the court,
11 but the title to property sold upon execution issued on that judgment, to a
12 purchaser in good faith, will not be affected thereby.

13 “D(6)(e) Defendant who cannot be served. Within the meaning of this
14 subsection, a defendant cannot be served with summons by any method au-
15 thorized by subsection D(3) of this rule if service pursuant to subparagraph
16 D(4)(a)(i) of this rule is not applicable, the plaintiff attempted service of
17 summons by all of the methods authorized by subsection D(3) of this rule,
18 and the plaintiff was unable to complete service; or if the plaintiff knew that
19 service by these methods could not be accomplished.

20 “**SECTION 85.** ORS 12.278 is amended to read:

21 “12.278. (1) A civil action against a manufacturer of pickup trucks for
22 injury or damage resulting from a fire caused by rupture of a sidesaddle gas
23 tank in a vehicle [*collision*] **crash**, including any product liability action
24 under ORS 30.900 to 30.920 and any action based on negligence, must be
25 commenced not later than two years after the injury or damage occurs. A
26 civil action against a manufacturer of pickup trucks for death resulting from
27 a fire caused by rupture of a sidesaddle gas tank in a vehicle [*collision*]
28 **crash**, including any product liability action under ORS 30.900 to 30.920 and
29 any action based on negligence, must be commenced not later than three
30 years after the death.

1 “(2) A civil action against a manufacturer of pickup trucks for death, in-
2 jury or damage resulting from a fire caused by rupture of a sidesaddle gas
3 tank in a vehicle [*collision*] **crash** is not subject to ORS 12.115, 30.020, 30.905
4 or any other statute of limitation or statute of ultimate repose in Oregon
5 Revised Statutes.

6 “(3) For the purposes of this section, ‘sidesaddle gas tank’ means a gas
7 tank mounted outside of the side rails of the frame of a pickup truck.

8 **“SECTION 86.** ORS 30.480 is amended to read:

9 “30.480. (1) When a provider of volunteer transportation services who is
10 qualified under subsection (3) of this section provides the services under the
11 conditions described in subsection (4) of this section to a person with a dis-
12 ability or a person who is 55 years of age or older, the liability of the pro-
13 vider to the person for injury, death or loss arising out of the volunteer
14 transportation services shall be limited as provided in this section. When
15 volunteer transportation services are provided to five or fewer persons at one
16 time, the liability of the provider of the volunteer transportation services
17 shall not exceed the greater of the amount of coverage under the terms of
18 the provider’s motor vehicle liability insurance policy, as described in ORS
19 806.080, or the amounts specified in ORS 806.070 for future responsibility
20 payments for:

21 “(a) Bodily injury to or death of any one person to whom the transpor-
22 tation services are provided, in any one [*accident*] **crash**.

23 “(b) Bodily injury to or death of two or more persons to whom the
24 transportation services are provided, in any one [*accident*] **crash**.

25 “(c) Injury to or destruction of the property of one or more persons to
26 whom the transportation services are provided, in any one [*accident*] **crash**.

27 “(2) Notwithstanding the amount specified in subsection (1)(b) of this
28 section by reference to ORS 806.070, if a qualified provider of transportation
29 services provides the services to more than five persons, but not more than
30 16, at one time who have disabilities or who are 55 years of age or older,

1 under the conditions described in subsection (4) of this section, the liability
2 under subsection (1)(b) of this section shall not exceed the greater of the
3 amount of coverage under the terms of the provider's motor vehicle liability
4 insurance policy or \$300,000. The limitations on liability provided by ORS
5 30.475, 30.480 and 30.485 do not apply when volunteer transportation services
6 are provided to 17 or more persons at one time who have disabilities or who
7 are 55 years of age or older.

8 “(3) The following persons qualify for the limitation on liability under
9 subsections (1) and (2) of this section:

10 “(a) The person who provides or sponsors transportation services.

11 “(b) The owner of the vehicle in which transportation services are pro-
12 vided.

13 “(c) The person who operates the vehicle in which transportation services
14 are provided.

15 “(4) The limitation on liability under subsections (1) and (2) of this sec-
16 tion applies to a person qualified under subsection (3) of this section only
17 under the following conditions:

18 “(a) If the person is an individual, the individual must hold a valid
19 Oregon driver's license.

20 “(b) The person must provide the transportation services on a nonprofit
21 and voluntary basis. However, this paragraph does not prohibit a sponsor of
22 transportation services from reimbursing an operator of a private motor ve-
23 hicle providing the services for actual expenses incurred by the operator. If
24 an operator is paid, that operator is qualified only if operating as an emer-
25 gency operator.

26 “(c) The person providing the transportation services must not receive
27 from the persons using the services any substantial benefit in a material or
28 business sense that is a substantial motivating factor for the transportation.
29 A contribution or donation to the provider of the transportation services
30 other than the operator of the motor vehicle or any mere gratuity or social

1 amenity shall not be a substantial benefit under this paragraph.

2 “(d) Except as provided in paragraph (c) of this subsection, the transpor-
3 tation services must be provided without charge to the person using the
4 services.

5 “(5) The amounts received by a person with a disability or a person 55
6 years of age or older under the personal injury protection provisions of the
7 insurance coverage of a person who qualifies for the limitation on liability
8 under this section shall not reduce the amount that the person may recover
9 under subsection (1) or (2) of this section.

10 “(6) The liability of two or more persons whose liability is limited under
11 this section, on claims arising out of a single [*accident*] **crash**, [*shall*] **may**
12 not exceed in the aggregate the amounts limited by subsection (1) or (2) of
13 this section.

14 “(7) This section does not apply in the case of [*an accident*] **a crash** or
15 injury if the [*accident*] **crash** or injury was intentional on the part of any
16 person who provided the transportation services or if the [*accident*] **crash**
17 or injury was caused by the person’s gross negligence or intoxication. For
18 purposes of this subsection, gross negligence is negligence which is mate-
19 rially greater than the mere absence of reasonable care under the circum-
20 stances, and which is characterized by conscious indifference to or reckless
21 disregard of the rights of others.

22 “(8) For purposes of this section, a person has a disability if the person
23 has a physical or mental disability that for the person constitutes or results
24 in a functional limitation to one or more of the following activities: Self-
25 care, ambulation, communication, transportation, education, socialization or
26 employment.

27 **“SECTION 87.** ORS 31.760 is amended to read:

28 “31.760. (1) In an action brought to recover damages for personal injuries
29 arising out of a motor vehicle [*accident*] **crash**, evidence of the nonuse of a
30 safety belt or harness may be admitted only to mitigate the injured party’s

1 damages. The mitigation [*shall*] **may** not exceed five percent of the amount
2 to which the injured party would otherwise be entitled.

3 “(2) Subsection (1) of this section [*shall*] **does** not apply to:

4 “(a) Actions brought under ORS 30.900 to 30.920; or

5 “(b) Actions to recover damages for personal injuries arising out of a
6 motor vehicle [*accident*] **crash** when nonuse of a safety belt or harness is a
7 substantial contributing cause of the [*accident*] **crash** itself.

8 “**SECTION 88.** ORS 41.905 is amended to read:

9 “41.905. A plea to a charge of a traffic crime, as defined in ORS 801.545,
10 and any judgment of conviction or acquittal of a person charged with a
11 traffic crime, as defined by ORS 801.545, are not admissible in the trial of a
12 subsequent civil action arising out of the same [*accident*] **crash** or occur-
13 rence to prove or negate the facts upon which such judgment was rendered.

14 “**SECTION 89.** ORS 98.854 is amended to read:

15 “98.854. A tower may not:

16 “(1)(a) Tow a motor vehicle from a parking facility unless there is a sign
17 displayed in plain view at the parking facility that, using clear and con-
18 spicuous language, prohibits or restricts public parking at the parking fa-
19 cility.

20 “(b) Notwithstanding paragraph (a) of this subsection, a tower may tow
21 a motor vehicle from a parking facility with the prior consent of the owner
22 or operator of the motor vehicle.

23 “(2) Except as provided in ORS 98.853, tow a motor vehicle from a parking
24 facility without first contacting the owner of the parking facility or the
25 owner’s agent at the time of the tow and receiving signed authorization from
26 the owner of the parking facility or the owner’s agent that the tower should
27 tow the motor vehicle. The tower shall maintain for at least two years, in
28 electronic or printed form, each signed authorization received under this
29 subsection. Upon request, the tower shall provide a copy of the signed au-
30 thorization to the owner or operator of the motor vehicle at no additional

1 charge.

2 “(3) Serve as an agent of an owner of a parking facility for the purpose
3 of signing an authorization required by subsection (2) of this section.

4 “(4) Tow a motor vehicle from a parking facility if the owner of the
5 parking facility or the owner’s agent is an employee of a tower.

6 “(5) Charge more than a price disclosed under ORS 98.856 when towing
7 a motor vehicle without the prior consent or authorization of the owner or
8 operator of the motor vehicle.

9 “(6) Charge more than an amount set under ORS 98.859 when towing a
10 motor vehicle without the prior consent or authorization of the owner or
11 operator of the motor vehicle.

12 “(7) Solicit towing business at, or within 1,000 feet of, the site of a motor
13 vehicle [*accident*] **crash**, unless the tower tows the motor vehicle pursuant
14 to a prenegotiated payment agreement between the tower and a motor vehi-
15 cle road service company.

16 “(8) Park a tow vehicle within 1,000 feet of a parking facility for the
17 purpose of monitoring the parking facility for towing business.

18 “(9) Provide consideration to obtain the privilege of towing motor vehi-
19 cles from a parking facility. For the purposes of this paragraph, the provision
20 of:

21 “(a) Signs by a tower under ORS 98.862 does not constitute consideration.

22 “(b) Goods or services by a tower below fair market value constitutes
23 consideration.

24 “(10) Require, as a condition of towing a motor vehicle or releasing a
25 motor vehicle or personal property in the motor vehicle, that the owner or
26 operator of the motor vehicle agree not to dispute:

27 “(a) The reason for the tow;

28 “(b) The validity or amount of charges; or

29 “(c) The responsibility of the tower for the condition of the motor vehicle
30 or personal property in the motor vehicle.

1 “(11) Hold a towed motor vehicle for more than 24 hours without:

2 “(a) Taking an inventory of all personal property in the motor vehicle
3 that is visible from the exterior of the motor vehicle; and

4 “(b) Holding the personal property in the motor vehicle in a secure man-
5 ner.

6 “(12) Accept cash as a method of payment for towing services unless the
7 tower provides exact change not later than the end of the business day fol-
8 lowing receipt of payment.

9 “(13) Operate in a city or county without a license issued by the city or
10 county if required by ORS 98.861.

11 “(14) Charge for the hookup and release of a motor vehicle except as
12 provided in ORS 98.853.

13 **“SECTION 90.** ORS 105.932 is amended to read:

14 “105.932. (1) Data on a motor vehicle event data recorder does not become
15 the property of a lienholder or insurer solely because the lienholder or
16 insurer succeeds in ownership of a motor vehicle as a result of [*an*
17 *accident*] **a crash.**

18 “(2) An insurer may not condition the payment or settlement of an
19 owner’s claim on the owner’s consent to the retrieval or use of the data on
20 a motor vehicle event data recorder.

21 “(3) An insurer or lessor of a motor vehicle may not require an owner to
22 consent to the retrieval or use of the data on a motor vehicle event data
23 recorder as a condition of providing the policy or lease.

24 **“SECTION 91.** ORS 105.935 is amended to read:

25 “105.935. Data from a motor vehicle event data recorder may be retrieved
26 or used without the consent of the owner after [*an accident*] **a crash** if a
27 court orders the production of the data based on a determination by the
28 court that:

29 “(1) A law enforcement officer has probable cause to believe that a crime
30 has occurred and that the data is relevant to the investigation of the crime;

1 or

2 “(2) A law enforcement officer, firefighter or emergency medical services
3 provider seeks to obtain the data in the course of responding to or investi-
4 gating an emergency involving the physical injury or the risk of physical
5 injury to any person.

6 “**SECTION 92.** ORS 105.938 is amended to read:

7 “105.938. (1) Upon petition of an insurer, a court may order that data from
8 a motor vehicle event data recorder be retrieved or used without the consent
9 of the owner of the motor vehicle after [*an accident*] **a crash** if the court
10 determines that:

11 “(a) The owner has a policy of insurance for the vehicle issued by the
12 insurer;

13 “(b) The data is necessary to reconstruct the facts of the [*accident*] **crash**
14 and to allow the insurer to determine the obligations of the insurer under
15 the insurance policy; and

16 “(c) An accurate and timely determination of the facts of the [*accident*]
17 **crash** cannot occur without the data.

18 “(2) A petition under this section must be filed in the circuit court for
19 the county in which the owner of the motor vehicle resides. The petition
20 must be served on the owner in the manner provided by ORCP 7 not less
21 than 30 days before a hearing on the petition. An insurer filing a petition
22 under this section must pay the filing fee specified by ORS 21.135.

23 “**SECTION 93.** ORS 133.405 is amended to read:

24 “133.405. (1) As used in ORS 133.405 to 133.408:

25 “(a) ‘Adjoining state’ means California, Idaho, Nevada or Washington.

26 “(b) ‘Certified peace officer’ means a regularly employed peace officer or
27 police officer from an adjoining state, including a peace officer or police of-
28 ficer employed by a local government of an adjoining state.

29 “(c) ‘Employing agency’ means a state or local government of an adjoining
30 state that employs a certified peace officer.

1 “(2) A certified peace officer is a peace officer and a police officer in this
2 state when:

3 “(a) The officer enters this state in order to provide, or attempt to pro-
4 vide, law enforcement services described in subsection (3) of this section; and

5 “(b) The law enforcement services occur within 50 miles from the contig-
6 uous border of this state and the adjoining state where the officer is em-
7 ployed.

8 “(3) Subsection (2) of this section applies when the certified peace officer
9 is providing, or attempting to provide, law enforcement services under any
10 of the following circumstances:

11 “(a) In response to a request for law enforcement services initiated by an
12 Oregon sheriff, constable, marshal, municipal police officer or member of the
13 Oregon State Police.

14 “(b) In response to a reasonable belief that emergency law enforcement
15 services are necessary for the preservation of life, and a request for services
16 by an Oregon sheriff, constable, marshal, municipal police officer or member
17 of the Oregon State Police for those services is impractical to obtain under
18 the circumstances. The certified police officer shall obtain authorization
19 from an Oregon law enforcement agency having jurisdiction over the lo-
20 cation where the services were provided as soon as is practicable after the
21 services have been provided.

22 “(c) For the purpose of assisting an Oregon sheriff, constable, marshal,
23 municipal police officer or member of the Oregon State police in providing
24 emergency service in response to criminal activity, [*traffic accidents*]
25 **crashes**, emergency incidents or other similar public safety problems,
26 whether or not an Oregon sheriff, constable, marshal, municipal police offi-
27 cer or member of the Oregon State Police is present at the scene of the in-
28 cident.

29 “(4) When a certified peace officer exercises any authority granted under
30 this section, the officer shall submit, as soon as is practicable, a written re-

1 port concerning the incident to the Oregon law enforcement agency having
2 primary jurisdiction over the geographic area in which the incident occurred.
3 Oregon law enforcement agencies may establish reporting procedures and
4 forms to facilitate reporting required under this subsection.

5 “(5) This section does not confer upon a certified peace officer the au-
6 thority to enforce Oregon traffic or motor vehicle laws.

7 **“SECTION 94.** ORS 135.857 is amended to read:

8 “135.857. (1) In any criminal prosecution arising from an automobile [*col-*
9 *lision*] **crash** in which the defendant is alleged to have been under the in-
10 fluence of alcohol or drugs, the district attorney prosecuting the action shall
11 make available, upon request, to the victim or victims and to their attorney,
12 or to the survivors of the victim or victims and to their attorney, all reports
13 and information disclosed to the defendant pursuant to ORS 135.805 to
14 135.873. The reports and information shall be made available at the same
15 time as it is disclosed to the defendant or as soon thereafter as may be
16 practicable after a request is received. The district attorney may impose such
17 conditions as may be reasonable and necessary to prevent the release of the
18 reports and information from interfering with the trial of the defendant. The
19 district attorney may apply to the court for an order requiring any person
20 receiving such reports and information to comply with the conditions of re-
21 lease.

22 “(2) For the purpose of this section:

23 “(a) ‘District attorney’ has that meaning given in ORS 131.005.

24 “(b) ‘Drug’ has that meaning given in ORS 475.005.

25 **“SECTION 95.** ORS 146.113 is amended to read:

26 “146.113. (1) A medical examiner or district attorney may, in any death
27 requiring investigation, order samples of blood or urine taken for laboratory
28 analysis.

29 “(2) When a death requiring an investigation as a result of a motor ve-
30 hicle [*accident*] **crash** occurs within five hours after the [*accident*] **crash** and

1 the deceased is over 13 years of age, a blood sample shall be taken and for-
2 warded to an approved laboratory for analysis. Such blood or urine samples
3 shall be analyzed for the presence and quantity of ethyl alcohol, and if con-
4 sidered necessary by the Chief Medical Examiner, the presence of cannabis
5 or controlled substances.

6 “(3) Laboratory reports of the analysis shall be made a part of the Chief
7 Medical Examiner’s and district medical examiner’s files.

8 **“SECTION 96.** ORS 153.061 is amended to read:

9 “153.061. (1) Except as provided in subsection (2) of this section, a de-
10 fendant who has been issued a violation citation must either:

11 “(a) Make a first appearance by personally appearing in court at the time
12 indicated in the summons; or

13 “(b) Make a first appearance in the manner provided in subsection (3) of
14 this section before the time indicated in the summons.

15 “(2) If a defendant is issued a violation citation for careless driving under
16 ORS 811.135 on which a police officer noted that the offense contributed to
17 [*an accident*] **a crash** and that the cited offense appears to have contributed
18 to the serious physical injury or death of a vulnerable user of a public way,
19 the officer may not enter the amount of the presumptive fine on the summons
20 and the defendant must make a first appearance by personally appearing in
21 court at the time indicated in the summons.

22 “(3)(a) Except as provided in this section, a defendant who has been is-
23 sued a violation citation may make a first appearance in the matter before
24 the time indicated in the summons by one of the following means:

25 “(A) The defendant may submit to the court a written or oral request for
26 a trial.

27 “(B) The defendant may enter a plea of no contest by:

28 “(i) Delivering to the court or a Central Violations Bureau established
29 under ORS 153.806 the summons and a check or money order in the amount
30 of the presumptive fine set forth in the summons; or

1 “(ii) Appearing by electronic or telephonic means and entering the plea
2 with a Central Violations Bureau established under ORS 153.806.

3 “(b) The entry of a plea under paragraph (a)(B) of this subsection consti-
4 tutes a waiver of trial and consent to the entry of a judgment forfeiting the
5 presumptive fine.

6 “(c) A no contest plea under this subsection is not subject to the re-
7 quirements of ORS chapter 135 relating to the entry of pleas and, upon re-
8 ceipt of the plea, the court may enter judgment against the defendant
9 without taking further evidence.

10 “(4) The court may require that a defendant requesting a trial under
11 subsection (3) of this section deposit an amount equal to the presumptive fine
12 established under ORS 153.019 and 153.020 or such other amount as the court
13 determines appropriate if the defendant has failed to appear in any court on
14 one or more other charges in the past. If the defendant does not deposit the
15 amount specified by the court, the defendant must personally appear in court
16 at the time indicated in the summons. The amount deposited by the defendant
17 may be applied against any fine imposed by the court, and any amount not
18 so applied shall be refunded to the defendant at the conclusion of the pro-
19 ceedings.

20 “(5) The court may require a defendant to appear personally in any case,
21 or may require that all defendants appear in specified categories of cases.

22 “(6) If a defendant has entered a no contest plea in the manner provided
23 in subsection (3) of this section, and the court determines that the
24 presumptive fine is not adequate by reason of previous convictions of the
25 defendant, the nature of the offense charged or other circumstances, the
26 court may require that a trial be held unless an additional fine amount is
27 paid by the defendant before a specified date. Notice of an additional fine
28 amount under this subsection may be given to the defendant by mail. In no
29 event may the court require a total fine amount in excess of the maximum
30 fine established for the violation by statute.

1 “(7) If a defendant fails to make a first appearance on a citation for a
2 traffic violation, as defined by ORS 801.557, fails to make a first appearance
3 on a citation for a violation of ORS 471.430, or fails to appear at any other
4 subsequent time set for trial or other appearance, the driving privileges of
5 the defendant are subject to suspension under ORS 809.220.

6 **“SECTION 97.** Section 2, chapter 330, Oregon Laws 2017, is amended to
7 read:

8 **“Sec. 2.** (1) The State Fish and Wildlife Commission shall adopt rules for
9 the issuance of wildlife salvage permits to persons desiring to recover, pos-
10 sess, use or transport, for the purpose of salvaging game meat for human
11 consumption, deer or elk that have been accidentally killed as a result of a
12 vehicle [*collision*] **crash**. The rules shall prescribe:

13 “(a) The form and method for applying for and receiving a wildlife salvage
14 permit; and

15 “(b) Terms and conditions for the recovery, possession, use and transport
16 of deer or elk pursuant to a wildlife salvage permit.

17 “(2) A person who recovers, possesses, uses or transports deer or elk
18 pursuant to a wildlife salvage permit shall promptly surrender the antlers
19 of the deer or elk to the State Department of Fish and Wildlife.

20 “(3) A wildlife salvage permit may not be issued for the recovery, pos-
21 session, use or transport of crippled or helpless deer or elk killed pursuant
22 to ORS 498.016, unless the person seeking the wildlife salvage permit acci-
23 dentally rendered the deer or elk crippled or helpless as the driver of a motor
24 vehicle involved in a [*collision*] **crash** with the deer or elk.

25 “(4) The State of Oregon is not liable for any loss or damage arising out
26 of the recovery, possession, use, transport or consumption of deer or elk
27 pursuant to a wildlife salvage permit.

28 **“SECTION 98.** ORS 163.115 is amended to read:

29 “163.115. (1) Except as provided in ORS 163.095, 163.118 and 163.125,
30 criminal homicide constitutes murder in the second degree:

1 “(a) When it is committed intentionally, except that it is an affirmative
2 defense that, at the time of the homicide, the defendant was under the in-
3 fluence of an extreme emotional disturbance;

4 “(b) When it is committed by a person, acting either alone or with one
5 or more persons, who commits or attempts to commit any of the following
6 crimes and in the course of and in furtherance of the crime the person is
7 committing or attempting to commit, or during the immediate flight there-
8 from, the person, or another participant if there be any, causes the death of
9 a person other than one of the participants:

10 “(A) Arson in the first degree as defined in ORS 164.325;

11 “(B) Criminal mischief in the first degree by means of an explosive as
12 defined in ORS 164.365;

13 “(C) Burglary in the first degree as defined in ORS 164.225;

14 “(D) Escape in the first degree as defined in ORS 162.165;

15 “(E) Kidnapping in the second degree as defined in ORS 163.225;

16 “(F) Kidnapping in the first degree as defined in ORS 163.235;

17 “(G) Robbery in the first degree as defined in ORS 164.415;

18 “(H) Any felony sexual offense in the first degree defined in this chapter;

19 “(I) Compelling prostitution as defined in ORS 167.017; or

20 “(J) Assault in the first degree, as defined in ORS 163.185, and the victim
21 is under 14 years of age, or assault in the second degree, as defined in ORS
22 163.175 (1)(a) or (b), and the victim is under 14 years of age; or

23 “(c) By abuse when a person, recklessly under circumstances manifesting
24 extreme indifference to the value of human life, causes the death of a child
25 under 14 years of age or a dependent person, as defined in ORS 163.205, and:

26 “(A) The person has previously engaged in a pattern or practice of assault
27 or torture of the victim or another child under 14 years of age or a dependent
28 person; or

29 “(B) The person causes the death by neglect or maltreatment.

30 “(2) An accusatory instrument alleging murder by abuse under subsection

1 (1)(c) of this section need not allege specific incidents of assault or torture.

2 “(3) It is an affirmative defense to a charge of violating subsection (1)(b)
3 of this section that the defendant:

4 “(a) Was not the only participant in the underlying crime;

5 “(b) Did not commit the homicidal act or in any way solicit, request,
6 command, importune, cause or aid in the commission thereof;

7 “(c) Was not armed with a dangerous or deadly weapon;

8 “(d) Had no reasonable ground to believe that any other participant was
9 armed with a dangerous or deadly weapon; and

10 “(e) Had no reasonable ground to believe that any other participant in-
11 tended to engage in conduct likely to result in death.

12 “(4) It is an affirmative defense to a charge of violating subsection
13 (1)(c)(B) of this section that the victim was a dependent person who was at
14 least 18 years of age and was under care or treatment solely by spiritual
15 means pursuant to the religious beliefs or practices of the dependent person
16 or the guardian of the dependent person.

17 “(5) Except as otherwise provided in ORS 144.397 and 163.155:

18 “(a) A person convicted of murder in the second degree, who was at least
19 15 years of age at the time of committing the murder, shall be punished by
20 imprisonment for life.

21 “(b) When a defendant is convicted of murder in the second degree under
22 this section, the court shall order that the defendant shall be confined for
23 a minimum of 25 years without possibility of parole, release to post-prison
24 supervision, release on work release or any form of temporary leave or em-
25 ployment at a forest or work camp.

26 “(c) At any time after completion of a minimum period of confinement
27 pursuant to paragraph (b) of this subsection, the State Board of Parole and
28 Post-Prison Supervision, upon the petition of a prisoner so confined, shall
29 hold a hearing to determine if the prisoner is likely to be rehabilitated
30 within a reasonable period of time. The sole issue is whether the prisoner

1 is likely to be rehabilitated within a reasonable period of time. At the
2 hearing the prisoner has:

3 “(A) The burden of proving by a preponderance of the evidence the like-
4 lihood of rehabilitation within a reasonable period of time;

5 “(B) The right, if the prisoner is without sufficient funds to employ an
6 attorney, to be represented by legal counsel, appointed by the board, at board
7 expense; and

8 “(C) The right to a subpoena upon a showing of the general relevance and
9 reasonable scope of the evidence sought, provided that any subpoena issued
10 on behalf of the prisoner must be issued by the State Board of Parole and
11 Post-Prison Supervision pursuant to rules adopted by the board.

12 “(d) If, upon hearing all of the evidence, the board, upon a unanimous
13 vote of three board members or, if the chairperson requires all voting mem-
14 bers to participate, a unanimous vote of all voting members, finds that the
15 prisoner is capable of rehabilitation and that the terms of the prisoner’s
16 confinement should be changed to life imprisonment with the possibility of
17 parole, release to post-prison supervision or work release, it shall enter an
18 order to that effect and the order shall convert the terms of the prisoner’s
19 confinement to life imprisonment with the possibility of parole, release to
20 post-prison supervision or work release and may set a release date. Other-
21 wise, the board shall deny the relief sought in the petition.

22 “(e) If the board denies the relief sought in the petition, the board shall
23 determine the date of the subsequent hearing, and the prisoner may petition
24 for an interim hearing, in accordance with ORS 144.285.

25 “(f) The board’s final order shall be accompanied by findings of fact and
26 conclusions of law. The findings of fact shall consist of a concise statement
27 of the underlying facts supporting the findings as to each contested issue of
28 fact and as to each ultimate fact required to support the board’s order.

29 “(6) As used in this section:

30 “(a) ‘Assault’ means the intentional, knowing or reckless causation of

1 physical injury to another person. ‘Assault’ does not include the causation
2 of physical injury in a motor vehicle [*accident*] **crash** that occurs by reason
3 of the reckless conduct of a defendant.

4 “(b) ‘Neglect or maltreatment’ means a violation of ORS 163.535, 163.545
5 or 163.547 or a failure to provide adequate food, clothing, shelter or medical
6 care that is likely to endanger the health or welfare of a child under 14 years
7 of age or a dependent person. This paragraph is not intended to replace or
8 affect the duty or standard of care required under ORS chapter 677.

9 “(c) ‘Pattern or practice’ means one or more previous episodes.

10 “(d) ‘Torture’ means the intentional infliction of intense physical pain
11 upon an unwilling victim as a separate objective apart from any other pur-
12 pose.

13 **“SECTION 99.** ORS 181A.085 is amended to read:

14 “181A.085. (1) The Department of State Police shall develop a targeted
15 enforcement program for the purpose of improving public safety. The pro-
16 gram shall be designed to reduce fatalities, physical injury and property
17 damage by allocating patrol resources based on motor vehicle [*accident*]
18 **crash** data compiled by the Department of Transportation.

19 “(2) The Department of Transportation shall provide motor vehicle [*acci-*
20 *dent*] **crash** data to the Department of State Police for use in the targeted
21 enforcement program.

22 “(3) The Department of State Police may adopt rules to carry out the
23 provisions of this section.

24 **“SECTION 100.** ORS 336.802 is amended to read:

25 “336.802. (1) The Department of Transportation, in consultation with the
26 Transportation Safety Committee, shall establish a curriculum for a traffic
27 safety education course under ORS 336.800. The curriculum shall establish
28 standards for a course of instruction to be devoted to the study and practice
29 of rules of the road, the safe and proper operation of motor vehicles, [*acci-*
30 *dent*] **crash** prevention and other matters that promote safe and lawful

1 driving habits and reduce the need for intensive highway policing. The
2 course shall include classroom instruction and on-street driving or simulated
3 driving in a driving simulator. No pupil may participate in on-street driving
4 instruction unless the pupil is enrolled in or has completed a course in
5 classroom instruction.

6 “(2) The department shall adopt by rule a procedure to certify that a
7 traffic safety education course meets curriculum standards established under
8 subsection (1) of this section.

9 “(3) The department shall adopt rules establishing qualifications for a
10 person to teach a traffic safety education course.

11 “(4) The department shall adopt rules necessary to administer ORS 336.805
12 and 336.810.

13 **“SECTION 101.** ORS 374.005 is amended to read:

14 “374.005. (1) The kind, character and volume of traffic now moving over
15 public highways, the speed at which such traffic moves, the prime and es-
16 sential factors such as speed, safety and convenience to which transportation
17 of persons and property over public highways is entitled, the relation which
18 such transportation bears to the transportation systems of other states and
19 of the nation as a whole, the ever-increasing toll of injury to and death of
20 persons and the destruction of and damage to property caused by and re-
21 sulting from [*accidents*] **crashes** on public highways constitute and are con-
22 ditions and elements which demand of highway officials a program of
23 highway designing, highway regulations, highway use and operation, high-
24 way controls and highway safeguards which will make possible and insure
25 a degree of safety and convenience and a type and class of service not pos-
26 sible under existing law.

27 “(2) To the end that human lives may be saved, property damage mini-
28 mized, transportation by motor vehicle promoted and highway travel in gen-
29 eral safeguarded, the legislature finds, determines and declares that ORS
30 374.005 to 374.095 is necessary for the preservation of public safety, the im-

1 improvement and development of transportation facilities in the state, the pro-
2 tection of highway traffic from the hazards of unrestricted and unregulated
3 entry from adjacent property, the elimination of hazards due to highway
4 grade intersections and in general the promotion of public welfare.

5 **“SECTION 102.** ORS 390.565 is amended to read:

6 “390.565. (1) The All-Terrain Vehicle Advisory Committee is established.
7 The committee shall consist of 16 voting members and one nonvoting member
8 appointed by the State Parks and Recreation Commission for a term of four
9 years. Members are eligible for reappointment and vacancies may be filled
10 by the commission. A majority of members constitutes a quorum for the
11 transaction of business.

12 “(2) Of the voting members of the committee:

13 “(a) One shall be a representative of a Class I all-terrain vehicle user
14 organization.

15 “(b) One shall be a representative of a Class II all-terrain vehicle user
16 organization.

17 “(c) One shall be a representative of a Class III all-terrain vehicle user
18 organization.

19 “(d) One shall be a representative of a Class IV all-terrain vehicle user
20 organization.

21 “(e) One shall be an all-terrain vehicle dealer.

22 “(f) One shall be an at-large all-terrain vehicle user.

23 “(g) One shall be a representative of the United States Forest Service who
24 is knowledgeable about all-terrain vehicle recreation areas on federal lands.

25 “(h) One shall be a representative of the Bureau of Land Management
26 who is knowledgeable about all-terrain vehicle recreation areas on federal
27 lands.

28 “(i) One shall be a representative of the Department of Transportation
29 who is knowledgeable about transportation safety.

30 “(j) One shall be a representative of the State Forestry Department who

1 is knowledgeable about all-terrain vehicle recreation areas on state lands.

2 “(k) One shall be a representative of the Department of Human Services
3 who is knowledgeable about public health and safety.

4 “(L) One shall be a representative of a law enforcement agency who is
5 knowledgeable about and active in enforcement of all-terrain vehicle laws.

6 “(m) One shall be a representative of the State Department of Fish and
7 Wildlife who is knowledgeable about all-terrain vehicle activities and the use
8 of all-terrain vehicles in hunting and fishing.

9 “(n) One shall be a person who represents persons with disabilities.

10 “(o) One shall be a representative of a rural fire protection district.

11 “(p) One shall be a representative of emergency medical services provid-
12 ers.

13 “(3) One representative from the State Parks and Recreation Department
14 shall be a nonvoting member of the committee.

15 “(4) The committee shall:

16 “(a) Review [*accidents*] **crashes** and fatalities resulting from all-terrain
17 vehicle recreation and make recommendations to the State Parks and Re-
18 creation Commission.

19 “(b) Review changes to statutory vehicle classifications as necessary for
20 safety considerations and make recommendations to the commission.

21 “(c) Review safety features of all classes of off-highway vehicles and make
22 recommendations to the commission.

23 “(d) Recommend appropriate safety requirements to protect child opera-
24 tors and riders of off-highway vehicles to the commission.

25 “(5)(a) A subcommittee of the All-Terrain Vehicle Advisory Committee,
26 titled the All-Terrain Vehicle Grant Subcommittee, is established.

27 “(b) The All-Terrain Vehicle Grant Subcommittee shall consist of the
28 following members:

29 “(A) The representative of a Class I all-terrain vehicle user organization.

30 “(B) The representative of a Class II all-terrain vehicle user organization.

1 “(C) The representative of a Class III all-terrain vehicle user organiza-
2 tion.

3 “(D) The representative of a Class IV all-terrain vehicle user organiza-
4 tion.

5 “(E) The at-large all-terrain vehicle user.

6 “(F) The representative of a law enforcement agency.

7 “(G) The representative of persons with disabilities.

8 “(c) The All-Terrain Vehicle Grant Subcommittee shall:

9 “(A) Advise the State Parks and Recreation Department on the allocation
10 of moneys in the All-Terrain Vehicle Account established by ORS 390.555;
11 and

12 “(B) Review grant proposals and make recommendations to the commis-
13 sion as to which projects should receive grant funding.

14 “(d) Recommendations on grant proposals under this subsection must re-
15 ceive an affirmative vote from at least four of the members of the grant
16 subcommittee.

17 “(6) The State Parks and Recreation Department shall establish and op-
18 erate an outreach program to inform law enforcement agencies, rural fire
19 protection districts and emergency medical services providers about the
20 grant process and the grant opportunities available under this section and
21 to provide clarification and answer questions about the grant application
22 process.

23 “(7) The State Parks and Recreation Department shall provide staff sup-
24 port for the committee and shall provide for expansion of programs for all-
25 terrain vehicle users.

26 “**SECTION 103.** ORS 431.144 is amended to read:

27 “431.144. (1) Prevention of injury and disease and promotion of health
28 programs established under ORS 431.141 must include, but are not limited to:

29 “(a) Prevention and control of tobacco use;

30 “(b) Improving nutrition;

1 “(c) Improving oral health;

2 “(d) Improving prenatal, natal and postnatal care, maternal health and
3 the health of children;

4 “(e) Incentivizing increased physical activity; and

5 “(f) Decreasing the occurrence and impacts of both unintentional and in-
6 tentional injuries, such as motor vehicle [*accidents*] **crashes** and suicide.

7 “(2) Prevention of injury and disease and promotion of health programs
8 must be based on evidence-based or emerging best practices designed to im-
9 prove health outcomes for all populations.

10 “**SECTION 104.** ORS 445.090 is amended to read:

11 “445.090. (1) At the time of filing a claim under this chapter, the claimant
12 shall submit to the Oregon Health Authority such information and data as
13 the authority may reasonably require.

14 “(2) A claim filed under this chapter must be filed with the authority
15 within one year after the termination of the care supplied by the claimant.
16 However, in computing the time there shall not be included that period be-
17 ginning when any claim under ORS chapter 656 arising out of the same mo-
18 tor vehicle [*accident*] **crash** is filed by the indigent patient with the
19 authority, and ending when that claim has been finally decided.

20 “**SECTION 105.** ORS 471.703 is amended to read:

21 “471.703. (1) The police shall notify the Oregon Liquor Control Commis-
22 sion of the name of the alleged provider of alcoholic liquor when:

23 “(a) The police investigate any motor vehicle [*accident*] **crash** where
24 someone other than the operator is injured or incurs property damage;

25 “(b) The operator appears to have consumed alcoholic liquor;

26 “(c) A citation is issued against the operator that is related to the con-
27 sumption of alcoholic liquor or could have been issued if the operator had
28 survived; and

29 “(d) The provider of the alcoholic liquor is alleged to be a licensee or
30 permittee of the commission.

1 “(2) The notice shall include the name and address of the operator in-
2 volved and the name and address of the person who named the alleged pro-
3 vider, if the person is other than the operator.

4 “(3) Upon receipt of the notice described in subsection (1) of this section,
5 the commission shall cause the licensee or permittee named as the alleged
6 provider to be notified of receipt of the notice and of its content. A copy of
7 the notice shall be retained in the files of the commission and shall be open
8 to inspection by the person injured or damaged by the motor vehicle operator
9 or a representative of the person.

10 “(4) The police shall notify the alleged social host when the circumstances
11 described in subsection (1) of this section occur and the alleged social host
12 is named as the provider of the alcoholic liquor. The notice shall include the
13 information described in subsection (2) of this section.

14 **“SECTION 106.** ORS 672.060 is amended to read:

15 “672.060. Registration under ORS 672.002 to 672.325 is not required for the
16 following:

17 “(1) The performance of work as an employee or a subordinate of a reg-
18 istered professional engineer if:

19 “(a) The work does not include final engineering designs or decisions;

20 “(b) The work is done under the supervision and control of and is verified
21 by a registered professional engineer; and

22 “(c) The person does not by verbal claim, sign, advertisement, letterhead
23 or card or in any other way imply that the person is or purports to be a
24 professional engineer or registered professional engineer.

25 “(2) The performance of engineering work by an employee, sole
26 proprietorship, firm, partnership or corporation:

27 “(a) On property owned or leased by the employer, sole proprietorship,
28 firm, partnership or corporation, or on property in which the employer, sole
29 proprietorship, firm, partnership or corporation has an interest, estate or
30 possessory right; and

1 “(b) That affects exclusively the property or interests of the employer,
2 sole proprietorship, firm, partnership or corporation, unless the performance
3 affects the health or safety of the public or an employee.

4 “(3) The performance of engineering work by a person, or by full-time
5 employees of the person, if:

6 “(a) The engineering work is in connection with or incidental to the op-
7 erations of the person; and

8 “(b) The engineering work is not offered directly to the public.

9 “(4) An offer by an employee, sole proprietorship, firm, partnership or
10 corporation to perform engineering work if:

11 “(a) The employer, sole proprietorship, firm, partnership or corporation
12 holds a certificate of registration to engage in the practice of professional
13 engineering issued by the proper authority of any other state, a territory or
14 possession of the United States or a foreign country; and

15 “(b) The offer includes a written statement that the offeror is not regis-
16 tered to practice engineering in the State of Oregon, but will comply with
17 ORS 672.002 to 672.325 by having an individual holding a valid certificate
18 of registration in this state in responsible charge of the work prior to per-
19 forming any engineering work within this state.

20 “(5) The offering by a construction contractor licensed under ORS chapter
21 701 of services constituting the performance of engineering work if:

22 “(a) The services are appurtenant to construction services to be provided
23 by the construction contractor;

24 “(b) The services constituting the practice of engineering are performed
25 by an engineer or engineers registered under ORS 672.002 to 672.325; and

26 “(c) The offer by the construction contractor discloses in writing that the
27 contractor is not an engineer and identifies the engineer or engineers that
28 will perform the services constituting the practice of engineering.

29 “(6) The execution of engineering work designed by a professional engi-
30 neer or the supervision of the construction of engineering work as a foreman

1 or superintendent.

2 “(7) The making of drawings or specifications for, or the supervision of
3 the erection, enlargement or alteration of, a building, or an appurtenance
4 thereto, if the building has a ground area of 4,000 square feet or less and is
5 not more than 20 feet in height from the top surface of lowest flooring to the
6 highest interior overhead finish of the structure. The exemption in this sub-
7 section does not apply to a registered professional engineer.

8 “(8) The making of drawings or specifications for, or the supervision of
9 the erection, enlargement or alteration of, a building, or an appurtenance
10 thereto, if the building is to be used for a single family residential dwelling
11 or farm building or is a structure used in connection with or auxiliary to a
12 single family residential dwelling or farm building, including but not limited
13 to a three-car garage, barn or shed or a shelter used for the housing of do-
14 mestic animals or livestock. The exemption in this subsection does not apply
15 to a registered professional engineer.

16 “(9) The performance of work as a registered architect practicing archi-
17 tecture.

18 “(10) The performance of work as a registered environmental health spe-
19 cialist or registered environmental health specialist trainee working under
20 the supervision of a registered environmental health specialist practicing
21 environmental sanitation, or a registered waste water specialist or registered
22 waste water specialist trainee working under the supervision of a registered
23 waste water specialist practicing waste water sanitation.

24 “(11) The performance of land surveying work under the supervision of a
25 registered professional land surveyor or registered professional engineer. The
26 exemption in this subsection does not allow an engineer to supervise a land
27 surveying activity the engineer could not personally perform under ORS
28 672.025.

29 “(12) The performance of land surveying by a person:

30 “(a) On property owned or leased by the person, or on property in which

1 the person has an interest, estate or possessory right; and

2 “(b) That affects exclusively the property or interests of the person, unless
3 the performance affects the health or safety of the public or an employee.

4 “(13) The performance of land surveying work by a landowner within the
5 boundaries of the landowner’s land or by the landowner’s regular employee
6 as part of the employee’s official duties within the boundaries of the land
7 of the employer.

8 “(14) An offer by a person to perform land surveying if:

9 “(a) The person holds a certificate of registration to engage in the prac-
10 tice of land surveying issued by the proper authority of any other state, a
11 territory or possession of the United States or a foreign country; and

12 “(b) The offer includes a written statement that the offeror is not regis-
13 tered to practice land surveying in the State of Oregon, but will comply with
14 ORS 672.002 to 672.325 by having an individual holding a valid certificate
15 of registration in this state in responsible charge of the work prior to per-
16 forming any land surveying work within this state.

17 “(15) An offer by a person to perform photogrammetric mapping if:

18 “(a) The person holds a certificate of registration to engage in the prac-
19 tice of professional photogrammetric mapping issued by the proper authority
20 of any other state, a territory or possession of the United States or a foreign
21 country; and

22 “(b) The offer includes a written statement that the offeror is not regis-
23 tered to practice photogrammetric mapping in the State of Oregon, but will
24 comply with ORS 672.002 to 672.325 by having an individual holding a valid
25 certificate of registration in this state in responsible charge of the work
26 prior to performing any photogrammetric mapping work within this state.

27 “(16) The transcription of existing georeferenced data into a Geographic
28 Information System or Land Information System format by manual or elec-
29 tronic means, and the maintenance of that data, if the data are clearly not
30 intended to indicate the authoritative location of property boundaries, the

1 precise shape or contour of the earth or the precise location of fixed works
2 of humans.

3 “(17) Activities under ORS 306.125 or 308.245. This exemption applies to
4 the transcription of tax maps, zoning maps and other public data records into
5 Geographic Information System or Land Information System formatted
6 cadastre and the maintenance of those cadastre, if:

7 “(a) The data are not modified for other than graphical purposes; and

8 “(b) The data are clearly not intended to authoritatively represent prop-
9 erty boundaries.

10 “(18) The preparation of maps or the compilation of databases depicting
11 the distribution of natural or cultural resources, features or phenomena, if
12 the maps or data are not intended to indicate the authoritative location of
13 property boundaries, the precise shape or contour of the earth or the precise
14 location of fixed works by humans.

15 “(19) The preparation by a federal agency or its contractors of military
16 maps, quadrangle topographic maps, satellite imagery or other maps or im-
17 ages that do not define real property boundaries.

18 “(20) The preparation or transcription by a federal agency or its con-
19 tractors of documents or databases into a Geographical Information System
20 or Land Information System format, including but not limited to the prepa-
21 ration or transcription of federal census and other demographic data.

22 “(21) The preparation by a law enforcement agency or its contractors of
23 documents or maps for [*traffic accidents*] **crashes**, crime scenes or similar
24 purposes depicting physical features or events or generating or using
25 georeferenced data involving crime statistics or criminal activities.

26 “(22) Activities of a peace officer, as defined in ORS 161.015, or a fire
27 service professional, as defined in ORS 181A.355, in conducting, reporting on
28 or testifying about or otherwise performing duties regarding an official in-
29 vestigation.

30 “(23) The creation of general maps prepared for private firms or govern-

1 mental agencies:

2 “(a) For use as guides to motorists, boaters, aviators or pedestrians;

3 “(b) For publication in a gazetteer or an atlas as an educational tool or
4 reference publication;

5 “(c) For use in the curriculum of any course of study;

6 “(d) If produced by any electronic or print media, for use as an illustra-
7 tive guide to the geographic location of any event; or

8 “(e) If prepared for conversational or illustrative purposes, including but
9 not limited to for use as advertising material or user guides.

10 **“SECTION 107.** ORS 676.260 is amended to read:

11 “676.260. (1) A health care facility that provides medical care immediately
12 after a motor vehicle [*accident*] **crash** to a person reasonably believed to be
13 the operator of a motor vehicle involved in the [*accident*] **crash** shall notify
14 any law enforcement officer who is at the health care facility and is acting
15 in an official capacity in relation to the motor vehicle [*accident*] **crash** if the
16 health care facility becomes aware, as a result of any blood test performed
17 in the course of that treatment, that:

18 “(a) The person’s blood alcohol level meets or exceeds the percent speci-
19 fied in ORS 813.010;

20 “(b) The person’s blood contains cannabis; or

21 “(c) The person’s blood contains a controlled substance, as defined in ORS
22 475.005.

23 “(2) If a health care facility is required to notify a law enforcement officer
24 of test results under subsection (1) of this section and no law enforcement
25 officer is present in an official capacity at the health care facility, the health
26 care facility shall notify a law enforcement agency in the county in which
27 the [*accident*] **crash** occurred, or an Oregon State Police dispatch center, as
28 soon as possible but no more than 72 hours after becoming aware of the re-
29 sults of the blood test.

30 “(3) A notice required under this section must consist of:

1 “(a) The name of the person being treated;

2 “(b) The blood alcohol level, the blood cannabis level and name and level
3 of any controlled substance disclosed by the test; and

4 “(c) The date and time of the administration of the test.

5 “(4) ORS 40.225 to 40.295 do not affect the requirement to provide notice
6 imposed by this section, and the health care facility shall not be considered
7 to have breached any duty under ORS 40.225 to 40.295 owed to the person
8 about whom the notice is made.

9 **“SECTION 108.** ORS 682.035 is amended to read:

10 “682.035. ORS 820.330 to 820.380 and this chapter do not apply to:

11 “(1) Ambulances owned by or operated, and emergency medical service
12 providers who operate, under the control of the United States Government.

13 “(2) Vehicles being used to render temporary assistance in the case of a
14 major catastrophe or emergency with which the ambulance services of the
15 surrounding locality are unable to cope, or when directed to be used to ren-
16 der temporary assistance by an official at the scene of [*an accident*] **a**
17 **crash.**

18 “(3) Vehicles operated solely on private property or within the confines
19 of institutional grounds, whether or not the incidental crossing of any
20 highway through the property or grounds is involved.

21 “(4) Vehicles operated by lumber industries solely for the transportation
22 of lumber industry employees.

23 “(5) Any person who drives or attends a patient, if the patient is trans-
24 ported in a vehicle described in subsections (2) to (4) of this section.

25 “(6) Any person who otherwise by license is authorized to attend patients.

26 **“SECTION 109.** ORS 682.105 is amended to read:

27 “682.105. (1) In order to secure and retain a license under this chapter,
28 the owner of an ambulance or ambulance service, other than a governmental
29 unit, shall file and maintain with the Oregon Health Authority proof of
30 ability to respond in damages for liability arising from the ownership, oper-

1 ation, use or maintenance of the ambulance, or arising from the delivery of
2 prehospital care, in the amount of:

3 “(a) \$100,000 because of bodily injury to or death of one person in any one
4 [*accident*] **crash**;

5 “(b) Subject to that limit for one person, \$300,000 because of bodily injury
6 to or death of two or more persons in any one [*accident*] **crash**;

7 “(c) \$20,000 because of injury to or destruction of the property of others
8 in any one [*accident*] **crash**; and

9 “(d) \$500,000 because of injury arising from the negligent provision of
10 prehospital care to any individual.

11 “(2) Proof of financial responsibility under subsection (1) of this section
12 may be given by filing with the authority, for the benefit of the owner:

13 “(a) A certificate of insurance issued by an insurance carrier licensed to
14 transact insurance in this state showing that the owner has procured and
15 that there is in effect a motor vehicle liability policy for the limits of fi-
16 nancial responsibility mentioned in subsection (1)(a) to (c) of this section
17 designating by explicit description all motor vehicles with respect to which
18 coverage is granted thereby and insuring the named insured and all other
19 persons using any such motor vehicle with insured’s consent against loss
20 from the liabilities imposed by law for damages arising out of the ownership,
21 operation, use or maintenance of any such motor vehicle, and that there is
22 in effect a professional liability policy for the limit of financial responsibility
23 described in subsection (1)(d) of this section insuring the named insured and
24 all other persons engaged in the provision of prehospital care under the
25 auspices of the licensed ambulance service against loss from the liabilities
26 imposed by law for damages arising out of the provision of prehospital care;

27 “(b) A bond conditioned for the paying in behalf of the principal, the
28 limits of financial responsibility mentioned in subsection (1) of this section;
29 or

30 “(c) A certificate of the State Treasurer that such owner has deposited

1 with the State Treasurer the sum of \$320,000 in cash, in the form of an
2 irrevocable letter of credit issued by an insured institution as defined in ORS
3 706.008 or in securities such as may legally be purchased by fiduciaries or
4 for trust funds of a market value of \$320,000.

5 **SECTION 110.** ORS 742.490 is amended to read:

6 “742.490. (1) Any rate, rating plan or rating system filed with the Director
7 of the Department of Consumer and Business Services for a motor vehicle
8 insurance policy offering liability, personal injury protection or collision
9 coverage, shall provide an appropriate reduction in premium charges for such
10 coverage if:

11 “(a) The principal operator of the covered vehicle is an insured 55 years
12 of age or older.

13 “(b) The principal operator of the covered vehicle has successfully com-
14 pleted, within the appropriate time as specified in this subsection, a motor
15 vehicle [*accident*] **crash** prevention course approved by the Department of
16 Transportation. To meet the requirements of this subsection, a course must
17 be completed no more than three years prior to the beginning of the policy
18 period for which the discounted rate applies if the person is less than 70
19 years of age at the time of taking the course or no more than two years prior
20 to the beginning of the policy period for which the discounted rate applies
21 if the person is 70 years of age or more at the time of taking the course.

22 “(c) There are no persons under 25 years of age who regularly operate the
23 vehicle.

24 “(d) The vehicle is not classified for underwriting purposes as used for a
25 business.

26 “(2) If the person qualifying for a premium reduction under subsection (1)
27 of this section is the principal operator of two or more vehicles, the premium
28 discount shall apply to only one vehicle. No more than one premium discount
29 may be applied to one vehicle.

30 **SECTION 111.** ORS 742.492 is amended to read:

1 “742.492. Except as otherwise provided in this section, the premium re-
2 duction required by ORS 742.490 (1) shall be effective for an insured for a
3 three-year period after successful completion of the approved course if the
4 person is less than 70 years of age at the time of taking the course or for a
5 two-year period after successful completion of an approved course if the
6 person is 70 years of age or more at the time of taking the course. An insurer
7 may require, as a condition of maintaining the discount, that the insured:

8 “(1) Not be involved in [*an accident*] **a crash** for which the insured is at
9 fault; and

10 “(2) Not be convicted of or plead guilty or nolo contendere to a moving
11 traffic violation.

12 “**SECTION 112.** ORS 742.494 is amended to read:

13 “742.494. Any organization offering a motor vehicle [*accident*] **crash** pre-
14 vention course approved by the Department of Transportation shall issue a
15 certificate to each person who successfully completes the course. The person
16 shall present the certificate to an insurer to qualify for the premium discount
17 required under ORS 742.490 (1).

18 “**SECTION 113.** ORS 742.504 is amended to read:

19 “742.504. Every policy required to provide the coverage specified in ORS
20 742.502 shall provide uninsured motorist coverage that in each instance is
21 no less favorable in any respect to the insured or the beneficiary than if the
22 following provisions were set forth in the policy. However, nothing contained
23 in this section requires the insurer to reproduce in the policy the particular
24 language of any of the following provisions:

25 “(1)(a) Notwithstanding ORS 30.260 to 30.300, the insurer will pay all
26 sums that the insured or the heirs or legal representative of the insured is
27 legally entitled to recover as damages from the owner or operator of an
28 uninsured vehicle because of bodily injury sustained by the insured caused
29 by accident and arising out of the ownership, maintenance or use of the
30 uninsured vehicle. Determination as to whether the insured, the insured’s

1 heirs or the insured's legal representative is legally entitled to recover such
2 damages, and if so, the amount thereof, shall be made by agreement between
3 the insured and the insurer, or, in the event of disagreement, may be deter-
4 mined by arbitration as provided in subsection (10) of this section.

5 “(b) No judgment against any person or organization alleged to be legally
6 responsible for bodily injury, except for proceedings instituted against the
7 insurer as provided in this policy, shall be conclusive, as between the insured
8 and the insurer, on the issues of liability of the person or organization or
9 of the amount of damages to which the insured is legally entitled.

10 “(2) As used in this policy:

11 “(a) ‘Bodily injury’ means bodily injury, sickness or disease, including
12 death resulting therefrom.

13 “(b) ‘Hit-and-run vehicle’ means a vehicle that causes bodily injury to an
14 insured arising out of physical contact of the vehicle with the insured or
15 with a vehicle the insured is occupying at the time of the [accident] **crash**,
16 provided:

17 “(A) The identity of either the operator or the owner of the hit-and-run
18 vehicle cannot be ascertained;

19 “(B) The insured or someone on behalf of the insured reported the [acci-
20 dent] **crash** within 72 hours to a police, peace or judicial officer, to the De-
21 partment of Transportation or to the equivalent department in the state
22 where the [accident] **crash** occurred, and filed with the insurer within 30
23 days thereafter a statement under oath that the insured or the legal repre-
24 sentative of the insured has a cause or causes of action arising out of the
25 [accident] **crash** for damages against a person or persons whose identities
26 are unascertainable, and setting forth the facts in support thereof; and

27 “(C) At the insurer's request, the insured or the legal representative of
28 the insured makes available for inspection the vehicle the insured was oc-
29 cupying at the time of the [accident] **crash**.

30 “(c) ‘Insured,’ when unqualified and when applied to uninsured motorist

1 coverage, means:

2 “(A) The named insured as stated in the policy and any person designated
3 as named insured in the schedule and, while residents of the same household,
4 the spouse of any named insured and relatives of either, provided that nei-
5 ther the relative nor the spouse is the owner of a vehicle not described in
6 the policy and that, if the named insured as stated in the policy is other than
7 an individual or spouses in a marriage who are residents of the same
8 household, the named insured shall be only a person so designated in the
9 schedule;

10 “(B) Any child residing in the household of the named insured if the in-
11 sured has performed the duties of a parent to the child by rearing the child
12 as the insured’s own although the child is not related to the insured by
13 blood, marriage or adoption; and

14 “(C) Any other person while occupying an insured vehicle, provided the
15 actual use thereof is with the permission of the named insured.

16 “(d) ‘Insured vehicle,’ except as provided in paragraph (e) of this pro-
17 vision, means:

18 “(A) The vehicle described in the policy or a newly acquired or substitute
19 vehicle, as each of those terms is defined in the public liability coverage of
20 the policy, insured under the public liability provisions of the policy; or

21 “(B) A nonowned vehicle operated by the named insured or spouse if a
22 resident of the same household, provided that the actual use thereof is with
23 the permission of the owner of the vehicle and the vehicle is not owned by
24 nor furnished for the regular or frequent use of the insured or any member
25 of the same household.

26 “(e) ‘Insured vehicle’ does not include a trailer of any type unless the
27 trailer is a described vehicle in the policy.

28 “(f) ‘Occupying’ means in or upon or entering into or alighting from.

29 “(g) ‘Phantom vehicle’ means a vehicle that causes bodily injury to an
30 insured arising out of a motor vehicle [*accident*] **crash** that is caused by a

1 vehicle that has no physical contact with the insured or the vehicle the in-
2 sured is occupying at the time of the [*accident*] **crash**, provided:

3 “(A) The identity of either the operator or the owner of the phantom ve-
4 hicle cannot be ascertained;

5 “(B) The facts of the [*accident*] **crash** can be corroborated by competent
6 evidence other than the testimony of the insured or any person having an
7 uninsured motorist claim resulting from the [*accident*] **crash**; and

8 “(C) The insured or someone on behalf of the insured reported the [*acci-*
9 *dent*] **crash** within 72 hours to a police, peace or judicial officer, to the De-
10 partment of Transportation or to the equivalent department in the state
11 where the [*accident*] **crash** occurred, and filed with the insurer within 30
12 days thereafter a statement under oath that the insured or the legal repre-
13 sentative of the insured has a cause or causes of action arising out of the
14 [*accident*] **crash** for damages against a person or persons whose identities
15 are unascertainable, and setting forth the facts in support thereof.

16 “(h) ‘State’ includes the District of Columbia, a territory or possession
17 of the United States and a province of Canada.

18 “(i) ‘Stolen vehicle’ means an insured vehicle that causes bodily injury
19 to the insured arising out of a motor vehicle [*accident*] **crash** if:

20 “(A) The vehicle is operated without the consent of the insured;

21 “(B) The operator of the vehicle does not have collectible motor vehicle
22 bodily injury liability insurance;

23 “(C) The insured or someone on behalf of the insured reported the [*acci-*
24 *dent*] **crash** within 72 hours to a police, peace or judicial officer or to the
25 equivalent department in the state where the [*accident*] **crash** occurred; and

26 “(D) The insured or someone on behalf of the insured cooperates with the
27 appropriate law enforcement agency in the prosecution of the theft of the
28 vehicle.

29 “(j) ‘Sums that the insured or the heirs or legal representative of the in-
30 sured is legally entitled to recover as damages’ means the amount of damages

1 that:

2 “(A) A claimant could have recovered in a civil action from the owner
3 or operator at the time of the injury after determination of fault or com-
4 parative fault and resolution of any applicable defenses;

5 “(B) Are calculated without regard to the tort claims limitations of ORS
6 30.260 to 30.300; and

7 “(C) Are no larger than benefits payable under the terms of the policy
8 as provided in subsection (7) of this section.

9 “(k) ‘Uninsured vehicle,’ except as provided in paragraph (L) of this pro-
10 vision, means:

11 “(A) A vehicle with respect to the ownership, maintenance or use of
12 which there is no collectible motor vehicle bodily injury liability insurance,
13 in at least the amounts or limits prescribed for bodily injury or death under
14 ORS 806.070 applicable at the time of the [*accident*] **crash** with respect to
15 any person or organization legally responsible for the use of the vehicle, or
16 with respect to which there is collectible bodily injury liability insurance
17 applicable at the time of the [*accident*] **crash** but the insurance company
18 writing the insurance denies coverage or the company writing the insurance
19 becomes voluntarily or involuntarily declared bankrupt or for which a re-
20 ceiver is appointed or becomes insolvent. It shall be a disputable presumption
21 that a vehicle is uninsured in the event the insured and the insurer, after
22 reasonable efforts, fail to discover within 90 days from the date of the [*ac-*
23 *cident*] **crash**, the existence of a valid and collectible motor vehicle bodily
24 injury liability insurance applicable at the time of the [*accident*] **crash**.

25 “(B) A hit-and-run vehicle.

26 “(C) A phantom vehicle.

27 “(D) A stolen vehicle.

28 “(E) A vehicle that is owned or operated by a self-insurer:

29 “(i) That is not in compliance with ORS 806.130 (1)(c); or

30 “(ii) That provides recovery to an insured in an amount that is less than

1 the sums that the insured or the heirs or legal representative of the insured
2 is legally entitled to recover as damages for bodily injury or death that is
3 caused by accident and that arises out of owning, maintaining or using an
4 uninsured vehicle.

5 “(L) ‘Uninsured vehicle’ does not include:

6 “(A) An insured vehicle, unless the vehicle is a stolen vehicle;

7 “(B) Except as provided in paragraph (k)(E) of this subsection, a vehicle
8 that is owned or operated by a self-insurer within the meaning of any motor
9 vehicle financial responsibility law, motor carrier law or any similar law;

10 “(C) A vehicle that is owned by the United States of America, Canada, a
11 state, a political subdivision of any such government or an agency of any
12 such government;

13 “(D) A land motor vehicle or trailer, if operated on rails or crawler-treads
14 or while located for use as a residence or premises and not as a vehicle;

15 “(E) A farm-type tractor or equipment designed for use principally off
16 public roads, except while actually upon public roads; or

17 “(F) A vehicle owned by or furnished for the regular or frequent use of
18 the insured or any member of the household of the insured.

19 “(m) ‘Vehicle’ means every device in, upon or by which any person or
20 property is or may be transported or drawn upon a public highway, but does
21 not include devices moved by human power or used exclusively upon sta-
22 tionary rails or tracks.

23 “(3) This coverage applies only to [*accidents*] **crashes** that occur on and
24 after the effective date of the policy, during the policy period and within the
25 United States of America, its territories or possessions, or Canada.

26 “(4)(a) This coverage does not apply to bodily injury of an insured with
27 respect to which the insured or the legal representative of the insured shall,
28 without the written consent of the insurer, make any settlement with or
29 prosecute to judgment any action against any person or organization who
30 may be legally liable therefor.

1 “(b) This coverage does not apply to bodily injury to an insured while
2 occupying a vehicle, other than an insured vehicle, owned by, or furnished
3 for the regular use of, the named insured or any relative resident in the same
4 household, or through being struck by the vehicle.

5 “(c) This coverage does not apply so as to inure directly or indirectly to
6 the benefit of any workers’ compensation carrier, any person or organization
7 qualifying as a self-insurer under any workers’ compensation or disability
8 benefits law or any similar law or the State Accident Insurance Fund Cor-
9 poration.

10 “(d) This coverage does not apply with respect to underinsured motorist
11 benefits unless:

12 “(A) The limits of liability under any bodily injury liability insurance
13 applicable at the time of the [*accident*] **crash** regarding the injured person
14 have been exhausted by payment of judgments or settlements to the injured
15 person or other injured persons;

16 “(B) The described limits have been offered in settlement, the insurer has
17 refused consent under paragraph (a) of this subsection and the insured pro-
18 tects the insurer’s right of subrogation to the claim against the tortfeasor;

19 “(C) The insured gives credit to the insurer for the unrealized portion of
20 the described liability limits as if the full limits had been received if less
21 than the described limits have been offered in settlement, and the insurer
22 has consented under paragraph (a) of this subsection; or

23 “(D) The insured gives credit to the insurer for the unrealized portion of
24 the described liability limits as if the full limits had been received if less
25 than the described limits have been offered in settlement and, if the insurer
26 has refused consent under paragraph (a) of this subsection, the insured pro-
27 tects the insurer’s right of subrogation to the claim against the tortfeasor.

28 “(e) When seeking consent under paragraph (a) or (d) of this subsection,
29 the insured shall allow the insurer a reasonable time in which to collect and
30 evaluate information related to consent to the proposed offer of settlement.

1 The insured shall provide promptly to the insurer any information that is
2 reasonably requested by the insurer and that is within the custody and con-
3 trol of the insured. Consent will be presumed to be given if the insurer does
4 not respond within a reasonable time. For purposes of this paragraph, a
5 ‘reasonable time’ is no more than 30 days from the insurer’s receipt of a
6 written request for consent, unless the insured and the insurer agree other-
7 wise.

8 “(5)(a) As soon as practicable, the insured or other person making claim
9 shall give to the insurer written proof of claim, under oath if required, in-
10 cluding full particulars of the nature and extent of the injuries, treatment
11 and other details entering into the determination of the amount payable
12 hereunder. The insured and every other person making claim hereunder shall
13 submit to examinations under oath by any person named by the insurer and
14 subscribe the same, as often as may reasonably be required. Proof of claim
15 shall be made upon forms furnished by the insurer unless the insurer fails
16 to furnish the forms within 15 days after receiving notice of claim.

17 “(b) Upon reasonable request of and at the expense of the insurer, the
18 injured person shall submit to physical examinations by physicians,
19 naturopathic physicians, physician assistants or nurse practitioners selected
20 by the insurer and shall, upon each request from the insurer, execute au-
21 thorization to enable the insurer to obtain medical reports and copies of re-
22 cords.

23 “(6) If, before the insurer makes payment of loss hereunder, the insured
24 or the legal representative of the insured institutes any legal action for
25 bodily injury against any person or organization legally responsible for the
26 use of a vehicle involved in the [*accident*] **crash**, a copy of the summons and
27 complaint or other process served in connection with the legal action shall
28 be forwarded immediately to the insurer by the insured or the legal repre-
29 sentative of the insured.

30 “(7)(a) The limit of liability stated in the declarations as applicable to

1 'each person' is the limit of the insurer's liability for all damages because
2 of bodily injury sustained by one person as the result of any one [*accident*]
3 **crash** and, subject to the above provision respecting each person, the limit
4 of liability stated in the declarations as applicable to 'each [*accident*]
5 **crash**' is the total limit of the company's liability for all damages because
6 of bodily injury sustained by two or more persons as the result of any one
7 [*accident*] **crash**.

8 "(b) Any amount payable under the terms of this coverage because of
9 bodily injury sustained in [*an accident*] **a crash** by a person who is an in-
10 sured under this coverage shall be reduced by the amount paid and the
11 present value of all amounts payable on account of the bodily injury under
12 any workers' compensation law, disability benefits law or any similar law.

13 "(c) Any amount payable under the terms of this coverage because of
14 bodily injury sustained in [*an accident*] **a crash** by a person who is an in-
15 sured under this coverage shall be reduced by the credit given to the insurer
16 pursuant to subsection (4)(d)(C) or (D) of this section.

17 "(d) The amount payable under the terms of this coverage may not be
18 reduced by the amount of liability proceeds offered, described in subsection
19 (4)(d)(B) or (D) of this section, that has not been paid to the injured person.
20 If liability proceeds have been offered and not paid, the amount payable un-
21 der the terms of the coverage shall include the amount of liability limits
22 offered but not accepted due to the insurer's refusal to consent. The insured
23 shall cooperate so as to permit the insurer to proceed by subrogation or as-
24 signment to prosecute the claim against the uninsured motorist.

25 "(8) [*No*] **An** action [*shall*] **may not** lie against the insurer unless, as a
26 condition precedent thereto, the insured or the legal representative of the
27 insured has fully complied with all the terms of this policy.

28 "(9)(a) With respect to bodily injury to an insured:

29 "(A) While occupying a vehicle owned by a named insured under this
30 coverage, the insurance under this coverage is primary.

1 “(B) While occupying a vehicle not owned by a named insured under this
2 coverage, the insurance under this coverage shall apply only as excess in-
3 surance over any primary insurance available to the occupant that is similar
4 to this coverage, and this excess insurance coverage shall then apply only
5 to the sums that the insured or the heirs or legal representative of the in-
6 sured is legally entitled to recover as damages for bodily injury or death that
7 is caused by accident and that arises out of owning, maintaining or using
8 an uninsured vehicle.

9 “(b) With respect to bodily injury to an insured while occupying any
10 motor vehicle used as a public or livery conveyance, the insurance under this
11 coverage shall apply only as excess insurance over any other insurance
12 available to the insured that is similar to this coverage, and this excess in-
13 surance coverage shall then apply only to the amount by which the applica-
14 ble limit of liability of this coverage exceeds the sum of the applicable limits
15 of liability of all other insurance.

16 “(10) If any person making claim hereunder and the insurer do not agree
17 that the person is legally entitled to recover damages from the owner or
18 operator of an uninsured vehicle because of bodily injury to the insured, or
19 do not agree as to the amount of payment that may be owing under this
20 coverage, then, in the event the insured and the insurer elect by mutual
21 agreement at the time of the dispute to settle the matter by arbitration, the
22 arbitration shall take place as described in ORS 742.505. Any judgment upon
23 the award rendered by the arbitrators may be entered in any court having
24 jurisdiction thereof, provided, however, that the costs to the insured of the
25 arbitration proceeding do not exceed \$100 and that all other costs of arbi-
26 tration are borne by the insurer. ‘Costs’ as used in this provision does not
27 include attorney fees or expenses incurred in the production of evidence or
28 witnesses or the making of transcripts of the arbitration proceedings. The
29 person and the insurer each agree to consider themselves bound and to be
30 bound by any award made by the arbitrators pursuant to this coverage in the

1 event of such election. At the election of the insured, the arbitration shall
2 be held:

3 “(a) In the county and state of residence of the insured;

4 “(b) In the county and state where the insured’s cause of action against
5 the uninsured motorist arose; or

6 “(c) At any other place mutually agreed upon by the insured and the
7 insurer.

8 “(11) In the event of payment to any person under this coverage:

9 “(a) The insurer shall be entitled to the extent of the payment to the
10 proceeds of any settlement or judgment that may result from the exercise of
11 any rights of recovery of the person against any uninsured motorist legally
12 responsible for the bodily injury because of which payment is made;

13 “(b) The person shall hold in trust for the benefit of the insurer all rights
14 of recovery that the person shall have against such other uninsured person
15 or organization because of the damages that are the subject of claim made
16 under this coverage, but only to the extent that the claim is made or paid
17 herein;

18 “(c) If the insured is injured by the joint or concurrent act or acts of two
19 or more persons, one or more of whom is uninsured, the insured shall have
20 the election to receive from the insurer any payment to which the insured
21 would be entitled under this coverage by reason of the act or acts of the
22 uninsured motorist, or the insured may, with the written consent of the
23 insurer, proceed with legal action against any or all persons claimed to be
24 liable to the insured for the injuries. If the insured elects to receive payment
25 from the insurer under this coverage, then the insured shall hold in trust for
26 the benefit of the insurer all rights of recovery the insured shall have
27 against any other person, firm or organization because of the damages that
28 are the subject of claim made under this coverage, but only to the extent of
29 the actual payment made by the insurer;

30 “(d) The person shall do whatever is proper to secure and shall do nothing

1 after loss to prejudice such rights;

2 “(e) If requested in writing by the insurer, the person shall take, through
3 any representative not in conflict in interest with the person, designated by
4 the insurer, such action as may be necessary or appropriate to recover pay-
5 ment as damages from such other uninsured person or organization, such
6 action to be taken in the name of the person, but only to the extent of the
7 payment made hereunder. In the event of a recovery, the insurer shall be
8 reimbursed out of the recovery for expenses, costs and attorney fees incurred
9 by the insurer in connection therewith; and

10 “(f) The person shall execute and deliver to the insurer any instruments
11 and papers as may be appropriate to secure the rights and obligations of the
12 person and the insurer established by this provision.

13 “(12)(a) The parties to this coverage agree that no cause of action shall
14 accrue to the insured under this coverage unless within two years from the
15 date of the [*accident*] **crash**:

16 “(A) Agreement as to the amount due under the policy has been con-
17 cluded;

18 “(B) The insured or the insurer has formally instituted arbitration pro-
19 ceedings;

20 “(C) The insured has filed an action against the insurer; or

21 “(D) Suit for bodily injury has been filed against the uninsured motorist
22 and, within two years from the date of settlement or final judgment against
23 the uninsured motorist, the insured has formally instituted arbitration pro-
24 ceedings or filed an action against the insurer.

25 “(b) For purposes of this subsection:

26 “(A) ‘Date of settlement’ means the date on which a written settlement
27 agreement or release is signed by an insured or, in the absence of these
28 documents, the date on which the insured or the attorney for the insured
29 receives payment of any sum required by the settlement agreement. An ad-
30 vance payment as defined in ORS 31.550 shall not be deemed a payment of

1 a settlement for purposes of the time limitation in this subsection.

2 “(B) ‘Final judgment’ means a judgment that has become final by lapse
3 of time for appeal or by entry in an appellate court of an appellate judgment.

4 **“SECTION 114.** ORS 742.508 is amended to read:

5 “742.508. As used in this section and ORS 742.510:

6 “(1) ‘Covered motor vehicle’ means a private passenger motor vehicle or
7 a self-propelled mobile home that is owned by the named insured for which
8 a premium has been paid for coverage under this section and ORS 742.510.

9 “(2) ‘Insured vehicle’ means a motor vehicle described in the declarations
10 for which a specific premium charge indicates that underinsured motorists
11 coverage is afforded but the term ‘insured vehicle’ shall not include a vehicle
12 while used as a public or livery conveyance.

13 “(3) ‘Private passenger motor vehicle’ means a four-wheel passenger or
14 station wagon type motor vehicle not more than 12 years old and not used
15 as a public or livery conveyance, and includes any other four-wheel motor
16 vehicle of the utility, pickup body, sedan delivery or panel truck type not
17 used for wholesale or retail delivery.

18 “(4)(a) ‘Uninsured vehicle’ means:

19 “(A) A vehicle with respect to the ownership, maintenance or use of
20 which there is no collectible property damage insurance, in at least the
21 amounts or limits prescribed under ORS 806.070 (2)(c) applicable at the time
22 of the [*accident*] **crash** with respect to any person or organization legally
23 responsible for the use of such vehicle, or with respect to which there is such
24 collectible insurance applicable at the time of the [*accident*] **crash** but the
25 insurance company writing the same denies coverage thereunder or, within
26 two years of the date of the [*accident*] **crash**, such company writing the same
27 becomes voluntarily or involuntarily declared bankrupt or for which a re-
28 ceiver is appointed or becomes insolvent. It shall be a disputable presumption
29 that a vehicle is uninsured in the event the insured and the insurer, after
30 reasonable efforts, fail to discover within 90 days from the date of the [*ac-*

1 *cident*] **crash**, the existence of valid and collectible property damage insur-
2 ance applicable at the time of the [*accident*] **crash**.

3 “(B) A hit-and-run vehicle as defined in subsection (5) of this section.

4 “(C) A phantom vehicle as defined in subsection (5) of this section.

5 “(b) As used in this section and ORS 742.510, ‘uninsured vehicle’ does not
6 include:

7 “(A) An insured vehicle;

8 “(B) A vehicle which is owned or operated by a self-insurer within the
9 meaning of any motor vehicle financial responsibility law, motor carrier law
10 or any similar law;

11 “(C) A vehicle which is owned by the United States of America, Canada,
12 a state, a political subdivision of any such government or an agency of any
13 of the foregoing;

14 “(D) A land motor vehicle or trailer, if operated on rails or crawler-treads
15 or while located for use as a residence or premises and not as a vehicle;

16 “(E) A farm-type tractor or equipment designed for use principally off
17 public roads, except while actually upon public roads; or

18 “(F) A vehicle owned by or furnished for the regular or frequent use of
19 the insured or any member of the household of the insured.

20 “(5) As used in this section:

21 “(a) ‘Hit-and-run vehicle’ means a vehicle that causes damage to the cov-
22 ered vehicle of an insured arising out of physical contact between the vehi-
23 cles, provided:

24 “(A) There cannot be ascertained the identity of either the operator or
25 the owner of such hit-and-run vehicle;

26 “(B) The insured or someone on behalf of the insured reports the
27 [*accident*] **crash** within 72 hours to a police, peace or judicial officer, to the
28 Department of Transportation or to the equivalent department in the state
29 where the [*accident*] **crash** occurred, and files with the insurer within 30
30 days thereafter a statement under oath that the insured or the legal repre-

1 tentative of the insured has a cause or causes of action arising out of such
2 [accident] **crash** for damages against a person or persons whose identity is
3 unascertainable, and setting forth the facts in support thereof; and

4 “(C) At the insurer’s request, the insured or the legal representative of
5 the insured makes available for inspection the vehicle which was insured at
6 the time of the [accident] **crash**.

7 “(b) ‘Phantom vehicle’ means a vehicle that causes damage to the covered
8 vehicle of an insured, although there is no physical contact between the ve-
9 hicles, provided:

10 “(A) There cannot be ascertained the identity of either the operator or
11 the owner of such phantom vehicle;

12 “(B) The facts of such [accident] **crash** can be corroborated by competent
13 evidence other than the testimony of the insured or any passenger in the
14 insured motor vehicle; and

15 “(C) The insured or someone on behalf of the insured shall have reported
16 the [accident] **crash** within 72 hours to a police, peace or judicial officer, to
17 the Department of Transportation or to the equivalent department in the
18 state where the [accident] **crash** occurred, and shall have filed with the
19 insurer within 30 days thereafter a statement under oath that the insured
20 or the legal representative of the insured has a cause or causes of action
21 arising out of such [accident] **crash** for damages against a person or persons
22 whose identity is unascertainable, and setting forth the facts in support
23 thereof.

24 “**SECTION 115.** ORS 742.510 is amended to read:

25 “742.510. (1) Every insurer issuing motor vehicle liability insurance poli-
26 cies on private passenger motor vehicles or on self-propelled mobile homes
27 for delivery in this state shall have for sale coverage for property damage
28 to a vehicle of the insured caused by an uninsured vehicle. Coverage offered
29 under this section shall be at least the amount prescribed to meet the re-
30 quirements of ORS 806.070 for insurance for injury to or destruction of the

1 property of others in any one [*accident*] **crash**.

2 “(2) A policy with the coverage described in this section does not cover
3 the first \$300 of property damage to the covered motor vehicle as the result
4 of [*an accident*] **a crash** with a hit-and-run vehicle or phantom vehicle. In
5 all other cases the first \$200 damage is not covered.

6 “(3) Coverage for property damage described in this section:

7 “(a) Applies only to the amount of damages the insured may be legally
8 entitled to recover.

9 “(b) Does not include coverage for loss of use of the covered vehicle.

10 **“SECTION 116.** ORS 742.530 is amended to read:

11 “742.530. (1) The insurer may exclude from the coverage for personal in-
12 jury protection benefits any injured person who:

13 “(a) Intentionally causes self-injury;

14 “(b) Is participating in any prearranged or organized racing or speed
15 contest or practice or preparation for any such contest; or

16 “(c) Willfully conceals or misrepresents any material fact in connection
17 with a claim for personal injury protection benefits.

18 “(2) The insurer may exclude from the coverage for the benefits required
19 by ORS 742.524 (1)(b) and (c) any person injured as a pedestrian in [*an acci-*
20 *dent*] **a crash** outside this state, other than the insured person or a member
21 of that person’s family residing in the same household.

22 **“SECTION 117.** ORS 742.534 is amended to read:

23 “742.534. (1) Except as provided in ORS 742.544, every authorized motor
24 vehicle liability insurer whose insured is or would be held legally liable for
25 damages for injuries sustained in a motor vehicle [*accident*] **crash** by a per-
26 son for whom personal injury protection benefits have been furnished by
27 another such insurer, or for whom benefits have been furnished by an au-
28 thorized health insurer, shall reimburse such other insurer for the benefits
29 it has so furnished if it has requested such reimbursement, has not given
30 notice as provided in ORS 742.536 that it elects recovery by lien in accord-

1 ance with that section and is entitled to reimbursement under this section
2 by the terms of its policy. Reimbursement under this subsection, together
3 with the amount paid to injured persons by the liability insurer, shall not
4 exceed the limits of the policy issued by the insurer.

5 “(2) In calculating such reimbursement, the amount of benefits so fur-
6 nished shall be diminished in proportion to the amount of negligence attrib-
7 utable to the person for whom benefits have been so furnished, and the
8 reimbursement shall not exceed the amount of damages legally recoverable
9 by the person.

10 “(3) Disputes between insurers as to such issues of liability and the
11 amount of reimbursement required by this section shall be decided by arbi-
12 tration.

13 “(4) Findings and awards made in such an arbitration proceeding are not
14 admissible in any action at law or suit in equity.

15 “(5) If an insurer does not request reimbursement under this section for
16 recovery of personal injury protection payments, then the insurer may only
17 recover personal injury protection payments under the provisions of ORS
18 742.536 or 742.538.

19 **“SECTION 118.** ORS 742.536 is amended to read:

20 “742.536. (1) If an authorized motor vehicle liability insurer has furnished
21 personal injury protection benefits, or an authorized health insurer has fur-
22 nished benefits, to a person who was injured in a motor vehicle [*accident*]
23 **crash** and the injured person makes a claim, or brings legal action, for
24 damages for injuries against any other person, the injured person shall give
25 notice of the claim or legal action to the insurer by personal service or by
26 registered or certified mail. Service of a copy of the summons and complaint
27 or copy of other process served in connection with the legal action is suffi-
28 cient notice to the insurer, in which case a return showing service of the
29 notice must be filed with the clerk of the court but is not a part of the record
30 except to give notice.

1 “(2) An insurer may elect to seek reimbursement as provided in this sec-
2 tion for benefits the insurer has furnished to the injured person out of any
3 recovery the injured person obtains from a claim or legal action if the
4 insurer has not been a party under ORS 742.534 to an interinsurer re-
5 imbursement proceeding with respect to benefits the insurer furnished to the
6 injured person and the insurer is entitled by the terms of the insurer’s policy
7 to the benefit of this section. The insurer shall give written notice of an
8 election under this subsection by personal service or by registered or certi-
9 fied mail within 30 days after receiving the notice or knowledge of the claim
10 or legal action to the person who made the claim or brought the legal action
11 and to the person against whom the injured person made a claim or brought
12 legal action. In the case of a legal action, a return showing service of the
13 notice of election must be filed with the clerk of the court but is not a part
14 of the record except to give notice to the claimant and the defendant of the
15 lien of the insurer.

16 “(3) If the insurer serves a written notice of the insurer’s election under
17 subsection (2) of this section and, if applicable, files a return showing ser-
18 vice:

19 “(a) Subject to ORS 742.544, an insurer has a lien, for not more than the
20 amount of benefits the insurer furnished, against an injured person’s recov-
21 ery in an action for damages, less a proportionate amount of not more than
22 100 percent of the expenses, costs and attorney fees the injured person in-
23 curred in connection with the recovery. The proportionate amount must be
24 calculated as the ratio between the amount of the lien before a reduction
25 under this paragraph and the amount of the recovery.

26 “(b) The injured person shall include the benefits the insurer furnished
27 as damages in a claim or legal action.

28 “(c) In the case of a legal action, the action must be taken in the name
29 of the injured person.

30 “(4) As used in this section, ‘makes a claim’ means delivers a written de-

1 mand for a specific amount of damages that meets requirements reasonably
2 established by the director's rule.

3 **“SECTION 119.** ORS 742.538 is amended to read:

4 “742.538. If a motor vehicle liability insurer has furnished personal injury
5 protection benefits, or a health insurer has furnished benefits, to a person
6 who was injured in a motor vehicle [*accident*] **crash** and the interinsurer
7 reimbursement benefit of ORS 742.534 is not available under the terms of
8 that section, the insurer has not elected recovery by lien as provided in ORS
9 742.536, and the insurer is entitled by the terms of the insurer's policy to the
10 benefit of this section:

11 “(1) Subject to ORS 742.544, the insurer is entitled to the proceeds of any
12 settlement or judgment that results from the exercise of any rights of re-
13 covery the injured person has against any person legally responsible for the
14 [*accident*] **crash**, to the extent of the benefits the insurer furnished less the
15 insurer's share of expenses, costs and attorney fees the injured person in-
16 curred in connection with the recovery.

17 “(2) The injured person shall hold in trust for the benefit of the insurer
18 the amount to which the insurer is entitled under this section, which may
19 not exceed the amount of benefits the insurer furnished.

20 “(3) The injured person shall do whatever is proper to secure, and may
21 not prejudice, the rights an insurer has under this section.

22 “(4) If requested in writing by the insurer, the injured person shall take,
23 in the injured person's name and through any representative the insurer
24 designates who is not in conflict in interest with the injured person, such
25 action as is necessary or appropriate to recover the amounts to which the
26 insurer is entitled under this section, including amounts for the injured
27 person's share of expenses, costs and attorney fees that the insurer incurred
28 in connection with the recovery.

29 “(5) In calculating respective shares of expenses, costs and attorney fees
30 under this section, the basis of allocation must be the respective proportions

1 borne to the total recovery by:

2 “(a) Benefits the insurer furnished; and

3 “(b) The total recovery less the benefits the insurer furnished.

4 “(6) The injured person shall execute and deliver to the insurer instru-
5 ments and papers as are appropriate to secure the rights and obligations of
6 the insurer and the injured person as established by this section.

7 “(7) Any provisions in a motor vehicle liability insurance policy or health
8 insurance policy giving rights to the insurer relating to subrogation or the
9 subject matter of this section must be construed and applied in accordance
10 with the provisions of this section.

11 **“SECTION 120.** ORS 742.542 is amended to read:

12 “742.542. Payment by a motor vehicle liability insurer of personal injury
13 protection benefits for its own insured shall be applied in reduction of the
14 amount of damages that the insured may be entitled to recover from the
15 insurer under uninsured or underinsured motorist coverage for the same
16 [accident] **crash** but may not be applied in reduction of the uninsured or
17 underinsured motorist coverage policy limits.

18 **“SECTION 121.** ORS 742.544 is amended to read:

19 “742.544. (1)(a) As used in this subsection, ‘total amount of the recovery’
20 means the amount that a person injured in a motor vehicle [accident] **crash**
21 recovers from:

22 “(A) Underinsured motorist benefits described in ORS 742.502 (2);

23 “(B) Liability insurance coverage the injured person receives from other
24 parties involved in the motor vehicle [accident] **crash**;

25 “(C) Personal injury protection benefits or health insurance benefits; and

26 “(D) Any other payment by or on behalf of the party that caused the
27 motor vehicle [accident] **crash**.

28 “(b) An insurer may not receive a reimbursement or subrogation for per-
29 sonal injury protection benefits or health benefits the insurer provided to a
30 person injured in a motor vehicle [accident] **crash** from any recovery the

1 injured person obtains in an action for damages except to the extent that:

2 “(A) The injured person first receives full compensation for the injured
3 person’s injuries; and

4 “(B) The reimbursement or subrogation is paid only from the total amount
5 of the recovery in excess of the amount that fully compensates for the in-
6 jured person’s injuries.

7 “(2) For purposes of this section, the following rebuttable presumptions
8 apply:

9 “(a) The amount of any judgment that an injured person obtains is the
10 amount necessary to fully compensate for the injured person’s injuries.

11 “(b) An injured person has received full compensation for the injured
12 person’s injuries if the amount of the recovery is less than the coverage
13 available to the injured person from the sum of benefits paid under another
14 person’s motor vehicle liability policy, under an underinsured motorist policy
15 described in ORS 742.502 (2), as personal injury protection payments and
16 from any other source of payment from or on behalf of the party whose fault
17 caused the injuries.

18 “(c) An injured person has not received full compensation for the injured
19 person’s injuries if the injured person recovers an amount that is equal to
20 the coverage available to the injured person from the sum of benefits paid
21 under another person’s motor vehicle liability policy, under an underinsured
22 motorist policy described in ORS 742.502 (2), as personal injury protection
23 payments and from any other source of payment from or on behalf of the
24 party whose fault caused the injuries.

25 “(3) An insurer may not deny or refuse to provide benefits that are oth-
26 erwise available to an injured person because of the potential the injured
27 person has to make a claim or bring an action against another person or
28 enter into a settlement with another person.

29 “(4) A person with whom an injured person enters into a settlement or
30 from whom the injured person obtains a judgment in connection with a claim

1 or action may not name an insurer that seeks a reimbursement or
2 subrogation under ORS 742.536 or 742.538 as a payee on a check, draft or
3 other form of payment in satisfaction of the claim or judgment.

4 “(5) An insurer may not delay, withhold or reduce benefits to an injured
5 person because of an act or omission for which a third party is or may be
6 liable or as a means of enforcing or attempting to enforce a claim for re-
7 imbursement or subrogation.

8 “(6) An insurer that receives a reimbursement for benefits the insurer
9 provided to an injured person shall apply the amount of the reimbursement
10 as a credit against any lifetime maximum benefit set forth for the injured
11 person in the policy, benefit plan or contract under which the insurer paid
12 the benefits.

13 “(7) A provision in a policy, benefit plan or contract that permits re-
14 imbursement or subrogation other than as provided in this section is void
15 and unenforceable.

16 “(8) This section does not:

17 “(a) Prohibit insurers from coordinating benefits;

18 “(b) Limit an insurer’s right to seek reimbursement or subrogation to re-
19 cover, without reduction, amounts the insurer paid for property damage;

20 “(c) Limit an insurer that provided coverage against underinsured mo-
21 torists from pursuing a claim against a party at fault; or

22 “(d) Require a person to repay more than the amount of personal injury
23 protection benefits that the person actually received.

24 “**SECTION 122.** ORS 742.546 is amended to read:

25 “742.546. (1) When a motor vehicle liability insurer obtains a release for
26 bodily injuries within 60 calendar days following [*an accident*] **a crash** from
27 a person who is eligible to receive personal injury protection benefits under
28 ORS 742.518 to 742.542, the release must state that, subject to the motor ve-
29 hicle liability insurer’s applicable limits of liability, the rights of an insurer
30 furnishing personal injury protection to recover payments made for medical

1 benefits from the motor vehicle liability insurer are not impaired.

2 “(2) Nothing in this section impairs the rights of a motor vehicle liability
3 insurer to contest a recovery claim from an insurer furnishing personal in-
4 jury protection, based upon liability or the reasonableness or necessity of
5 medical benefits paid by the insurer furnishing personal injury protection.

6 **“SECTION 123.** ORS 746.265 is amended to read:

7 “746.265. (1) Subject to subsection (2) of this section, an insurer may
8 consider the abstract of an individual’s nonemployment driving record under
9 ORS 802.220 when evaluating the individual’s application to obtain or renew
10 personal insurance, as defined in ORS 746.600, that provides automobile li-
11 ability coverage, uninsured motorist coverage, automobile medical payments
12 coverage or automobile physical damage coverage on an individually owned
13 passenger vehicle, including pickup and panel trucks and station wagons:

14 “(a) For the purpose of determining whether to issue or renew the
15 individual’s policy.

16 “(b) For the purpose of determining the rates of the individual’s policy.

17 “(2) For the purposes specified in subsection (1) of this section, an insurer
18 that issues or renews a policy described in subsection (1) of this section may
19 not consider any:

20 “(a) [*Accident*] **Vehicle crash** or conviction for violation of motor vehicle
21 laws that occurred more than three years immediately preceding the appli-
22 cation for the policy or for renewal of the policy;

23 “(b) Diversion agreements under ORS 813.220 that were entered into more
24 than three years immediately preceding the application for the policy or for
25 renewal of the policy; or

26 “(c) Suspension of driving privileges pursuant to ORS 809.280 (6) or (8) if
27 the suspension is based on a nondriving offense.

28 “(3) Subsection (2) of this section does not apply if an insurer considers
29 an individual’s nonemployment driving record under ORS 802.220 for the
30 purpose of providing a discount to the individual.

1 **“SECTION 124.** ORS 746.292 is amended to read:

2 “746.292. (1) All work done by a motor vehicle body and frame repair shop
3 shall be recorded on an invoice and shall describe all service work done and
4 parts supplied. If any used parts are supplied, the invoice shall clearly state
5 that fact. If any component system installed is composed of new and used
6 parts, such invoice shall clearly state that fact. One copy of the invoice shall
7 be given to the customer and one copy shall be retained by the motor vehicle
8 body and frame repair shop.

9 “(2) Before commencing repair work and upon the request of any cus-
10 tomer, a motor vehicle body and frame repair shop shall make an estimate
11 in writing of the parts and labor necessary for the repair work, and shall
12 not charge for the work done or parts supplied in excess of the estimate
13 without the consent of such customer.

14 “(3)(a) If crash parts to be used in the repair work are supplied by the
15 original equipment manufacturer, the parts shall be accompanied by a war-
16 ranty that guarantees the customer that the parts meet or exceed standards
17 used in manufacturing the original equipment.

18 “(b) If crash parts to be used in the repair work are not supplied by the
19 original equipment manufacturer, the estimate shall include a statement that
20 says:

21 “ _____
22 This estimate has been prepared based on the use of a motor vehicle crash
23 part not made by the original equipment manufacturer. The use of a motor
24 vehicle crash part not made by the original equipment manufacturer may
25 invalidate any remaining warranties of the original equipment manufacturer
26 on that motor vehicle part. The person who prepared this estimate will pro-
27 vide a copy of the part warranty for crash parts not made by the original
28 equipment manufacturer for comparison purposes.

29 “ _____
30 “(4) [No] **A** motor vehicle body and frame shop may **not**:

1 “(a) Supply or install used parts, or any component system composed of
2 new and used parts, when new parts or component systems are or were to
3 be supplied or installed.

4 “(b) Supply or install, without the owner’s consent, any aftermarket crash
5 part unless the part has been certified by an independent test facility to be
6 at least equivalent to the part being replaced. For purposes of this para-
7 graph, an aftermarket crash part is at least equivalent to the part being re-
8 placed if the aftermarket crash part is the same kind of part and is at least
9 the same quality with respect to fit, finish, function and corrosion resistance.

10 “(c) Charge for repairs not actually performed, or add the cost of repairs
11 not actually to be performed to any repair estimate.

12 “(d) Refuse any insurer, or its insured, or their agents or employees, rea-
13 sonable access to any repair facility for the purpose of inspecting or rein-
14 specting the damaged vehicle during usual business hours.

15 “(5) As used in ORS 746.287 and this section, ‘aftermarket crash part’
16 means a motor vehicle replacement part, sheet metal or plastic, that consti-
17 tutes the visible exterior of the vehicle, including an inner or outer panel,
18 is generally repaired or replaced as the result of a [*collision*] **crash** and is
19 not supplied by the original equipment manufacturer.”.

20
