

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1574**

1 On page 1 of the printed bill, line 3, delete “and 807.115” and insert “,
2 802.240, 807.115, 811.700, 811.705, 811.710, 811.720 811.725, 811.730, 811.735,
3 811.740, 811.745, 811.748 and 811.750”.

4 On page 9, after line 21, insert:

5 **“SECTION 9.** ORS 811.700 is amended to read:

6 “811.700. (1) A driver of a vehicle who knows or has reason to believe that
7 the driver’s vehicle was involved in a collision commits the offense of failure
8 to perform the duties of a driver when property is damaged if the driver’s
9 vehicle is involved in a collision that results in damage to property and the
10 driver does not perform duties required under any of the following:

11 “(a) Immediately stop the driver’s vehicle at the scene of the collision or
12 as close to the scene of the collision as possible and reasonably investigate
13 what the driver’s vehicle struck. Every stop required under this paragraph
14 should be made without obstructing traffic more than is necessary.

15 “(b) If the driver’s vehicle has been involved in a collision that results
16 only in damage to a vehicle that is driven or attended by any other person,
17 the driver shall perform all of the following duties:

18 “(A) Remain at the scene of the collision until the driver has fulfilled all
19 of the requirements under this paragraph.

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

21 “(i) The driver’s name and address, the name and address of the owner

1 of the driver's vehicle and the name and address of any other occupants of
2 the driver's vehicle; and

3 "(ii) If the driver's vehicle is a motor vehicle, the registration number of
4 the motor vehicle, the name of the insurance carrier covering the motor ve-
5 hicle, the insurance policy number of the insurance policy insuring the motor
6 vehicle and the phone number of the insurance carrier.

7 "(C) Upon request and if available, exhibit and give to the occupant of
8 or person attending any vehicle damaged the number of any document issued
9 as evidence of driving privileges granted to the driver.

10 "(c) If the driver's vehicle has been involved in a collision resulting in
11 damage to any vehicle that is unattended, the driver shall perform all the
12 following duties:

13 "(A) Locate the operator or owner of the unattended vehicle and notify
14 the operator or owner of:

15 "(i) The driver's name and address and the name and address of the owner
16 of the vehicle that struck the unattended vehicle; and

17 "(ii) If the driver's vehicle is a motor vehicle, the registration number of
18 the motor vehicle, the name of the insurance carrier covering the motor ve-
19 hicle, the insurance policy number of the insurance policy insuring the motor
20 vehicle and the phone number of the insurance carrier; or

21 "(B) Leave in a conspicuous place in the unattended vehicle a written
22 notice giving:

23 "(i) The driver's name and address and the name and address of the owner
24 of the vehicle that struck the unattended vehicle and a statement of the
25 circumstances of the collision; and

26 "(ii) If the driver's vehicle is a motor vehicle, the registration number of
27 the motor vehicle, the name of the insurance carrier covering the motor ve-
28 hicle, the insurance policy number of the insurance policy insuring the motor
29 vehicle and the phone number of the insurance carrier.

30 "(d) If the driver's vehicle has been involved in a collision resulting only

1 in damage to fixtures or property legally upon or adjacent to a highway, the
2 driver shall perform all of the following duties:

3 “(A) Take reasonable steps to notify the owner or person in charge of the
4 property of the collision and of the driver’s name and address, the vehicle
5 owner’s name and address and, if the driver’s vehicle is a motor vehicle, the
6 registration number of the motor vehicle, the name of the insurance carrier
7 covering the motor vehicle, the insurance policy number of the insurance
8 policy insuring the motor vehicle and the phone number of the insurance
9 carrier.

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

12 “(e) If the driver discovers only after leaving the scene of the collision
13 that the **driver has reason to believe that the** driver’s vehicle [*may have*
14 *been*] **was** involved in a collision that resulted in damage to another vehicle,
15 fixture or property, the driver shall as soon as reasonably possible make a
16 good faith effort to comply with the requirements of this subsection.

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

23 “(3) The offense described in this section, failure to perform the duties
24 of a driver when property is damaged, is a Class A misdemeanor and is ap-
25 plicable [*on any premises open to the public*], **notwithstanding ORS 801.020**
26 **(9), to a collision that results in damage to property caused by the**
27 **motion of a vehicle or its load that occurs on any highway or premises**
28 **open to the public, or any premises adjacent to a highway or premises**
29 **open to the public.**

30 “**SECTION 10.** ORS 811.705 is amended to read:

1 “811.705. (1) A driver of a vehicle who knows or has reason to believe that
2 the driver’s vehicle was involved in a collision commits the offense of failure
3 to perform the duties of a driver to injured persons if the driver’s vehicle
4 has been in a collision that results in injury or death to a person and the
5 driver does not perform all of the following duties:

6 “(a) Immediately stop the driver’s vehicle at the scene of the collision or
7 as close to the scene of the collision as possible and reasonably investigate
8 what the driver’s vehicle struck. Every stop required under this paragraph
9 should be made without obstructing traffic more than is necessary.

10 “(b) Remain at the scene of the collision until the driver has fulfilled all
11 of the requirements under this subsection.

12 “(c) Give to the other driver or a surviving passenger or any person not
13 a passenger who is injured as a result of the collision:

14 “(A) The driver’s name and address, the name and address of the owner
15 of the driver’s vehicle and the name and address of any other occupants of
16 the driver’s vehicle; and

17 “(B) If the driver’s vehicle is a motor vehicle, the registration number of
18 the motor vehicle, the name of the insurance carrier covering the motor ve-
19 hicle, the insurance policy number of the insurance policy insuring the motor
20 vehicle and the phone number of the insurance carrier.

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

25 “(e) Render to any person injured in the collision reasonable assistance,
26 including the conveying, or the making of arrangements for the conveying,
27 of an injured person to a physician, surgeon or hospital for medical or sur-
28 gical treatment, if it is apparent that such treatment is necessary or if such
29 conveying is requested by any injured person.

30 “(f) Remain at the scene of a collision until a police officer has arrived

1 and has received the required information, if all persons required to be given
2 information under paragraph (c) of this subsection are killed in the collision
3 or are unconscious or otherwise incapable of receiving the information. The
4 requirement of this paragraph to remain at the scene of a collision until a
5 police officer arrives does not apply to a driver who needs immediate medical
6 care, who needs to leave the scene in order to secure medical care for an-
7 other person injured in the collision or who needs to leave the scene in order
8 to report the collision to the authorities, as long as the driver who leaves
9 takes reasonable steps to return to the scene or to contact the nearest police
10 officer.

11 “(g) If the driver discovers only after leaving the scene of the collision
12 that the **driver has reason to believe that the** driver’s vehicle [*may have*
13 *been*] **was** involved in a collision that resulted in injury or death to any
14 person, **the driver** shall as soon as reasonably possible make a good faith
15 effort to comply with the requirements of this subsection. The driver shall
16 immediately contact 9-1-1 and provide to the dispatcher any requested infor-
17 mation described in paragraph (c) of this subsection and the location and
18 approximate time of the collision.

19 “(2) As used in this section, ‘reason to believe’ means that the driver is
20 aware of a circumstance that would cause a reasonable person to be aware
21 of a substantial and unjustifiable risk that the driver’s vehicle has been in
22 a collision. The risk must be of such nature or degree that failure to be
23 aware of it constitutes a gross deviation from the standard of care that a
24 reasonable person would observe in the situation.

25 “(3)(a) Except as otherwise provided in paragraph (b) of this subsection,
26 the offense described in this section, failure to perform the duties of a driver
27 to injured persons, is a Class C felony and is applicable, [*on any premises*
28 *open to the public*] **notwithstanding ORS 801.020 (9), to any place a col-**
29 **lision is caused by the motion of a vehicle or its load that results in**
30 **injury or death.**

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

4 “(b) If a person suffers serious physical injury as defined in ORS
5 161.015 or dies as a result of the collision, the offense described in this
6 section, failure to perform the duties of a driver to injured persons,
7 is a Class B felony, and is applicable, notwithstanding ORS 801.020 (9),
8 to any place a collision is caused by the motion of a vehicle or its load.

9 “**SECTION 11.** ORS 811.710 is amended to read:

10 “811.710. (1) A driver of a vehicle who knows or has reason to believe that
11 the driver’s vehicle was involved in a collision commits the offense of failure
12 to perform the duties of a driver when an animal is injured if the driver’s
13 vehicle injures or kills a domestic animal and the driver does not perform
14 all of the following duties:

15 “(a) Immediately stop the driver’s vehicle at the scene of the collision or
16 as close to the scene of the collision as possible and reasonably investigate
17 what the driver’s vehicle struck. Every stop required under this paragraph
18 should be made without obstructing traffic more than is necessary.

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

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

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

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

24 “(f) If the driver discovers only after leaving the scene of the collision
25 that the **driver has reason to believe that the** driver’s vehicle [*may have*
26 *been*] **was** involved in a collision that injured or killed a domestic animal,
27 the driver shall as soon as reasonably possible make a good faith effort to
28 comply with the requirements of this section.

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

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

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

9 **“SECTION 12.** ORS 811.720 is amended to read:

10 “811.720. *[(1) Except as provided in subsection (4) of this section, any acci-*
11 *dent occurring on a highway or upon premises open to the public resulting in*
12 *injury or death to any person is subject to the reporting requirements under*
13 *the following sections:]*

14 **“(1) Except as provided in subsection (4) of this section, and not-**
15 **withstanding ORS 801.020 (9), any place a collision is caused by the**
16 **motion of a vehicle or its load that results in injury or death to any**
17 **person, the collision is subject to the reporting requirements under the**
18 **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 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 oc-*
24 *curring on a highway or upon premises open to the public resulting in damage*
25 *to the property of any person in excess of \$2,500 is subject to the following*
26 *reporting requirements:]*

27 **“(2) Except as provided in subsection (4) of this section, and not-**
28 **withstanding ORS 801.020 (9), a collision caused by the motion of a**
29 **vehicle or its load that occurs on any highway or premises open to the**
30 **public, or any premises adjacent to a highway or premises open to the**

1 **public, that results in damage to the property of any person in excess**
2 **of \$2,500, is subject to the reporting requirements under the following**
3 **sections:**

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

6 “(b) The owner of a vehicle that has more than \$2,500 damage must report
7 the [accident] **collision** in the manner specified in ORS 811.730 and under the
8 circumstances specified in ORS 811.730.

9 “(c) If the property damage is to property other than a vehicle involved
10 in the [accident] **collision**, each driver involved in the [accident] **collision**
11 must report the [accident] **collision** in the manner specified under ORS
12 811.725 and each owner of a vehicle involved in the [accident] **collision** must
13 report the [accident] **collision** in the manner specified in ORS 811.730 and
14 under the circumstances specified in ORS 811.730.

15 “(d) If a vehicle involved in the [accident] **collision** is damaged to the
16 extent that the vehicle must be towed from the scene of the [accident] **col-**
17 **lision**, each driver involved in the [accident] **collision** must report the [ac-
18 **cident] collision** in the manner specified under ORS 811.725 and each owner
19 of a vehicle involved in the [accident] **collision** must report the [accident]
20 **collision** in the manner specified in ORS 811.730 and under the circum-
21 stances specified in ORS 811.730.

22 “(3) The dollar amount specified in subsection (2) of this section may be
23 increased every five years by the Department of Transportation based upon
24 any increase in the Consumer Price Index for All Urban Consumers, West
25 Region (All Items), as published by the Bureau of Labor Statistics of the
26 United States Department of Labor or its successor during the preceding
27 12-month period. The amount determined under this subsection shall be
28 rounded to the nearest \$100.

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

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

3 “(b) A law enforcement official acting in the course of official duty if the
4 [accident] **collision** involved a law enforcement official performing a lawful
5 intervention technique or a law enforcement official and a person acting
6 during the commission of a criminal offense. As used in this paragraph:

7 “(A) ‘Law enforcement official’ means a person who is responsible for
8 enforcing the criminal laws of this state or a political subdivision of this
9 state and who is employed or volunteers:

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

14 “(ii) With the Department of State Police or the Criminal Justice Division
15 of the Department of Justice;

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

18 “(iv) As an authorized tribal police officer as defined in ORS 181A.940.

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

21 “**SECTION 13.** ORS 811.725 is amended to read:

22 “811.725. (1) The driver of a vehicle commits the offense of driver failure
23 to report [an accident] **a collision** if the driver does any of the following:

24 “(a) Is driving any vehicle that is involved in [an accident] **a collision**
25 required to be reported under ORS 811.720 and does not, within 72 hours of
26 the [accident] **collision**, complete a report of the [accident] **collision** in a
27 form approved by the Department of Transportation and submit the report
28 to the department.

29 “(b) Is driving a vehicle that is involved in [an accident] **a collision** and
30 does not submit to the department any report required by the department

1 that is other than or in addition to the reports required by this section. The
2 department may request a supplemental report if in the opinion of the de-
3 partment the original report is insufficient.

4 “(c) Is driving any vehicle that is involved in [*an accident*] **a collision**
5 required to be reported under ORS 811.720 and does not, within 72 hours of
6 the [*accident*] **collision**, provide proof of compliance with financial respon-
7 sibility requirements to the department, in a form furnished by the depart-
8 ment, that at the time of the [*accident*] **collision** the person was in
9 compliance with the financial responsibility requirements.

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

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

17 “(4) A driver may be required to file additional [*accident*] **collision** re-
18 ports with a city as provided under ORS 801.040.

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

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

22 “811.730. (1) The owner of a vehicle commits the offense of owner failure
23 to report [*an accident*] **a collision** if the owner does any of the following:

24 “(a) If the person owns a vehicle that is involved in [*an accident*] **a col-**
25 **lision** that is required to be reported under ORS 811.720 and all of the fol-
26 lowing apply:

27 “(A) The [*accident*] **collision** occurred while the vehicle was driven by
28 someone other than the owner of the vehicle.

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

1 “(C) The owner of the vehicle fails to report the [accident] **collision** to
2 the Department of Transportation in a form specified by the department as
3 soon as the owner learns of the [accident] **collision**.

4 “(b) If the person is the owner of a vehicle involved in [an accident] **a**
5 **collision** and the person does not make any additional reports the depart-
6 ment may require.

7 “(2) The offense described in this section, owner failure to report [an ac-
8 cident] **a collision**, is a Class B traffic violation.

9 “**SECTION 15.** ORS 811.735 is amended to read:

10 “811.735. (1) A person commits the offense of failure of a vehicle occupant
11 to make [an accident] **a collision** report if:

12 “(a) The person is an occupant, other than the driver, of a vehicle at a
13 time when the vehicle is involved in [an accident] **a collision** required to be
14 reported under ORS 811.720;

15 “(b) The driver of the vehicle is physically incapable of making [an acci-
16 dent] **a collision** report required under ORS 811.725; and

17 “(c) The occupant does not make the [accident] **collision** report or cause
18 the [accident] **collision** report to be made.

19 “(2) This section does not require an occupant of a vehicle who is not a
20 driver to provide proof of compliance with financial responsibility require-
21 ments.

22 “(3) The offense described in this section, failure of a vehicle occupant
23 to make [an accident] **a collision** report, is a Class B traffic violation.

24 “**SECTION 16.** ORS 811.740 is amended to read:

25 “811.740. (1) A person commits the offense of giving a false [accident]
26 **collision** report if the person gives information in any report required under
27 ORS 811.725 or 811.730, knowing or having reason to believe that such in-
28 formation is false.

29 “(2) The offense described in this section, giving a false [accident] **colli-**
30 **sion** report, is a Class B misdemeanor.

1 **“SECTION 17.** ORS 811.745 is amended to read:

2 “811.745. *[(1) Except as provided in subsection (4) of this section, any acci-*
3 *dent occurring on a highway or upon premises open to the public resulting in*
4 *injury or death to any person is subject to the reporting requirements under*
5 *the following sections:]*

6 **“(1) Except as provided in subsection (4) of this section, and not-**
7 **withstanding ORS 801.020 (9), any place a collision is caused by the**
8 **motion of a vehicle or its load that results in injury or death to any**
9 **person, the collision is subject to:**

10 “(a) The reporting requirements for drivers under ORS 811.748.

11 “(b) The reporting requirements for occupants of vehicles in [*accidents*]
12 **collisions** under ORS 811.750.

13 “*[(2) Except as provided in subsection (4) of this section, an accident oc-*
14 *curring on a highway or upon premises open to the public resulting in damage*
15 *to the property of any person in excess of \$2,500 is subject to the following*
16 *reporting requirements:]*

17 **“(2) Except as provided in subsection (4) of this section, and not-**
18 **withstanding ORS 801.020 (9), a collision caused by the motion of a**
19 **vehicle or its load that occurs on any highway or premises open to the**
20 **public, or any premises adjacent to a highway or premises open to the**
21 **public, that results in damage to the property of any person in excess**
22 **of \$2,500, is subject to the following:**

23 “(a) The driver of a vehicle that has more than \$2,500 damage must report
24 the [*accident*] **collision** in the manner specified under ORS 811.748.

25 “(b) If the property damage is to property other than a vehicle involved
26 in the [*accident*] **collision**, each driver involved in the [*accident*] **collision**
27 must report the [*accident*] **collision** in the manner specified under ORS
28 811.748.

29 “(c) If a vehicle involved in the [*accident*] **collision** is damaged to the
30 extent that the vehicle must be towed from the scene of the [*accident*] **col-**

1 **lision**, each driver involved in the [*accident*] **collision** must report the [*ac-*
2 *cident*] **collision** in the manner specified under ORS 811.748.

3 “(3) The dollar amount specified in subsection (2) of this section may be
4 increased every five years by the Department of Transportation based upon
5 any increase in the Consumer Price Index for All Urban Consumers, West
6 Region (All Items), as published by the Bureau of Labor Statistics of the
7 United States Department of Labor or its successor during the preceding
8 12-month period. The amount determined under this subsection shall be
9 rounded to the nearest \$100.

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

12 “(a) Operators of snowmobiles and Class I, Class III and Class IV all-
13 terrain vehicles.

14 “(b) A law enforcement official acting in the course of official duty if the
15 [*accident*] **collision** involved a law enforcement official performing a lawful
16 intervention technique or involved a law enforcement official and a person
17 acting during the commission of a criminal offense. As used in this para-
18 graph:

19 “(A) ‘Law enforcement official’ means a person who is responsible for
20 enforcing the criminal laws of this state or a political subdivision of this
21 state and who is employed or volunteers:

22 “(i) As a peace officer commissioned by a city, port, university that has
23 established a police department under ORS 352.121 or 353.125, school district,
24 mass transit district, county or service district authorized to provide law
25 enforcement services under ORS 451.010;

26 “(ii) With the Department of State Police or the Criminal Justice Division
27 of the Department of Justice; or

28 “(iii) As an investigator of a district attorney’s office, if the investigator
29 is certified as a peace officer in this state.

30 “(B) ‘Lawful intervention technique’ means a method by which one motor

1 vehicle causes, or attempts to cause, another motor vehicle to stop.

2 “(5) The reporting requirements under this section are in addition to, and
3 not in lieu of, the reporting requirements under ORS 811.720.

4 **“SECTION 18.** ORS 811.750 is amended to read:

5 “811.750. (1) A person commits the offense of failure of a vehicle occupant
6 to make [*an accident*] **a collision** report if:

7 “(a) The person is an occupant, other than the driver, of a vehicle at a
8 time when the vehicle is involved in [*an accident*] **a collision** required to be
9 reported to a police officer or a law enforcement agency under ORS 811.745;

10 “(b) The driver of the vehicle is physically incapable of giving notice to
11 a police officer or a law enforcement agency as required under ORS 811.748;
12 and

13 “(c) The occupant does not give notice of the [*accident*] **collision** imme-
14 diately to a police officer or a law enforcement agency by the quickest means
15 available.

16 “(2) Notwithstanding subsection (1) of this section, a person does not
17 commit the offense of failure of a vehicle occupant to make [*an accident*] **a**
18 **collision** report if:

19 “(a) The [*accident*] **collision** required to be reported under ORS 811.745
20 results in a serious injury or death; and

21 “(b) The person gives notice of the [*accident*] **collision** immediately to the
22 emergency communications system by the quickest means available.

23 “(3) The offense described in this section, failure of a vehicle occupant
24 to make [*an accident*] **a collision** report, is a Class A traffic violation.

25 **“SECTION 19.** ORS 802.240 is amended to read:

26 “802.240. (1) In all actions, suits or criminal proceedings when the title
27 to, or right of possession of, any vehicle is involved, the record of title, as
28 it appears in the files and records of the Department of Transportation, is
29 prima facie evidence of ownership or right to possession of the vehicle. As
30 used in this section, the record of title does not include records of salvage

1 titles unless the record itself is the salvage title. Proof of the ownership or
2 right to possession of a vehicle shall be made by means of any of the fol-
3 lowing methods:

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

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

7 “(2) Extrinsic evidence of authenticity is not required as a condition
8 precedent to the admission of a copy of a document relating to the privilege
9 of any person to drive a motor vehicle authorized by law to be filed and ac-
10 tually filed in the records of the department if the copy bears a seal pur-
11 porting to be that of the department and is certified as a true copy by
12 original or facsimile signature of a person purporting to be an officer or
13 employee of the department. This subsection applies to copies of a data
14 compilation in any form. Copies of documents certified in accordance with
15 this subsection constitute prima facie evidence of the existence of the facts
16 stated therein.

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

19 “(a) May be admitted as evidence in any hearing or proceeding under ORS
20 813.200 to 813.270.

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

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

28 “(4) Records and actions described in this subsection shall not be referred
29 to in any way or admitted into evidence or be any evidence of the negligence
30 or due care of any party at the trial of any action at law to recover damages.

1 This subsection applies to all of the following:

2 “(a) The report required following [*an accident*] **a collision**.

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

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

9 “(5) Except as provided in this subsection, the [*accident*] **collision** reports
10 filed with the department under ORS 811.725, 811.730 or 811.735 shall be
11 without prejudice to the individual filing the report and no such report shall
12 be used as evidence in any trial, civil or criminal, arising out of [*an*
13 *accident*] **a collision**. The following uses are allowable under this subsection:

14 “(a) The certificate issued by the department under ORS 802.220 to show
15 whether or not [*an accident*] **a collision** report has been made to the de-
16 partment shall be used solely to prove a compliance or failure to comply with
17 the requirements that the [*accident*] **collision** report be made to the depart-
18 ment.

19 “(b) [*An accident*] **A collision** report submitted under ORS 811.725 or
20 811.735 may be used in an administrative hearing or an appeal from such
21 hearing to support any suspension of driving privileges for:

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

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

25 “(6) A photocopy, facsimile copy, digital or electronic copy of an appli-
26 cation for perfection of a security interest by notation on a title under ORS
27 803.097 that is certified by the department is proof of the date of perfection
28 of the security interest unless the date is invalid as provided under ORS
29 803.097.

30 “(7) A report filed by a physician or health care provider under ORS

1 807.710 is confidential and may not be admitted as evidence in any civil or
2 criminal action. A report described in this subsection may be used in an
3 administrative hearing or an appeal from an administrative hearing in which
4 an issue is the qualification of a person to operate a motor vehicle.

5 **“SECTION 20.** ORS 811.748 is amended to read:

6 “811.748. (1) The driver of a vehicle commits the offense of driver failure
7 to report [*an accident*] **a collision** if the driver is driving any vehicle that
8 is involved in [*an accident*] **a collision** required to be reported under ORS
9 811.745 and the driver, if physically capable, does not give notice of the [*ac-*
10 *cident*] **collision** immediately to a police officer or a law enforcement agency
11 by the quickest means available.

12 “(2) Notwithstanding subsection (1) of this section, a driver does not
13 commit the offense of driver failure to report [*an accident*] **a collision** if:

14 “(a) The [*accident*] **collision** required to be reported under ORS 811.745
15 results in a serious injury or death; and

16 “(b) The driver gives notice of the [*accident*] **collision** immediately to the
17 emergency communications system by the quickest means available.

18 “(3) The offense described in this section, driver failure to report [*an ac-*
19 *cident*] **a collision**, is a Class A traffic violation.

20 **“SECTION 21.** The amendments to ORS 802.240, 811.700, 811.705,
21 811.710, 811.720, 811.725, 811.730, 811.735, 811.740, 811.745, 811.748 and
22 811.750 by sections 9 to 20 of this 2024 Act apply to collisions occurring
23 on or after the effective date of this 2024 Act.”.

24 In line 22, delete “9” and insert “22”.

25 In line 24, delete “10” and insert “23”.

26 In line 26, delete “11” and insert “24”.

27