

TRAFFIC NEWSLETTER

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2003 LEGISLATION ● Here is a list of some of the bills that the Department of Transportation is following that may be of interest to you. The progress of these and other bills will appear in upcoming newsletters. Bill information is available at www.leg.state.or.us/billsset.htm. Under "Measure text," click on "Full text of 2003 measures in HTML" to read bills. Under "Measure history" you can select an option to view the current status of bills.

Accidents

HB 2933 raises the reporting threshold for property damage accidents to \$2,500.

Alcohol and Drug-related

HB 2117 amends ORS 813.140 to add authorization of a chemical test of a driver's blood or urine, or both, for presence of alcohol, controlled substance or inhalant pursuant to a search warrant.

HB 2199 expands the offense of DUII to include substances that adversely affect a person's physical or mental ability to a noticeable or perceptible degree. Defines intoxicant.

HB 2264 prohibits a person under the age of 21 years from driving while possessing alcoholic beverage, including possession of alcoholic beverage by consumption. Class C misdemeanor.

HB 2266 provides that a person is ineligible for diversion if the person commits a DUII offense with a passenger under 16 years of age in or on the vehicle.

HB 2620 provides that third offense of DUII is felony under specified circumstances.

HB 2810 Allows conditional discharge for first-time offender guilty of DUII. Repeals DUII diversion program.

SB 348 expands the crime of recklessly endangering another person to include DUII when a child is a passenger in the vehicle.

Driving Privileges

HB 2214A authorizes a hardship permit for driving to and from drug treatment programs and to seek employment. **Passed. Governor signed 3/25.**

HB 2263A amends ORS 807.250 to prohibit issuance of a hardship permit to a person whose driving privileges are suspended for failure to appear. **Passed House 3/3.**

HB 2578, SB 586 and SB 815 all prohibit ODOT from issuing driving privileges to a person not lawfully in the U.S. Requires evidence of lawful presence.

SB 15 prohibits ODOT from issuing a hardship permit for employment-related driving to a person with driving privileges suspended for failure to settle judgments. Suspension continues until installment payments are made on unsettled judgment.

SB 187 prohibits issuance of hardship or probationary driver permit authorizing person to operate a commercial motor vehicle. **Passed House 2/13.**

SB 245 breaks up ORS 809.410 into several shorter statutes dealing with suspension and revocation of driving privileges. **Passed Senate 3/11.**

SB 443 deletes the age requirement for allowing a person to operate a motor assisted scooter on the highway.

SB 732 Mandates impoundment of vehicle upon conviction of driving while suspended or revoked.

SB 799 Repeals driver improvement program laws and reinstates driving privileges to persons suspended under ORS 809.480.

Speeds

HB 2501 authorizes the Department of Transportation to establish speed limits on interstate highways that are greater or less than statutory speed limits. Bill currently includes a maximum of 75 mph.

HB 3001 extends sunset date for imposition of double fines for certain offenses in certain safety corridors.

SB 183 clarifies authority of road authorities to establish designated speeds for certain highways. Removes reference to federal maximum speed limit. Consolidates speed limit statutes. **Passed House 2/20.**

Traffic-Related

HB 2048 allows a court to set aside a conviction or record of arrest for a traffic offense under certain circumstances.

HB 2176A creates the offense of failure to maintain a safe distance from an emergency vehicle or ambulance. Class B traffic violation. **Passed both House and Senate.**

HB 2338A amends ORS 811.205 to prohibit carrying a minor in the open bed of a motor vehicle or other external part of a motor vehicle. **Passed House 3/26.**

HB 2422 creates the offense of failure to yield to a traffic patrol officer. Class A traffic violation. **Passed House 3/10.**

HB 2514 expands the offense of reckless driving to include driving at a speed over 30mph in excess of the designated speed.

HB 2518 creates the offense of violating the maximum speed limit, deletes the federal maximum speed limit and provides default speed limits. Other related changes.

HB 2579 allows operators of a motorcycle or moped to pass a vehicle in the same lane or to travel between lanes of traffic or between adjacent lines or rows of vehicles during traffic slowdowns.

HB 2736 creates the crime of interfering with a firefighter or emergency medical technician.

HB 2758 and SB 764 both relate to the number of photo red light cameras allowed for certain cities.

HB 2768 allows a bicyclist to enter an intersection with specified traffic control device without stopping under certain conditions.

HB 3032 permits left turn (by motorcyclist) on steady red arrow signal under specified conditions.

SB 90 increases the penalty for speed racing to a Class A misdemeanor. Authorizes suspension of driving privileges for conviction of speed racing.

SB 189 creates the offense of organizing a speed racing event. Class C misdemeanor.

SB 315 revises laws regarding driver duties relating to certain pedestrians. **Passed Senate 3/18.**

SB 387 provides that person traveling on through road has right of way at uncontrolled T intersection.

SB 561 specifies purposes for which photographs from photo radar and photo red light cameras may be used.

SB 663 allows U-turn on green signal or green arrow.

SB 666 creates offense of distracted driving.

Vehicle Equipment

HB 2398A permits three headlights on motorcycles and allows certain lights other than headlights. **Passed House 3/24.**

HB 2419 repeals ORS 814.320, thereby removing the requirement that motorcycles and mopeds display headlights at all times.

HB 2432 amends ORS 814.260 to require only persons under 21 years of age to wear a motorcycle helmet.

HB 3509 allows operator of a motor vehicle and certain passengers in the motor vehicle to wear the shoulder belt of the safety belt under their arm.

SB 181A modifies role of ODOT in establishing and enforcing standards for vehicle equipment. Prohibits covers on certain lights, signals and reflectors. Creates offense of unlawful viewing of display screen of electronic device.

SB 182 creates exemption from requirements for use of booster seat if the back seat of the vehicle is not equipped with shoulder belts, if a lap belt is used. **Passed Senate 2/5.**

SB 299 creates offense of unlawful viewing of display screen of electronic device.

SB 453 requires helmets for children under 16 years of age riding skateboards or scooters or using in-line skates.

SB 652 requires use of headlights when windshield wipers are on.

Vehicle-Related

HB 2388 amends ORS 803.530 to specify that the registration plate is issued to a person and assigned to a vehicle. The registration plate stays with the original owner when interest in the vehicle is transferred.

HB 2724 allows a combination of three vehicles to be operated on the highway if operated solely for personal use.

SB 438 increases authorized length of combinations of vehicles.



MEDICALLY AT-RISK DRIVER PROGRAM ● DMV will soon be implementing a new mandatory medical reporting program.

Program background: In 1999 the Oregon Legislature directed DMV to convene a committee to study the effects of aging on driving ability. The members of this committee, the Older Driver Advisory Committee, concluded that chronological age alone does not represent a valid or reliable criterion for assessing risk of being involved in a motor vehicle crash. Similarly, the presence of various medical conditions does not support the conclusion that a driver lacks the ability to drive.

Based on the findings of the Older Driver Advisory Committee, legislation was submitted during Oregon's 2001 Legislative Session. That legislation, HB 3071, states that determinations regarding a person's ability to safely operate a motor vehicle may not be based solely on diagnosis of a medical condition, but must be based on the actual effect of a cognitive or functional impairment on the person's ability to safely operate a motor vehicle. As directed by HB 3071, DMV worked in consultation with a Medical Work Group comprised of physicians and other health care providers to identify the cognitive and functional impairments likely to affect a person's ability to safely operate a motor vehicle. DMV will adopt rules specifying when physicians and other health care providers are required to report drivers with these impairments to DMV.

DMV will phase-in the new mandatory medical reporting process beginning in June, 2003, in six Oregon counties (Coos, Curry, Douglas, Lane, Jackson, and Josephine). Additional counties will be subsequently phased-in over the course of one year, until the entire state is operational under the new mandatory reporting requirements.

This program does not change anything for law enforcement or the courts. However, once DMV starts receiving reports from health care providers under these new rules, you may start seeing some new suspension and cancellation types appearing on the driving records of some drivers, as follows:

Literal	Action Type / Reason	Three digit Code #
UNSAT MED	Cancellation – Inability to meet licensing requirement	800
MED1	Suspension – Mandatory Reporting Program	801
MED2	Suspension – Mandatory Reporting Program	802
MED3	Suspension – Mandatory Reporting Program	803
MED4	Suspension – Mandatory Reporting Program	804
MED5	Suspension – Mandatory Reporting Program	805
DMV DNYTST	Cancellation – DMV has denied further testing	806
SHO DNYTST	Cancellation – State Health Office has denied further testing	807
F/C MEDRQ1	Suspension – Failure to comply with medical recertification	808
FC MEDRQ1H	Suspension – Failure to comply with medical recertification (after hearing)	809
F/C MEDRQ2	Suspension – Failure to comply with medical recertification	810
FC MEDRQ2H	Suspension – Failure to comply with medical recertification (after hearing)	811
MED RECERT	Suspension – Failure to comply with medical recertification	812
F/A RCTST	Suspension – Failure to appear for recertification testing	813

F/A RCTSTH	Suspension – Failure to appear for recertification testing (after hearing)	814
F/P RCTST	Suspension – Failure to pass recertification testing	815
F/P RCTSTH	Suspension – Failure to pass recertification testing (after hearing)	816

Law enforcement will continue to obtain information on the status of a person’s driving privileges just as they do today. DMV’s computer system will advise the correct citation for an offense of driving while suspended, or driving without a valid operator’s license, if a person is caught driving in violation of one of these suspensions or cancellations.

