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# OREGON TRAFFIC SAFETY LEGISLATIVE SUMMARY

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2009 Legislative Session



October 2009



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**OREGON TRAFFIC SAFETY**  
Oregon Department of Transportation  
Transportation Safety Division  
235 Union Street NE  
Salem, Oregon 97301-1054

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

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**2009 Legislative Session**

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## Introduction

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The following pages provide a summary of the Oregon Department of Transportation, Transportation Safety (ODOT-TSD) related legislation passed during the 2009 Legislative Session.

There were 2,782 bills, memorials and resolutions introduced in the 2009 Legislative Session. The Legislature passed 978 bills, memorials and resolutions in 2009. The Transportation Safety Division reviewed 114 bills and followed 83 bills that in some way may have affected transportation safety.

All legislative bills become law on January 1, 2010, unless otherwise noted. The new laws will be incorporated into the 2009 Oregon Revised Statutes (ORS) and ready for distribution in January or February 2010.

If you have questions, please contact one of the TSD program managers involved in 2009 legislative discussions:

Driver Education -----	Vacant -----	(503) 986-4413
Impaired Driving -----	Gretchen McKenzie -----	(503) 986-4183
Motorcycle Safety and Vehicle Equipment and Safety Standards -----	Michele O'Leary -----	(503) 986-4198
Police Traffic Services and Speed Control -----	Steve Vitolo-----	(503) 986-4446
Safe Communities -----	Walt McAllister-----	(503) 986-4187

If you would like additional copies of this summary, please contact Kelly Kapri at the Transportation Safety Division at (503) 986-3293 or email at [Kelly.A.Kapri@odot.state.or.us](mailto:Kelly.A.Kapri@odot.state.or.us)

If you would like to view additional bill information, you can go to the Legislation website at: <http://www.leg.state.or.us/index.html>

***Thanks to everyone that was involved during the 2009 Legislative Session and to all of you who will carry out the new laws.***

## Bill Activity and Tracking

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	<b>Number of <u>Bills</u></b>
<b><u>Transportation Safety Concepts</u></b>	
Oregon Transportation Safety Committee Report to Oregon Transportation Commission	4
Oregon Transportation Commission Report to Governor and Governor Approved for Filing	1
Governor's Advisory Committee (DUII) Report To Oregon Transportation Commission	6
Oregon Transportation Commission Report to Governor and Governor Approved for Filing	3
Governor's Advisory Committee (MC) Report To Oregon Transportation Commission	1
Oregon Transportation Commission Report to Governor and Governor Approved for Filing	1
<b><u>Transportation Safety Bills / Passed</u></b>	
Oregon Department of Transportation Pre-Filed	1 (Out of 1 Filed)
Governor's Advisory Committee Pre-Filed (DUII)	1 (Out of 3 Filed)
Governor's Advisory Committee Pre-Filed (MC)	1 (Out of 1 Filed)
Bills of Interest	18
Bills Vetoed by Governor	0
Bills for Voter Referral	0
General Tracking	114

**Senate Bill 124 Increased Penalty for Riding Without Motorcycle Endorsement**

Senate Bill 124 increases the penalty for operating a motorcycle without a motorcycle endorsement from a Class B violation (\$360) to a Class A violation (\$720). Increasing the penalty may encourage more riders to complete the Basic Rider Training necessary to receive a motorcycle endorsement. The combined cost for training and the endorsement is \$279, \$81 less than a Class B violation. SB 124 further requires a court to suspend the fine for the violation if the rider completes training and receives a motorcycle endorsement within 120 days of sentencing.

**Effective Date: January 1, 2010**

**Sponsor: Governor Kulongoski for Department of Transportation**

**House: Ayes = 39, Nays = 21**

**Senate: Ayes = 23, Nays = 3, Excused = 4**

**Senate Bill 125 Teen Driver Education**

Senate Bill 125 allows the Oregon Department of Transportation, Transportation Safety Division (ODOT-TSD) to reimburse approved commercial driver training schools up to \$210 when first-time drivers under 18 complete a driver education course. The bill broadens eligibility for reimbursement to include all ODOT-TSD approved commercial driver training schools, in addition to the public providers already eligible for reimbursement. Finally, the bill allows ODOT to fully reimburse the Department of Human Services (DHS) for first-time drivers under 18 who are wards of DHS and in foster care.

**Effective Date: July 1, 2009**

**Sponsor: Governor Kulongoski for Department of Transportation**

**House: Ayes = 46, Excused = 14**

**Senate: Ayes = 28, Excused = 2**

**House Bill 2238 Increased Waiting Period for Hardship Permit for Refusal to Take Breath Test**

Under current law, if a person has a blood alcohol level of .08 percent or greater, or the person refuses to take a breath test during the course of a DUI investigation, he or she must wait a certain period of time before applying for a hardship permit. House Bill 2238 increases the period of time that a person is ineligible for a hardship permit if the person refused to take a breath test to determine whether the person was driving under the influence of intoxicants. Under current law, the longest an individual is ineligible for a hardship permit after an implied consent suspension is one year. The bill extends that outer limit from one year to three years. A person is subject to the increased waiting period if he or she has a previous DUI conviction or a license suspension for failure or refusal of a breath test within the preceding five years, or if the person was participating in a diversion program at the time of the refusal. The bill also provides criteria for determining the length of time (at least 90 days and up to three years) during which a person who has refused to take a breath test is ineligible for a hardship permit.

**Effective Date: January 1, 2010**

**Sponsor: Governor Kulongoski for Department of Transportation**

**House: Ayes = 50, Excused = 10**

**Senate: Ayes = 27, Nays = 1, Excused = 2**

**House Bill 2001 Oregon Jobs and Transportation Act**

House Bill 2001, also known as the Oregon Jobs and Transportation Act, is the transportation funding plan adopted by the 2009 Legislature. A number of themes emerged from the legislation: accountability, innovation and environmental stewardship; highway, road and street funding; and multimodal funding. In addition, several other provisions address important elements of Oregon’s transportation system and our economy.

**Effective Date: September 28, 2009**

**Sponsor: Representatives Beyer, Berger, Senators Metsger, Starr at the request of Governor Kulongoski**

**House: Ayes = 38, Nays = 22**

**Senate: Ayes = 24, Nays = 6**

**House Bill 2040 Move Over Law**

House Bill 2040 requires drivers to move over when roadside assistance vehicles and tow vehicles are providing assistance to disabled vehicles. Under the bill, motorists would need to change lanes on a road with two or more lanes in each direction or to slow down for roadside assistance vehicles and tow vehicles as they now are required to do for ambulances or emergency vehicles under current law.



The bill further clarifies the “move over” law to require a driver to reduce speed by at least five miles per hour below the posted speed limit when making a lane change is unsafe or when driving on a two-lane, two-directional highway. This clarification makes it easier for law enforcement officers to judge whether the driver has reduced speed.

**Effective Date: January 1, 2010**

**Sponsor: House Interim Committee on Transportation**

**House: Ayes = 59, Excused = 1**

**Senate: Ayes = 25, Excused = 5**

**House Bill 2233 Insurance for Commercially Operated Driver Training Schools**

House Bill 2233 increases the motor vehicle liability insurance coverage for commercially-operated driver training schools. The legislature had set amounts of required vehicle liability coverage in the 1960s. The bill makes the following changes:

<u>Requirement</u>	<u>Change</u>
Vehicle Insurance:	
Bodily injury to or death of one person	From \$50,000 to \$100,000
Bodily injury to or death of two persons	From \$100,000 to \$300,000
Injury to or destruction of property	From \$25,000 to \$50,000

HB 2233 also eliminates the requirement for motor vehicle liability insurance coverage for commercially-operated driver training schools that conduct only classroom instruction and do not use vehicles to train their customers.

**Effective Date: January 1, 2010**

**Sponsor: Governor Kulongoski for Department of Transportation**

**House: Ayes = 59, Excused = 1**

**Senate: Ayes = 25, Excused = 5**

**House Bill 2318 Expunging Arrest Records for Traffic Offenses**

House Bill 2318 allows a person who was arrested for, but not convicted of, a traffic offense to have the record of the arrest expunged, erased from the record. The bill creates an exception for the record of arrest for a person who was arrested for driving under the influence of intoxicants if the charge was dismissed as a result of the person's successful completion of a DUII diversion agreement. An individual convicted of DUII qualifies for a diversion agreement only after the first DUII conviction or after 10 years without a subsequent DUII conviction. HB 2318 prevents resetting the record in this case.

***Effective Date: January 1, 2010***

***Sponsor: House Interim Committee on Judiciary***

***House: Ayes = 60***

***Senate: Ayes = 27, Excused = 3***

**House Bill 2331 Eligibility for Second DUII Diversion Agreement**

Under current law, a person who is charged with driving while under the influence of intoxicants (DUII) may enter a diversion program to avoid a conviction of DUII. A person is eligible to enter a diversion program if there has not been any other conviction for DUII on their record or a person has not participated in a diversion program for the past 10 years. House Bill 2331 changes the eligibility to enter a diversion program to 15 years between DUII convictions or participation in diversion programs. The bill further restricts entry into the program if a driver has been convicted of any other criminal offense involving a motor vehicle within the past 15 years.

***Effective Date: January 1, 2010***

***Sponsor: House Interim Committee on Judiciary***

***House: Ayes = 47, Nays = 1, Excused = 12***

***Senate: Ayes = 26, Excused = 4***

**House Bill 2377 Restrictions on Use of Mobile Communications Device While Driving**

House Bill 2377 prohibits drivers from using a mobile communication device (MCD) for talking or texting while driving unless the driver meets a specific exemption. Cell phones, personal digital assistants (e.g. a Blackberry), two-way mobile radios, and CB radios meet the definition of a "mobile communication device" under HB 2377. Any driver 18 years or older may use an MCD if using a hands-free device. Those younger than 18 are not afforded this exemption. For drivers of any age, exemptions include those who operate emergency vehicles or are performing volunteer emergency or public safety services, and those using CB radios. Drivers operating a motor vehicle while using an MCD and without a legal exemption (including those under 18 even if using a hands-free device) are subject to a Class D violation. The bill also provides an exemption for those who are using a mobile communications device while operating a motor vehicle if the vehicle is necessary for the person's job. A person for whom driving is integral to the job is exempt.

***Effective Date: January 1, 2010***

***Sponsor: Representatives Tomei, Esquivel***



*House: Ayes = 39, Nays = 20, Excused = 1*

*Senate: Ayes = 16, Nays = 13, Excused = 1*

**House Bill 2426 Penalty for DUI Conviction over 0.15 Blood Alcohol Content**

House Bill 2426 requires courts to impose a minimum fine of \$2,000 on those individuals who are convicted of driving a motor vehicle with a blood alcohol content of 0.15 percent or more. The fine will be in addition to any other sentence that the court imposes. Passage of HB 2426 adds an element for ODOT to use in a submittal for federal 410 grant funds that can be used for impaired driving programs.

*Effective Date: January 1, 2010*

*Sponsor: Committee on Judiciary*

*House: Ayes = 46, Absent = 1, Excused = 13*

*Senate: Ayes = 27, Excused = 3*

**House Bill 2554 Vulnerable User of Public Way**

Oregon law provides for enhanced penalties for reckless driving when the acts contribute to an accident or the serious physical injury or death of a vulnerable user of a public way. House Bill 2554 revises the definition of a "vulnerable user" to include all farm tractors or implements of husbandry. Current law applies to only those without an enclosed shell. Current law defined vulnerable users to include a pedestrian, a person riding an animal, or a person using a skateboard, roller skates, in-line skates, a scooter or a bicycle on a public way, crosswalk or shoulder of a highway.

*Effective Date: January 1, 2010*

*Sponsor: Representatives Sprenger, Clem*

*House: Ayes = 56, Nays = 4,*

*Senate: Ayes = 29, Excused = 1*

**House Bill 2870 Permanent Revocation of Driving Privileges**

House Bill 2870 requires a court to order the permanent revocation of a person's driving privileges if the individual is convicted of aggravated vehicular homicide, manslaughter in the first or second degree, criminally negligent homicide, or assault in the first degree resulting from the operation of a motor vehicle. An individual convicted of these crimes may petition the court for reinstatement no sooner than 10 years following release on parole or post-prison supervision. In the event that a court does not order a revocation, HB 2870 requires DMV to revoke the person's driving privileges for a period of 10 years following release from incarceration or from the date of revocation if the sentence did not include incarceration.

*Effective Date: January 1, 2010*

*Sponsor: Committee on Judiciary*

*House: Ayes = 58, Absent = 1, Excused = 1*

*Senate: Ayes = 27, Excused = 3*

**House Bill 3194 Felony DUII**

Under current law, if a person is arrested for driving under the influence of intoxicants (DUII) and has three or more DUII convictions within a 10 year period, the person will be charged with Class C felony DUII. However, a juvenile conviction for DUII is not considered when determining whether the person would be charged with a felony DUII. House Bill 3194 allows juvenile convictions to be considered for a felony DUII.

**Effective Date: January 1, 2010**

**Sponsor: Representative Barton, Senator Schrader**

**House: Ayes = 59, Excused = 1**

**Senate: Ayes = 30**

**House Bill 3271 Aggravated Driving While Suspended or Revoked**

House Bill 3271 relates to crime. As the bill pertains to ODOT, HB 3271 creates the crime of aggravated driving while suspended or revoked if the driver caused the serious injury to, or the death of, another person while driving with a suspended or revoked license or a hardship permit and if the suspension or revocation action resulted from a criminal offense. This crime is a Class C felony, punishable by a maximum of five years' imprisonment, a \$125,000 fine or both. The bill incorporates the new crime into the statutes relating to suspension and revocation.

In other areas, HB 3271 increases the penalty for harassment to a Class A misdemeanor in certain circumstances. The bill creates the crime of aggravated harassment (a Class C felony) as knowingly propelling saliva, blood, urine, semen, feces or other dangerous substance at certain corrections employees or public safety officers. The bill also extends from one year to six years the amount of time a county or city has to seek reimbursement from a person who has been committed to a local correctional facility.

**Effective Date: January 1, 2010**

**Sponsor: Representative Stiegler**

**House: Ayes = 58, Nays = 1, Excused = 1**

**Senate: Ayes = 30**

**Senate Bill 314 Immediate Notice to Law Enforcement after Traffic Accident**

Senate Bill 314 requires drivers, or occupants if drivers are physically unable, to immediately report an accident to a law enforcement official when the accident involves an injury, death, property damage greater than \$1500, or a towed vehicle. The bill also allows reporting to 9-1-1 emergency operators in lieu of a law enforcement official when there is an injury or death. Violating the reporting requirements in SB 314 would result in a Class A traffic violation.

**Effective Date: January 1, 2010**

**Sponsor: Senator Prozanski**

**House: Ayes = 42, Nays = 13, Excused = 5**

**Senate: Ayes = 17, Nays = 11, Absent = 1, Excused = 1**

**Senate Bill 546 Motorcycle Endorsement / Safe Operation around Motorcycles**

Senate Bill 546 makes two changes to improve motorcycle safety. The bill requires every

person who is applying for a motorcycle endorsement for the first time to complete a motorcycle safety course before DMV may issue the endorsement. The bill provides a five-year phase-in of this requirement to ensure that motorcyclists have an opportunity to complete the approved TEAM OREGON safety training course. Those holding a motorcycle endorsement from another state are not required to complete the safety course. The changes will be fully implemented by January 1, 2015. The bill increases the fee for an original motorcycle endorsement (from \$28 to \$38) to defray the cost of the courses. In addition, SB 546 requires DMV to include two questions on the driver license examination related to safe operation of a vehicle around motorcyclists.



**Effective Date: January 1, 2010**

**Sponsor: Senator Walker**

**House: Ayes = 33, Nays = 25, Excused = 2**

**Senate: Ayes = 24, Nays = 5, Excused = 1**

#### **Senate Bill 579 All Terrain Vehicle (ATV) Safety**

Senate Bill 579 requires that children under 16 wear a safety belt or safety harness when operating or riding on a Class I or Class II all-terrain vehicle used for off-road use or a Class II all-terrain vehicle legal for street use. The safety belt or safety harness must be used when the vehicles are used both on public roads and premises open to the public. The bill holds the parent, legal guardian or person responsible for the child responsible for compliance.

**Effective Date: January 1, 2010**

**Sponsor: Senator Metsger**

**House: Ayes = 35, Nays = 13, Excused = 12**

**Senate: Ayes = 22, Nays = 7, Absent = 1**

#### **Senate Bill 583 Helmet Requirements for All Terrain Vehicles (ATV)**

Senate Bill 583 requires operators and passengers of Class II all-terrain vehicles that are under 18 years to wear motorcycle helmets. The bill provides exceptions for those vehicles that are registered through the Department of Transportation and have a roof or roll bar. Current law requires operators and passengers of Class I and Class III all-terrain vehicles that are under 18 to wear motorcycle helmets. Exceptions are for licensed agriculture and forestry uses and for persons using vehicles on land they own or lease.

**Effective Date: January 1, 2010**

**Sponsor: Senator Metsger**

**House: Ayes = 34, Nays = 10, Absent = 2, Excused = 13**

**Senate: Ayes = 24, Nays = 6**