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# OREGON TRAFFIC SAFETY LEGISLATIVE SUMMARY

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2013 Legislative Session







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**OREGON TRAFFIC SAFETY**  
Oregon Department of Transportation  
Transportation Safety Division  
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<http://www.oregon.gov/ODOT/TS/>

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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 2013 Regular Legislative Session.

During the 2013 Legislative Session there were 2,679 bills, memorials and resolutions introduced. The Legislature passed 854 bills, memorials and resolutions in 2013. The Transportation Safety Division reviewed 85 bills and followed 73 bills that in some way may have affected transportation safety.

All 2013 legislative bills became law on January 1, 2014, unless otherwise noted. The new laws are incorporated into the 2013 Oregon Revised Statutes (ORS).

If you have questions, please contact one of the TSD program managers involved in 2013 legislative discussions:

Driver Education -----	William Warner -----	(503) 986-4413
Impaired Driving -----	Dan Estes-----	(503) 986-4183
Motorcycle Safety and Vehicle Equipment and Safety Standards -----	Michele O'Leary -----	(503) 986-4198
Occupant Protection -----	Carla Levinski-----	(503) 986-4199
Pedestrian and Bicycle Safety -----	Julie Yip -----	(503) 986-4196
Police Traffic Services and Speed Control -----	Steve Vitolo-----	(503) 986-4446
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If you would like additional copies of this summary, please contact Kelly Kapri, TSD Legislative Coordinator 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)

Additional Legislative Resource:

If you would like to view additional bill information, you can go to the Oregon Legislation website at: <https://www.oregonlegislature.gov/>



# 2013 Legislation Information

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## 2013 Oregon Legislation

There were a total of 2,679 bills, memorials and resolutions introduced during the 2013 session, 854 passed.

## 2013 ODOT Legislation

Total Introduced: 9

Total Bills Tracked: 669

## 2013 TSD Legislation

Total Introduced and Passed: 2

Driver Education, HB2264

Work Zones, HB2265

TSD tracked: 73

Effective date for bills is January 1, 2014, unless there is an emergency clause stating otherwise.

2013 ODOT Legislative Summary:

<http://www.oregon.gov/ODOT/GOVREL/Documents/2013%20Legislative%20Summary.pdf>

Copies of 2013 Enrolled Bills (final bills signed by Governor) may be found on the legislative web site:

<https://olis.leg.state.or.us/liz/2013R1>.

Oregon State Legislature Official Website: <https://www.oregonlegislature.gov/>

2013 edition of Oregon Revised Statutes: [http://www.oregonlaws.org/oregon\\_revised\\_statutes](http://www.oregonlaws.org/oregon_revised_statutes)



## 2013 Regular Session

### Bills of Interest / Passed

### Bill Summaries

#### **House Bill 2057 Alcohol Server Education Advisory Committee**

**Effective Date: January 1, 2014**

Expands membership of Alcohol Server Education Advisory Committee to include two educators and two representatives of alcohol server education providers.

**Sponsor: Governor John A. Kitzhaber for Oregon Liquor Control Commission**

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

**Senate: Ayes = 26, Nays = 2, Excused = 2**

#### **House Bill 2116 Exemptions to Required Use of Ignition Interlock Devices**

**Effective Date: January 1, 2014**

House Bill 2116 adds two exemptions from use of ignition interlock devices in driving under the influence of intoxicants (DUI) diversion cases, which already exist for DUI convictions. The bill allows the court to exempt a person from the requirement to use an ignition interlock device (IID) due to medical reasons as described in rule adopted by ODOT. The bill also allows the court to exempt a person from the IID requirement when the person is required to operate an employer's vehicle, provided the offender has notified the employer of the driving privilege restrictions and has proof of that notification with them.

In 2011, the statutes relating to DUI were changed to require that all DUI offenders participating in a diversion agreement install an IID. The medical and employer exemptions that already existed for convictions for DUI were inadvertently omitted from the diversion requirement.

**Sponsor: House Interim Committee on Health Care**

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

**Senate: Ayes = 30**

#### **House Bill 2117 DUI Enforcement**

**Effective Date: July 25, 2013**

House Bill 2117 responds to the United States Supreme Court ruling in *Missouri v. McNeely* in April 2013. The U.S. Supreme Court ruled that the mere fact that alcohol or drugs dissipate from the blood is not enough in a DUI case to create an exigency exception to the need for a warrant to conduct a search or seizure in the case of a breath or blood test.

HB 2117 allows a law enforcement officer to ask a person suspected of driving under the influence of intoxicants (DUI) for consent to take a breath or blood test. In addition, the officer may obtain a search warrant.

HB 2117 allows enforcement of Oregon's DUI laws to continue to operate in light of court decisions.

**Sponsor: House Interim Committee on Health Care**

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

**Senate: Ayes = 29, Excused = 1**

### **House Bill 2121 Proof of DUII Treatment**

**Effective Date: May 28, 2013**

House Bill 2121 extends the requirement for a person who has been convicted of driving under the influence of intoxicants (DUII) to show proof he or she has completed alcohol or drug treatment before DMV may reinstate driving privileges. Under the bill, DMV may also reinstate driving privileges if the person provides a court order verifying that he or she has taken sufficient steps to satisfy the requirement, or 15 years have elapsed since the DUII conviction. HB 2121 provides a process through which the person may obtain the court order verifying that he or she has taken sufficient steps to satisfy the requirement.

For many years, DMV required by rule that a person convicted of DUII show proof of treatment completion. This reinforced the law's requirement that a DUII offender complete treatment that meets the approval of Oregon Health Authority. The legal basis for this requirement was called into question in 2011, while the rule was being amended. In addition, an increasing number of problematic cases called for an exception process.

The 2012 Legislature passed House Bill 4011 to temporarily provide a legal basis for the requirement to show proof of completion of alcohol or drug treatment and provide that DMV could waive the requirement for "good cause" until a permanent solution was developed. The 2012 legislation sunsets on January 2, 2014.

HB 2121 continues DMV's role to ensure individuals complete treatment prior to applying for reinstatement of driving privileges. In addition, the bill provides a judicial process for handling exceptions to this requirement.

**Sponsor: House Interim Committee on Health Care**

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

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

### **House Bill 2261 Specifies that provisional license restrictions do not apply to persons 18 years of age or older**

**Effective Date: January 1, 2014**

House Bill 2261 clarifies that Graduated Driver License (GDL) restrictions placed on 16- and 17-year old provisional drivers last for one year or until age 18, whichever comes first. The bill makes the requirements clear to law enforcement and driver education providers, as well as teens and their parents. HB 2261 removes a disincentive for a 17-year old to wait to get his or her driver license before his or her 18th birthday to avoid the GDL restrictions.

The 1999 Oregon Legislature instituted the GDL program by which 16- and 17-year olds who obtain a driver license are subject to restricted privileges. These provisional licenses prohibit the teen from driving with any teen passengers for the first six months and limit to three teen passengers during the second six months. For that entire first year of licensure, the teen driver may not drive between midnight and 5:00 a.m., with exceptions for work and school activities. When the GDL law was passed, it was understood the restrictions of the provisional license lasted for one year or until the young person reached their 18th birthday, whichever date came first. However, the text of the law on its face has some ambiguity. The department had learned of several instances of licensees over the age of 18 who, because they had that license for less than one year, were cited for violation of the GDL restrictions.

**Sponsor: Governor John A. Kitzhaber, M.D., for Department of Transportation**

**House: Ayes = 58, Excused = 2**

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

### **House Bill 2264 Teen Driver Education**

**Effective Date: January 1, 2014**

House Bill 2264 changes the statutes governing the Teen Driver Education Program to increase the number of teens who complete the program. The bill allows ODOT to:

- Increase the subsidy for low income students to reduce the cost of driver education to the parent/teen
- Develop adaptive strategies to increase availability of the program in areas of the state where there are few or no teen driver education programs
- Hold driver education providers and instructors accountable for non-compliance

ODOT will revise the administrative rules for the program to implement the changes. The program is funded by the Student Driver Training Fund which is supported by a \$6 fee levied when a driver license is issued or renewed.

**Sponsor: Governor John A. Kitzhaber, M.D., for Department of Transportation**

**House: Ayes = 54, Nays = 3 Excused = 3**

**Senate: Ayes = 20, Nays = 7, Excused = 3**

### **House Bill 2265 Photo Radar in Highway Work Zones**

**Effective Date: January 1, 2014**

House Bill 2265 continues and expands ODOT's use of photo radar for speed enforcement in highway work zones. HB 2265 lifts the sunset on the use of photo radar and allows its use on interstate highways. Under the bill, photo radar may be used in areas where workers are present or where the configuration of the roadway has temporarily changed to perform the work. The department takes a number of steps to ensure that work zones are safe both for workers and for motorists, including posting lower speeds through work zones. However, posting lower speeds does not have as much effect on traffic speeds as it should despite warning signs, flashing lights, and message boards. While the visibility of a law enforcement officer on patrol is the most effective deterrent for speeders, photo radar operated by a uniformed officer from a marked police vehicle is also an effective safety enforcement tool to slow traffic in work zones where it can save lives.

Every year Oregon averages about 500 work zone crashes, and nine work zone fatalities. National data demonstrates that those most at risk in a work zone are not the construction workers and flaggers, but those in the vehicles traveling through the zone—often going too fast. ODOT coordinates with local law enforcement to conduct a photo radar enforcement operation. ODOT and the local agency work together to select an appropriate project. Law enforcement provides the equipment, vehicle, and officer. ODOT provides funding, typically through federal safety grants. Revenues from fines collected go through normal citation channels; none of the money goes to ODOT. The goal is to get drivers to voluntarily slow down in work zones, not penalize people.

**Sponsor: Governor John A. Kitzhaber, M.D., for Department of Transportation**

**House: Ayes = 48, Nays = 12**

**Senate: Ayes = 23, Nays = 5, Excused = 2**

### **House Bill 2406 Obstruction of vehicle windows**

**Effective Date: January 1, 2014**

House Bill 2406 changes the criteria for the offense of obstruction of vehicle windows to allow the rear window to be covered. A person would commit the offense by covering the windshield or side windows adjacent to the driver with anything that prevents or limits the ability to see

into, or out of, the vehicle.

**Sponsor: Representative Conger, Freeman, Sprenger, Olson, Mathews**

**House: Ayes = 58, Excused = 2**

**Senate: Ayes = 28, Nays = 1, Excused = 1**

**House Bill 2773 Relating to driving while under the influence of intoxicants diversion agreements.**

**Effective Date: January 1, 2014**

Permits person to enter into driving while under influence of intoxicants diversion agreement even if person has already entered treatment following charge of minor in possession of alcoholic beverage or charge of possession of less than one ounce of marijuana.

**Sponsor: Judiciary**

**House: Ayes = 58, Excused = 2**

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

**House Bill 3136 Illegal Window Tinting**

**Effective Date: January 1, 2014**

House Bill 3136 allows a court to dismiss or reduce the penalty for the offense of illegal window tinting if the defendant shows the court that the tinting of the defendant's vehicle windows have been brought into compliance with the law. The bill allows the court to consider receipts from the business that removed the non-conforming tinting, a written statement from a law enforcement officer who indicates that the tinting is now compliant, or other relevant information.

**Sponsor: Representative Mathews, Nathanson**

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

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

**House Bill 3394 School Zones at Former School Buildings**

**Effective Date: January 1, 2014**

House Bill 3394 creates a definition for the term "school" in statute for purposes of regulating traffic speeds within a "school zone." Prior to HB 3394, the term "school" was not defined for this purpose. A "school" means a public or private K-12 institution and a publicly-funded early childhood development program operated in buildings currently or formerly used by a school district.

**Sponsor: Representative Gelsner, Senator Girod, Senator Knopp, Representative Springer**

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

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

**House Bill 3438 Relating to use of photo radar in school zones**

**Effective Date: January 1, 2014**

House Bill 3438 creates a pilot program for the use of photo radar by the City of Fairview. The bill authorizes the city to operate photo radar to enforce traffic speeds in a school zone between 7 a.m. and 5 p.m. on a day when school is in session. The bill sets out conditions under which a photo radar unit may be used.

A citation issued for speeding in a school zone must be based upon the video recording of the conduct, and must be signed by a police officer who has reviewed the video. The citation is valid only when a series of conditions are met. The citation will be issued to the registered owner of the vehicle who is presumed to be the vehicle operator at the time of the violation.

The registered owner may respond to a citation by declaring that he or she was not the operator of the vehicle at the time of the violation.

The City of Fairview must conduct an evaluation of the program and report by March 1 to the Legislative Assembly in odd-numbered session years. HB 3438 sunsets on January 2, 2022.

**Sponsor: Representative Dembrow, Gomberg, Keny-Guyer, Komp, Lively, Mckeown, Whisnant, Senator Monnes Anderson**

**House: Ayes = 54, Nays = 4, Excused = 2**

**Senate: Ayes = 18, Nays = 11, Excused = 1**

### **Senate Bill 9 Increased Penalty for Using a Cell Phone While Driving**

**Effective Date: January 1, 2014**

Senate Bill 9 increases the penalty for the offense of using mobile communication device (cell phone) while operating a motor vehicle from a Class D traffic violation (\$250 maximum fine) to a Class C (\$500 maximum fine).

A driver may use a cell phone with a hands-free accessory. In addition, a driver may use a cell phone without violating the law in an emergency and in several occupational settings.

SB 9 directs ODOT to place signs on state highways notifying drivers of the maximum fine for this violation.

**Sponsor: Representative Tomei, Senator Courtney**

**House: Ayes = 33, Nays = 26, Excused = 1**

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

### **Senate Bill 193 Pupil Transportation Providers Drug Testing Programs**

**Effective Date: January 1, 2014**

Senate Bill 193 requires that positive drug and alcohol test results for individuals who drive school buses and school activity vehicles be reported to the Oregon Department of Transportation, DMV and to the Oregon Department of Education. In addition, the bill requires that school districts certify annually that they are in compliance with drug and alcohol testing regulations to the Oregon Department of Education.

Federal law and regulations require employers to have drug and alcohol testing programs that apply to their employees who are required to hold a commercial driver license (CDL). Reporting of positive test results is a component of the program. In Oregon, Medical Review Officers report positive test results to DMV without regard to whether a driver operates a school bus or other type of commercial equipment. However, one Medical Review Officer did not report a positive test result to DMV because school buses are exempt from regulation under Oregon motor carrier law.

SB 193 clarifies drug and alcohol testing requirements for school bus and school activity vehicle drivers by explicitly applying the requirements to them. The bill makes drug and alcohol testing requirements uniform.

**Sponsor: Governor John A. Kitzhaber, M.D., for Department of Education**

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

**Senate: Ayes = 60**

### **Senate Bill 345 Narrow Residential Roadways**

**Effective Date: January 24, 2013**

Senate Bill 345 changes the criteria for the offense of a pedestrian with improper position upon or improperly proceeding along a highway. The bill allows a pedestrian to be on a narrow residential roadway when the pedestrian is not creating a traffic hazard and when signs are posted giving drivers notice that pedestrians may be present on the narrow residential roadway. Existing law requires the pedestrian to use the shoulder or, if there is none, as far away as possible from the edge of the roadway.

Proponents of SB 345 assert this will allow a road authority (a county or a city) to pave gravel or dirt roads within this class of roadway without incurring the cost of widening them to standard street widths and installing curbs, gutters, and sidewalks, while maintaining the safety of pedestrians who will walk on that roadway.

A narrow residential roadway is a two-way road located in a residence district that is no greater than 18 feet wide at its widest point. The speed for a narrow residential roadway is 15 mph unless posted otherwise.

There are no narrow residential roadways on the state highway system.

**Sponsor: Representative Gorsek, Senator Johnson, Thomsen, Burdick, Representative Tomei**

**House: Ayes = 58, Excused = 2**

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

### **Senate Bill 463 Racial and Ethnic Impact Statements**

**Effective Date: January 1, 2014**

Senate Bill 463 requires state agencies that award grants to obtain a racial and ethnic impact statement from grant applicants. The statement must contain the following information:

- Disproportionate or unique effect of proposed policies or programs on minority persons in Oregon
- A rationale for the existence of policies or programs that have a disproportionate or unique impact on minority persons
- Evidence of consultation with representative of minorities about the policies or programs that have a disproportionate or unique impact

The Department of Administrative Services will create the forms to be used by state agencies for racial or ethnic impact statements. Under the bill, the information in a racial and ethnic impact statement shall be used only for informational purposes.

ODOT divisions award grants through a variety of transportation programs. The bill requires the new form to become part of the grant applications.

**Sponsor: Representative Gallegos, Senator Shields, Edwards, Representative Frederick, Senator Winters, Representative Gomberg, Greenlick, Keny-Guyer, Vega Pederson, Williamson**

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

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

### **Senate Bill 535 Motor Carrier Vehicle Width**

**Effective Date: January 1, 2014**

Senate Bill 535 changes statute so that the size of rearview mirrors is not specified separately from the overall width of a vehicle. SB 535 does not affect the maximum vehicle width which is set by statute at 102 inches. By excluding rearview mirrors, SB 535 makes Oregon's statute consistent with federal truck size and weight regulations (23 CFR 658.16).

While current law allows rearview mirrors to extend no more than five inches from the side of the vehicle, ODOT relies on the overall vehicle width measurement when inspecting vehicles for compliance with size and weight statutes. The separate measurement for rearview mirrors is unnecessary.

***Sponsor: Business and Transportation***

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

***Senate: Ayes = 30***

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