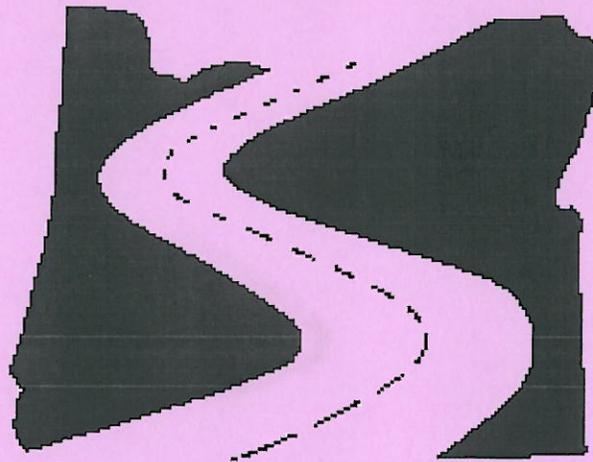


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# OREGON TRAFFIC SAFETY LEGISLATIVE SUMMARY

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2007 Legislative Session



January 2008



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

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**2007 Legislative Session**

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<b>Full Text of Traffic Safety Bills</b> <i>(In numeric order by bill number, starting with House Bills then Senate Bills.)</i>	
<b>Full Text of Oregon Revised Statutes (ORS) of Traffic Safety Bills</b> <i>(In numeric order by bill number, starting with House Bills then Senate Bills. HB5047 is a budget bill therefore it is not in the ORS.)</i>	

## Introduction

The following pages provide a summary of the Oregon Department of Transportation, Transportation Safety (ODOT-TSD) related legislation passed during the 2007 Legislative Session.

There were 2,919 bills, memorials and resolutions introduced in the 2007 Legislative Session. The Legislature passed 982 bills, memorials and resolutions in 2007. The Transportation Safety Division reviewed 163 bills and followed 98 bills that in some way affected transportation safety.

All legislative bills become law on January 1, 2008, unless otherwise noted. The new laws will be incorporated into the Oregon Revised Statutes (ORS) and ready for distribution in 2008.

If you have questions, please contact one of the TSD program managers involved in 2007 legislative discussions:

Bicycle and Pedestrian	Sue Riehl	(503) 986-4197
Driver Education	John Harvey	(503) 986-4413
Emergency Medical Services	Kelly Kapri	(503) 986-3293
Impaired Driving	Gretchen McKenzie	(503) 986-4183
Motorcycle Safety and Vehicle Equipment and Safety Standards	Michele O'Leary	(503) 986-4198
Occupant Protection	Carla Levinski	(503) 986-4199
Police Traffic Services and Speed Control	Steve Vitolo	(503) 986-4446
Roadway Safety and Work-Zone Safety	Anne Holder	(503) 986-4195
Youth Safety	Sue Riehl	(503) 986-4197

If you would like additional copies of this summary, please contact Kelly Kapri at the Transportation Safety Division at (503) 986-3293.

If you would like to view additional bill information, you can go to the Legislation website at: [http://www.leg.state.or.us/bills\\_laws/](http://www.leg.state.or.us/bills_laws/)

Thank you to all that were involved during the session and to all of you who will carry out these 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	5
Oregon Transportation Commission Report to Governor and Governor Approved for Filing	3
Governor's Advisory Committee (DUII) Report To Oregon Transportation Commission	4
Oregon Transportation Commission Report to Governor and Governor Approved for Filing	3
<b><u>Transportation Safety Bills / Passed</u></b>	
Oregon Department of Transportation Pre-Filed	2 (Out of 3 Filed)
Governor's Advisory Committee Pre-Filed	0 (Out of 3 Filed)
Bills of Interest	18
Bills Vetoed by Governor	0
Bills for Voter Referral	0
General Tracking	98

**House Bill 2274 Safety Corridors**

Provisions authorizing enhanced enforcement in safety corridors currently sunsets on January 1, 2008. Removes the sunset on the department's authority to designate segments of Oregon highways as safety corridors. Fines for speeding and other traffic violations double within designated safety corridors. The bill extends the state's ability to use increased traffic fines as part of a comprehensive approach to improve highway safety using enforcement, engineering, education and emergency medical service.

**Effective Date: December 31, 2007**

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

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

**Senate: Ayes = 24, Nays = 4, Excused = 2**

**House Bill 2275 Safety Belt Law**

This bill expands application of safety restraint requirements to commercial vehicles that are designed or used to transport property.

**Effective Date: January 1, 2008**

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

**House: Ayes = 35, Nays = 22, Excused = 3**

**Senate: Ayes = 19, Nays = 8, Excused = 3**

**House Bill 2102 Law Enforcement Contacts Policy and Data Review**

Makes Law Enforcement Contacts Policy and Data Review Committee permanent. Removes restrictions on data that committee may receive and analyze. Transfers administration of committee from Oregon Criminal Justice Commission to Portland State University.

**Effective Date: May 30, 2007**

**Sponsor: Governor Kulongoski for Oregon Criminal Justice Task Force**

**House: Ayes = 57, Nays = 1, Excused = 2**

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

**House Bill 2148 Underage Alcohol**

Provides that person commits violation if person is under age of 21 years and has personal possession of alcoholic beverages while operating motor vehicle. Punishes violation by maximum fine of \$720.

**Effective Date: January 1, 2008**

**Sponsor: Attorney General Hardy Myers for Attorney General's Underage Drinking Task Force**

**House: Ayes = 56, Excused = 3**

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

**House Bill 2267 Instruction Driver Permit Renewal**

Allows the department to renew an instruction permit. ODOT is directed to issue a renewal if the holder qualifies for a permit and if the permit holder applies within one year of the expiration date or within six months after discharge from the Armed Forces. The department is allowed to waive the driver permit examination for a permit renewal. The current fee for issuance of an instruction driver permit is \$18, and HB 2267 establishes the same fee for a permit renewal. The bill will enable the department to improve its customer service for the approximately four percent of the people who hold instructional permits that apply for a renewal each year.

**Effective Date: December 31, 2007**

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

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

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

**House Bill 2297 Narrow Residential Roadway**

Defines a "narrow residential roadway". The speed on a "narrow residential roadway" will be 15 mph unless a different speed is posted on the roadway. Within cities, a speed in excess of 15 mph (or the posted speed) will be a violation of the speed limit; within unincorporated areas, a speed in excess of 15 mph (or the posted speed) will be a violation of the basic rule.

**Effective Date: January 1, 2008**

**Sponsor: Representative Tomei**

**House: Ayes = 44, Nays = 10, Excused = 6**

**Senate: Ayes = 17, Nays = 7, Excused = 6**

**House Bill 2321 Length of Suspension for Failure to Appear/Failure to Pay**

Authorizes a court to suspend driving privileges when a person fails to appear for a traffic related offense or fails to pay the related fine. The suspension is for a period of ten years or until the fine is paid, whichever occurs earlier. Extends the maximum suspension period beyond the renewal cycle for a driver license so that an individual with this type of court-ordered suspension cannot resolve the suspension simply by renewing his or her license when it comes due for renewal. The bill provides the court system with an additional tool to ensure that fines are paid.

**Effective Date: January 1, 2008**

**Sponsor: House Interim Committee on Judiciary for Judicial Department**

**House: Ayes = 55, Nays = 1, Excused = 4**

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

**House Bill 2466 Photo Radar for Highway Work Zone Safety**

Makes three changes in Oregon's traffic law. The bill:

- Authorizes the Oregon Department of Transportation to conduct a pilot program to test the effectiveness and acceptance of photo radar used to enforce traffic speeds in highway work zones.

- Adds three cities (Gladstone, Milwaukie, and Oregon City) to the list of cities authorized to operate photo radar on city streets.

- Changes the requirements for the sign that advises drivers that a photo radar unit is ahead.

Allows the department to partner with Oregon State Police or cities that are authorized to use photo radar. The department will pay its partners' expenses associated with the photo radar pilot program. The department will evaluate the pilot program and report the study results to the Legislative Assembly by March 1 of 2009 and 2011. Photo radar unit(s) deployed in work zones will be operated by a uniformed police officer from a marked police vehicle. Signs will advise drivers that traffic laws are photo enforced, that a photo radar unit is ahead and what speed the vehicle was traveling. The registered owner of a vehicle that exceeds the work zone speed as identified by a photo radar unit will receive a citation in the mail. The registered owners have the due process safeguards that are currently in place for those cited by photo radar used on city streets. The Oregon Department of Transportation is entering the peak period of construction funded by the 2003 Oregon Transportation Investment Act. More workers will be at work in more work zones on Oregon highways. The workers and members of the traveling public will be at risk as heavy volumes of traffic move through these work zones.

**Effective Date: January 1, 2008**

**Sponsor: Representative Lim**

**House: Ayes = 44, Nays = 10, Excused = 6**

**Senate: Ayes = 21, Nays = 9**

**House Bill 2508 Expanded Use of Photo Red Light**

Allows any city to operate a photo red light program and to have as many intersections as needed equipped with photo red light cameras. Currently, only cities with 30,000 or more population may operate photo red light programs with cameras located at as many as eight intersections; the city of Portland may have cameras at 12 intersections.

**House Bill 2508 (Continued)**

Relieves ODOT of reporting requirements that duplicate cities' reports to each legislative session. The bill provides additional traffic safety measures to any city that has identified crash problems within their jurisdiction caused by drivers who run red lights.

**Effective Date: January 1, 2008**

**Sponsor: Committee on Judiciary for Oregon Association Chiefs of Police**

**House: Ayes = 41, Nays = 11, Excused = 6, Absent = 2**

**Senate: Ayes = 20, Nays = 9, Excused = 1**

**House Bill 2702 Written Documents Conform to Plain Language Standards**

Directs Governor to assign state agency responsibility for developing plan to ensure that written documents produced by executive department agencies conform to plain language standards. Requires agency assigned responsibility to adopt plan by November 1, 2007, and report to Legislative Assembly on specified dates.

**Effective Date: May 17, 2007**

**Sponsor: Representative Riley**

**House: Ayes = 57, Nays = 1, Excused = 2**

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

**House Bill 2740 Aggravated Vehicular Homicide**

Creates a new crime and expands two others to apply to a person who was driving under the influence of intoxicants and kills or seriously injures another person. The bill:

- Creates the crime of "aggravated vehicular homicide" as a Class A felony when the person charged has previously been convicted of criminally negligent homicide or manslaughter under similar circumstances.
- Expands first degree manslaughter to include death caused when the person charged has at least three convictions for DUII or has been convicted of assault for injuries caused while driving a motor vehicle.
- Expands first degree assault to include injuries caused when the person charged has at least three convictions for DUII or has been convicted of criminally negligent homicide, manslaughter or assault for death or injuries caused while driving a motor vehicle.
- Requires 15-, 16-, and 17-year-olds who are charged with aggravated vehicular homicide to be tried in adult criminal court.
- Establishes a mandatory minimum 20 year sentence for aggravated vehicular homicide.

**Effective Date: January 1, 2008**

**Sponsor: Representative Barker for Crime Victims United**

**House: Ayes = 54, Nays = 1, Absent = 2, Excused = 3**

**Senate: Ayes = 24, Absent = 2, Excused = 4**

**House Bill 2821 Vehicle Towing**

Allows a combination of three implements of husbandry to be operated on Oregon highways whether the vehicles are hauled or towed. Current law allows such a combination when two

**House Bill 2821** *(Continued)*

vehicles are towed on their own wheels. The bill is consistent with existing exemptions from size limits. It may improve safety when farm equipment is moved on Oregon highways.

**Effective Date:** *June 18, 2007*

**Sponsor:** *Representative Richardson for Randy Crafts*

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

**Senate:** *Ayes = 53, Absent = 1, Excused = 6*

**House Bill 2872 Cell Phone Use by Teen Drivers**

Would prohibit a driver less than 18 years of age who holds a provisional driver license, student permit, or instructional permit from using a cell phone or similar device while driving unless he or she was summoning emergency assistance or was engaged in farming activities. Police officers would enforce the prohibition only in conjunction with some other suspected violation or offense. The bill implements a National Transportation Safety Board recommendation. It may further reduce the number of crashes involving teen drivers. Oregon's provisional driver license provisions limit the distractions for teenaged drivers. The overall limitations on teen drivers have resulted in a significant (over 45 percent) reduction in the number of fatal and injury crashes involving teen drivers.

**Effective Date:** *January 1, 2008*

**Sponsor:** *Representative MacPherson*

**House:** *Ayes = 45, Nays = 14, Excused = 1*

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

**House Bill 3314 Careless Driving Penalties**

Enhances the penalties associated with careless driving when the person convicted of this offense also contributed to the serious physical injury or death of a "vulnerable user of the public way." Under the bill, a "vulnerable user" includes a pedestrian, a highway worker, a person riding an animal, or the operator or user of a farm tractor, a skateboard, roller skates, in-line skates, a scooter or a bicycle. Requires a court to sentence a person convicted of this offense to complete a traffic safety course, perform 100 to 200 hours of community service, pay a fine of up to \$12,500, and suspension of driving privileges for one year. Payment of the fine and suspension of driving privileges may be waived by the court upon completion of the traffic safety course and community service.

**Effective Date:** *January 1, 2008*

**Sponsor:** *Committee on Judiciary for Bicycle Transportation Alliance*

**House:** *Ayes = 40, Nays = 9, Excused = 11*

**Senate:** *Ayes = 25, Nays = 4, Excused = 1*

**House Bill 5047 2007-2009 Legislatively Adopted Budget**

ODOT's 2007-2009 Legislatively Adopted Budget. This bill:

- Appropriates General Fund money for the passenger rail program.
- Limits Other Fund expenditures from fees, moneys or other revenues, including Miscellaneous Receipts and certain federal funds received as Other Funds.
- Limits Federal Fund expenditures.

**House Bill 5047 (Continued)**

- Limits expenditures of Lottery money.
- Authorizes specified nonlimited expenditures.
- Increases the expenditure limitation for the public transit program for the 2005-2007 biennium.

**Effective Date: July 3, 2007**

**Sponsor: Budget and Management Division, Oregon Department of Administrative Services**

**House: Ayes = 51, Nays = 1, Absent = 1, Excused = 7**

**Senate: Ayes = 26, Nays = 1, Absent = 3**

**Senate Bill 108 Crossview Mirrors/Passing Bicyclist Safely**

Requires commercial delivery trucks over 10,000 pounds gross weight to be equipped with crossview mirrors. Crossview mirrors enable the driver to see people and objects directly in front of the vehicle. Allows walk-around in lieu of mirrors. The second change will allow all drivers to pass a bicyclist only on the left and at a safe distance from the bicyclist. A safe distance is a distance sufficient to prevent contact between the vehicle and the bicyclist if the bicyclist were to fall into the driver's lane of travel. This rule does not apply when a driver is traveling in a lane adjacent to a designated bicycle lane, at speeds of 35 mph or less, or when the bicyclist is turning left.

**Effective Date: January 1, 2008**

**Sponsor: Governor Kulongoski for Department of State Police**

**House: Ayes = 38, Nays = 21, Excused = 1**

**Senate: Ayes = 24, Nays = 4, Absent = 1, Excused = 1**

**Senate Bill 242 Safe Routes to School**

Requires a school district, prior to seeking voter approval for bonds to fund a large construction project that costs more than \$1 million, to evaluate the need for safety improvements necessary to create safer routes to schools within one mile of an elementary school or 1.5 miles of a secondary school. The district must evaluate the potential for joint funding with other public or private entities and consider including the cost of the safety improvements within the funding of the large construction project. The school district board's consideration of and decision on safety improvement funding must be part of the public record.

**Effective Date: January 1, 2008**

**Sponsor: Senator Devlin**

**House: Ayes = 31, Nays = 27, Excused = 2**

**Senate: Ayes = 22, Nays = 5, Excused = 3**

**Senate Bill 480 Vehicle Passenger Safety**

Requires that children be properly restrained when riding in motor vehicles. The bill requires:

- A child under one year of age to be secured in a rear-facing child safety system.
- A child who weighs less than 40 pounds to be secured in a child safety system.
- A child who weighs more than 40 pounds and who is four feet nine inches or shorter to be secured in a booster seat, provided that the child is under eight years of age.

Provides legal guidelines for Oregon parents/drivers on how to protect children in motor

**Senate Bill 480** *(Continued)*

vehicles. The bill's provisions mirror the US Department of Transportation, National Highway Traffic Safety Administration's (NHTSA) "best practice" recommendations on occupant protection. NHTSA's best practices provide the highest achievable levels of occupant protection given the current state of technology, testing and research. Adoption of SB 480 qualifies the Oregon Department of Transportation to apply for additional federal funding to supplement the public information and outreach efforts concerning the proper use of child safety systems and seatbelts.

***Effective Date: July 1, 2007***

***Sponsor: Senator Devlin***

***House: Ayes = 44, Nays = 2, Excused = 14***

***Senate: Ayes = 22, Nays = 5, Excused = 3***

## TSD Related Legislative Implementation Contacts

**HB2148**  
**Underage Alcohol**  
Sue Riehl  
(503)986-4197

**HB2274**  
**Safety Corridors**  
Anne Holder  
(503)986-4195

**HB2275**  
**Safety Belt Law**  
Carla Levinski  
(503)986-4199

**HB2466**  
**Photo Radar for Highway Work Zone Safety**  
Anne Holder  
(503)986-4195

**HB2740**  
**Aggravated Vehicular Homicide**  
Gretchen McKenzie  
(503)986-4183

**HB2872**  
**Cell Phone Use by Teen Drivers**  
Walt McAllister  
(503)986-4187

**SB108**  
**Crossview Mirrors / Passing Bicyclist**  
Michele O'Leary  
(503)986-4198

**SB480**  
**Vehicle Passenger Safety**  
Carla Levinski  
(503)986-4199