

CHAPTER 138

AN ACT

HB 2912

Relating to transportation; creating new provisions; amending ORS 164.805, 184.610, 184.654, 184.656, 366.785, 366.815, 801.455, 801.555, 802.179, 802.320, 802.325, 805.266, 806.020, 807.100, 810.438, 811.525, 814.470, 814.484, 815.135, 815.190, 815.235, 815.250, 815.255, 815.280, 816.310, 816.340, 816.370, 820.010, 822.033 and 825.005; repealing ORS 184.658, 184.664, 184.666, 366.015, 366.317, 366.440, 366.915, 367.826 and 802.150 and sections 21 and 22, chapter 4, Oregon Laws 2013; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. This 2015 Act is prepared pursuant to section 1, chapter 101, Oregon Laws 2014.

SECTION 2. ORS 164.805 is amended to read: 164.805. (1) A person commits the crime of offensive littering if the person creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:

(a) Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way or in or upon any public transportation facility;

(b) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon the land of another without permission of the owner, or upon any public way; or

(c) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle that the person is operating. This subsection does not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the [Interstate Commerce Commission or the] Department of Transportation or a person operating a school bus described under ORS 801.460.

(2) As used in this section:

(a) "Public transportation facility" has the meaning given that term in ORS 164.365.

(b) "Public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, a county or a local municipality for use by the general public.

(3) Offensive littering is a Class C misdemeanor.

NOTE: Deletes obsolete reference to abolished Interstate Commerce Commission in law creating crime of offensive littering.

SECTION 3. ORS 184.658 is repealed.

NOTE: Repeals duplicative requirement that Department of Transportation produce biennial

Highway Construction Plan to accompany Governor's proposed budget for department.

SECTION 4. ORS 184.664 is repealed.

NOTE: Repeals duplicative requirement that Department of Transportation produce quarterly Highway Construction Plan status report for Legislative Assembly.

SECTION 5. ORS 184.666 is repealed.

NOTE: Repeals duplicative requirement that Department of Transportation provide a biennial summary for the Legislative Assembly of how department costs for maintenance, preservation and modernization are affected by certain factors.

SECTION 6. ORS 184.610 is amended to read:

184.610. As used in ORS 184.610 to 184.666, unless the context requires otherwise:

(1) "Commission" means the Oregon Transportation Commission.

(2) "Department" means the Department of Transportation.

(3) "Director" means the Director of Transportation.

(4) "Highway Construction Plan" or "plan" means the plan described in ORS 184.658.]

(5) (4) "STIP" means the Statewide Transportation Improvement Program, which is a list of transportation projects that:

(a) Are to be implemented within four years following adoption or modification of the list;

(b) Are consistent with the long-range transportation plan developed pursuant to ORS 184.618 and with metropolitan plans; and

(c) Can be implemented with resources reasonably expected to be available.

NOTE: Conforming amendment for repeal of ORS 184.658 by section 3 of this 2015 Act.

SECTION 7. ORS 184.654 is amended to read:

184.654. ORS 184.656 [to 184.666] shall be known and may be cited as the "Transportation Spending Accountability Act."

NOTE: Conforming amendment for repeal of ORS 184.666 by section 5 of this 2015 Act.

SECTION 8. ORS 184.656 is amended to read:

184.656. (1) The Governor shall submit to the Legislative Assembly a proposed biennial program budget for the Department of Transportation that specifies how existing revenues from all sources will be spent. The program budget shall include proposed expenditures for each program or item specifically listed in the budget bills for the department enacted during the preceding odd-numbered year regular session of the Legislative Assembly.

(2) The budget shall be accompanied by the Highway Construction Plan described in ORS 184.658.]

NOTE: Conforming amendment for repeal of ORS 184.658 by section 3 of this 2015 Act.

SECTION 9. ORS 366.015 is repealed.

NOTE: Repeals obsolete definition of “hard surfaced highways.”

SECTION 10. ORS 366.317 is repealed.

NOTE: Repeals obsolete statute allowing members of the public to remove trees and shrubs along state highway before construction project.

SECTION 11. ORS 366.440 is repealed.

NOTE: Repeals obsolete statute regarding payment of Department of Transportation employees by voucher or payroll.

SECTION 12. ORS 366.785 is amended to read: 366.785. As used in ORS 366.785 to 366.820, unless the context requires otherwise:

(1) “Year” means a calendar year.

(2) “City” means only cities of this state which are regularly operating as such through elected governmental officers.

(3) “Population” means population as given in the latest determination of Portland State University[, *except that for a city of more than 100,000 population according to the latest such determination, the term means 74 percent of the number of population given for the city in the determination for computation of its share for 1964, 78 percent for computation of its share for 1965, 82 percent for 1966, 86 percent for 1967, 90 percent for 1968, 94 percent for 1969, 98 percent for 1970; and for 1971 and subsequent years computation shall be made on the basis of full number of population*].

NOTE: Deletes outdated language in definition of “population” in laws governing highway fund distributions to cities.

SECTION 13. ORS 366.815 is amended to read:

366.815. [(1)] A city shall set aside in a state tax street fund all money which it receives under ORS 366.785 to 366.820.

[(2)] *No money allocated to a city may be allowed to accumulate over two successive years unless the city perfects plans for a definite construction program allowable under ORS 366.785 to 366.820 which will necessitate the use of more than two years’ estimated allocations. The program shall receive the approval of the Chief Engineer before money allocated may be accumulated. If any city accumulates allocated funds for over two years, and a definite construction program is not established, the funds shall revert to the State Treasurer to be reallocated to other cities as though they were an additional credit to the cities’ appropriation under ORS 366.785 to 366.820.*

NOTE: Deletes outdated reference in laws governing highway fund distributions to cities to construction program that is no longer used.

SECTION 14. ORS 366.915 is repealed.

NOTE: Repeals outdated law regarding Crooked River highway project that has been completed.

SECTION 15. ORS 367.826 is repealed.

NOTE: Repeals reporting requirement to Emergency Board regarding Department of Transporta-

tion activities under the Oregon Innovative Partnerships Program.

SECTION 16. ORS 801.455 is amended to read:

801.455. “School activity vehicle” means a vehicle, other than a school bus, that is used to transport students to or from authorized school activities and that is not described by any of the following:

(1) A vehicle subject to ORS 825.100 or a vehicle under regulation of the United States Department of Transportation [*or the Interstate Commerce Commission*].

(2) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of the owner of the vehicle for personal transportation of students to or from school activities and is not used for compensation except for the sharing of expenses in a ridesharing arrangement or reimbursement of mileage.

(3) A vehicle that is exempted from regulation as a school activity vehicle under ORS 820.150.

NOTE: Deletes obsolete reference to abolished Interstate Commerce Commission in definition of “school activity vehicle.”

SECTION 17. ORS 801.555 is amended to read:

801.555. “Traffic offense” means any of the following offenses:

(1) Any violation of a traffic ordinance of a city, municipal or quasi-municipal corporation, except ordinances governing parking of vehicles.

(2) Any provision of law for which a criminal or traffic violation penalty is provided in the vehicle code.

[(3)] *Any provision of law for which a criminal or traffic violation penalty is provided in ORS chapter 825.*

NOTE: Deletes redundant reference to ORS chapter 825 in definition of “traffic offense” because definition applies to provisions of law for which a penalty is provided in the vehicle code and ORS chapter 825 is part of the vehicle code.

SECTION 18. ORS 802.150 is repealed.

NOTE: Eliminates the Motor Vehicle Records Account because the account is empty and no longer used. Moneys in the account were used to reimburse the Department of Transportation for costs of furnishing motor vehicle records to prosecuting attorneys.

SECTION 19. (1) The Motor Vehicle Records Account is abolished.

(2) **Any moneys remaining in the account on the effective date of this 2015 Act that are unexpended, unobligated and not subject to any conditions shall be transferred to the General Fund.**

NOTE: Transition language for the repeal of the Motor Vehicle Records Account by section 18 of this 2015 Act. Specifies that if any moneys remain in the

Motor Vehicles Records Account, the moneys are transferred to the General Fund.

SECTION 20. ORS 802.179 is amended to read:

802.179. (1) The Department of Transportation, upon request or as required by law, shall disclose personal information from a motor vehicle record to a government agency for use in carrying out its governmental functions.

(2) The department shall disclose personal information from a motor vehicle record for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of any of the following federal Acts:

(a) The Automobile Information Disclosure Act.

(b) The Motor Vehicle Information and Cost Saving Act.

(c) The National Traffic and Motor Vehicle Safety Act of 1966.

(d) The Anti-Car Theft Act of 1992.

(e) The Clean Air Act.

(3)(a) If the department determines that a business is a legitimate business, the department shall disclose personal information to the business for use in the normal course of business in:

(A) Verifying the accuracy of personal information submitted to the business; or

(B) Correcting personal information submitted to the business, but only in order to:

(i) Prevent fraud;

(ii) Pursue legal remedies against the individual who submitted the personal information; or

(iii) Recover a debt from, or satisfy a security interest against, the individual.

(b) The department shall adopt rules specifying the kind of information that the department will accept as evidence that a business is a legitimate business.

(4) The department shall disclose personal information to:

(a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbitration proceeding in any court, government agency or self-regulatory body. Permissible uses of personal information under this paragraph include, but are not limited to, service of process, investigation in anticipation of litigation and the execution and enforcement of judgments and orders.

(b) A process server acting as an agent for an individual for use in serving documents in connection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities of a process server when acting as an agent for an at-

torney, collection agency or like person or for a government agency.

(5) The department shall disclose personal information other than names to a researcher for use in researching health and educational questions and providing statistical reports, as long as the personal information is not published, redisclosed or used to contact individuals. The department may disclose information under this subsection only for research sponsored by an educational institution or a health research institution.

(6) The department shall disclose personal information to an insurer, an insurance support organization or a self-insured entity in connection with claims investigation activities, antifraud activities, underwriting or rating.

(7) The department shall disclose personal information regarding ownership or other financial interests in a vehicle to a person who is required by the state or federal Constitution, a statute or an ordinance to give notice to another person concerning the vehicle. Personal information disclosed under this subsection may be used only for giving the required notice. Persons authorized to receive personal information under this subsection include, but are not limited to:

(a) Tow companies;

(b) Persons who have or are entitled to have liens on the vehicle; and

(c) Persons taking an action that could affect ownership rights to the vehicle.

(8) The department shall disclose personal information to any private security professional certified under ORS 181.878, to be used for the purpose of determining ownership of vehicles parked in a place over which the private security professional, acting within the scope of the professional's employment, exercises control.

(9) The department shall disclose personal information to the employer of an individual who holds a commercial driver license, or the insurer of the employer, to obtain or verify information about the holder of the commercial driver license.

(10) The department shall disclose personal information to the operator of a private toll facility for use in collecting tolls.

(11) The department may not disclose personal information for bulk distributors of surveys, marketing materials or solicitations except as provided in this subsection. The department shall implement methods and procedures to ensure:

(a) That individuals are offered an opportunity to request that personal information about themselves be disclosed to bulk distributors; and

(b) That the personal information provided by the department will be used, rented or sold solely for bulk distribution of surveys, marketing materials and solicitations.

(12) The department shall disclose personal information to a person who requests the information if the requester provides the department with written permission from the individual whose personal

information is requested. The written permission from the individual must be notarized.

(13) The department shall disclose personal information to a person who is in the business of disseminating such information under the following conditions:

(a) In addition to any other requirements under the contract executed pursuant to paragraph (b) of this subsection, the person requesting the information must file a performance bond with the department in the amount of \$25,000. The bond must be executed in favor of the State of Oregon and its form is subject to approval by the Attorney General.

(b) The disseminator shall enter into a contract with the department. A contract under this paragraph shall contain at least the following provisions:

(A) That the disseminator will not reproduce or distribute the personal information in bulk but only in response to an individual record inquiry.

(B) That the disseminator will provide the personal information only to a person or government agency authorized to receive the information under this section and only if the person or government agency has been authorized by the department to receive the information.

(C) That the disseminator will have a method of ensuring that the disseminator can delay for a period of up to two days the giving of personal information to a requester who is not a subscriber.

(14) The department shall disclose personal information to representatives of the news media for the gathering or dissemination of information related to the operation of a motor vehicle or to public safety.

(15) The department shall disclose personal information as provided in ORS 802.220 (5).

(16) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who has a financial interest in the vehicle. Rules adopted under this subsection may include, but need not be limited to, rules establishing procedures for the department to verify the financial interest of the person making the request for personal information.

(17) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who is injured by the unsafe operation of a vehicle or who owns property that is damaged because of the unsafe operation of a vehicle.

(18) The department shall disclose personal information to a private investigator licensed by any licensing authority within the State of Oregon, to be used for any purpose permitted [any person] under this section. A licensed private investigator requesting information must prove to the department that the person has a corporate surety bond, an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 or such other security as the Department of Public Safety Standards and Training may prescribe by rule in the minimum amount of \$5,000 or errors and omissions insurance in the minimum amount of \$5,000.

(19) The department shall disclose personal information to a procurement organization as defined in ORS 97.953 for the purpose of facilitating the making of anatomical gifts under the provisions of ORS 97.955.

NOTE: Deletes superfluous words in law governing exemptions from prohibition on release of personal information for motor vehicle records.

SECTION 21. ORS 802.179, as amended by section 35, chapter 237, Oregon Laws 2013, is amended to read:

802.179. (1) The Department of Transportation, upon request or as required by law, shall disclose personal information from a motor vehicle record to a government agency for use in carrying out its governmental functions.

(2) The department shall disclose personal information from a motor vehicle record for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of any of the following federal Acts:

(a) The Automobile Information Disclosure Act.

(b) The Motor Vehicle Information and Cost Saving Act.

(c) The National Traffic and Motor Vehicle Safety Act of 1966.

(d) The Anti-Car Theft Act of 1992.

(e) The Clean Air Act.

(3)(a) If the department determines that a business is a legitimate business, the department shall disclose personal information to the business for use in the normal course of business in:

(A) Verifying the accuracy of personal information submitted to the business; or

(B) Correcting personal information submitted to the business, but only in order to:

(i) Prevent fraud;

(ii) Pursue legal remedies against the individual who submitted the personal information; or

(iii) Recover a debt from, or satisfy a security interest against, the individual.

(b) The department shall adopt rules specifying the kind of information that the department will accept as evidence that a business is a legitimate business.

(4) The department shall disclose personal information to:

(a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbitration proceeding in any court, government agency or self-regulatory body. Permissible uses of personal information under this paragraph include, but are not limited to, service of process, investigation in anticipation of litigation and the execution and enforcement of judgments and orders.

(b) A process server acting as an agent for an individual for use in serving documents in connection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities of a process server when acting as an agent for an attorney, collection agency or like person or for a government agency.

(5) The department shall disclose personal information other than names to a researcher for use in researching health and educational questions and providing statistical reports, as long as the personal information is not published, redisclosed or used to contact individuals. The department may disclose information under this subsection only for research sponsored by an educational institution or a health research institution.

(6) The department shall disclose personal information to an insurer, an insurance support organization or a self-insured entity in connection with claims investigation activities, antifraud activities, underwriting or rating.

(7) The department shall disclose personal information regarding ownership or other financial interests in a vehicle to a person who is required by the state or federal Constitution, a statute or an ordinance to give notice to another person concerning the vehicle. Personal information disclosed under this subsection may be used only for giving the required notice. Persons authorized to receive personal information under this subsection include, but are not limited to:

(a) Tow companies;

(b) Persons who have or are entitled to have liens on the vehicle; and

(c) Persons taking an action that could affect ownership rights to the vehicle.

(8) The department shall disclose personal information to any private security professional certified under ORS 181.878, to be used for the purpose of determining ownership of vehicles parked in a place over which the private security professional, acting within the scope of the professional's employment, exercises control.

(9) The department shall disclose personal information to the employer of an individual who holds commercial driving privileges, or the insurer of the employer, to obtain or verify information about the individual.

(10) The department shall disclose personal information to the operator of a private toll facility for use in collecting tolls.

(11) The department may not disclose personal information for bulk distributors of surveys, marketing materials or solicitations except as provided in this subsection. The department shall implement methods and procedures to ensure:

(a) That individuals are offered an opportunity to request that personal information about themselves be disclosed to bulk distributors; and

(b) That the personal information provided by the department will be used, rented or sold solely for

bulk distribution of surveys, marketing materials and solicitations.

(12) The department shall disclose personal information to a person who requests the information if the requester provides the department with written permission from the individual whose personal information is requested. The written permission from the individual must be notarized.

(13) The department shall disclose personal information to a person who is in the business of disseminating such information under the following conditions:

(a) In addition to any other requirements under the contract executed pursuant to paragraph (b) of this subsection, the person requesting the information must file a performance bond with the department in the amount of \$25,000. The bond must be executed in favor of the State of Oregon and its form is subject to approval by the Attorney General.

(b) The disseminator shall enter into a contract with the department. A contract under this paragraph shall contain at least the following provisions:

(A) That the disseminator will not reproduce or distribute the personal information in bulk but only in response to an individual record inquiry.

(B) That the disseminator will provide the personal information only to a person or government agency authorized to receive the information under this section and only if the person or government agency has been authorized by the department to receive the information.

(C) That the disseminator will have a method of ensuring that the disseminator can delay for a period of up to two days the giving of personal information to a requester who is not a subscriber.

(14) The department shall disclose personal information to representatives of the news media for the gathering or dissemination of information related to the operation of a motor vehicle or to public safety.

(15) The department shall disclose personal information as provided in ORS 802.220 (5).

(16) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who has a financial interest in the vehicle. Rules adopted under this subsection may include, but need not be limited to, rules establishing procedures for the department to verify the financial interest of the person making the request for personal information.

(17) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who is injured by the unsafe operation of a vehicle or who owns property that is damaged because of the unsafe operation of a vehicle.

(18) The department shall disclose personal information to a private investigator licensed by any licensing authority within the State of Oregon, to be used for any purpose permitted [any person] under this section. A licensed private investigator requesting information must prove to the department that the person has a corporate surety bond, an irrev-

ocable letter of credit issued by an insured institution as defined in ORS 706.008 or such other security as the Department of Public Safety Standards and Training may prescribe by rule in the minimum amount of \$5,000 or errors and omissions insurance in the minimum amount of \$5,000.

(19) The department shall disclose personal information to a procurement organization as defined in ORS 97.953 for the purpose of facilitating the making of anatomical gifts under the provisions of ORS 97.955.

NOTE: Deletes superfluous words in law governing exemptions from prohibition on release of personal information for motor vehicle records.

SECTION 22. ORS 802.320 is amended to read:

802.320. (1) In addition to any duties under ORS 802.310, the Department of Transportation, in consultation with the Transportation Safety Committee, shall establish a motorcycle safety program that complies with this section to the extent moneys are available for such program from the Motorcycle Safety Subaccount under ORS 802.340. The program established may include the following:

(a) Motorcycle safety promotion and public education.

(b) The development of training sites for courses approved by the department to teach safe and proper operation of motorcycles and mopeds.

(c) Classroom instruction and actual driving instruction necessary to teach safe and proper operation of motorcycles and mopeds.

(d) The development of a mobile training unit.

(e) The acquisition of films and equipment that may be loaned to the public for the encouragement of motorcycle and moped safety.

[(f) The department may charge a fee for services provided under the program. Any fee charged by the department under this paragraph shall be established by rule and shall not be in an amount that will discourage persons from participating in safety programs offered by the department under this section.]

[(g)] (f) Advice and assistance, including monetary assistance, for motorcycle safety programs operated by government or nongovernment organizations.

[(h)] (g) Other education or safety programs the department determines will help promote the safe operation of motorcycles and mopeds, promote safe and lawful driving habits, assist in accident prevention and reduce the need for intensive highway policing.

(2) Subject to the State Personnel Relations Law under ORS chapter 240, the department shall employ such employees as the department determines necessary to carry out the purposes of this section to:

(a) Advise and assist motorcycle safety programs in this state.

(b) Act as a liaison between government agencies and advisory committees and interested motorcyclist groups.

(3) The department may provide for the performance of training and other functions of the program

established under this section by contracting with any private or public organizations or entities the department determines appropriate to achieve the purposes of this section. The organizations the department may contract with under this subsection include, but are not limited to, nonprofit private organizations, private organizations that are operated for profit, public or private schools, community colleges or public agencies or political subdivision.

(4) The department may charge a fee for services provided under the program established under this section. Any fee charged by the department under this subsection must be established by rule and may not be in an amount that will discourage persons from participating in safety programs offered by the department under this section.

NOTE: Remedies problem with read-in of subsection in law relating to Department of Transportation motorcycle safety program.

SECTION 23. ORS 802.325 is amended to read:

802.325. (1) The Department of Transportation, in consultation with the Transportation Safety Committee, shall establish a bicycle safety program that complies with this section to the extent moneys are available for such program. The program established may include the following:

(a) Bicycle safety promotion and public education.

(b) Advice and assistance for bicycle safety programs operated by government or nongovernment organizations.

(c) Classroom instruction and actual riding instruction necessary to teach safe and proper operation of bicycles.

(d) Bicycle education and information that assist police agencies in the enforcement of bicycle laws.

(e) Other education or safety programs the department determines will help promote the safe operation of bicycles, promote safe and lawful riding habits and assist in accident prevention.

[(f) The department may charge a fee for services provided under the program. Any fee charged by the department under this paragraph shall be established by rule and shall not be in an amount that will discourage persons from participating in safety programs offered by the department under this section.]

(2) The department shall act as a liaison between government agencies and advisory committees and interested bicyclist groups.

(3) The department may accept donations and solicit grants to enable the department to carry out the functions of this section.

(4) The department may charge a fee for services provided under the program established under this section. Any fee charged by the department under this subsection must be established by rule and may not be in an amount that will discourage persons from participating in safety programs offered by the department under this section.

NOTE: Remedies problem with read-in of subsection in law relating to Department of Transportation bicycle safety program.

SECTION 24. ORS 805.266 is amended to read:

805.266. (1) *[Except as provided in section 3, chapter 709, Oregon Laws 2011,]* The Department of Transportation shall establish a wine country registration plate program to issue special registration plates called "wine country registration plates" upon request to owners of motor vehicles registered under the provisions of ORS 803.420 (1).

(2) In addition to any other fee authorized by law, for each set of wine country registration plates issued under subsection (1) of this section, the department shall collect a surcharge of \$30 payable when the plates are issued and upon each subsequent renewal of registration of a vehicle bearing the plates. The department shall transfer the moneys from the surcharge as provided in ORS 805.272.

NOTE: Deletes obsolete language relating to date Department of Transportation may begin creating or issuing wine country registration plates.

SECTION 25. ORS 810.438 is amended to read:

810.438. (1) The following jurisdictions may, at their own cost, operate photo radar:

- (a) Albany.
- (b) Beaverton.
- (c) Bend.
- (d) Eugene.
- (e) Gladstone.
- (f) Medford.
- (g) Milwaukie.
- (h) Oregon City.
- (i) Portland.
- (j) Tigard.

(2) A photo radar system operated under this section:

(a) May be used on streets in residential areas or school zones.

(b) May be used in other areas if the governing body of the city makes a finding that speeding has had a negative impact on traffic safety in those areas.

(c) May not be used for more than four hours per day in any one location.

(d) May not be used on controlled access highways.

(e) May not be used unless a sign is posted announcing "Traffic Laws Photo Enforced." The sign posted under this paragraph must:

(A) Be on the street on which the photo radar unit is being used;

(B) Be between 100 and 400 yards before the location of the photo radar unit;

(C) Be at least two feet above ground level; and

(D) If posted in a school zone not otherwise marked by a flashing light used as a traffic control device, indicate that school is in session.

(3) A city that operates a photo radar system under this section shall, once each biennium, con-

duct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

(a) The effect of the use of the photo radar system on traffic safety;

(b) The degree of public acceptance of the use of the photo radar system; and

(c) The process of administration of the use of the photo radar system.

(4) By March 1 of each odd-numbered year,[:]

[(a) The Department of Transportation shall provide to the Legislative Assembly an executive summary of the process and outcome evaluations conducted under subsection (3) of this section; and]

[(b) each city that operates a photo radar system under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section.]

NOTE: Deletes duplicative Department of Transportation reporting requirement relating to photo radar because information is provided by cities.

SECTION 26. ORS 814.470 is amended to read:

814.470. (1) A person commits the offense of failure to use a bicycle seat if the person is operating a bicycle and the person rides other than upon or astride a permanent and regular seat attached to the bicycle.

[(2) A person operating an electric personal assistive mobility device is not subject to this section.]

[(3)] (2) The offense described in this section, failure to use a bicycle seat, is a Class D traffic violation.

NOTE: Deletes unnecessary language excluding electric personal assistive mobility devices from offense of failure to use a bicycle seat because an electric personal assistive mobility device is not a bicycle.

SECTION 27. ORS 815.280 is amended to read:

815.280. (1) A person commits the offense of violation of bicycle equipment requirements if the person does any of the following:

(a) Operates on any highway a bicycle in violation of the requirements of this section.

(b) Is the parent or guardian of a minor child or ward and authorizes or knowingly permits the child or ward to operate a bicycle on any highway in violation of the requirements of this section.

(2) A bicycle is operated in violation of the requirements of this section if any of the following requirements are violated:

(a) A bicycle must be equipped with a brake that enables the operator of the bicycle to stop the bicycle within 15 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(b) A person shall not install or use any siren or whistle upon a bicycle. This paragraph does not apply to bicycles used by police officers.

(c) At the times described in the following, a bicycle or its rider must be equipped with lighting equipment that meets the described requirements:

(A) The lighting equipment must be used during limited visibility conditions.

(B) The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the bicycle.

(C) The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(3) Nothing contained in this section shall be construed to prohibit the use of additional parts and accessories on any bicycle consistent with this section.

[(4) This section does not apply to electric personal assistive mobility devices. Equipment requirements for electric personal assistive mobility devices are provided in ORS 815.284.]

[(5)] (4) The offense described in this section, violation of bicycle equipment requirements, is a Class D traffic violation.

NOTE: Deletes unnecessary language excluding electric personal assistive mobility devices from offense of violation of bicycle equipment requirements because an electric personal assistive mobility device is not a bicycle.

SECTION 28. ORS 814.484 is amended to read:

814.484. (1) For purposes of ORS 814.485, 814.486, 815.052 and 815.281, "bicycle" has the meaning given in ORS 801.150 except that:

(a) It also includes vehicles that meet the criteria specified in ORS 801.150 (1) to (4) but that have wheels *[less than]* **that are 14 inches or less** in diameter.

(b) It does not include tricycles designed to be ridden by children.

(2) For purposes of the offenses defined in ORS 814.485, 814.486 and 815.281 (2), a person shall not be considered to be operating or riding on a bicycle on a highway or on premises open to the public if the person is operating or riding on a three-wheeled nonmotorized vehicle on a beach while it is closed to motor vehicle traffic.

NOTE: Clarifies that certain traffic laws applicable to bicycles apply to bicycles with wheels that are exactly 14 inches in diameter.

SECTION 29. ORS 806.020 is amended to read:

806.020. This section provides exemptions from the necessity for compliance with or proof of compliance with financial responsibility requirements in accident reports under ORS 811.725, when applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle under ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from financial responsibility requirements if the vehicle involved in the accident, sought to be registered or operated is any of the following:

(1) An antique *[motor]* vehicle issued permanent registration under ORS 805.010.

(2) A farm trailer.

(3) A farm tractor.

(4) An implement of husbandry.

(5) A *[motor]* vehicle of special interest that is maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(6) A snowmobile or a Class I, Class III or Class IV all-terrain vehicle.

(7) Any motor vehicle not operated on any highway or premises open to the public in this state.

(8) A motor assisted scooter.

(9) An electric personal assistive mobility device.

NOTE: Corrects errors in motor vehicles laws to references to defined terms "antique vehicle" and "vehicle of special interest."

SECTION 30. ORS 811.525 is amended to read:

811.525. This section establishes exemptions from ORS 811.515 and 811.520. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following:

(1) ORS 811.515 and 811.520 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Except for the provisions relating to exempt-vehicle safety lighting equipment, ORS 811.515 and 811.520 do not apply to any of the following:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors.

(d) Antique *[motor]* vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) Whenever motor and other vehicles are operated in combination during the time that lights are required, any lighting equipment, except the taillight, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination, need not be lighted. This subsection shall not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights nor the requirement that all lights on the rear of the rearmost vehicle of the combination be lighted.

(4) Lighting equipment on bicycles shall be lighted as required under ORS 815.280.

(5) Parked or stopped vehicles are not required to display parking lights if the road authority for the highway provides by ordinance or resolution that no lights need be displayed upon a vehicle parked on the highway in accordance with legal parking regulations where there is sufficient light to render clearly discernible any person or object within a distance of 500 feet from the highway.

(6) Nothing under ORS 811.515 and 811.520 limits the ability to use the following lights with any other lights during the day or at night:

- (a) Public vehicle warning lights.
 - (b) Pilot vehicle warning lights.
 - (c) Tow vehicle warning lights.
 - (d) Police lights.
 - (e) Warning lights on vehicles at the scene of an actual or potential release of hazardous materials, as described in ORS 816.280.
 - (f) Warning lights on vehicles being used by medical examiners to reach the scene of an accident or of a death investigation, as described in ORS 816.280.
 - (g) Commercial vehicle warning lights.
- (7) Requirements for use of motorcycle and moped headlights are under ORS 814.320.
- (8) Requirements for lighting equipment for an electric personal assistive mobility device are under ORS 815.284.

NOTE: Corrects error in motor vehicles laws to reference to defined term “antique vehicle.”

SECTION 31. ORS 815.135 is amended to read:

815.135. This section establishes exemptions from ORS 815.130. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) The following vehicles shall be deemed in compliance with the brake requirements if the vehicles are equipped with original manufacturer’s equipment and accessories, or their equivalent, and maintained in safe operating condition:

- (a) Except as provided in subsection (2) of this section, [motor] vehicles of special interest that are registered under ORS 805.020.
- (b) Antique [motor] vehicles that are registered under ORS 805.010.

(2) [Motor] Vehicles of special interest that are registered under ORS 805.020 and that are street rods, as defined in ORS 801.513, shall be deemed in compliance with the brake requirements if the street rods conform to ORS 815.107.

(3) The following vehicles are exempt from the brake requirements:

- (a) Road machinery.
- (b) Road rollers.
- (c) Farm tractors.
- (d) Electric personal assistive mobility devices.

NOTE: Corrects errors in motor vehicles laws to references to defined terms “antique vehicle” and “vehicle of special interest.”

SECTION 32. ORS 815.190 is amended to read:

815.190. This section establishes exemptions from ORS 815.182 and 815.185. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following:

(1) Vehicles of special interest that are registered under ORS 805.020 are deemed in compliance with the requirements and standards if:

(a) The vehicles are equipped with original manufacturer’s equipment and accessories, or their equivalent, and maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(2) Road machinery, road rollers and farm tractors are exempt from the standards and requirements.

(3) Antique [motor] vehicles are exempt from the standards and requirements if the vehicles are maintained as collectors’ items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) A motor truck is exempt from the requirements to be equipped with fenders or mudguards if the vehicle has just a chassis that is not equipped for hauling a load.

(5) Fenders or mudguards are not required on any modified American-made pre-1935 vehicle, or any identifiable vintage or replica thereof that is titled as a later assembled vehicle or replica and is used for show and pleasure use when such vehicle is used and driven only during fair weather on well-maintained, hard-surfaced roads.

NOTE: Corrects error in motor vehicles laws to reference to defined term “antique vehicle.”

SECTION 33. ORS 815.235 is amended to read:

815.235. (1) A person commits the offense of operation without a rearview mirror if the person does any of the following:

(a) Drives or moves on any highway any motor vehicle that is not equipped with a rearview mirror or device that meets the requirements under this section.

(b) Owns a motor vehicle and causes or knowingly permits the vehicle to be driven or moved on any highway when the vehicle is not equipped with a rearview mirror or device that meets the requirements under this section.

(2) A rearview mirror or device only meets the requirements of this section if it enables the driver of the vehicle to have such a clear and unobstructed view of the rear at all times and under all conditions of load as will enable the driver to see any other vehicle approaching from not less than 200 feet in the rear on an unobstructed road.

(3) This section does not apply to the following vehicles:

(a) Vehicles of special interest that are registered under ORS 805.020 and that were not equipped with rearview mirrors when originally manufactured.

(b) Road machinery, road rollers or farm tractors.

(c) Antique [motor] vehicles that are registered under ORS 805.010 and that were not equipped with rearview mirrors when originally manufactured.

(4) The offense described in this section, operation without a rearview mirror, is a Class C traffic violation.

NOTE: Corrects error in motor vehicles laws to reference to defined term “antique vehicle.”

SECTION 34. ORS 815.250 is amended to read:

815.250. (1) A person commits the offense of operation without proper exhaust system if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle that is not equipped with an exhaust system that meets the requirements under this section.

(2) An exhaust system only meets the requirements of this section if all of the following apply:

(a) The exhaust system must be in good working order.

(b) The exhaust system must be in constant operation.

(c) The exhaust system must meet noise emission standards determined by the Department of Environmental Quality to be substantially equivalent to the following standards based upon a stationary test conducted at a distance of 25 feet in accordance with procedures established by the Department of Environmental Quality:

Vehicle type	Maximum level, dBA	Model, Year
I. Motor vehicles required to establish a registration weight under ORS 803.430 and commercial buses	94before 1976
	911976 and after
	94before 1976
II. Motorcycles and mopeds	911976
	89after 1976
	III. Motor vehicles not described under I or II	92
88	1976 and after

(3) This section does not apply to the following vehicles:

(a) Vehicles of special interest that are registered under ORS 805.020 and that are:

(A) Equipped with original manufacturer’s equipment and accessories, or their equivalent, and that are maintained in safe operating condition; or

(B) Street rods that conform to ORS 815.107.

(b) Road machinery, road rollers or farm tractors.

(c) Antique [*motor*] vehicles that are maintained as collectors’ items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) The court in its discretion may dismiss a citation issued for violation of the offense described in this section if evidence is presented that the exhaust system complies with or has been repaired or modified to comply with the requirements under this section.

(5) The offense described in this section, operation without proper exhaust system, is a Class C traffic violation.

NOTE: Corrects error in motor vehicles laws to reference to defined term “antique vehicle.”

SECTION 35. ORS 815.255 is amended to read:

815.255. (1) A person commits the offense of operation of a vehicle for hire without a speedometer if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle used for carrying passengers for hire that is not equipped with a speedometer or other registering device capable of registering accurately the speed at which the vehicle is operated.

(2) This section is subject to the following exemptions in addition to any exemptions under ORS 801.026.

(a) A motor vehicle equipped with a governor or other regulating device to control its speed within the limits specified by law is not required to be equipped as this section specifies.

(b) Vehicles of special interest that are registered under ORS 805.020 are deemed in compliance with the requirements of this section if:

(A) The vehicles are equipped with original manufacturer’s equipment and accessories, or their equivalent, and maintained in safe operating condition; or

(B) The vehicles are street rods that conform to ORS 815.107.

(c) Antique [*motor*] vehicles are exempt from the requirements of this section if the vehicles are maintained as collector’s items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) The offense described in this section, operation of a vehicle for hire without a speedometer, is a Class C traffic violation.

NOTE: Corrects error in motor vehicles laws to reference to defined term “antique vehicle.”

SECTION 36. ORS 816.310 is amended to read:

816.310. This section establishes exemptions from ORS 816.040 to 816.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this sec-

tion are partial or complete as described in the following:

(1) ORS 816.040 to 816.300 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Lighting equipment used on vehicles of special interest that are registered under ORS 805.020 shall be deemed in compliance with ORS 816.040 to 816.300 if the equipment is original manufacturer's equipment and accessories, or their equivalent and if the equipment is maintained in safe operating condition.

(3) ORS 816.040 to 816.300 do not apply to equipment on any of the following:

- (a) Road machinery.
- (b) Road rollers.
- (c) Farm tractors.

(d) Antique [*motor*] vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(e) Motorized wheelchairs when used as permitted under ORS 811.440.

(4) On any combination of vehicles, only the lighting equipment on the rearmost vehicle in the combination of vehicles need be visible from distances specified under ORS 816.040 to 816.290 for lighting equipment on the rear of vehicles.

(5) Lighting equipment on bicycles shall meet the requirements established for such equipment under ORS 815.280.

(6) Vehicle lighting equipment requirements for ambulances and emergency vehicles are established in ORS 820.350.

(7) Lighting equipment on electric personal assistive mobility devices shall meet the requirements established in ORS 815.284.

NOTE: Corrects error in motor vehicles laws to reference to defined term "antique vehicle."

SECTION 37. ORS 816.340 is amended to read:

816.340. This section establishes exemptions from ORS 816.320 and 816.330. The exemptions established under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) ORS 816.320 and 816.330 shall not be construed to prohibit the use of additional parts and accessories on any vehicle consistent with the provisions of those sections.

(2) [*Motor*] Vehicles of special interest that are registered under ORS 805.020 shall be deemed in compliance with ORS 816.320 and 816.330 if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and if the equipment is maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(3) ORS 816.320 and 816.330 do not apply to any of the following vehicles:

- (a) Road machinery.
- (b) Road rollers.

(c) Farm tractors, implements of husbandry and farm trailers.

(d) Antique [*motor*] vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) Motorcycles manufactured before 1973 are not required to be equipped with turn signals if the motorcycle is not driven during limited visibility conditions under ORS 811.405 and 811.515.

(5) Truck tractors are not required to be equipped with rear reflectors.

(6) Pole trailers are not required to be equipped with side reflectors, side marker lights, clearance lights or identification lights.

(7) Motor vehicles registered in this state on or before January 1, 1940, are not required to be equipped with a high-beam indicator.

(8) Bicycles shall be equipped with lighting equipment as required under ORS 815.280.

(9) Requirements for warning lights on ambulances are provided under ORS 820.350 and 820.360.

(10) Electric personal assistive mobility devices shall be equipped with lighting equipment as required under ORS 815.284.

NOTE: Corrects errors in motor vehicles laws to references to defined terms "antique vehicle" and "vehicle of special interest."

SECTION 38. ORS 816.370 is amended to read:

816.370. This section establishes exemptions from ORS 816.350 and 816.360. The exemptions established under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) ORS 816.350 and 816.360 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Lighting equipment used on [*motor*] vehicles of special interest that are registered under ORS 805.020 shall be deemed in compliance with ORS 816.350 and 816.360 if the equipment is original manufacturer's equipment and accessories, or their equivalent and if the equipment is maintained in safe operating condition.

(3) ORS 816.350 and 816.360 do not apply to equipment on any of the following:

- (a) Road machinery.
- (b) Road rollers.
- (c) Farm tractors.

(d) Antique [*motor*] vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) Ambulances and emergency vehicles are subject to the provisions under ORS 820.350 and 820.360.

NOTE: Corrects errors in motor vehicles laws to references to defined terms “antique vehicle” and “vehicle of special interest.”

SECTION 39. ORS 822.033 is amended to read:

822.033. A certificate of insurance required to qualify for a vehicle dealer certificate under ORS 822.020 or to qualify for renewal of a certificate under ORS 822.040 must comply with all of the following:

- (1) The certificate shall:
 - (a) Be issued by an insurance carrier licensed to do business within this state;
 - (b) Show that the dealer is insured by a policy that provides the minimum limits of coverage required under ORS 806.070;
 - (c) Show that the dealer is insured by a policy that provides for payment of judgments of the type described in ORS 806.040;
 - (d) Show that the dealer is insured by a policy covering all vehicles manufactured, owned, operated, used or maintained by or under the control of the dealer;
 - (e) Show that the dealer is insured by a policy that also covers all other persons who, with the consent of the dealer, use or operate vehicles manufactured, owned or maintained by or under the control of the dealer;
 - (f) Be dated as of the date of the motor vehicle policy for which it is given;
 - (g) Contain the policy number; and
 - (h) Provide that the insurer shall give the Department of Transportation written notice of any cancellation of the policy and that the insurer shall continue to be liable under the policy until the department receives the notice required by this paragraph or until the cancellation date specified in the notice, whichever is later.

(2) The certificate of insurance must be filed and held in the office of the department.

(3) A dealer is exempt from the requirement to file the certificate of insurance described in this section if the dealer certifies, in such form as may be required by the department, that the dealer will be dealing exclusively in one or more of the following:

- (a) Antique [*motor*] vehicles issued permanent registration under ORS 805.010;
- (b) Farm trailers;
- (c) Farm tractors;
- (d) Implements of husbandry; or
- (e) Snowmobiles, Class I or Class III all-terrain vehicles.

NOTE: Corrects error in motor vehicles laws to reference to defined term “antique vehicle.”

SECTION 40. ORS 820.010 is amended to read:

820.010. (1) A motor vehicle is subject to safety regulation under ORS 820.030 to 820.070, if the vehicle is furnished by an employer and is used to

transport one or more workers to and from their places of employment. All of the following apply to this subsection:

(a) The employer must be an individual who employs or uses two or more workers.

(b) The workers employed or transported may be any individuals who are employed for any period in any work for which the workers are compensated, whether full- or part-time.

(c) The place of employment to and from which the vehicle is used to transport workers must be a location where one or more workers are actually performing the labor incident to their employment.

(d) Vehicles may include passenger automobiles [*and station wagons*] operated by or on behalf of employers.

(2) If vehicles described in this section are worker transport buses, the vehicles may be subject to additional regulation for the use of bus safety lights under ORS 811.520 and 816.300 in addition to safety measures under ORS 811.155.

(3) The Department of Consumer and Business Services has concurrent jurisdiction with the Department of Transportation in the adoption, under ORS 820.030, of rules relating to vehicles described in this section and in the enforcement of those rules under ORS 820.040 and 820.050 as applied to vehicles described in this section.

(4) Vehicles described in this section are in addition to any vehicles subjected to regulation under ORS 820.020.

NOTE: Deletes redundant reference to “station wagons” in law describing motor vehicles subject to safety regulation when furnished by employers and used to transport workers.

SECTION 41. ORS 825.005 is amended to read:

825.005. As used in this chapter:

(1) “Carrier” or “motor carrier” means for-hire carrier or private carrier.

(2) “Cartage carrier” means any person who undertakes to transport any class of property by motor vehicle for compensation when the transportation is performed wholly within an incorporated city or a commercial zone adjacent to an incorporated city.

(3) “Certificate” means an authority issued to a for-hire carrier under ORS 825.110.

(4) “Combined weight” means the weight of the motor vehicle plus the weight of the maximum load which the applicant has declared such vehicle will carry. Any declared combined weight is subject to audit and approval by the Department of Transportation. The combined weight of motor buses or bus trailers is the light weight of the vehicle plus the weight of the maximum seating capacity including the driver’s seat estimated at 170 pounds per seat, exclusive of emergency seats, except that transit-type motor vehicles may use 150 pounds per seat in determining combined weight. In cases where a bus has a seating capacity which is not arranged for separate or individual seats, 18 lineal inches of such

capacity shall be deemed the equivalent of a passenger seat.

(5) "Department" means the Department of Transportation.

(6) "Extreme miles" or "extreme mileage" means the total miles operated by a vehicle over the public highways, except the extra miles necessarily operated in traversing detours or temporary routes on account of road blockades in the state.

(7) "For-hire carrier" means:

(a) Any person who transports persons or property for hire or who publicly purports to be willing to transport persons or property for hire by motor vehicle; or

(b) Any person who leases, rents or otherwise provides a motor vehicle to the public and who in connection therewith in the regular course of business provides, procures or arranges for, directly, indirectly or by course of dealing, a driver or operator therefor.

(8) "Household goods" means the personal effects or other property used or to be used in a dwelling but does not include property transported from a store or factory or property exclusively for office use.

(9) "Motor vehicle" means any self-propelled vehicle and any such vehicle in combination with any trailing units, used or physically capable of being used upon any public highway in this state in the transportation of persons or property, except vehicles operating wholly on fixed rails or tracks and electric trolley buses. "Motor vehicle" includes overdimension vehicles or vehicles permitted excessive weights pursuant to a special authorization issued by a city, county or the Department of Transportation.

(10) "Permit" means an authority issued to a carrier under ORS 825.102, 825.106, 825.108 or 825.127.

(11) "Private carrier" means any person who operates a motor vehicle over the public highways of this state for the purpose of transporting persons or property when the transportation is incidental to a primary business enterprise, other than transportation, in which such person is engaged.

(12) "Privilege taxes" means the weight-mile tax and fees prescribed in this chapter.

(13) "Property" includes, but is not limited to, permanent loads such as equipment, appliances, devices, or ballast that are attached to, carried on, or made a part of the vehicle and that are designed to serve some functional purpose.

(14) "Public highway" means every street, alley, road, highway and thoroughfare in this state used by the public or dedicated or appropriated to public use.

[(15) "Safe for operation" means mechanical safety and compliance with rules regarding equipment and operation as are specified by law or by rule of the Department of Transportation.]

[(16) (15) "Transit-type motor vehicle" means any passenger-carrying vehicle that does not have a separate space for transporting baggage or express.

[(17) (16) "Transporter" has the meaning given that term in ORS 466.005.

NOTE: Deletes unnecessary defined term "safe for operation" in definitions applicable to ORS chapter 825 on motor carriers. The term is not used in ORS chapter 825.

SECTION 42. Sections 21 and 22, chapter 4, Oregon Laws 2013, are repealed.

NOTE: Repeals obsolete statutes requiring Department of Transportation to provide quarterly reports on the progress of the Interstate 5 bridge replacement project.

SECTION 43. ORS 807.100 is amended to read:

807.100. [(1) A vehicle that may be operated only by the holder of a commercial driver license or permit may be operated only when proof of medical qualification, in a form approved by the Department of Transportation, is in the person's immediate possession. The holder of a commercial driver license or permit who does not have proof of medical qualification as required by this section may exercise driving privileges granted by a Class C license.]

[(2)] (1) The Department of Transportation may not issue or renew a commercial driver license or permit and may cancel a commercial driver license or permit if the person does not submit to the department, in a form approved by rule, proof of medical qualification to operate a commercial motor vehicle by such a date as required by rule by the department.

[(3)] (2) A person is entitled to administrative review under ORS 809.440 when the department does not issue or renew a commercial driver license or permit under this section or cancels a commercial driver license or permit under this section.

[(4)] (3) To the extent possible, rules adopted by the department under this section should be uniform with any applicable federal regulations related to commercial driver license medical qualifications.

NOTE: Deletes duplicative requirement that person who holds commercial driver license carry separate medical qualification card.

SECTION 44. ORS 807.100, as amended by section 42, chapter 237, Oregon Laws 2013, is amended to read:

807.100. [(1) A vehicle that may be operated only by the holder of a commercial driver license or commercial learner driver permit may be operated only when proof of medical qualification, in a form approved by the Department of Transportation, is in the person's immediate possession. The holder of a commercial driver license or commercial learner driver permit who does not have proof of medical qualification as required by this section may exercise driving privileges granted by a Class C license.]

[(2)] (1) The Department of Transportation may not issue or renew commercial driving privileges and may cancel commercial driving privileges if the person does not submit to the department, in a form approved by rule, proof of medical qualification to

operate a commercial motor vehicle by such a date as required by rule by the department.

[(3)] (2) A person is entitled to administrative review under ORS 809.440 when the department does not issue or renew commercial driving privileges under this section or cancels commercial driving privileges under this section.

[(4)] (3) To the extent possible, rules adopted by the department under this section should be uniform with any applicable federal regulations related to commercial driver license medical qualifications.

NOTE: Deletes duplicative requirement that person who holds commercial driver license carry separate medical qualification card.

SECTION 45. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Approved by the Governor May 21, 2015
Filed in the office of Secretary of State May 22, 2015
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