

# House Bill 2538

Sponsored by Representatives TOMEI, GREENLICK; Representative GELSER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires use of headlights when windshield wipers are on. Punishes by maximum fine of \$90.

### A BILL FOR AN ACT

Relating to vehicle lighting; amending ORS 811.515 and 811.520.

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

**SECTION 1.** ORS 811.515 is amended to read:

811.515. This section establishes requirements for ORS 811.520. Except where an exemption under ORS 811.525 specifically provides otherwise, a vehicle that does not comply with this section is in violation of ORS 811.520. Where specific types of lighting equipment are mentioned in this section, those types are types described in ORS 816.040 to 816.290. The requirements under this section are as follows:

(1) Subject to any other provision of this section, any lighting equipment a vehicle is required to be equipped with under ORS 816.040 to 816.290 must be displayed when the vehicle is upon a highway within this state:

(a) At any time limited visibility conditions exist.

**(b) At any time the windshield wipers of the vehicle are in operation, unless the windshield wipers are being operated solely for the purpose of cleaning the windshield.** [*The provisions of this subsection apply during the times stated when the required visibility is measured on a straight, level unlighted highway.*]

(2) Parking lights and lights other than clearance, identification and marker lights that are mounted on the front of a vehicle and are designed to be displayed primarily when the vehicle is parked [*shall*] **may** not be lighted when a vehicle is driven upon a highway at times when limited visibility conditions exist except when:

(a) The lights are being used as turn signals; or

(b) The headlights are also lighted at the same time.

(3) Any vehicle parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during times when limited visibility conditions exist must display parking lights.

(4) All vehicles not specifically required by ORS 816.320 to be equipped with lighting equipment shall at times when limited visibility conditions exist display exempt-vehicle safety lighting equipment. This section includes, but is not limited to, animal drawn vehicles and vehicles exempted from required lighting equipment under ORS 816.340.

(5) Tow vehicle warning lights on tow vehicles shall be activated when the tow vehicles are engaged in connecting with other vehicles and drawing such vehicles onto highways or while ser-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 vicing disabled vehicles.

2 (6) When limited visibility conditions exist a person shall use a distribution of light or composite  
 3 beam that is directed sufficiently high and that is of such intensity so as to reveal persons and ve-  
 4 hicles on the highway at a safe distance in advance of the vehicle. A person violates this subsection  
 5 if the person does not comply with the following:

6 (a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver  
 7 must use a distribution of light or composite beam so aimed that the glaring rays are not projected  
 8 into the eyes of the oncoming driver. The use of the low beams of the vehicle headlight system is  
 9 in compliance with this paragraph at all times regardless of road contour and loading of the vehicle.

10 (b) Except when in the act of overtaking or passing, a driver of a vehicle following another ve-  
 11 hicle within 350 feet to the rear must use the low beams of the vehicle headlight system.

12 (7) When a vehicle is upon a highway a person [*shall light not*] **may not light** more than a total  
 13 of four lights at any one time that are mounted on the front of a vehicle and that each projects a  
 14 beam of intensity greater than 300 candlepower.

15 (8)(a) A light, other than a headlight, that projects a beam of light of an intensity greater than  
 16 300 candlepower [*shall*] **may not** be operated on a vehicle:

17 (A) Unless the beam is so directed that no part of the high intensity portion of the beam will  
 18 strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from  
 19 the vehicle; or

20 (B) Except as provided in paragraph (b) of this subsection, when use of the low beams of the  
 21 vehicle headlight system is required under subsection (6) of this section.

22 (b) Notwithstanding paragraph (a)(B) of this subsection, a light, other than a headlight, may be  
 23 lighted on a motorcycle provided that the intensity of the light does not exceed the intensity of the  
 24 low beams of the headlight system. A motorcycle may not be operated with more than two lights,  
 25 other than headlights, under this paragraph.

26 (9) A spotlight [*shall*] **may not** be lighted upon approaching another vehicle unless the spotlight  
 27 is so aimed and used so that no part of the high-intensity portion of the beam will be directed to the  
 28 left of the prolongation of the extreme left side of the vehicle upon which it is mounted, more than  
 29 100 feet ahead of the vehicle.

30 (10) Auxiliary lights mounted higher than 54 inches [*shall*] **may not** be lighted when the vehicle  
 31 is used on a highway.

32 (11) A back-up light [*shall*] **may not** be lighted when the vehicle is in forward motion.

33 (12) Bus safety lights shall only be operated in accordance with the following:

34 (a) The lights may be operated when the vehicle is stopping or has stopped for the purpose of  
 35 loading or unloading students who are going to or from any school or authorized school activity or  
 36 function.

37 (b) The lights may be operated when the vehicle is stopping or has stopped for the purpose of  
 38 loading or unloading workers from worker transport buses.

39 (c) The lights may be operated when the vehicle is stopping or has stopped for the purpose of  
 40 loading or unloading children being transported to or from religious services or an activity or  
 41 function authorized by a religious organization.

42 (d) The lights may be operated when the vehicle is stopping or has stopped in a place that ob-  
 43 structs other drivers' ability to see the bus safety lights on another vehicle.

44 (e) Notwithstanding any other paragraph of this subsection, the lights [*shall*] **may not** be oper-  
 45 ated if the vehicle is stopping or has stopped at an intersection where traffic is controlled by elec-

1 trical traffic control signals, other than flashing signals, or by a police officer.

2 (f) Notwithstanding any other paragraph of this subsection, the lights [shall] **may** not be oper-  
 3 ated if the vehicle is stopping or has stopped at a loading or unloading area where the vehicle is  
 4 completely off the roadway.

5 (13)(a) Hazard lights shall be used for the purpose of warning the operators of other vehicles  
 6 of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching,  
 7 overtaking or passing.

8 (b) Hazard lights shall be used by the first and last vehicles in a funeral procession.

9 (14) Mail delivery lights may be used only while in active service transporting United States  
 10 mail for the purpose of warning other vehicle operators of the vehicle's presence and to exercise  
 11 caution in approaching, overtaking or passing. A vehicle with mail delivery lights is in compliance  
 12 with this subsection if the lights are flashed continuously while the vehicle is in motion in active  
 13 service transporting mail or if the lights are actuated by application of the service brake while the  
 14 vehicle is parked.

15 (15) A pilot vehicle warning light may be activated only when the vehicle equipped with the  
 16 light is an escort accompanying a motor vehicle carrying or towing a load of a size or description  
 17 not permitted under ORS 818.020, 818.060, 818.090 or 818.160.

18 (16) Fire company warning lights authorized under a permit granted under ORS 818.250 may be  
 19 used by the persons authorized under the permit while being driven to a fire station or fire location  
 20 in response to a fire alarm. Fire company warning lights authorized under ORS 811.800 may be used  
 21 by funeral escort vehicle or funeral lead vehicle drivers while driving in a funeral procession. The  
 22 lights shall be covered or otherwise concealed when not being displayed as provided in this sub-  
 23 section.

24 (17) Any lighted headlights upon a parked vehicle shall be dimmed.

25 (18) Commercial vehicle warning lights may be used only:

26 (a) To warn operators of other vehicles of the presence of a traffic hazard requiring the exercise  
 27 of unusual care in approaching, overtaking or passing the commercial vehicle; and

28 (b) When the commercial vehicle is being used for commercial purposes and the vehicle is:

29 (A) Stopped, parked or left standing at a commercial or work site; or

30 (B) In a highway work zone as defined in ORS 811.230.

31 **SECTION 2.** ORS 811.520 is amended to read:

32 811.520. (1) A person commits the offense of unlawful use or failure to use lights if the person  
 33 does any of the following:

34 (a) Drives or moves on any highway any vehicle at a time when vehicle lighting is required to  
 35 be operated or is prohibited from being operated under ORS 811.515 and operates or fails to operate  
 36 lighting equipment as required under ORS 811.515.

37 (b) Owns a vehicle or combination of vehicles and causes or knowingly permits the vehicle or  
 38 combination of vehicles to be driven or moved on any highway at a time when ORS 811.515 requires  
 39 or prohibits the operation of vehicle lighting equipment without compliance with the requirements  
 40 under ORS 811.515.

41 (c) Drives any vehicle in a funeral procession without using the low beam headlights.

42 (2) The application of this section is subject to the exemptions from this section established  
 43 under ORS 811.525.

44 (3) The offense described in this section, unlawful use of or failure to use lights, is a Class B  
 45 traffic violation, except that violation of ORS 811.515 (1)(b), (3), (4), (13) or (17) or subsection (1)(c)

1 of this section is a Class D traffic violation.

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