

# Enrolled House Bill 4055

Sponsored by Representatives OLSON, BARKER; Representatives ESQUIVEL, EVANS, HELFRICH, LEWIS, NEARMAN, POST, RESCHKE, SMITH DB, SMITH G, STARK (Presession filed.)

CHAPTER .....

AN ACT

Relating to vehicles; creating new provisions; and amending ORS 137.751, 801.026, 807.072, 807.252, 810.415, 811.230, 811.235, 811.483, 811.700, 811.705, 811.707 and 811.710.

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

**SECTION 1.** ORS 811.700 is amended to read:

811.700. (1) A *[person]* **driver of a vehicle who knows or has reason to believe that the driver's vehicle was involved in a collision** commits the offense of failure to perform the duties of a driver when property is damaged if the *[person is the driver of any vehicle and the person]* **driver's vehicle is involved in a collision that results in damage to property and the driver** does not perform duties required under any of the following:

(a) **Immediately stop the driver's vehicle at the scene of the collision or as close to the scene of the collision as possible and reasonably investigate what the driver's vehicle struck. Every stop required under this paragraph should be made without obstructing traffic more than is necessary.**

*[(a)]* (b) If the *[person is the driver of any vehicle]* **the driver's vehicle has been** involved in *[an accident]* **a collision** that results only in damage to a vehicle that is driven or attended by any other person, the *[person must]* **driver shall** perform all of the following duties:

*[(A)]* **Immediately stop the vehicle at the scene of the accident or as close thereto as possible. Every stop required under this subparagraph shall be made without obstructing traffic more than is necessary.**

*[(B)]* (A) Remain at the scene of the *[accident]* **collision** until the driver has fulfilled all of the requirements under this paragraph.

*[(C)]* (B) Give to the other driver or passenger:

(i) The **driver's** name and address, **the name and address of the owner of the driver's vehicle and** *[of the driver and the registration number of the vehicle that the driver is driving,]* the name and address of any other occupants of the *[vehicle and,]* **driver's vehicle; and**

(ii) If the **driver's** vehicle is a motor vehicle, **the registration number of the motor vehicle,** the name of the insurance carrier *[and]* **covering the motor vehicle,** the insurance policy number of the insurance policy insuring the motor vehicle*[,] and the phone number of the insurance carrier.*

*[(D)]* (C) Upon request and if available, exhibit and give to the occupant of or person attending any vehicle damaged the number of any *[documents]* **document** issued as evidence of driving privileges granted to the driver.

[*b*] (c) If the [*person is the driver of any vehicle that collides with*] **driver's vehicle has been involved in a collision resulting in damage to** any vehicle that is unattended, the [*person shall immediately stop and*] **driver shall perform all the following duties:**

(A) Locate [*and notify*] the operator or owner of the **unattended vehicle and notify the operator or owner of:**

(i) The **driver's** name and address [*of the driver*] and **the name and address of the owner of the vehicle** [*striking*] **that struck** the unattended vehicle [*and*]; and

(ii) If the **driver's** vehicle is a motor vehicle, **the registration number of the motor vehicle**, the name of the insurance carrier [*and*] **covering the motor vehicle**, the insurance policy number of the insurance policy insuring the motor vehicle **and the phone number of the insurance carrier;** or

(B) Leave in a conspicuous place in the **unattended vehicle** [*struck*] a written notice giving:

(i) The **driver's** name and address [*of the driver*] and **the name and address** of the owner of the vehicle [*doing the striking*] **that struck the unattended vehicle** and a statement of the circumstances [*thereof*] **of the collision;** and

(ii) If the **driver's** vehicle is a motor vehicle, **the registration number of the motor vehicle**, the name of the insurance carrier [*and*] **covering the motor vehicle**, the insurance policy number of the insurance policy insuring the motor vehicle **and the phone number of the insurance carrier.**

[*c*] (d) If the [*person is the driver of any vehicle*] **driver's vehicle has been** involved in [*an accident*] **a collision** resulting only in damage to fixtures or property legally upon or adjacent to a highway, the [*person*] **driver shall** [*do*] **perform** all of the following **duties:**

(A) Take reasonable steps to notify the owner or person in charge of the property of [*such fact*] **the collision** and of the driver's name and address, **the vehicle owner's name and address** and, if the **driver's** vehicle is a motor vehicle, **the registration number of the motor vehicle**, the name of the insurance carrier [*and*] **covering the motor vehicle**, the insurance policy number of the insurance policy insuring the motor vehicle **and the phone number of the insurance carrier** [*and of the registration number of the vehicle the driver is driving*].

(B) Upon request and if available, exhibit any document issued as [*official*] evidence of [*a grant of*] driving privileges **granted** to the driver.

(e) **If the driver discovers only after leaving the scene of the collision that the driver's vehicle may have been involved in a collision that resulted in damage to another vehicle, fixture or property, the driver shall as soon as reasonably possible make a good faith effort to comply with the requirements of this subsection.**

(2) **As used in this section, "reason to believe" means that the driver is aware of a circumstance that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the driver's vehicle has been in a collision. The risk must be of such nature or degree that failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.**

[*2*] (3) The offense described in this section, failure to perform the duties of a driver when property is damaged, is a Class A misdemeanor and is applicable on any premises open to the public.

**SECTION 2.** ORS 811.705 is amended to read:

811.705. (1) A [*person commits the offense of failure to perform the duties of a driver to injured persons if the person is the driver of any*] **driver of a vehicle who knows or has reason to believe that the driver's vehicle was** involved in [*an accident*] **a collision** [*that results in injury or death to any person and does not do all of the following*] **commits the offense of failure to perform the duties of a driver to injured persons if the driver's vehicle has been in a collision that results in injury or death to a person and the driver does not perform all of the following duties:**

(a) Immediately stop the **driver's** vehicle at the scene of the [*accident*] **collision** or as close [*thereto*] **to the scene of the collision** as possible **and reasonably investigate what the driver's vehicle struck.** Every stop required under this paragraph [*shall*] **should** be made without obstructing traffic more than is necessary.

(b) Remain at the scene of the [accident] **collision** until the driver has fulfilled all of the requirements under this subsection.

(c) Give to the other driver or a surviving passenger or any person not a passenger who is injured as a result of the [accident] **collision**:

(A) The **driver's** name and address, **the name and address of the owner of the driver's vehicle and** [of the driver and the registration number of the vehicle that the driver is driving,] the name and address of any other occupants of the [vehicle and,] **driver's vehicle; and**

(B) If the **driver's** vehicle is a motor vehicle, **the registration number of the motor vehicle**, the name of the insurance carrier [and] **covering the motor vehicle**, the insurance policy number of the insurance policy insuring the motor vehicle[,] **and the phone number of the insurance carrier.**

(d) Upon request and if available, exhibit and give to the persons injured **and** [or] to the occupant of or person attending any vehicle damaged the number of any document issued as official evidence of [a grant of] driving privileges **granted to the driver.**

(e) Render to any person injured in the [accident] **collision** reasonable assistance, including the conveying, or the making of arrangements for the conveying, of [such] **an injured** person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such conveying is requested by any injured person.

(f) Remain at the scene of [an accident] **a collision** until a police officer has arrived and has received the required information, if all persons required to be given information under paragraph (c) of this subsection are killed in the [accident] **collision** or are unconscious or otherwise incapable of receiving the information. The requirement of this paragraph to remain at the scene of [an accident] **a collision** until a police officer arrives does not apply to a driver who needs immediate medical care, who needs to leave the scene in order to secure medical care for another person injured in the [accident] **collision** or who needs to leave the scene in order to report the [accident] **collision** to the authorities, [so] **as** long as the driver who leaves takes reasonable steps to return to the scene or to contact the nearest police [agency] **officer.**

(g) **If the driver discovers only after leaving the scene of the collision that the driver's vehicle may have been involved in a collision that resulted in injury or death to any person, shall as soon as reasonably possible make a good faith effort to comply with the requirements of this subsection. The driver shall immediately contact 9-1-1 and provide to the dispatcher any requested information described in paragraph (c) of this subsection and the location and approximate time of the collision.**

(2) As used in this section, "reason to believe" means that the driver is aware of a circumstance that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the driver's vehicle has been in a collision. The risk must be of such nature or degree that failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

[2)(a)] (3)(a) Except as otherwise provided in paragraph (b) of this subsection, the offense described in this section, failure to perform the duties of a driver to injured persons, is a Class C felony and is applicable on any premises open to the public.

(b) Failure to perform the duties of a driver to injured persons is a Class B felony if a person suffers serious physical injury as defined in ORS 161.015 or dies as a result of the [accident] **collision.**

**SECTION 3.** ORS 811.707 is amended to read:

811.707. The Oregon Criminal Justice Commission shall classify the crime of failure to perform the duties of a driver to injured persons as crime category 8 of the sentencing guidelines grid of the commission if a person suffers serious physical injury as defined in ORS 161.015 or dies as a result of the [accident] **collision** that forms the basis of the conviction.

**SECTION 4.** ORS 811.710 is amended to read:

811.710. (1) A [person] **driver of a vehicle who knows or has reason to believe that the driver's vehicle was involved in a collision** commits the offense of failure to perform the duties

of a driver when an animal is injured if the *[person knowingly strikes and injures a domestic animal and the person]* **driver's vehicle injures or kills a domestic animal and the driver** does not *[do]* **perform** all of the following duties:

(a) *[Stop at once.]* **Immediately stop the driver's vehicle at the scene of the collision or as close to the scene of the collision as possible and reasonably investigate what the driver's vehicle struck. Every stop required under this paragraph should be made without obstructing traffic more than is necessary.**

(b) Make a reasonable effort to determine the nature of the animal's injuries.

(c) Give reasonable attention to the animal.

(d) Immediately report the injury to the animal's owner.

(e) If unable to contact the owner of the animal, notify a police officer.

**(f) If the driver discovers only after leaving the scene of the collision that the driver's vehicle may have been involved in a collision that injured or killed a domestic animal, the driver shall as soon as reasonably possible make a good faith effort to comply with the requirements of this section.**

(2) The requirements under this section for a driver to stop and attend an injured animal depend on the traffic hazards then existing.

**(3) As used in this section, "reason to believe" means that the driver is aware of a circumstance that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the driver's vehicle has been in a collision. The risk must be of such nature or degree that failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.**

~~[(3)]~~ (4) The offense described in this section, failure to perform the duties of a driver when an animal is injured, is a Class B traffic violation.

**SECTION 4a.** ORS 137.751 is amended to read:

137.751. (1) When a court sentences a defendant to a term of incarceration that exceeds one year, the defendant may request a determination of the defendant's eligibility for release on post-prison supervision under ORS 421.508 (4). The court shall order in the judgment that the Department of Corrections may release the defendant on post-prison supervision under ORS 421.508 (4) only if, after a hearing, the court finds that:

(a) The defendant meets the eligibility requirements of subsections (2) and (3) of this section;

(b) The defendant was not on probation, parole or post-prison supervision for an offense listed in ORS 137.712 (4) or 811.705 ~~[(2)(b)]~~ **(3)(b)** at the time of the commission of the current crime of conviction;

(c) The defendant has not previously been released on post-prison supervision under ORS 421.508 (4);

(d) The harm or loss caused by the crime is not greater than usual for that type of crime;

(e) The crime was not part of an organized criminal operation; and

(f) After considering the nature of the offense and the harm to the victim, the defendant's successful completion of the program would:

(A) Increase public safety;

(B) Enhance the likelihood that the defendant would be rehabilitated; and

(C) Not unduly reduce the appropriate punishment.

(2) Except as provided in subsection (4) of this section, a defendant may not be released on post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime under ORS 163.145, 163.165 (1)(a) or (b), 163.525 or 811.705 ~~[(2)(b)]~~ **(3)(b)**.

(3) A defendant may not be released on post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime listed in ORS 137.700, 137.707 or 163.095 or a sex crime as defined in ORS 163A.005.

(4) Notwithstanding subsection (1) of this section, the parties may stipulate to a defendant's eligibility for release on post-prison supervision under ORS 421.508 (4). If the court accepts the stipulation, the court does not need to make explicit findings regarding the factors described in

subsection (1)(b) to (f) of this section. The parties may not stipulate to the defendant's release on post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime described in subsection (3) of this section.

(5) If the court makes the findings described in subsection (1) of this section or accepts the stipulation of the parties under subsection (4) of this section, the court shall:

(a) Order on the record in open court as part of the sentence imposed that the defendant may be considered by the department for release on post-prison supervision under ORS 421.508 (4); and

(b) Include the order described in paragraph (a) of this subsection in the judgment.

(6) Subject to the requirements of this section, the court may order that the defendant serve a minimum period of incarceration before the defendant is released on post-prison supervision under ORS 421.508 (4). Nothing in this section authorizes the release of the defendant on post-prison supervision before the defendant has served the period of time described in ORS 421.508 (4)(b).

**SECTION 5.** ORS 801.026 is amended to read:

801.026. (1) Persons, motor vehicles and equipment employed or used by a public or telecommunications utility, electric cooperative or by the United States, this state or any political subdivision of this state are exempt from the provisions of the vehicle code specified in subsection (3) of this section while on a highway and working or being used to service, construct, maintain or repair the facilities of a utility.

(2) Persons, motor vehicles and equipment employed or being used in the construction or reconstruction of a street or highway are exempt from the provisions of the vehicle code specified in subsection (3) of this section if:

(a) They are within the immediate construction project as described in the governmental agency contract, if there is a contract; and

(b) The work is being done in an area that is signed in accordance with the manual adopted under ORS 810.200.

(3) Persons, motor vehicles and equipment described in subsections (1) and (2) of this section are exempt from provisions of the vehicle code relating to rules of the road as described in ORS chapter 811, except that this subsection does not apply to:

(a) Reckless driving, as defined in ORS 811.140.

(b) Driving while under the influence of intoxicants, as defined in ORS 813.010.

(c) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as described in ORS 811.700 or 811.705.

(d) Criminal driving while suspended or revoked, as defined in ORS 811.182.

(e) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

(f) The provisions of ORS 811.145, 811.155, 811.170 and 811.175.

(4) Motor vehicles and equipment being used in the area and in the manner described in subsection (2) of this section are also exempt from the provisions of the vehicle code relating to vehicle size and weight to the extent set out in the governmental agency contract.

(5) Devices moved exclusively on stationary rail tracks are exempt from the vehicle code.

(6) Devices that are powered exclusively by human power are not subject to those provisions of the vehicle code that relate to vehicles. Notwithstanding this subsection, bicycles are generally subject to the vehicle code as provided under ORS 814.400.

(7) The exemptions in subsection (3) of this section do not apply to the persons and vehicles when traveling to or from the facilities or construction project.

**SECTION 6.** ORS 807.072 is amended to read:

807.072. (1) The Department of Transportation, by rule, may waive any examination, test or demonstration required under ORS 807.065 (1)(b) or 807.070 (2) or (3) if the department receives satisfactory proof that the person required to take the examination, test or demonstration has passed an examination, test or demonstration approved by the department that:

(a) Is given in conjunction with a traffic safety education course certified by the department under ORS 336.802;

(b) Is given in conjunction with a motorcycle rider education course established under ORS 802.320;

(c) Is given in conjunction with a course conducted by a commercial driver training school certified by the department under ORS 822.515; or

(d) Is given in conjunction with an application for a special limited vision condition learner's permit under ORS 807.359.

(2) The department, by rule, may waive the actual demonstration required under ORS 807.070 (3) for a person who is applying for a commercial driver license or a Class C license if the person holds a valid out-of-state license or applies for an Oregon license within one year of the expiration of a valid out-of-state license. A demonstration may be waived under this subsection only if the person has applied for the same driving privileges as those granted under the person's out-of-state license or for privileges granted by a lower class of license.

(3) The department may waive the actual demonstration required under ORS 807.070 for a person who is applying for a commercial driver license, an endorsement related to a commercial driver license or the removal of a restriction from a commercial driver license:

(a) If the person has been certified, as defined by rule, under ORS 807.080 or a similar statute of another jurisdiction as competent to safely exercise the driving privileges granted by a Class A commercial driver license, a Class B commercial driver license or a Class C commercial driver license; or

(b) Under circumstances, established by the department by rule, that establish the person's ability to drive without an actual demonstration.

(4) The department may issue a Class A farm endorsement without requiring additional tests to a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to the department that the person is experienced in driving a vehicle that may be driven only by persons who have a Class A commercial driver license and the person's two-part driving record does not show either a traffic accident within two years of the date of application for the endorsement or a conviction for one of the following traffic crimes within five years of the date of application for the endorsement:

(a) Reckless driving, as defined in ORS 811.140.

(b) Driving while under the influence of intoxicants, as defined in ORS 813.010.

(c) Failure to perform the duties of a driver involved in *[an accident or]* a collision, as described in ORS 811.700 or 811.705.

(d) Criminal driving while suspended or revoked, as defined in ORS 811.182.

(e) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

(5) The department may issue a Class B farm endorsement without requiring additional tests to a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to the department that the person is experienced in driving a vehicle that may be driven only by persons who have a Class B commercial driver license and the person's two-part driving record does not show either a conviction for a traffic crime specified in subsection (4) of this section within five years of the date of application for the endorsement or a traffic accident within two years of the date of application for the endorsement.

(6) The department by rule may establish other circumstances under which a farm endorsement may be issued without an actual demonstration. The authority granted by this subsection includes, but is not limited to, authority to adopt rules specifying circumstances under which the endorsement may be granted to a person despite the appearance of traffic accidents on the person's record.

(7) The department by rule may waive the test required under ORS 807.070 (2) for a person who applies for a motorcycle endorsement if the person:

(a) Holds a valid out-of-state driver license that authorizes the person to operate a motorcycle; or

(b) Applies for a motorcycle endorsement within one year after the expiration date of a valid out-of-state driver license that authorizes the person to operate a motorcycle.

(8) The department by rule may waive the actual demonstration required under ORS 807.070 (3) for a person who is applying for a restricted motorcycle endorsement that only authorizes the person to operate a motorcycle with more than two wheels.

**SECTION 7.** ORS 807.252 is amended to read:

807.252. (1) The Department of Transportation may not issue a hardship permit to a person whose driving privileges are suspended for conviction of assault in the second, third or fourth degree if the person, within 10 years preceding application for the permit, has been convicted of:

(a) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle;

(b) Reckless driving, as defined in ORS 811.140;

(c) Driving while under the influence of intoxicants, as defined in ORS 813.010;

(d) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as described in ORS 811.700 or 811.705;

(e) Criminal driving while suspended or revoked, as defined in ORS 811.182;

(f) Fleeing or attempting to elude a police officer, as defined in ORS 811.540; or

(g) Aggravated vehicular homicide, as defined in ORS 163.149, or aggravated driving while suspended or revoked, as defined in ORS 163.196.

(2) A conviction arising out of the same episode as the current suspension is not considered a conviction for purposes of subsection (1) of this section.

(3) The department may not issue a hardship permit to a person whose driving privileges are suspended for a conviction of assault in the second, third or fourth degree:

(a) For a period of four years from the date the department suspends driving privileges if the person's driving privileges are suspended for conviction of assault in the second degree and the person was not incarcerated for that conviction.

(b) For a period of four years from the date the person is released from incarceration for the conviction if the person's driving privileges are suspended for conviction of assault in the second degree and the person was incarcerated for that conviction.

(c) For a period of two years from the date the department suspends driving privileges if the person's driving privileges are suspended for conviction of assault in the third degree and the person was not incarcerated for that conviction.

(d) For a period of two years from the date the person is released from incarceration for the conviction if the person's driving privileges are suspended for conviction of assault in the third degree and the person was incarcerated for that conviction.

(e) For a period of six months from the date the department suspends driving privileges if the person's driving privileges are suspended for conviction of assault in the fourth degree and the person is not incarcerated for that conviction.

(f) For a period of six months from the date the person is released from incarceration for the conviction if the person's driving privileges are suspended for conviction of assault in the fourth degree and the person was incarcerated for that conviction.

(4) A hardship permit issued to a person whose driving privileges are suspended because of a conviction for assault in the second, third or fourth degree shall limit the person's driving privileges:

(a) To the times, places, routes and days the department determines to be minimally necessary for the person to seek or retain employment, to attend any gambling addiction, alcohol or drug treatment or rehabilitation program or to obtain required medical treatment for the person or a member of the person's immediate family; and

(b) To times, places, routes and days that are specifically stated.

(5) The person's driving privileges under the permit are subject to suspension or revocation if the person does not maintain a good driving record, as defined by the administrative rules of the department, during the term of the permit.

(6) The department may require the person to complete a driver improvement program under ORS 809.480 as a condition of the permit.

(7) The department shall condition the permit so that the permit will be revoked if the person is convicted of any of the following:

- (a) Reckless driving under ORS 811.140.
- (b) Driving while under the influence of intoxicants under ORS 813.010.
- (c) Failure to perform the duties of a driver under ORS 811.700 or 811.705.
- (d) Fleeing or attempting to elude a police officer under ORS 811.540.
- (e) Driving while suspended or revoked under ORS 811.175 or 811.182.
- (f) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle.
- (g) Aggravated vehicular homicide under ORS 163.149 or aggravated driving while suspended or revoked under ORS 163.196.

**SECTION 8.** ORS 810.415 is amended to read:

810.415. A law enforcement officer who comes to the scene of [*an accident*] **a collision** described in ORS 811.700 may remove or direct the driver of a vehicle involved in the [*accident*] **collision** to remove from the roadway any vehicle, cargo or debris resulting from the [*accident*] **collision**. A person acting under the authority granted by this section is not liable for damage to a vehicle, cargo or debris caused by reasonable efforts at removal.

**SECTION 9.** ORS 811.230 is amended to read:

811.230. (1) As used in ORS 811.230, 811.231, 811.232 and 811.233:

(a) “Flagger” means a person who controls the movement of vehicular traffic through construction projects using sign, hand or flag signals.

(b) “Highway work zone” means an area identified by advance warning where road construction, repair or maintenance work is being done by highway workers on or adjacent to a highway, regardless of whether or not highway workers are actually present. As used in this paragraph, “road construction, repair or maintenance work” includes, but is not limited to, the setting up and dismantling of advance warning systems.

(c) “Highway worker” means an employee of a government agency, private contractor or utility company working in a highway work zone.

(2)(a) The presumptive fine for a person convicted of an offense that is listed in subsection (3)(a) or (b) of this section and that is committed in a highway work zone is the presumptive fine for the offense established under ORS 153.020.

(b) The minimum fine for a person convicted of a misdemeanor offense that is listed in subsection (3)(c) to (g) of this section and that is committed in a highway work zone is 20 percent of the maximum fine established for the offense.

(c) The minimum fine for a person convicted of a felony offense that is listed in subsection (3)(c) to (g) of this section and that is committed in a highway work zone is two percent of the maximum fine established for the offense.

(3) This section applies to the following offenses if committed in a highway work zone:

- (a) Class A or Class B traffic violations.
  - (b) Class C or Class D traffic violations related to exceeding a legal speed.
  - (c) Reckless driving, as defined in ORS 811.140.
  - (d) Driving while under the influence of intoxicants, as defined in ORS 813.010.
  - (e) Failure to perform the duties of a driver involved in [*an accident or*] **a collision**, as described in ORS 811.700 or 811.705.
  - (f) Criminal driving while suspended or revoked, as defined in ORS 811.182.
  - (g) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.
- (4) When a highway work zone is created, the agency, contractor or company responsible for the work may post signs designed to give motorists notice of the provisions of this section.

**SECTION 10.** ORS 811.235 is amended to read:

811.235. (1)(a) If signs authorized by ORS 810.245 are posted, the presumptive fine for a person charged with an offense that is listed in subsection (2)(a) or (b) of this section and that is committed in a school zone shall be the amount established under ORS 153.020 for the offense.

(b) If signs authorized by ORS 810.245 are posted, the minimum fine for a person convicted of a misdemeanor offense that is listed in subsection (2)(c) to (g) of this section and that is committed in a school zone is 20 percent of the maximum fine established for the offense.

(c) If signs authorized by ORS 810.245 are posted, the minimum fine for a person convicted of a felony offense that is listed in subsection (2)(c) to (g) of this section and that is committed in a school zone is two percent of the maximum fine established for the offense.

(2) This section applies to the following offenses if committed in a school zone:

(a) Class A or Class B traffic violations.

(b) Class C or Class D traffic violations related to exceeding a legal speed.

(c) Reckless driving, as defined in ORS 811.140.

(d) Driving while under the influence of intoxicants, as defined in ORS 813.010.

(e) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as described in ORS 811.700 or 811.705.

(f) Criminal driving while suspended or revoked, as defined in ORS 811.182.

(g) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

(3) For purposes of this section, a traffic offense occurs in a school zone if the offense occurs while the motor vehicle is in a school zone, notice of the school zone is indicated plainly by traffic control devices conforming to the requirements established under ORS 810.200 and posted under authority granted by ORS 810.210 and:

(a) Children are present as described in ORS 811.124; or

(b) A flashing light is used as a traffic control device and operated as provided under ORS 810.243.

**SECTION 11.** ORS 811.483 is amended to read:

811.483. (1) The Department of Transportation shall post signs in safety corridors chosen by the department indicating that fines for traffic offenses committed in those safety corridors will be doubled.

(2)(a) The presumptive fine for a person charged with an offense that is listed in subsection (3)(a) or (b) of this section and that is committed in a safety corridor chosen by the department under subsection (1) of this section shall be the amount established under ORS 153.020.

(b) The minimum fine for a person convicted of a misdemeanor offense that is listed in subsection (3)(c) to (g) of this section and that is committed in a safety corridor is 20 percent of the maximum fine established for the offense.

(c) The minimum fine for a person convicted of a felony offense that is listed in subsection (3)(c) to (g) of this section and that is committed in a safety corridor is two percent of the maximum fine established for the offense.

(3) This section applies to the following offenses if committed in the designated safety corridors:

(a) Class A or Class B traffic violations.

(b) Class C or Class D traffic violations related to exceeding a legal speed.

(c) Reckless driving, as defined in ORS 811.140.

(d) Driving while under the influence of intoxicants, as defined in ORS 813.010.

(e) Failure to perform the duties of a driver involved in [*an accident or*] a collision, as described in ORS 811.700 or 811.705.

(f) Criminal driving while suspended or revoked, as defined in ORS 811.182.

(g) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

**SECTION 12.** The amendments to ORS 811.700, 811.705, 811.707 and 811.710 by sections 1 to 4 of this 2018 Act apply to conduct occurring on or after the effective date of this 2018 Act.

**Passed by House February 14, 2018**

**Repassed by House February 27, 2018**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate February 26, 2018**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2018

**Approved:**

.....M,....., 2018

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2018

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Dennis Richardson, Secretary of State