

TRAFFIC/MOTOR VEHICLE

HB 2040: “Move Over Law” Additions/Clarifications

Oregon enacted its “move over” law with the passage of House Bill 2176 in 2003. The measure created the offense of failing to maintain a safe distance from an emergency vehicle or ambulance stopped alongside a roadway while displaying warning lights. HB 2040 adds roadside assistance vehicles (vehicle with warning lights providing repair assistance to motorists with disabled vehicles) and tow vehicles to the list of vehicles that require motorists to “maintain a safe distance”. The measure clarifies that motorists are required to:

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- Make a lane change to a lane not adjacent to that of an emergency vehicle, roadside assistance vehicle, tow vehicle or ambulance; or
- Reduce the speed of the motor vehicle to a speed that is at least five miles per hour under the posted speed limit, if making a lane change is unsafe.

The offense for failure to maintain a safe distance continues to be a Class b traffic violation.



“HB 2040 requires drivers to move over to a non adjacent lane or reduce speed to at least 5 miles under the speed limit for emergency vehicles, ambulances, roadside assistance vehicles and tow vehicles”



HB 2318: Expungement for Diversion and Arrest

HB 2318 amends ORS 137.225 (statute addressing expungement of traffic offenses) to:

- Allow expungement of a traffic offense in situations where a person was arrested, but not convicted, for a traffic offense.
- Prohibit expungement of a traffic offense in cases where a person successfully completes a diversion program after an arrest for DUII.

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HB 2377: Driving While Using a Cell Phone

HB 2377 creates a Class D traffic violation (punishable by a maximum fine of \$90) for operating a motor vehicle while using a mobile communication device. For the purposes of the measure, “mobile communication device” is defined as a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication. HB 2377 designates the violation as a primary offense, meaning that a police officer may stop a driver solely for using a cell phone without using a hands-free accessory. The measure provides exceptions to the law for:

- a person who is summoning medical or other emergency help if no other person in the vehicle is capable of summoning help;
- a person using a mobile communication device for the purpose of farming or agricultural operations;
- a person operating an ambulance or emergency vehicle;
- a person 18 years of age or older who is using a hands-free accessory;
- a person operating a motor vehicle while providing public safety services or emergency services as a volunteer;
- a person operating a motor vehicle while acting in the scope of the person’s employment as a public safety officer, as defined in ORS 348.270;
- a person operating a motor vehicle in the scope of the person’s employment if operation of the motor vehicle is necessary for the person’s job;
- a person activating or deactivating the mobile communication device or a function of the device;
- a person who holds a valid amateur radio operator license issued or any other license issued by the Federal Communications Commission and is operating an amateur radio;
- a person who operates a two-way radio device that transmits radio communication transmitted by a station operating on an authorized frequency within the citizens’ or family radio service bands in accordance with rules of the Federal Communications Commission;
- a person using a function of the mobile communication device that allows for only one-way voice communication while the person is:
 1. Operating a motor vehicle in the scope of the person’s employment;
 2. Providing transit services to persons with disabilities or to senior citizens; or
 3. Participating in public safety or emergency service activities.

VITAL STATISTICS

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HB 2553: DOT Wreck Clean Up for Youth Fatalities

HB 2553 requires the Department of Transportation to pay reasonable costs for the removal of any vehicle, cargo or debris resulting from a motor vehicle accident if the vehicle accident results in the death of a person 18 years of age or younger, the accident occurs on a state highway, no insurance is available and the surviving family members would otherwise be responsible for the cost of the cleanup. The measure does not apply in situations where it is established (by a preponderance of the evidence) that the deceased was engaged in conduct that would constitute a crime or when the vehicle of the deceased was not insured under a motor vehicle liability insurance policy in compliance with ORS 806.060.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter 620

HB 2578: Parking Facility Towing Requirements

HB 2578 creates the following new provisions impacting the towing of vehicles from a parking facility:

- Requires a tower who tows a vehicle at the request of an owner of a parking facility to take at least one photograph of the vehicle and record the time and date of the photograph, requires the photograph to show the vehicle left or parked in violation of ORS 98.810 and requires the tower to keep the photograph in electronic or printed form for two years.
- Prohibits a tower from towing a vehicle without first contacting the owner of the facility or the owner's agent at the time of the tow. The measure also prohibits a tower from towing a vehicle if the parking facility owner or agent is an employee of a tower.
- Allows a tower to park a tow vehicle within 1,000 feet of a parking facility if the tower provides notice of the hours during which monitoring occurs on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.
- Allows a tower to tow a motor vehicle if the motor vehicle: Blocks or prevents access by emergency vehicles, blocks or prevents entry to the premises, blocks a parked motor vehicle, violates a prominently posted parking prohibition or parks without permission in a parking facility used for residents of an apartment when there are more residential units than there are parking spaces, the landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises and there are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.
- Requires the tower to release the motor vehicle at no charge when the owner or operator of the motor vehicle is present at the time of the tow unless the hookup is complete. If the hookup is complete, the tower shall release the motor vehicle and may charge the owner or operator of the motor vehicle a fee that does not exceed the charge to hook up for that type of tow as published.

VITAL STATISTICS

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SB 124: Increased Penalty for Motorcycle without Endorsement

SB 124 increases the penalty for operating a motorcycle without a motorcycle endorsement from a Class B traffic violation, punishable by a maximum fine of \$360 to a Class A traffic violation, punishable by a maximum fine of \$720. The measure directs the court to suspend or dismiss the fine if the operator completes the necessary training course and obtains a motorcycle endorsement within 120 days of sentencing.

VITAL STATISTICS

Effective Date: January 1st, 2010
2009 ORS Site: Chapter 482



SB 128: Fictitious Licenses for Undercover Use

SB 128 includes the following three provisions related to limited term driver permits and fictitious driver licenses:

- Stipulates that a limited term driver permit is valid during an applicant's stay in the united states (but no longer than the period of time for which a driver permit of the same type is issued by the department) or for a maximum period of one year when there is no definite end to an authorized stay.
- Relieves the Department of Transportation from the duty to issue renewal notifications for limited-term driver licenses, driver permits or identification cards that are valid for less than one year.
- Authorizes the Department of Transportation to issue or renew a fictitious drive license or identification card for a law enforcement official for use in discharging the undercover criminal investigative duties of a law enforcement agency. The measure stipulates that the fees for issuance or renewal of a fictitious license or ID card are the same for a standard license or ID Card. Further, SB 128 requires the Department of Transportation to keep the true identity of a law enforcement official confidential and only allows the disclosure of information to a law enforcement agency upon request.

VITAL STATISTICS

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2009 ORS Site: Chapter 258

SB 314: Crash Notification Requirement for Injury/Damage

SB 314 requires any driver involved in an accident, resulting in the death or injury of a person or property damage in excess of \$1500, to give notice of the accident immediately to a police officer or law enforcement agency by the quickest means available. In addition, SB 314:

- Requires each driver involved in an accident to report if damage requires the towing of any of the involved vehicles from the scene.
- Allows the Department of Transportation to increase the cost of damage that requires notification every five years based on any increase in the Portland-Salem Consumer Price Index.
- Exempts law enforcement officials performing a lawful intervention technique (PIT maneuver) or accidents occurring with a person committing a criminal offense. The measure also exempts operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

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SB 314 stipulates that a driver or occupant (when the driver is unable to report) that fails to report an accident to a police officer or law enforcement agency based on the provisions of the law commits a Class A traffic violation.



SB 579: All Terrain Vehicle Safety Restraint Requirements

SB 579 requires the parent or legal guardian of children under age 16 to ensure that the child is secured with a safety belt or safety harness when operating or riding on a Class I or Class II all-terrain vehicle while on premises open to the public.

- As defined in ORS 801.190, Class I all-terrain vehicles have three or more wheels, weighing 800 pounds or less, and are designed for off-road travel.
- As defined in ORS 801.193, Class II all-terrain vehicles are motor vehicles weighing in excess of 800 pounds that are designed for, capable of, and are actually being operated off a highway over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.

VITAL STATISTICS

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