

# **LEGISLATIVE SUMMARY 2003**

**72nd Oregon Legislative Assembly**



**September, 2003**



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# INTRODUCTION

There were 2,922 bills, memorials and resolutions introduced in the 2003 Legislative Session. This compares to 3,297 bills introduced in the 2001 session. The Legislature passed 869 bills, memorials and resolutions in 2003.

The Governor has 30 days following the end of the legislative session during which he may sign a bill passed by the Legislature, allow it to become law without signature, or veto it. All bills that are signed by the Governor or that become law without signature become effective on January 1, 2004, unless a different effective date is specified. The new laws will be codified into the Oregon Revised Statutes (ORS). The 2003 edition of ORS should be ready for distribution in January 2004.

The Oregon Department of Transportation followed 700 bills that affected or may affect the agency's business in some way. The following pages provide a summary of the legislation passed during the 2003 Legislative Session of interest to ODOT. Expenditure, revenue and full-time equivalent (FTE) figures are provided only for those bills that have a fiscal impact on the department's business.

If you have questions about any of these bills, please contact the legislative coordinator for the division that is implementing the legislation:

Financial Services	Dave Tyler	(503) 986-3905
Driver and Motor Vehicle Services (DMV)	Karen McCarty	(503) 945-5247
Highway	Doug Tindall	(503) 986-3005
Human Resources	Jennifer Lara	(503) 986-3837
Information Services	Barry Nathan	(503) 986-6383
Motor Carrier Transportation	Jim Brock	(503) 373-1578
Public Transit	Kathryn Straton	(503) 986-3408
Rail	Kathy Schamp	(503) 986-4230
Support Services	B. J. Pankratz	(503) 986-3277
Transportation Safety	Sandi Bertolani	(503) 986-4193
Transportation Development	Connie Sparks	(503) 986-4204

You also may contact the implementation manager for a bill, or Joan Plank at (503) 986-3444 or Victor Dodier at (503) 986-3422 in ODOT's Government Relations Section. The implementation managers are listed in the summary for those bills that require ODOT to take action. If no implementation manager is listed, no tasks are required to implement the new law. Many bills are listed simply to alert you that the law was changed.

If you want a copy of an enrolled bill (the edition that the Governor signs) or additional copies of this legislative summary document, please call Jeff Towers in ODOT's Government Relations Section at (503) 986-3436. In addition, you may download copies of enrolled bills from the legislative Web site ([http://www.leg.state.or.us/bills\\_pdf.htm](http://www.leg.state.or.us/bills_pdf.htm)). The legislative summary also is available at the ODOT Internet and intranet Web sites.

Thanks to all of you who were involved during the session and to all of you who will carry out our new tasks.





# LEGISLATION PASSED

## HOUSE BILLS

### **Economic Revitalization**

House Bill 2011

Implementation Plan Managers:

Sam Johnston, Highway Division, (503) 986-3789

Jerri Bohard, Transportation Development Division, (503) 986-4165

Effective Date: September 24, 2003

House Bill 2011 addresses the need to identify an adequate supply of industrial land that can be developed quickly to improve Oregon's economy. The bill directs the Oregon Economic and Community Development Department (OECDD) to identify industrial sites that are ready for development. ODOT, the Department of Land Conservation and Development, the Department of State Lands and the Department of Environmental Quality will support OECDD's effort. The bill directs ODOT to prioritize projects with a focus on supporting economic development. It also directs the Oregon Transportation Commission to identify funds necessary to resolve transportation constraints on a site identified for industrial development. [HB 2041](#) provides resources to meet this obligation.

HB 2011 also creates the Economic Revitalization Team (ERT) in the Governor's office. The ERT is a successor to the Community Development Office (CDO). ERT will continue the CDO's program of coordinating and communicating between state agencies, local governments and industries to further the goal of enhancing community and project development. ODOT will continue to serve on the ERT.

### **Mass Transit Assessment Payments to Special Districts**

House Bill 2035

Effective Date: April 2, 2003

The state levies the Mass Transit Assessment on state agencies based on the amount paid to employees that are permanently based within a mass transit district or a transportation district that was organized under ORS 267. This money is paid by the state to the districts in lieu of tax. House Bill 2035 makes county service districts that provide public transportation service eligible for Mass Transit Assessment payments. It also allows the Lincoln County Transportation Service District, which was organized as a county service district, to become retroactively eligible to avoid repaying funds that it received from the state since 1997.

## **2003 Oregon Transportation Investment Act**

House Bill 2041

Implementation Plan Managers:

John Rosenberger, Highway Division, (503) 986-3435

Craig Greenleaf, Transportation Development Division, (503) 986-4263

Lorna Youngs, DMV, (503) 945-5100

Gregg Dal Ponte, Motor Carrier Transportation Division, (503) 378-6351

Jim Whitty, Director's Office, (503) 986-4284

Effective Date: January 1, 2004

House Bill 2041, the 2003 Oregon Transportation Investment Act (OTIA III), will:

- Improve mobility and reduce congestion for Oregon citizens.
- Improve safety on Oregon roads and bridges.
- Preserve Oregon taxpayer investment in transportation systems.

Over the next 10 years, the OTIA III program will amount to a \$2.5 billion investment in state and local transportation infrastructure. OTIA III raises the revenue to pay for this investment by increasing registration and title fees, heavy vehicle fees and a variety of other driver- and vehicle-related fees.

ODOT plans to issue Highway User Tax Revenue Bonds with net proceeds of \$1.9 billion under the OTIA III program:

- \$1.3 billion would be used to repair and replace state-owned bridges.
- \$300 million would be used to repair and replace county- and city-owned bridges.
- \$300 million would be used for modernization projects.

Oregon has a large number of older bridges that are deteriorating and are, or may become, subject to weight limits. This problem is especially critical on Oregon's interstate highways and on major freight routes. ODOT has identified 340 to 350 bridges on state routes that should be replaced or repaired within the next seven to 10 years. These bridges are estimated to cost \$1.3 billion. Between 120 and 130 local bridges also have been identified; these are estimated to cost \$300 million.

OTIA III authorizes \$300 million in state modernization bonds and sets up categories (freight mobility, industrial sites (see [HB 2011](#)), job creation and projects of statewide significance) for the selection of modernization projects. A portion of the money dedicated to the state modernization program by ORS 366.507 would pay debt service for these bonds. In addition, ODOT must spend \$200 million of federal "advance construction" money on modernization projects. The Oregon Transportation Commission has designated a list of projects of statewide significance.

The bill allocates money from increases in registration and title fees and corresponding increases in heavy vehicle fees to the state highway program, counties and cities for the bridge program and for preservation and maintenance. The bill allocates money from driver and vehicle related fees and money attributable to [HB 2388](#) to counties and cities for preservation and maintenance.

HB 2041 also contains a number of miscellaneous provisions.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$163,858,000	\$838,209,000
Effect on Revenues		\$190,734,000	\$721,398,000
Effect on FTE		13.64	13.25

### **Tax Incentive for Mileage Based Auto Insurance**

House Bill 2043

Effective Date: November 26, 2003

House Bill 2043 would encourage the shift of insurance rates from those based on vehicle ownership to those based on vehicle use. This may reduce the amount of driving by participating consumers. In turn, this may reduce congestion and pollution.

This pilot project would generate information about highway pricing and the role “pay-as-you-drive” insurance could play in transportation policy.

### **Debt Collection Fees**

House Bill 2055

Implementation Manager: Quintin Hess, Financial Services, (503) 378-6789

Effective Date: May 7, 2003

House Bill 2055 allows a state agency to charge a debtor for the collection fee when a public agency turns a debt over to a private debt collector. A state agency may turn over to a private collection agency a debt that arises from fines, civil penalties, contracts, agreement or court orders as provided by ORS 293.231. Typically, private collection agencies charge agencies a 10 percent to 15 percent collection fee. If this cost is deducted from the amount due, the state is unable to collect the full amount due.

## Omnibus Budget Reconciliation

House Bill 2148

Implementation Plan Manager: Dave Tyler, Financial Services, (503) 986-3905

Effective Date: August 29, 2003

House Bills 2148 makes end-of-session appropriations and adjustments in state agency budgets to implement the state's 2003-2005 budget. The bill directs ODOT to:

- Transfer \$3,986,904 to the Department of Forestry. This revenue is attributable to the increases in registration fees for campers, motor homes and travel trailers made by [HB 2041](#) that is collected during calendar year 2004. Forestry will use the money to meet expenses that relate to the acquisition, development, maintenance or care of parks or recreation areas in state forests.
- Transfer \$4.9 million from the Environmental Quality Information Account to the Department of Transportation Operating Fund to fund passenger train service between Portland and Eugene.
- Distribute an additional \$9,637,723 to counties and \$6,425,147 to cities from the State Highway Fund for highway preservation projects. Senate Bill 469 reversed this transfer. The money will be used for state highway maintenance and preservation projects.

## Failure to Maintain Safe Distance from Emergency Vehicle

House Bill 2176

Implementation Plan Manager: Jim Kelly, DMV, (503) 945-5279

Effective Date: January 1, 2004

House Bill 2176 creates a Class B traffic violation for failure to maintain a safe distance from an emergency vehicle or ambulance that is stopped on a highway with warning lights flashing. The penalty for a Class B violation is a fine of up to \$300.

The bill specifies when a driver must either make a lane change or reduce speed when approaching a stopped emergency vehicle. It clarifies requirements if the highway has two or more lanes in a single direction or if it is a two-lane highway.

This bill allows law enforcement officers to cite drivers who operate their vehicles in an unsafe manner that may endanger emergency workers.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 5,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Fuel Tax Performance Bond Requirements

House Bill 2211

Implementation Plan Manager: Quintin Hess, Fuels Tax Unit, (503) 378-6789

Effective Date: January 1, 2004

House Bill 2211 enables ODOT to protect the tax revenues of the state by requiring a higher performance bond for gasoline dealers that fail to comply with fuel tax statutes.

The bill includes several protections for dealers who are in compliance with state tax laws. It allows ODOT to keep bond rates low for dealers that remain in compliance.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 7,250	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## State Transportation Bonds

House Bill 2213

Implementation Plan Manager: Diane Hopper, Financial Services, (503) 986-3922

Effective Date: June 4, 2003

House Bill 2213 eliminates out-of-date bond authorization provisions, strengthens the revenue pledge for Oregon Transportation Investment Act bonds and provides the authority for ODOT to issue Grant Anticipation Revenue Vehicle (GARVEE) bonds secured by federal revenues.

The State Treasurer is the official issuer of all bonds. HB 2213 continues those controls. The bill specifies that Highway User Tax Revenue Bonds are not a general obligation of the state. It increases ODOT's ability on short-term borrowing for specified purposes from \$25 million to \$100 million and from a term of one year to a maximum of three years. Legislative control and oversight also are continued because ODOT's bonds must be authorized in the biennial bond limit bill.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 30,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Hardship Permits for Certain Purposes

House Bill 2214

Effective Date: March 25, 2003

House Bill 2214 expands the permissible uses of hardship or probationary permits. A hardship or probationary permit is a restricted license issued to a person whose driving privileges are suspended or revoked. HB 2214 adds provisions to allow individuals with hardship or probationary permits to drive to and from drug treatment and rehabilitation programs, as well as to drive to seek employment.

Under the prior law, a person with a hardship or probationary permit could drive to and from alcohol treatment or rehabilitation. HB 2214 expanded the provision to include drug and other intoxicant treatment programs.

In addition, under the prior law, an individual with a hardship or probationary permit could drive to and from his or her place of employment and to other locations as needed for the job. HB 2214 expanded the provision, enabling an individual to drive while seeking employment.

## Change of Address Notification

House Bill 2215

Implementation Plan Manager: Dan Thompson, DMV, (503) 945-5263

Effective Date: January 1, 2004

House Bill 2215 allows the department to adopt rules to outline the methods a person could use to notify DMV of a change of address.

Currently, Oregon law requires a person to notify DMV of a change of address in person or in writing. This means that a person notifies DMV of a change of address in person at a local DMV office, in writing by mail or through the DMV Web page.

Under HB 2215, the department will expand the methods to allow an address change by telephone. This change will provide convenience to the public and will improve the accuracy of DMV records.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	(\$ 8,554)	(\$ 35,805)
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Out-of-State Junk Certificates

House Bill 2216

Implementation Plan Manager: Tammy Robbins, DMV, (503) 945-5110

Effective Date: January 1, 2004

House Bill 2216 deals with “junk” certificates or similar documents. The bill prohibits DMV from issuing a title when it receives such documents from another jurisdiction. Junk certificates, junk titles or similar documents are typically issued when a vehicle has been so severely damaged it is no longer considered roadworthy or safe to drive. These vehicles were not intended to be operated or titled again. Jurisdictions that do retitle these vehicles do so only after the vehicle has been properly repaired and inspected for safety.

Under current law, DMV must issue an Oregon branded title for these vehicles. Once a title has been issued, the vehicle can be registered and operated on Oregon’s roads. This allows severely damaged vehicles to be titled in Oregon without a safety inspection and to be sold to unsuspecting customers. This practice, known as “title washing,” provides profit opportunities for individuals seeking to circumvent the consumer protection laws of other states. This bill will stop this activity.

HB 2216 improves consumer protection and increases highway safety by keeping unsafe vehicles off Oregon’s roads.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 4,924	(\$ 101)
Effect on Revenues		(\$ 43,165)	(\$57,559)
Effect on FTE		0	0

## Interstate / Intrastate Motor Carrier Safety

House Bill 2217

Implementation Plan Manager:

David McKane, Motor Carrier Transportation Division, (503) 373-0884

Effective Date: July 17, 2003

House Bill 2217 changes Oregon law to comply with federal regulations related to motor carrier safety exemptions and trucks operating in interstate commerce. These changes will allow Oregon to continue to receive about \$4.8 million per biennium in federal funds for safety enforcement under the Motor Carrier Safety Assistance Program. The changes are:

- Clarification that farm truck safety exemptions apply to *intrastate* commerce.
- Removal of exemptions for mail carriers, private carrier buses and vans under 12,001 pounds, trucks soon to be used in commercial operation, trucks hauling fishing boats when the combined weight is less than 15,001 pounds and forest fire fighting trucks.
- Clarification that commercial vehicle drivers in interstate commerce must wear seat belts.
- Addition of hazardous material tank vehicles to a list of high-risk vehicles that must follow special rail crossing procedures at crossings with gates.

## Notification of Land Use Changes Affecting Rail Crossings

House Bill 2219

Implementation Plan Manager: Craig Reiley, Rail Division, (503) 986-4273

Effective Date: January 1, 2004

ODOT authorizes public highway crossings of railroads. House Bill 2219 addresses the public safety problem created when a private railroad-highway crossing becomes one that is used by the public because of land use changes. The bill specifically requires applicants requesting a land use action to disclose to the local planning office if access to the property is over a railroad. It further requires the local planning office to provide notice of the proposed action to the railroad and to the ODOT Rail Division.

## Immediate Suspension of Fuel Dealer License

House Bill 2222

Implementation Plan Manager: Quintin Hess, Fuels Tax Unit, (503) 378-6789

Effective Date: January 1, 2004

House Bill 2222 allows ODOT to immediately suspend a motor vehicle fuel dealer's license when the dealer fails to comply with motor vehicle tax laws. Immediate suspension will stop the loss of fuel tax revenue as soon as ODOT discovers noncompliance. Prior to HB 2222, ODOT could revoke a dealer's license only after a 10-day notice.

The bill allows the dealer to contest the suspension at a hearing. It also specifies notice requirements to the dealer and to other dealers that the suspended dealer's authority to buy tax-deferred fuel is suspended.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 7,250	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Requirements of Motor Fuel Exporters

House Bill 2223

Implementation Plan Manager: Quintin Hess, Fuels Tax Unit, (503) 378-6789

Effective Date: January 1, 2004

House Bill 2223 enables ODOT to protect the tax revenues of Oregon and our neighboring states by requiring Oregon motor vehicle fuel dealers to be licensed in states to which they are exporting motor vehicle fuel. The bill requires that persons who export motor vehicle fuel to another state, territory or country hold a motor vehicle fuel dealer's license or its equivalent issued by that state, territory or country.



## Mining Fees

House Bill 2256

Effective Date: September 1, 2003

House Bill 2256 establishes a new fee structure for applications for mining permits and permit renewals issued by the Department of Geology and Mineral Industries (DOGAMI). Fees increase about \$100 per permit where the new and old fee structures are comparable.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 15,400	\$ 27,600
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Waiver of Fees for Projects Affecting Ocean Shores

House Bill 2257

Effective Date: January 1, 2004

House Bill 2257 allows the State Department of Parks and Recreation to waive or reduce permit fees for applications by a public body when a project is a natural restoration or when a project benefits the economic values of the ocean shore.

ODOT has identified 26 sites where U.S. 101 is subject to beach erosion and where future work requiring a permit is likely to occur. ODOT could realize substantial permit cost savings from this change.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	(\$ 62,500)	(\$ 83,200)
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Ignition Interlock Device Requirements

House Bill 2261

Implementation Plan Manager: Dan Thompson, DMV, (503) 945-5263

Effective Date: March 25, 2003

House Bill 2261 increases the effectiveness of Oregon's ignition interlock device (IID) program. Oregon law requires a person to have an IID installed on his or her vehicle for six months following a driving under the influence of intoxicants (DUII) suspension. The bill clarifies when a person may apply for reinstatement of driving privileges after a suspension for DUII, provided the person has an IID installed in his/her vehicle, regardless of when the IID was installed.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 5,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Serious Accident Suspensions

House Bill 2262

Implementation Plan Manager: Joil Southwell, DMV, (503) 945-5268

Effective Date: January 1, 2004

House Bill 2262 gives ODOT discretion to suspend a driver's driving privileges when a driver is involved in an accident resulting in another person's death. Prior to HB 2262, ODOT was required to suspend the driver. Under the bill, ODOT has flexibility to review the facts of each case and take suspension action when appropriate. ODOT retains authority to immediately suspend a person's driving privileges if ODOT has reason to believe the person may endanger people or property if not immediately suspended. The bill also maintains the provisions for due process.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 8,300	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Hardship Permits Prohibited for Failure to Appear and Failure to Comply Suspensions

House Bill 2263

Implementation Plan Manager: Val Schoenfeldt, DMV, (503) 945-5242

Effective Date: January 1, 2004

House Bill 2263 prohibits the issuance of a hardship permit to a person whose driving privileges are suspended for failure to appear in court or failure to comply with a court's order.

Under current law, when a person fails to appear in court on a traffic citation or fails to comply with the court's order after appearance, the court may order ODOT to suspend the person's driving privileges. Unfortunately, current law also allows such persons to receive a hardship permit. The hardship permit allows the person to drive legally while avoiding his or her responsibilities. The person does not pay a traffic fine to the court, and the traffic citation is not added to the person's driving record.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	(\$ 98,816)	(\$155,088)
Effect on Revenues		(\$187,500)	(\$249,850)
Effect on FTE		( 1.50)	( 2.00)

## Areas of Critical Concern

House Bill 2265

Effective Date: January 1, 2004

House Bill 2265 adds rail and motor carrier activities as areas of critical concern for ODOT.

In 1993, the Oregon Legislature established areas of critical concern as part of the reorganization of ODOT. The 1995 Oregon Legislature transferred regulatory responsibilities relating to railroads and motor carriers from the Public Utility Commission to ODOT, but those responsibilities were not added to the areas of critical concern.

HB 2265 puts in statute what already exists at a policy level. It officially recognizes that railroads and motor carriers are part of ODOT's responsibilities and indicates that ODOT has a multimodal responsibility in Oregon law.

## Public Records

House Bill 2318

Implementation Plan Manager: Dan Thompson, DMV, (503) 945-5263

Effective Date: September 24, 2003

House Bill 2318 makes technical corrections to the statutes relating to records. Among other statutory changes, the bill provides that ODOT may collect a fee from the Judicial Department for providing records to the State Court Administrator to be used in creating a master jury list.

This provision resolves a conflict between statute that requires ODOT to provide the jury lists to the State Court Administrator free of charge and the Department of Justice's determination that ODOT cannot use State Highway Fund money for non-highway purposes.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 1,000	\$ 0
Effect on Revenues		\$ 600	\$ 600
Effect on FTE		0	0

## Minors in Open Bed of Pickup

House Bill 2338

Implementation Plan Managers:

Jim Kelly, DMV, (503) 945-5279

Carla Levinski, Transportation Safety Division, (503) 986-4199

Effective Date: November 26, 2003

House Bill 2338 prohibits carrying a minor (a person under 18 years of age) in an open bed of a motor vehicle. The bill recognizes some exceptions: where seat belts are provided by the manufacturer, for vehicles operating in parades, where minors occupy all passenger seats, for employment when also in compliance with worker transport laws and when the minor being transported is hunting and has a hunting license.

HB 2338 increases the overall transportation safety for minors riding in the cargo area of vehicles in Oregon. It has the potential to save lives and reduce injuries.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 5,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Public Contracting**

House Bill 2341

Implementation Plan Manager: Kathryn Ryan, Support Services, (503) 986-2726

Effective Date: September 22, 2003

Operative Date: March 1, 2005

HB 2341 revises the requirements and procedures for public contracting now contained in ORS 279. It reorganizes the provisions into three chapters: ORS 279A, ORS 279B and ORS 279C. The bill directs the Department of Justice to develop model administrative rules that will become the basis of individual agencies' rules. ODOT will revise its rules and procedures by the bill's operative date.

The new ORS 279C includes provisions to facilitate ODOT's completion of Oregon Transportation Investment Act projects. These provisions authorize the ODOT director:

- To exempt individual highway and bridge construction contracts and classes of contracts from competitive bidding when conditions are met (expires July 2012).
- To consider savings that would accrue to the public as well as to the agency (expires July 2012).
- To reduce the bid and performance bonds required for highway and bridge construction contracts.

## **Removal of Registration Stickers**

House Bill 2388

Implementation Plan Manager: Mary Liedtke, DMV, (503) 945-5197

Effective Date: January 1, 2004

House Bill 2388 requires vehicle dealers and tow companies to remove the registration stickers from the license plates of a vehicle when the vehicle is sold. Vehicle dealers and tow companies are allowed to issue a 10-day trip permit for the vehicle, thus allowing the new owner to legally drive the vehicle to a DMV office to apply for title and registration. The requirement to remove the tags will not apply if the dealer submits title and registration paperwork to DMV on behalf of the owner, or if the vehicle is sold to another dealer.

The bill addresses the concern that some vehicle buyers, especially buyers of low-value vehicles, neither submit the title and registration paperwork to DMV nor authorize the dealer to do so. Instead, the person drives the car until the previous owner's registration tags expire. HB 2388 closes this loophole, resulting in an increase in title and registration fee revenue collected by the department.

HB 2388 is a component of the 2003 Oregon Transportation Investment Act. HB 2388 increases title, registration and permit fee revenue by requiring title and registration transfers. Please see [HB 2041](#) for a more complete description of the 2003 Oregon Transportation Investment Act.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 219,132	\$ 271,708
Effect on Revenues		\$2,344,096	\$3,096,638
Effect on FTE		2.25	3.00

## Driver Permits from Other Jurisdictions

House Bill 2393

Implementation Plan Manager: Val Schoenfeldt, DMV, (503) 945-5242

Effective Date: January 1, 2004

Under Oregon's graduated driver license requirements, a teenager must have an instruction permit for six months prior to applying for a driver license. House Bill 2393 requires DMV to accept an instruction permit from another state.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 25,000	\$ 0
Effect on Revenues		(\$ 3,393)	(\$ 4,550)
Effect on FTE		0	0

## Lights Allowed on Motorcycles

House Bill 2398

Implementation Plan Managers:

Stan Porter, Transportation Safety Division, (503) 986-4198

Effective Date: January 1, 2004

House Bill 2398 changes the lighting requirements for motorcycles. It allows the use of additional lighting on motorcycles to increase their visibility and to add light for night driving. It also aligns Oregon statutes with current motorcycle manufacturing standards.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 1,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Failure to Yield to a Crossing Guard

House Bill 2422

Implementation Plan Manager: Jim , DMV, (503) 945-5279

Effective Date: January 1, 2004

House Bill 2422 creates a new offense under the vehicle code for failure to yield to a traffic patrol member (crossing guard). It carries a \$600 fine.

This bill will provide additional protection to crossing guards as well as the children under their protection.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 10,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Exemptions from Public Records Disclosure

House Bill 2425

Implementation Plan Manager:

Patrick Cooney, Communications Division, (503) 986-3455

Effective Date: July 1, 2003

House Bill 2425 limits the disclosure of public records pertaining to operational plans made in connection with public safety to include records of a public body, as well as the records of law enforcement agencies. The type of plans exempted from public disclosure would include those related to security of:

- Nuclear-powered thermal power plants
- Transportation of radioactive material to or from nuclear power plants
- Generation, storage or conveyance of:
  - Electricity
  - Gas in liquefied or gaseous form
  - Hazardous substances as defined in ORS 453.005
  - Petroleum products
  - Sewage
  - Water
  - Telecommunications systems
  - Data transmissions

Disclosure of this type of public record would be prohibited if a disclosure would: 1) endanger an individual's life or physical safety or 2) jeopardize law enforcement.

HB 2425 permits disclosure if the public interest requires it.

HB 2425 allows a public body, such as the Oregon Transportation Commission, to hold discussions of security plans in executive session. The bill also clarifies when a public body may and may not hold an executive session to consider employment-related issues or the filling of vacancies on the public body.

## Vehicle Sales without a Dealer License

House Bill 2455

Implementation Plan Manager: Karen McCarty, DMV, (503) 945-5247

Effective Date: June 24, 2003

House Bill 2455 specifies when a person with a lien claim on a vehicle may sell the vehicle without applying for a vehicle dealer license. Under HB 2455, a person may foreclose a possessory lien on a vehicle without a license, i.e., sell the vehicle at public auction. The bill also allows a person to sell as many as 12 vehicles in a 12-month period without applying for a license if the vehicles were obtained by foreclosing a possessory lien. It provides an exception if the person sells the vehicle to, or consigns it with, a licensed vehicle dealer or a licensed wrecker.

The bill authorizes the department to impose a civil penalty up to \$1,000 against any person who violates the provisions of HB 2455.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 8,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Office of Administrative Hearings

House Bill 2526

Implementation Plan Manager: Tami Boss, DMV, (503) 945-5502

Effective Date: May 22, 2003

House Bill 2526 changes the name of the Hearing Officer Panel to Office of Administrative Hearings. The bill repeals the sunset date, making the Office of Administrative Hearings a permanent agency. The bill also contains a number of administrative provisions that affect the office.

## Seller Notice Changes

House Bill 2542

Implementation Plan Manager: Mary Liedtke, DMV, (503) 945-5197

Effective Date: January 1, 2004

House Bill 2542 makes three changes to improve the seller notice process, which is the process used to notify DMV that a vehicle has been sold.

- DMV may determine by administrative rule what information is required on a seller notice. This change gives DMV the needed flexibility to make improvements to benefit the stakeholders that use the seller notice information.
- DMV is no longer required to notify the buyer of the vehicle when the title has not been transferred into the buyer's name within 60 days of DMV receiving the seller notice. The "reminder" notice has not been an effective tool in gaining buyers' compliance with the laws governing title transfer.



- The person who has sold the vehicle is protected from civil or criminal liability for parking, abandoning or operating it by another person when the seller notifies DMV of the sale. Currently, that protection is provided only if the seller notifies DMV within 10 days of the sale.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 1,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Certification of Public Fleet Pollution Control Compliance**

House Bill 2546

Implementation Plan Manager: Mary Liedtke, DMV, (503) 945-5197

Effective Date: January 1, 2004

House Bill 2546 repeals the requirement that government fleet vehicles certify compliance annually with pollution control equipment requirements. Vehicles in fleets of state and local agencies will be subject to Department of Environmental Quality emissions testing on the same time intervals as is required for privately owned vehicles.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	(\$ 8,300)	(\$ 9,300)
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Antique and Special Interest Vehicles**

House Bill 2573

Implementation Plan Manager: Mary Liedtke, DMV, (503) 945-5197

Effective Date: January 1, 2004

House Bill 2573 allows non-motorized vehicles, such as travel trailers, that are maintained and used as collectors' items to be registered as antique or special interest vehicles. Antique or special interest vehicles can be used only in exhibitions, parades and club activities.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 12,500	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Exempt Farm Graders from Registration

House Bill 2634

Implementation Plan Manager: Tammy Robbins, DMV, (503) 945-5110

Effective Date: January 1, 2004

House Bill 2634 exempts road graders from registration when the graders are used in an agricultural operation. All road graders previously were required to be registered as heavy fixed-load vehicles. There are 747 road graders titled in Oregon. The number of graders used in farming is not known.

## Solid Waste Disposal Fees

House Bill 2644

Effective Date: January 1, 2004

Operative Date: March 2, 2004

House Bill 2644 extends the sunset date for waste management fees. Waste disposal facilities pay these fees to the Department of Environmental Quality based on the amount of hazardous waste and solid waste they receive. The fees are passed on to those who generate waste in the form of disposal fees.

ODOT and its contractors dispose of an estimated 375,000 tons of solid waste during highway construction projects, based on the amount of soil excavated for highway projects during the past five years. In addition, ODOT disposes of an estimated 500 tons of contaminated soil per year as a result of maintenance activities. The bill extends the fees through 2006.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$1,126,500	\$ 375,500
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Tag and Tow / Speed Law Revision

House Bill 2661

Implementation Plan Managers:

Doug Tindall, Highway Division, (503) 986-3005

Ed Fischer, Highway Division, (503) 986-3606

Barnie Jones, Transportation Development Division, (503) 986-2845

Jim Kelly, DMV, (503) 945-5279

Effective Date: January 1, 2004

House Bill 2661 makes four changes that relate to highways.

First, the bill explicitly gives ODOT authority to tow vehicles off the highway right-of-way. Over the years, using authority delegated by the Oregon State Police (OSP), ODOT tagged abandoned vehicles along state highways and called for them to be towed.

Recently, OSP determined it had improperly delegated its authority. HB 2661 corrects this and allows a long-standing cooperative effort between ODOT and OSP to continue.

Second, the bill makes the Oregon statutes relating to speed laws easier for Oregon drivers, visitors, courts, law enforcement and road authorities to understand. The bill:

- Places the statutes in sequential and logical order.
- Deletes references to a “federal maximum speed limit,” a federal law that no longer exists.
- Treats all roadways in the same manner whether they are in urban or rural areas.
- Retains the speed limit designation for special areas, such as beaches, alleys, residential areas, business districts, school zones and work zones.
- Sets a maximum speed of 65 mph for interstate highways for all vehicles except trucks and buses. Trucks and buses are limited to 55 mph.
- Allows ODOT to increase posted speeds on interstate highways up to a maximum of 70 mph (65 mph for trucks and buses), provided that the higher speed is determined to be safe and reasonable.

Third, the bill delays the implementation of Enrolled Senate Bill 179 until July 1, 2004. SB 179 changes the requirements for speed limits in school zones. The delay in implementation will allow the bill to take effect between school years, rather than during a school year. The change of effective date will allow more orderly implementation.

Fourth, the bill authorizes ODOT to enter into public-private research partnerships to develop products for market that reduce the cost of maintaining and preserving roads, extend the useful life of roads or improve highway safety. If a product is successfully developed this way, ODOT could benefit as an investor.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 50,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Court Fees / Base Fine for Violations**

House Bill 2759

Implementation Plan Managers:

Ed Scrivner, Motor Carrier Transportation Division, (503) 378-6071

Effective Date: August 29, 2003

Operative Date: September 1, 2003

House Bill 2759 increases fees, fines and penalties paid to Oregon courts to provide revenue for the judicial system. The bill increases the fines for traffic offenses and violations of other transportation laws by 20 percent. The new fine amounts (Class D – \$90 fine, Class C – \$180 fine, Class B – \$360 fine and Class A – \$720 fine) go into effect September 1, 2003.

## Social Security Number Required with License Application

House Bill 2783

Implementation Plan Manager: Craig Austin, DMV, (503) 945-5242

Effective Date: January 1, 2004

House Bill 2783 requires the department to collect social security numbers from drivers on applications for driver licenses and instruction permits. The bill supports the Department of Justice's compliance with the Federal Welfare Reform Act. The social security numbers will not be available as part of the public record.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 246,489	\$ 259,610
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		2.25	3.00

## Revocation for Third DUI Conviction

House Bill 2885

Implementation Plan Manager: Joil Southwell, DMV, (503) 945-5268

Effective Date: January 1, 2004

House Bill 2885 permanently revokes a driver license on a third misdemeanor conviction for driving while under the influence of intoxicants (DUII).

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 17,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Refusal to Take a Breath Test

House Bill 2900

Implementation Plan Manager: Tami Boss, DMV, (503) 945-5502

Effective Date: January 1, 2004

House Bill 2900 creates a new traffic offense: refusal to take breath test. A driver who is convicted of refusing to take a breath test is subject to a fine of at least \$500 but not more than \$1,000. The new offense is in addition to other consequences of Oregon's Implied Consent Law.

All fines collected from the citations issued by the Oregon State Police (OSP) will be transferred to the State Police Account to be used by OSP for enforcing laws on driving while under the influence of intoxicants.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 10,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Threshold for Reporting Vehicle Accidents

House Bill 2933

Implementation Plan Managers:

Debi Mercer, DMV, (503) 945-0879

Mark Wills, Transportation Development Division, (503) 986-4232

Effective Date: January 1, 2004

House Bill 2933 changes the requirements for reporting vehicle accidents. All parties must file an accident report when the crash results in injuries or deaths or when a vehicle is towed from the scene. It raises the threshold for reporting property damage from \$1,000 to \$1,500. The bill also requires that only the driver or owner of a vehicle with \$1,500 or more in property damage file a report.

	(Fund Type)	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	(\$ 55,126)	(\$ 73,123)
Effect on Revenues		(\$ 31,325)	(\$ 61,775)
Effect on FTE		( 1.75)	( 1.00)

## Medically At-Risk Driver Reports

House Bill 2986

Effective Date: June 24, 2003

House Bill 2986 provides civil immunity to physicians and other health care workers in the event that they do not report a cognitive or functional impairment that affect a person's ability to drive.

## Cardlocks

House Bill 2997

Implementation Plan Manager: Quintin Hess, Fuels Tax Unit, (503) 378-6789

Effective Date: November 26, 2003

House Bill 2997 amends the definition of "seller" under Oregon's use fuel law and clarifies that cardlock operators are not required to collect taxes on fuel that will be used in a nontaxable manner. The bill requires cardlock operators to collect taxes unless the user certifies the fuel will not be used in a taxable manner. HB 2997 aligns statute and ODOT practice.

## Refund of Fuel Tax Paid

House Bill 2999

Implementation Plan Manager: Quintin Hess, Fuels Tax Unit, (503) 378-6789

Effective Date: January 1, 2004

House Bill 2999 allows a fuel dealer to claim a refund of the tax paid to ODOT under certain circumstances. In order to claim a refund, the fuel dealer must (1) receive less than full consideration from the purchaser, (2) declare the account to be uncollectible and meet Internal Revenue Service requirements for a bad debt and (3) not have claimed a previous refund for losses attributable to the same purchaser. The amount of the refund is limited to the amount of fuel tax due on the sale.

ODOT will develop administrative rules providing guidelines for claiming refunds, develop a form on which to submit the claims and process filed claims.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 8,500	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Extends Double Fines Program

House Bill 3001

Implementation Plan Manager:

Larry Christianson, Transportation Safety Division, (503) 986-4165

Effective Date: May 24, 2003

House Bill 3001 extends the sunset date doubling the amount of traffic fines in specified safety corridors from December 31, 2003, to January 1, 2008. It also expands the doubling of traffic fines to any safety corridor.

Double-fine signing emphasizes the importance of compliance with safety laws in corridors with a higher rate of death and injury. Broader deployment of double-fine signing and corresponding changes in driver behavior lead to fewer deaths and injuries when accompanied by law enforcement and public education activities.

## Vehicle Dealer Bonds and Insurance

House Bill 3048

Implementation Plan Manager: Karen McCarty, DMV, (503) 945-5247

Effective Date: January 1, 2004

Under current law, when a vehicle dealer's insurance is cancelled, DMV must cancel the dealer's certificate to do business. Once the certificate is cancelled, the dealership owner cannot resume business until he or she completes all steps of the application process, including payment of all fees.

House Bill 3048 gives vehicle dealers additional time to secure the required insurance without having to reapply for a dealer’s certificate and repay the fees. To protect consumers, the dealership is prohibited from selling vehicles during the time the insurance is lapsed.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 4,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

### **Streamlining Agency Rules**

House Bill 3120

Implementation Plan Manager: John Rosenberger, Highway Division, (503) 986-3425

Effective Date: September 2, 2003

House Bill 3120 requires the director of the Department of Consumer and Business Services to appoint a 10-member advisory committee to develop criteria for streamlining state agency rules. The bill specifies duties of the committee and directs all agencies to request public comment on proposed rules.

HB 3120 changes the period of time that an agency has to consider a petition concerning an administrative rule from 30 days to 90 days. The bill requires agencies to solicit public comment on a petition. It also narrows the scope of petitions to filings that request the amendment or repeal of a rule.

HB 3120 also requires that a person who serves on any state board or commission may not be employed by the board or commission in a salaried position while serving on the board or within one year after the person’s normal term has expired.

### **Administration of Outdoor Advertising Signs**

House Bill 3151

Implementation Plan Manager: Amy Joyce, Highway Division, (503) 986-3546

Effective Date: January 1, 2004

ODOT regulates outdoor advertising signs that are visible from state highways. Presently, each sign has an identification plate with the permit number and a decal for the year for which permit fees have been paid.

House Bill 3151 removes the requirement that ODOT issue decals each year for permitted outdoor advertising signs. ODOT will monitor compliance with outdoor sign regulations using its sign permit database.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	(\$ 1,500)	(\$ 1,500)
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Ballot Title for Senate Joint Resolution 14

House Bill 3187

Effective Date: January 1, 2004

House Bill 3187 writes the ballot title for [Senate Joint Resolution 14](#) for the November 2004 ballot. A ballot title contains the question presented to the voters, the result of a “yes” and a “no” vote, and a summary of the measure. HB 3187 is a companion bill to [Senate Bill 468](#).

The text of the ballot title for SJR 14 appears below:

**AMENDS CONSTITUTION: DELETES REFERENCE TO MOBILE HOMES FROM PROVISION DEALING WITH TAXES AND FEES ON MOTOR VEHICLES.**

**RESULT OF “YES” VOTE:** “Yes” vote allows taxes and fees on mobile homes to be used for nonhighway purposes.

**RESULT OF “NO” VOTE:** “No” vote retains restriction on use of taxes and fees on mobile homes.

**SUMMARY:** This measure authorizes expenditure of taxes and fees on mobile homes for nonhighway purposes. Under current law, taxes and fees on mobile homes are required to be spent for highway or administrative purposes, but may also be used for park purposes.

## Use of ID Card Revenue and Fee Increase

House Bill 3231

Implementation Plan Manager: Dan Thompson, DMV, (503) 945-5263

Effective Date: July 22, 2003

House Bill 3231 transfers the revenue raised by a \$3 increase in the fee for identification cards and any revenue in excess of the department’s expenses related to identification cards to the Elderly and Disabled Special Transportation Fund. This will provide additional funds for transportation services used by the most frail and needy citizens of Oregon.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$3,738,000	\$4,314,000
Effect on Revenues		\$3,738,000	\$4,314,000
Effect on FTE		0	0



## **Eminent Domain**

House Bill 3370

Implementation Plan Manager: Amy Joyce, Highway Division, (503) 986-3546

Effective Date: January 1, 2004

House Bill 3370 consolidates Oregon law concerning eminent domain. The bill combines ORS chapters 35 and 281 to set forth a single location in the Oregon Revised Statutes for eminent domain laws.

## **Offers Prior to Condemnation**

House Bill 3371

Implementation Plan Manager: Amy Joyce, Highway Division, (503) 986-3546

Effective Date: January 1, 2004

House Bill 3371 requires that the state make an offer for real property being condemned at least 40 days before commencing a condemnation action. The bill also requires that the offer be accompanied by a written appraisal and that the state provide at least 15 days' written notice prior to an appraisal inspection.

HB 3371 allows the state to file a condemnation action immediately after making an offer if the agency determines that an emergency poses a threat to persons or property and that immediate possession is required.

## **Standard Procedure for Entry Prior to Condemnation**

House Bill 3372

Implementation Plan Manager: Amy Joyce, Highway Division, (503) 986-3546

Effective Date: January 1, 2004

House Bill 3372 establishes a standard procedure for the entry, examination, surveying, testing and sampling of real property before the commencement of a condemnation action. The bill allows the state to conduct tests or take samples from a real property only with the consent of the owner or pursuant to court order. The property owner is entitled to compensation if any damage or major interference occurs as a result of the testing or sampling.

## **Disclosure of First-Tier Subcontractors**

House Bill 3422

Implementation Plan Manager: Kathryn Ryan, Support Services, (503) 986-2726

Effective Date: August 1, 2003

House Bill 3422 requires that prime contractors disclose their first-tier subcontractors within two hours of the deadline for submission of bids. The two-hour timeframe will reduce the chance of prime contractors submitting bids without identified subcontractors.

HB 3422 also specifies the contents of the subcontractor disclosure form and bid opening times for some contracts so that bidders can be present when bids are opened.

### **Bond Limit Bill / Lottery Bonds**

House Bill 3446

Implementation Plan Manager: David Tyler, Financial Services, (503) 986-3905

Effective Date: August 29, 2003

House Bill 3446 authorizes the total amount of bonds that can be issued by state agencies during the 2003-2005 biennium. The bill authorizes the State Treasurer to issue bonds on ODOT's behalf for:

- Oregon Transportation Infrastructure Bank – \$50 million
- Highway User Tax bonds – \$290 million
- Short Line Credit Premium – \$4 million (lottery backed)
- South Metro Commuter Rail – \$35.5 million (lottery backed)
- Industrial Rail Spurs – \$8 million (lottery backed)

### **Special Transportation Fund Oversight**

House Bill 3522

Implementation Plan Manager: Jean Palmateer, Public Transit Division, (503) 986-3472

Effective Date: January 1, 2004

House Bill 3522 provides for additional state oversight and sets requirements for the distribution and use of Elderly and Disabled Special Transportation Funds moneys. The rules will clarify the accountability of local governing bodies and give ODOT the authority to manage the funds if a recipient fails to comply with the requirements for managing and spending them.

	(Fund Type)	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 18,500	\$ 14,000
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

### **Study of State Highway Fund Allocation to Counties**

House Bill 3582

Effective Date: September 17, 2003

House Bill 3582 directs the Association of Oregon Counties (AOC) to establish a work group to study how the county portion of state highway funds is allocated to each county. The bill requires the AOC to consider a number of factors, including the unique needs of fast-growing counties, the financial needs of sparsely populated counties, the effect of large bridges on county road programs and the effect that vehicles registered in a county, but not using its road system, have on a county road program. It requires the AOC to report the results of the study to the 73rd Legislative Assembly on or before February 1, 2005.

## Travel Information Council Signs

House Bill 3615

Effective Date: January 1, 2004

House Bill 3615 clarifies that the Travel Information Council retains authority over traveler information signs when jurisdiction over a segment of state highway is transferred from ODOT to a county or a city.

## Minimum Auto Liability Requirement

House Bill 3668

Implementation Plan Manager: Craig Austin, DMV, (503) 945-5242

Effective Date: January 1, 2004

House Bill 3668 increases the minimum level of Personal Injury Protection required for Oregon private passenger vehicle insurance policies from \$10,000 to \$15,000. The bill also prohibits medical service providers from charging people with insurance benefits more than they charge others.

The cost of medical services has increased since the \$10,000 minimum was established in 1989. Persons involved in vehicle accidents that require trauma services frequently incur costs for care that exceed the \$10,000 minimum coverage required. Insurance companies often compensate emergency responders and trauma service providers only to the level of the minimum coverage.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 1,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Capital Construction Budget

House Bill 5004

Implementation Plan Manager: Kathryn Ryan, Support Services, 503-986-2726

Effective Date: July 29, 2003

House Bill 5004 contains the legislatively approved building and major remodeling projects for state agencies for the 2003-2005 biennium.

The following projects were approved for ODOT:

- Lake of the Woods maintenance station \$800,000
- Sylvan maintenance station \$1,600,000
- Planning and design for future projects \$200,000
- Transportation Building renovation planning \$1

In addition, ODOT may continue its projects to replace and upgrade technical services facilities statewide until June 30, 2005.

ODOT and the Department of Administrative Services must return to the Legislative Emergency Board with an estimate for the Transportation Building renovation project. The Legislative Emergency Board must approve the estimate before ODOT can undertake the project.

HB 5004 and other bills affect ODOT’s legislatively approved budget. The primary budget bill ([HB 5077](#)) can be found on page 31 together with a list of other budget-related bills.

<b>House Bill 5004</b>	
<b>Budget Summary</b>	
Other Funds – Limited	\$2,600,001
Total	\$2,600,001
<b>Position Summary</b>	
Authorized Positions	0
Full-Time Equivalent Positions (FTE)	0.00

### **Fees Adopted During the 2001-2003 Interim**

House Bill 5057

Effective Date: August 12, 2003

House Bill 5057 approves the ODOT fees that were increased by administrative rule since the 2001 session of the Legislature. Included were fees for:

- Utility permits not related to highway construction.
- Utility permits related to highway construction.
- Applications for making cash or security deposit under financial responsibility requirements.
- Recreational vehicle show license applications.
- Motor carriers participating in the International Fuel Tax Agreement.
- Permits for a new, relocated or reconstructed outdoor advertising sign.
- Annual permit renewals for outdoor advertising sign on location.
- Annual permit renewals for outdoor advertising sign not on location that is pending relocation.
- Annual outdoor advertising business licenses.

## **2003-2005 Lottery Fund Allocations**

House Bill 5067

Implementation Plan Manager:

Deborah Manthe, Central Services Division, (503) 986-3918

Effective Date: August 29, 2003

House Bill 5067 allocates lottery revenues for the 2003-2005 biennium. ODOT will receive an allocation of \$21,145,408 for lottery bonds for rail projects and rail infrastructure assistance, to fund bond reserves, and to pay related costs:

- Westside Light Rail \$ 19,928,618
- Short Line Infrastructure Assistance \$ 673,761
- South Metro Commuter Rail \$ 43,473
- Industrial Rail Spur Assistance \$ 500,050

The bill also ensures that the biennial debt service payments for the Westside Light Rail Construction Bonds have priority over other allocations in the event that lottery revenues are lower than anticipated.

HB 5067 is related to the ODOT 2003-2005 Legislative Adopted Budget ([HB 5077](#)).

## **2003-2005 Legislatively Adopted Budget**

House Bill 5077

Implementation Plan Manager:

Deborah Manthe, Central Services Division, (503) 986-3918

Effective Date: August 29, 2003

House Bill 5077 is an omnibus appropriations bill. Sections 81 to 86 are ODOT's 2003-2005 Legislatively Adopted Budget. This bill:

- Allocates biennial revenue collections from fees, moneys or other revenues, including miscellaneous receipts and federal funds, and lottery funds collected or received by ODOT. It appropriates money from the General Fund, Federal Funds and Other Funds to ODOT for biennial operating expenses.
- Limits biennial expenditures by establishing limitation ceilings in various program areas.
- Excludes debt service and certain expenditures or costs related to rate-setting hearings conducted by the Oregon Board of Maritime Pilots from expenditure limitation.
- Limits biennial expenditures from funds received by ODOT from the Administrative Services Economic Development Fund for specified projects. It subjects the agency to the Department of Administrative Services allotment process.

Other bills that affect ODOT’s Legislatively Adopted Budget include:

- [House Bill 2041](#) (page 4) – 2003 Oregon Transportation Investment Act
- [House Bill 2148](#) (page 6) – Omnibus Budget Reconciliation
- [House Bill 2388](#) (page 15) – OTIA III (additional revenues)
- [House Bill 3446](#) (page 28) – Bond Limit Bill / Lottery Bonds
- [House Bill 5004](#) (page 29) – Capital Construction
- [House Bill 5057](#) (page 30) – Fees adopted by rule during the 2001-2003 interim
- [House Bill 5067](#) (page 31) – 2003-2005 Lottery Fund Allocations

<b>House Bill 5077</b>	
<b>Appropriations and Limitations for 2003-2005</b>	
<b>Budget Summary</b>	
General Fund	\$ 3,914,816
Other Funds	\$1,964,399,817
Federal Funds	\$ 69,297,154
Other Funds Nonlimited	\$ 49,785,946
Lottery Funds Debt Service	\$ 21,145,902
Other Funds Debt Service	\$ 66,576
Other Funds Debt Service Nonlimited	<u>\$ 44,194,424</u>
Total	\$2,152,804,635
<b>Position Summary</b>	
Authorized Positions	4,693
Full-Time Equivalent Positions (FTE)	4,585.68

**Notes for 2003-2005 Budget**

Budget notes are a record of directions given by the Ways and Means Subcommittee to the department during the budget discussion. The verbatim text of the six budget notes that apply to ODOT is below. The budget notes can also be found in pages 23 through 41 of the Budget Report and Measure Summary for House Bill 5077 dated August 23, 2003. Contact Deborah Manthe, Financial Services, or go to the 2003 Staff Measure Summaries online at: <http://www.leg.state.or.us/comm/sms/SMS03Frameset.html>

**Access Management**

Implementation Plan Manager: John Rosenberger, Highway Division, (503) 986-3425

“Recognizing the concerns of constituents and the legislature about the amount of time it takes to issue an access permit, percent of decisions that are made in the field compared to percent of time reviews are required by the regional engineer, and extent that access permit review is integrated with the local government review process; the Committee supports one additional limited duration position for each region for 18 months. The Department is directed to provide a report to the Emergency Board by December 2004 on its performance in reducing the amount of time it takes to issue an access permit, increasing the number of decisions that can be made in the field, and steps taken to integrate the review process with local government reviews. The Department is directed to work with

the Legislative Fiscal Office to establish an evaluation process that incorporates an independent survey of local governments and permittees to measure customer satisfaction with processes implemented by the Department to issue access permits. The Emergency Board may extend the Limited Duration positions if satisfactory progress is made in improving the permit process.”

Source: HB 5077 Budget Report, page 28.

### **Bridge Replacement Program Management**

Implementation Plan Manager: John Rosenberger, Highway Division, (503) 986-3435

“If House Bill 2041 becomes law, the Committee expects that the Oregon Department of Transportation (ODOT) will contract with the private sector in managing the bridge repair and replacement program and the overall implementation of HB 2041. The Department and the private sector are directed to develop a strategy to complete the bridge repair and replacement program that maximizes the following:

- 1) Ease of traffic movement – contracting strategies that keep traffic moving will minimize effects on other industries and the public;
- 2) Expedient delivery – quick project delivery will allow freedom of freight movement and ensures that products can be delivered throughout the state;
- 3) Involvement of Oregon construction firms and employees – the use of Oregon firms and employees, emerging small businesses and minorities will result in economic stimulus that will benefit the state overall.

“It is further expected that ODOT will insure that the firm selected to manage the bridge repair and replacement program develops packages in a size that achieves all three of the objectives above, but with a primary emphasis on the ability of Oregon construction firms to compete for the packages. The department is directed to insure opportunities for private sector stakeholder input on project delivery methods and package sizes are continued. In order to stimulate the economy for Oregon businesses, the Legislature expects that the firm selected by the department to manage the bridge repair and replacement program will provide design-engineering services, but not engage in construction projects that are part of the bridge repair and replacement program.

“The Department is directed to report to the appropriate interim legislative policy committee and the Emergency Board the contract language that implements this budget note prior to advertising for bids or no later than January 2005 whichever comes first.”

Source: HB 5077 Budget Report, pages 29 and 30

### **Immediate Opportunity Fund**

Implementation Plan Manager: Dave Tyler, Financial Services, (503) 986-3905

“The Department of Transportation shall report to the next legislative assembly on each project completed with description and amount of the grant awarded under the Immediate Opportunity Funding program.”

Source: HB 5077 Budget Report, page 33.

### **Motor Carrier Safety**

Implementation Plan Manager:

Gregg Dal Ponte, Motor Carrier Transportation Division, (503) 378-6351

“The Department is directed to partner with Oregon State Police to perform activities in the Motor Carrier Transportation Division's annual commercial motor carrier safety plan. Based on past Motor Carrier Safety Assistance Program (MCSAP) funds received from the Federal Motor Carrier Safety Administration, the Department will allocate \$3.2 million for safety plan activities performed by the Oregon State Police in the 2003-05 biennium.”

Source: HB 5077 Budget Report, page 36.

### **West Arterial Road Study**

Implementation Plan Manager: John Rosenberger, Highway Division, (503) 986-3435

“The Department of Transportation is directed to assist Metro and its local government partners in analyzing the proposal known as the "West Arterial Road" or Northwest Passage Expressway" within the context of the North Willamette River Crossing Study and Metro's Regional Transportation Plan. The Department shall provide a status report to the Emergency Board by December 2004.”

Source: HB 5077 Budget Report, page 37.



## **Workforce Diversity**

Implementation Plan Manager: Susan Johnson, Board of Maritime Pilots, (503) 731-4044

“The Board is directed to conduct a study to develop a strategy to open access to the on-the-job training positions on barges traveling up and down the Columbia River and develop an action plan toward a goal of increasing the numbers of minorities receiving on-the-job training positions on barges or other access to on-the-job training programs. The results of the study and the action plan with performance measures will be reported to the Emergency Board by April 2004. Upon acceptance of the report and action plan, the Emergency Board may increase the expenditure limitation for the Board of Maritime Pilots to fully fund the Board for the last quarter of the biennium.”

Source: HB 5077 Budget Report, page 40.



## SENATE BILLS

### Amber Alert

Senate Bill 8

Effective Date: June 12, 2003

Senate Bill 8 creates a state Amber Plan to help respond to situations when children are abducted. An Amber Plan lays out specific roles for state and local agencies in providing information to the public in the event of a child abduction when the public may be able to participate in the safe return of the child.

Oregon developed an Amber Plan in response to a Governor's Executive Order. ODOT is a participant and has worked with Oregon State Police to identify appropriate roles in the plan. ODOT's variable message signs can be used to inform motorists when the Amber Plan is activated.

### Traffic Speeds in School Zones

Senate Bill 179

Implementation Plan Managers: Ed Fischer, Traffic Section, (503) 986-3606

Effective Date: January 1, 2004

Senate Bill 179 gives drivers easy-to-understand rules for traffic speed in school zones. The signs designating school zones will define what the speed limit is and when the speed limit must be observed without requiring drivers to determine if children are present. The school zone speed limit for the streets adjacent to a school will depend on the posted speed of the street:

- The school zone speed limit will be 20 mph at all times if the designated speed leading up to the school zone is 30 mph or less.
- The school zone speed limit will be 20 mph either when lights are flashing or at specific times, indicated by a permanent road sign, if the speed leading up to the school zone is over 30 mph.

The school zone definition expands to include a highway segment with a crosswalk that is not adjacent to a school but is marked by school zone signs and crosswalk markings. The speed limit will be 20 mph for such crosswalk segments either during posted times, when flashing lights are operating or when children are present. The term "when children are present" will be defined to be when children are in a crosswalk, waiting at a crosswalk or when a crossing guard is present.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 54,600	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Special Transportation Fund Governance

Senate Bill 180

Implementation Plan Manager: Jean Palmateer, Public Transit Division, (503) 986-3472

Effective Date: September 17, 2003

Senate Bill 180 allows ODOT to work directly with the state's nine federally recognized Indian tribes for the purpose of distributing Elderly and Disabled Special Transportation Fund program funds. Previously, the tribal governments applied to counties or transportation districts for funds for elderly and disabled transportation services.

In 2001, SB 770 directed state agencies to promote government-to-government relations with tribal governments in Oregon and to develop and implement programs cooperatively that affect tribes. SB 180 is the department's response to that legislative directive.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 8,500	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Vehicle Equipment Standards

Senate Bill 181

Implementation Plan Manager:

Stan Porter, Transportation Safety Division, (503) 986-4198

Effective Date: January 1, 2004

Senate Bill 181 updates the vehicle equipment standards. The bill makes statutory language easier to interpret and provides more easily understood information to the public, the judicial branch and law enforcement.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 20,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Child Booster Seats

Senate Bill 182

Implementation Plan Manager:

Carla Levinski, Transportation Safety Division, (503) 986-4199

Effective Date: January 1, 2004

Senate Bill 182 updates Oregon's booster seat law passed by the 2001 Legislature. The law requires children between the ages of 4 and 6 or weighing between 40 and 60 pounds to be properly secured "in a child safety system that elevates them so lap and shoulder belts fit correctly."

The booster seat law is currently interpreted to suggest that children should be transported in the front seat if there are no shoulder belts in the rear seats. Data shows that children under age 12 experience 27 percent to 40 percent fewer injuries when they are seated in the rear seats.

SB 182 clarifies that children under age 12 should ride in the back seat. In addition, it limits application of Oregon’s booster seat law only to those situations where compliance is achievable. These changes also make Oregon law consistent with laws in California and Washington.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 3,500	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

### **Hardship Permits Prohibited for Commercial Driver Licenses**

Senate Bill 187

Implementation Plan Manager: Jim Kelly, DMV, (503) 945-5279

Effective Date: January 1, 2004

Senate Bill 187 brings Oregon into compliance with recently adopted federal law. States cannot grant commercial driving privileges as part of any special licenses or permits, including hardship and probationary permits, when a driver’s regular driving privileges are suspended or revoked.

The bill repeals the provision in Oregon statute that allows drivers with commercial driver licenses to obtain hardship or probationary permits for driving commercial motor vehicles when their regular driver license has been suspended or revoked.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 22,500	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Title Fee Clarification

Senate Bill 188

Implementation Plan Manager: Val Schoenfeldt, DMV, (503) 945-5242

Effective Date: January 1, 2004

Senate Bill 188 cleans up statutes related to HB 2142 (2001), aligning the statutes with legislative intent. The bill:

- Applies the \$90 title fee to motor vehicles with a gross vehicle weight rating *over* 26,000 pounds.
- Removes the reference to truck tractors in ORS 803.090. This is not a common term used in Oregon law to register vehicles. Truck tractors and trailers over 26,000 pounds are registered by weight.
- Clarifies that trailers registered with Heavy Permanent registration are subject to the \$90 title fee.
- Excludes motor homes from the \$90 heavy vehicle title fee. The \$90 title fee was intended to apply to commercial vehicles, not to recreational vehicles for personal use.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 22,500	\$ 0
Effect on Revenues		(\$ 21,000)	(\$ 27,960)
Effect on FTE		0	0

## Speed Racing

Senate Bill 189

Implementation Plan Manager: Jim Kelly, DMV, (503) 945-5279

Effective Date: January 1, 2004

Senate Bill 189 creates a criminal offense: organizing a speed racing event on a highway. This offense is a Class C felony. A person convicted of this offense can receive a sentence of up to five years' imprisonment, a \$100,000 fine or both. Prior to SB 189, a driver in a speed race could be cited for Class A traffic infraction (maximum fine of \$600), but an individual who organized a race could not be charged with an offense.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 50,800	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Setting Rates for Pilotage Services

Senate Bill 190

Implementation Plan Manager: Susan Johnson, Board of Maritime Pilots, (503) 731-4044

Effective Date: July 29, 2003

The Board of Maritime Pilots is an occupational licensing and regulatory agency. The board's expenses are met by licensing fees. The board conducts hearings to fix the rates for pilotage services on request by river and bar pilots or the shipping industry.

Senate Bill 190 authorizes the Oregon Board of Maritime Pilots to contract with the Public Utility Commission for the services of an administrative law judge when it conducts rate hearings. The board also could recover the expense of a rate hearing from the parties to such a hearing.

## Hazardous Waste Generator Fee

Senate Bill 196

Effective Date: August 14, 2003

Senate Bill 196 establishes a Hazardous Waste Technical Assistance Fund. The bill establishes fees and requires certain penalties collected by the Department of Environmental Quality to be deposited into the fund. Money in the fund is to be used to finance a technical assistance and information program.

SB 196 requires generators of hazardous waste to pay a one-time processing fee of \$200 for obtaining a U.S. Environmental Protection Agency identification number. It also requires hazardous waste generators to pay a fee of \$110 per metric ton of waste that they generate, capped at \$27,500 per year.

About 20 highway construction projects per year would require a hazardous waste identification number.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 8,000	\$ 8,000
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Employment Addresses on DMV Records

Senate Bill 213

Implementation Plan Manager: Dan Thompson, DMV, (503) 945-5263

Effective Date: January 1, 2004

Senate Bill 213 expands the list of persons allowed to use an employer's address, rather than the person's residential address, on DMV records. The expansion includes certain employees of Oregon Youth Authority, district attorneys and deputy district attorneys.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 1,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Statutes Relating to Suspension and Revocation Actions

Senate Bill 245

Implementation Plan Manager: Tami Boss, DMV, (503) 945-5502

Effective Date: January 1, 2004

Senate Bill 245 is a housekeeping bill. The bill breaks the 39 subsections to driver license suspensions and revocations into smaller, more manageable statutes. Actions that are similar have been grouped together to form new statutes. The bill does not change ODOT's suspension and revocation authority.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 15,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## SR22 Insurance Certifications

Senate Bill 246

Effective Date: January 1, 2004

Senate Bill 246 clarifies that insurance certificates must cover all vehicles that are registered in the name of, or operated by, the person named on the certificate. ODOT may presume that all vehicles are covered as required unless ODOT has reason to believe otherwise.

Current Oregon law could be interpreted to assume that ODOT actually is verifying that all vehicles are covered. Historically, it has been the responsibility of insurance companies and their customers to ensure that insurance coverage extends to all vehicles as required.



	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 15,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Bond or Deposits In Lieu of Auto Insurance**

Senate Bill 247

Implementation Plan Manager: Craig Austin, DMV, (503) 945-5242

Effective Date: January 1, 2004

Senate Bill 274 requires that people have liability insurance to meet Oregon's vehicle insurance laws. It repeals the provision in Oregon statute that allows the use of bonds or cash deposits in lieu of liability insurance.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	(\$ 16,834)	(\$ 172)
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Motor Vehicle Dealer Education Requirements**

Senate Bill 276

Implementation Plan Manager: Karen McCarty, DMV, (503) 945-5247

Effective Date: January 1, 2004

Senate Bill 276 clarifies the education requirements for vehicle dealers. First-time applicants for dealer certificates are required to complete eight hours of an approved education program for vehicle dealers. SB 276 exempts those applicants who already possess a dealer certificate and who are simply opening another Oregon business.

## **Low-Vision Drivers**

Senate Bill 289

Implementation Plan Manager: Tami Boss, DMV, (503) 945-5502

Effective Date: June 10, 2003

Operative Date: July 1, 2004

Senate Bill 289 retains the current vision standard (20/70) for a driver license, but allows a person with limited vision (between 20/80 and 20/200) to obtain an instruction permit or driver license if certain requirements are met. These requirements include passage of a course in the use of bioptic telescopic lenses in driving and passage of required tests. These permits/licenses will be restricted to allow driving only during daylight hours and only on roadways with speed limits of not greater than 45 miles per hour and to require the use of bioptic telescopic lenses while driving. In addition, DMV has the authority to impose additional restrictions, such as limited routes or times of day, when it is

determined to be necessary. Low-vision drivers also will be required to pass a vision certification and a drive test after two years to maintain the license.

A bioptic telescopic lens is a spectacle-mounted device that magnifies distant objects. The device allows a wearer to alternate between the magnified narrow field of view available through the eyepiece and the unmagnified wide view through the carrier lens using head motion.

The program will sunset June 30, 2008.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 47,108	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Stopping for Pedestrians

Senate Bill 315

Effective Date: January 1, 2004

Senate Bill 315 affords greater protection and safety to pedestrians. It replaces current statutory language specifying that drivers shall “yield to a pedestrian” with language that specifies that drivers will “stop and remain stopped” for a pedestrian if the driver is in an adjacent lane. The change will make the law clearer for motorists and should reduce the number of pedestrian deaths and injuries.

## Manufactured Structures Exemption from Registration and Title

Senate Bill 328

Implementation Plan Manager: Dan Thompson, DMV, (503) 945-5263

Effective Date: June 4, 2003

Senate Bill 328 allows the owners of manufactured structures to exempt the structure from Oregon title and registration requirements, without owning the property the structure sits on, as long as the owner signs a long-term lease of 20 years or more and the lease specifically permits the owner to apply for the exemption.

Before this change, these owners were required to own both the land and the manufactured structure before they could apply to exempt the structure from Oregon’s title and registration requirements.

Owners of manufactured structures can obtain a lower interest rate on their home loan if the home is claimed as real property instead of personal property.

	(Fund Type)	2003-05	2005-07
Effect on Expenditures	Highway	\$ 8,393	\$ 0
Effect on Revenues		(\$ 20,160)	(\$ 20,160)
Effect on FTE		0	0

## **Suspension for Drug Violations at School**

Senate Bill 342

Implementation Plan Manager: Joil Southwell, DMV, (503) 945-5268

Effective Date: August 22, 2003

Senate Bill 342 authorizes school district boards to request ODOT to suspend a student's driver license or permit, or the right to apply for a license or permit, when the student has been suspended or expelled from school at least twice for controlled substance violations on school property or at a school-sponsored activity, function or event. School districts may request this type of suspension beginning in the 2004-2005 school year.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 5,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Penalties for DUII When a Minor is Present**

Senate Bill 348

Effective Date: January 1, 2004

Senate Bill 348 strengthens the consequences of endangering a child by driving under the influence of intoxicants. The bill allows the court to impose a fine of up to \$10,000 when a driver is convicted of DUII with a passenger in the car under the age of 18. The passenger must be at least three years younger than the driver. The bill allows the court discretion in allowing the offender to participate in a diversion program.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 5,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Right of Way at T Intersections**

Senate Bill 387

Implementation Plan Manager: Jim Kelly, DMV, (503) 945-5279

Effective Date: January 1, 2004

Senate Bill 387 specifies that a person traveling on the through road has the right of way at an uncontrolled T intersection. The bill creates a new offense: failure to yield right of way at uncontrolled T intersection. The new offense will be a class B traffic violation.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 5,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Permitting and Routing for Over-Dimension Vehicles

Senate Bill 425

Implementation Plan Manager:

Ric Listella, Motor Carrier Transportation Division, (503) 378-6653

Effective Date: January 1, 2004

Senate Bill 425 addresses shippers' concerns that the existing over-dimension variance permitting system can hinder their ability to efficiently move products from farm to market.

The bill provides a standard way for shippers and motor carriers to work with counties to determine if road restrictions and over-dimension permit requirements are appropriate. It provides uniform ways for counties to conduct test runs of vehicle combinations. It also allows ODOT to establish uniform permit requirements.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 21,375	\$ 5,100
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Manufactured Structures Administration

Senate Bill 468

Implementation Plan Manager: Mary Liedtke, DMV, (503) 945-5197

Effective Date: August 14, 2003

Operative Date: May 1, 2005

Senate Bill 468 transfers the duties related to the administration of manufactured structures to the Department of Consumer and Business Services (DCBS), Building Codes Division, from ODOT effective May 1, 2005. ODOT will transfer all unexpended revenues from manufactured structure transactions to DCBS.

SB 468 has two companion bills. SJR 14 refers an amendment to Oregon voters to remove the term "mobile homes" from Article IX, Section 3a of the Oregon Constitution. The amendment will appear on the November 2004 General Election Ballot. [HB 3187](#) writes the ballot title for [SJR 14](#).

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 5,836	(\$ 386,577)
Effect on Revenues		(\$1,194,294)	(\$1,926,360)
Effect on FTE		( 1.6)	( 1.5)

## Motor Carrier Fees

Senate Bill 469

Implementation Plan Manager:

Ric Listella, Motor Carrier Transportation Division, (503) 378-6653

Effective Date: September 17, 2003

Senate Bill 469 adjusts motor carrier fees in statute so that the Weight Receipt fee authorized by HB 2041 can be implemented. The bill also reverses the transfer of \$16 million from ODOT's ending balance to cities and counties. The money will be spent on state highway maintenance and preservation projects.

## Household Goods Packing and Loading Services

Senate Bill 471

Implementation Plan Manager:

Craig Bonney, Motor Carrier Transportation Division, (503) 378-4851

Effective Date: January 1, 2004

Senate Bill 471 requires businesses that offer a pack and load service, including existing authorized household goods carriers (traditional moving companies) that perform the service, to register with ODOT and to file proof of liability and property damage insurance. A business that provides only pack and load service cannot provide the moving truck.

SB 471 establishes fees to be paid by authorized movers to cover administration and enforcement costs because this regulatory activity does not qualify for support by Highway Fund moneys. The bill also reduces from nine months to three months the time a customer has to file a claim with an authorized household goods carrier.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Other	\$ 48,400	\$ 51,200
Effect on Revenues		\$ 58,500	\$ 68,000
Effect on FTE		0	0

## **Management of Cost Allocation Studies**

Senate Bill 474

Implementation Plan Manager: John Merriss, Financial Services, (503) 373-0776

Effective Date: September 17, 2003

Senate Bill 474 provides for statutory implementation of the constitutional amendment approved by Oregon voters in November 1999 relating to highway cost allocation. The Highway Cost Allocation Study determines the fair share of costs that cars and trucks should pay for the state highway system. The bill requires the Legislature to use the study results to determine whether adjustments need to be made to existing tax rates to comply with the Oregon Constitution.

The bill also specifies that the Department of Administrative Services (DAS) is responsible for the conduct of the cost allocation study. DAS has been responsible for the study under agreement with ODOT for the past three biennia.

ODOT will provide needed data to DAS for future studies and will participate, along with other stakeholders, in the technical and policy discussions.

## **Specialty and Group License Plates**

Senate Bill 508

Implementation Plan Manager: Debi Mercer, DMV, (503) 945-0879

Effective Date: January 1, 2004

Senate Bill 508 creates new requirements for specialty and group license plates. Specialty license plates are plates with graphic designs. A surcharge is added to the registration fee when the plates are purchased to raise money for activities, such as salmon recovery, improvements at Crater Lake National Park and the Oregon Cultural Trust. Group license plates are available to higher education institutions, veterans groups and nonprofit groups on the standard “tree” plate design. The plates include the group’s name or logo or mascot if for a higher education institution. These plates also include a surcharge to raise funds for the sponsoring group.

Under the new requirements, no more than three specialty plates may be available at any one time. If the Legislature authorizes a new specialty plate, then one of the existing specialty plates must be discontinued. For group plates, the sponsoring group must pay a \$10,000 application fee in addition to any other required fees. The \$10,000 application fee will be refunded if the group sells at least 1,000 sets of plates in the first year. The bill increases the minimum number of plates to be sold or renewed each year from 50 to 500 to continue production of a group’s plate.

Finally, the bill limits specialty and group plates to passenger vehicles. The provision for issuing these plates for motor homes and travel trailers was repealed. However, existing specialty and group plates on motor homes and travel trailers may be renewed.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 8,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Vehicle Title “Branding” By Rule**

Senate Bill 588

Implementation Plan Manager: Tammy Robbins, DMV, (503) 945-5110

Effective Date: January 1, 2004

Senate Bill 588 removes statutory references to title brands. Title brands are notations about the vehicle that exist for consumer protection. For example, the brand “Totaled” lets a purchaser know that the vehicle was declared a total loss by an insurer at one time.

The bill allows DMV to identify title brands by administrative rule. Rule authority will give ODOT flexibility to add new brands as the industry changes. All title brands will be identified in one place. Brands that were removed from statute by SB 588 will be included in the administrative rule.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 8,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **Removal of Vehicles and Debris from Roadway**

Senate Bill 596

Effective Date: January 1, 2004

Senate Bill 596 allows law enforcement to move vehicles and debris out of travel lanes. The bill exempts a person acting under its authority from liability for damage that may occur to vehicles, cargo or debris caused by reasonable efforts to remove them.

## **Use of Amber Lights by Commercial Vehicles**

Senate Bill 661

Effective Date: January 1, 2004

Senate Bill 661 allows commercial vehicles to be equipped with amber warning lights. The bill specifies when the lights may be used. It also clears up confusion about the use of amber warning lights in roadway and utility work zones.

## Feasibility Study for U-Turns

Senate Bill 663

Implementation Plan Manager: Ed Fischer, Traffic Section, (503) 986-3606

Effective Date: January 1, 2004

Senate Bill 663 requires ODOT to conduct a study to determine the costs and issues associated with allowing U-turns at locations where left turns are currently allowed. Unlike neighboring states, current Oregon law does not allow U-turns at intersections unless permitted by signing.

A report to the Legislature is required by January 31, 2005. ODOT will review intersections on the state highway system to determine where U-turns would be prohibited because of geometry or other safety concerns. Cities and counties are to do the same analysis on their systems. The study will compile the costs and issues for a complete analysis of what would be required if the law regarding U-turns were changed.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 20,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Seasonal Use of Studded Tires / Operation of Golf Carts

Senate Bill 666

Implementation Plan Manager: Doug Tindall, Highway Division, (503) 986-3005

Effective Date: January 1, 2004

Senate Bill 666 allows medical transport vehicles to use studded tires without regard to the November 1 to April 1 winter driving season.

SB 666 also removes restrictions on the authority of local governments to allow golf carts to operate on highways that are adjacent to golf courses.

## Photo Red Light Cameras

Senate Bill 764

Implementation Plan Manager:

Steve Vitolo, Transportation Safety Division, (503) 986-4446

Effective Date: January 1, 2004

Senate Bill 764 allows any city with more than 30,000 people, plus the city of Newberg, to install photo red light cameras at as many as eight intersections. The bill adds the requirement that the light stay yellow at intersections at least as long as recommended by the Institute of Transportation Engineers' standards when photo red light cameras are operating.



## **Criteria for Determining Access to Property from Highway**

Senate Bill 765

Implementation Plan Manager:

Craig Greenleaf, Transportation Development Division, (503) 986-4263

Effective Date: January 1, 2004

Senate Bill 765 provides tools to help ODOT effectively deal with access management issues. The bill removes the sunset date from Senate Bill 86 (1999). The 1999 legislation allows ODOT to help pay expenses of property owners when a driveway connecting their property to a state highway is relocated. The bill also puts into statute criteria for granting access to state highways now contained in administrative rule.

## **State Agency Permits Affecting Transportation Projects**

Senate Bill 771

Implementation Plan Manager: Sam Johnston, Highway Division, (503) 986-3789

Effective Date: January 1, 2004

Senate Bill 771 complements the Governor's Executive Order directing state agencies to work together. SB 771 requires state regulatory agencies to favorably interpret laws and rules to move transportation projects forward. The bill will assist ODOT in working collaboratively with state regulators to identify regulatory standards and to streamline the permitting process for transportation projects. In addition, ODOT may request the assistance of regulatory agencies at the local government level when transportation projects are appealed based on interpretation of state agency rules.

## **Public-Private Partnerships**

Senate Bill 772

Implementation Plan Manager: Jim Whitty, Director's Office, (503) 986-4284

Effective Date: September 22, 2003

Senate Bill 772 encourages private-sector firms to develop and construct major Oregon transportation projects in partnership with ODOT and other units of government. The bill makes Oregon more hospitable to private-sector involvement in transportation projects. It removes statutory impediments to creation of partnerships and provides important tools for Oregon public-private transportation projects.

SB 772 creates an innovative partnerships program within ODOT separate from traditional project delivery programs. The program will allow achievement of SB 772's defined goals for development of an expedited project delivery process and maximization of innovation.

## Personal Mobility Devices

Senate Bill 787

Implementation Plan Managers: Craig Austin, DMV, (503) 945-5242

Effective Date: January 1, 2004

Senate Bill 787 defines who, where and how an electric personal assistive mobility device (Segway Human Transporter™) may be operated on roadways and sidewalks.

The bill puts in place measures to ensure that Segways™ are operated safely:

- Users must be 16 years old or older.
- Segways™ may not travel faster than 15 mph.
- Segway™ users are considered to be pedestrians when operating on sidewalks.
- Segway™ users must warn pedestrians when they are overtaking them on a sidewalk.
- Segways™ may be used only on sidewalks, bike paths or streets posted at 35 mph or less.
- Segways™ must have lights, reflectors or other equipment if they are used during times of limited visibility.

The bill gives local governments the ability to add restrictions or prohibit the use of the device.

	(Fund Type)	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 6,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Helmet Requirements for Skateboard and Scooter Users

Senate Bill 795

Effective Date: January 1, 2004

Senate Bill 795 requires children younger than 16 who are skateboarding or using in-line skates to wear a helmet when they are skating or skateboarding on a highway or in a public place. The bill creates a traffic offense, subject to a \$25 fine, for skating or skateboarding without a helmet.

Prior to SB 795, Oregon law mandated that bicycle riders under age 16 wear helmets but did not apply to other rolling sports such as skateboarding, scooter riding or rollerblading. SB 795 brings skateboarders, scooter riders and skaters younger than 16 into the mandatory bicycle helmet law.

## Plate Manufacturing

Senate Bill 899

Implementation Plan Manager: Karen McCarty, DMV, (503) 945-5247

Effective Date: September 17, 2003

Senate Bill 899 requires the license plate manufacturing contract to be reopened to competitive bidding in October 2003. The bill also adds the manufacture of license plates to ORS 282.210, which requires public printing, binding and stationery work to be performed within the state unless the in-state bids are not reasonably competitive. Under this preference clause for printing contracts, “reasonably competitive” has been determined to be within 10 percent of the lowest responsible bid.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 190,000	\$ 370,000
		to	to
		\$ 300,000	\$ 590,000
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## Provisional License Change

Senate Bill 946

Implementation Plan Manager: Jim Kelly, DMV, (503) 945-5279

Effective Date: January 1, 2004

Senate Bill 946 allows a teen driver to have passengers in the vehicle when they are accompanied by a parent or step-parent. The parent or step-parent must have a valid driver license.

SB 946 corrects an oversight in Oregon’s provisional license law. Under the provisional license law, a teen driver with a student driver permit may have passengers in his or her car when accompanied by a driving instructor, a parent or step-parent. However, a teen driver with a valid provisional license could have passengers only when accompanied by a driving instructor.

	<u>(Fund Type)</u>	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 1,000	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

## **In Memory of Charles O. (Chuck) Fredrickson**

Senate Concurrent Resolution 9

The members of the 72nd Legislative Assembly noted the passing of Chuck Fredrickson, who died on July 14, 2003, at age 76. The Legislative Assembly remembered him for his honesty, work ethic, compassion and civic involvement.

Chuck Fredrickson served the nation in war in the United States Navy. He served the state of Oregon for half a century, first with the Highway Department, then with ODOT and then with the Legislative Assembly. He was an aide to Senator Gene Derfler and Senator Jackie Winters. He was active in civic and fraternal organizations, including 4-H, Indian Guides, Girl Scouts, Boy Scouts, DeMolay, the Soap Box Derby, Toastmasters and the Thorsmen, a singing group.

## **Remove Term “Mobile Homes” from Oregon Constitution**

Senate Joint Resolution 14

Senate Joint Resolution 14 refers an amendment to Oregon voters to remove the term “mobile homes” from Article IX, Section 3a of the Oregon Constitution. The amendment will appear on the November 2004 General Election Ballot. [HB 3187](#) writes the ballot title for SJR 14.

SJR 14 is a companion measure to [Senate Bill 468](#).

## **Rex T. Barber Veterans Memorial Bridge**

Senate Joint Resolution 38

Senate Joint Resolution 38 directs the Oregon Transportation Commission to name the newly constructed bridge over the Crooked River on U.S. 97 the Rex T. Barber Veterans Memorial Bridge.

	(Fund Type)	<u>2003-05</u>	<u>2005-07</u>
Effect on Expenditures	Highway	\$ 3,500	\$ 0
Effect on Revenues		\$ 0	\$ 0
Effect on FTE		0	0

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