

COMMITTEE ON JUDICIARY  
Room 14, State Capitol  
Salem, Oregon

PROPOSED AMENDMENTS TO

SPEED RESTRICTIONS  
Preliminary Draft No. 1

Section \_\_\_\_\_. (Maximum speed limits.) (1) Except where a special hazard exists that requires a lower speed for compliance with section 1 of this Article, the speed limits designated under ORS 483.104, 483.106 or 483.108 shall be maximum lawful speeds.

(2) A person who drives a vehicle at a speed in excess of any of the speed limits specified under subsection (1) of this section commits the offense of speeding.

(3) Speeding is a \_\_\_\_\_.

Section \_\_\_\_\_. (Speeding; affirmative defense.) It is an affirmative defense to the offense of speeding that, having due regard to the traffic, weather, highway and any other conditions then existing, the speed at which the person was driving was reasonable and prudent.

\* \* \*

(ALTERNATE SECTION)

Section \_\_\_\_\_. (Maximum speed limits; disputable presumption of violation of basic speed rule.) Any speed in excess of the speed limits designated under ORS 483.104, 483.106 or 483.108 create a disputable presumption of violation of the basic speed rule.

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COMMITTEE ON JUDICIARY

Subcommittee Amendments to

Speed Restrictions  
Preliminary Draft No. 1

Section 1. (Basic speed rule.) (1) A person commits the offense of violating the basic speed rule if he drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections, weather, visibility and any other conditions then existing.

(2) Violating the basic speed rule is a \_\_\_\_\_.

Section 2. (Maximum speeds.) (1) Except where a special hazard exists that requires a lower speed for compliance with section 1 of this Article, the speed limits designated under this section and ORS 483.106 or 483.108 shall be maximum lawful speeds. The speeds designated in this section are:

(a) Twenty miles per hour:

(A) When passing school grounds when children are present, or a crosswalk when children are present, if notice of the grounds or crosswalk is indicated plainly by signs or signals conforming to ORS 483.044.

(B) When approaching a grade crossing or a railway, interurban railway or street railway where the driver's view of the crossing or of any traffic on the railway is obstructed.

- (C) In any business district.
- (b) Twenty-five miles per hour:
  - (A) In any residence district.
  - (B) In public parks, unless a different speed is designated by state or local authorities, as authorized by law, and duly posted.
- (c) Fifty-five miles per hour in other locations.
- (2) A person who drives a vehicle at a speed greater than any of the speed limits specified under subsection (1) of this section commits the offense of speeding.
- (3) Speeding is a \_\_\_\_\_.

Section 3. (Speeding; affirmative defense.) (1) Except as otherwise provided in subsection (2) of this section, it is an affirmative defense to the offense of speeding that, having due regard to the traffic, weather, highway and other conditions then existing, the speed at which the person was driving was reasonable and prudent.

(2) The defense described in subsection (1) of this section shall not be available to a person who commits the offense of speeding by driving at a speed greater than 75 miles per hour.

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PROPOSED AMENDMENTS TO SUBSECTION (4) of SECTION 4

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Section 4. ORS 483.108 is amended to read:

(4) The board [has authority to] may make or cause to be made, and, if requested by [any county court or board of county commissioners of any county, or municipal authority of any city] state or the local authority or federal agency having jurisdiction over the highway or section thereof, shall make or cause to be made an engineering and traffic investigation with respect to the designated speeds provided for in ORS 483.104 applicable to any [county road or city street, or section thereof] highway or section of highway upon which the commission is not authorized by ORS 483.106 to designate any speed. If upon such investigation the board finds that the designated speed is greater than is reasonable or safe or less than is reasonable under the conditions found to exist thereon, the board after due notice and opportunity for hearing to the [county commissioners or municipal authority] state or local authority or federal agency affected thereby shall give written notice to such [county court or board of county commissioners or city or town] state or local authority or federal agency of any proposed deviation from such designated speeds. [Such county court or board of county commissioners or city or town] state or The local authority or federal agency shall, within 30 days after receipt of such written notice, file with such speed control board a written statement of objections to such proposed deviation and may request a hearing thereon. No such deviation shall

be ordered until such written objections have been considered by the board or such requested hearing has been held on not less than five days' notice. The board thereupon may designate different speeds, which shall be effective when appropriate signs giving notice thereof are erected upon [such road or street] the highway or section of highway.

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PROPOSED AMENDMENTS TO SUBSECTION (2), SECTION 6

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Section 6. (Minimum speed regulation.)

(2) Whenever the Department of Transportation or State Speed Control Board within their respective jurisdictions determines on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede or block the normal and reasonable movement of traffic, the department or board may designate a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

December 1973

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PROPOSED AMENDMENTS TO SECTION 8 (2) (a) and (3)

Section 8. (Maximum speeds for motor busses, highway post-office busses, school and worker transport busses.)

(2) A person commits the offense of violating the maximum speed limit for motor trucks equipped with pneumatic tires if he drives a motor truck at a speed greater than:

(a) Sixty miles per hour or such lesser speed as has been designated on an interstate highway on which a speed greater than the speed designated by subsection (3) of ORS 483.104 has been designated under ORS 483.106 or 483.108; or

(b) Fifty miles per hour on any street, road or highway not an interstate highway.

(3) A person commits the offense of violating the maximum speed limit for motor busses and highway post-office busses if he drives a motor bus or highway post-office bus on any highway, street or roadway at a speed greater than 65 miles per hour when the maximum designated speed thereon is 65 or more miles per hour, or the speed so designated, whichever is less.

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PROPOSED AMENDMENTS TO SUBSECTIONS (2), (3), SECTION 11

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Section 11. ORS 483.124 is amended to read:

(2) Whenever the [commission] Department of Transportation determines upon the basis of an engineering and traffic investigation that the speed of 25 miles an hour is greater than is reasonable or safe under the conditions found to exist with respect to any part of the ocean shore, the [commission] department may establish a maximum speed of less than 25 miles per hour on any specified section of such shore, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(3) Violation of the maximum speed limit on the ocean shore is

a \_\_\_\_\_.