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## Chapter 801 — General Provisions and Definitions for Oregon Vehicle Code

2005 EDITION

### TITLE 59

### OREGON VEHICLE CODE

- |         |   |
|---------|---|
| Chapter | 801. General Provisions and Definitions for Oregon Vehicle Code   |
|         | 802. Administrative Provisions  |
|         | 803. Vehicle Title and Registration   |
|         | 805. Special Registration Provisions  |
|         | 806. Financial Responsibility Law   |
|         | 807. Driving Privileges and Identification Cards  |
|         | 809. Refusal, Suspension, Cancellation and Revocation of<br>Registration, Title, Driving Privileges and Identification Card; Vehicle<br>Impoundment |
|         | 810. Road Authorities; Courts; Police; Other Enforcement Officials  |
|         | 811. Rules of the Road for Drivers  |
|         | 813. Driving Under the Influence of Intoxicants   |
|         | 814. Pedestrians; Passengers; Livestock; Motorized Wheelchairs;<br>Vehicles With Fewer Than Four Wheels   |
|         | 815. Vehicle Equipment Generally  |
|         | 816. Vehicle Equipment: Lights  |
|         | 818. Vehicle Limits   |
|         | 819. Destroyed, Totaled, Abandoned, Low-Value and Stolen<br>Vehicles; Vehicle Identification Numbers  |
|         | 820. Special Provisions for Certain Vehicles  |

- 821. Off-Road Vehicles; Snowmobiles; All-Terrain Vehicles
  - 822. Regulation of Vehicle Related Businesses
  - 823. Carrier Regulation Generally
  - 824. Railroads
  - 825. Motor Carriers
  - 826. Registration of Commercial Vehicles
- 

## Chapter 801 — General Provisions and Definitions for Oregon Vehicle Code

2005 EDITION

### GENERAL PROVISIONS AND DEFINITIONS

#### OREGON VEHICLE CODE

#### GENERAL PROVISIONS

- 801.010 Short title
- 801.015 Effect of naming offenses
- 801.020 Statements of policy and purpose; applicability of vehicle code
- 801.026 General exemptions; exceptions
- 801.030 Exemptions from amendments to vehicle code
- 801.038 Local government regulation of cell phones in motor vehicles
- 801.040 Authority of local governments
- 801.041 Terms and conditions for imposition of registration fee by county
- 801.042 Terms and conditions for imposition of registration fee by district
- 801.043 Moneys required by department for initial implementation of registration fees
- 801.045 Permissive use of private roadway

801.050 Privilege of motorist to use highways

801.055 Weight standards; Department of Transportation responsibility for weight determination; rules

## DEFINITIONS

801.100 Definitions generally

801.110 “Alley”

801.115 “Ambulance”

801.120 “Ambulatory disability”

801.125 “Antique vehicle”

801.127 “Arterial”

801.130 “Assembled vehicle”

801.135 “Axle”

801.140 “Balance trailer”

801.145 “Base fine amount”

801.150 “Bicycle”

801.155 “Bicycle lane”

801.160 “Bicycle path”

801.163 “Biometric data”

801.165 “Bus trailer”

801.170 “Business district”

801.175 “Canceled”; “cancellation”

- 801.180 “Camper”
- 801.183 “Certificate of sale”
- 801.185 “Certificate of title”
- 801.187 “Circulatory roadway”
- 801.190 “Class I all-terrain vehicle”
- 801.193 “Class II all-terrain vehicle”
- 801.194 “Class III all-terrain vehicle”
- 801.197 “Collector”
- 801.198 “Combination of vehicles”
- 801.199 “Combined weight”
- 801.200 “Commercial bus”
- 801.205 “Commercial bus trailer”
- 801.207 “Commercial driver license”
- 801.208 “Commercial motor vehicle”
- 801.210 “Commercial vehicle”
- 801.215 “Commission”
- 801.217 “Converter dolly”
- 801.220 “Crosswalk”
- 801.225 “Department”
- 801.230 “Director”

- 801.235 “Disabled person”
- 801.236 “Dismantler”
- 801.237 “District” defined for certain purposes
- 801.245 “Driver license”
- 801.250 “Driver permit”
- 801.255 “Driving privilege”
- 801.258 “Electric assisted bicycle”
- 801.259 “Electric personal assistive mobility device”
- 801.260 “Emergency vehicle”
- 801.261 “Endorsement”
- 801.263 “Engine brake”
- 801.265 “Farm tractor”
- 801.270 “Farm trailer”
- 801.272 “Field sobriety test”
- 801.275 “Fifth wheel hitch”
- 801.280 “Financial responsibility requirements”
- 801.285 “Fixed load vehicle”
- 801.288 “Funeral escort vehicle”; “funeral lead vehicle”; “funeral procession”
- 801.290 “Future responsibility filing”
- 801.295 “Golf cart”

- 801.297 “Gross combination weight rating”
- 801.298 “Gross vehicle weight rating”
- 801.300 “Group of axles”
- 801.303 “Hazardous materials”
- 801.305 “Highway”
- 801.310 “Implement of husbandry”
- 801.317 “Inhalant”
- 801.320 “Intersection”
- 801.323 “Issue”; “issuance”
- 801.325 “Limited visibility condition”
- 801.330 “Loaded weight”
- 801.331 “Low-speed vehicle”
- 801.333 “Manufactured structure”
- 801.335 “Manufacturer”
- 801.345 “Moped”
- 801.348 “Motor assisted scooter”
- 801.350 “Motor home”
- 801.355 “Motor truck”
- 801.360 “Motor vehicle”
- 801.365 “Motorcycle”

- 801.366 “Motorcycle helmet”
- 801.370 “Operation”
- 801.375 “Owner”
- 801.377 “Ownership record”
- 801.380 “Park” or “parking”
- 801.385 “Pedestrian”
- 801.390 “Pole trailer”
- 801.395 “Police officer”
- 801.397 “Prefabricated structure”
- 801.400 “Premises open to the public”
- 801.402 “Primary ownership record”
- 801.403 “Rail fixed guideway system”
- 801.405 “Reconstructed vehicle”
- 801.407 “Recreational vehicle”
- 801.410 “Registration” or “register”
- 801.415 “Registration plate”
- 801.420 “Registration weight”
- 801.425 “Replica”
- 801.430 “Residence district”
- 801.435 “Revoked”

- 801.440 “Right of way”
- 801.445 “Road authority”
- 801.450 “Roadway”
- 801.451 “Roundabout”
- 801.454 “Salvage title certificate”
- 801.455 “School activity vehicle”
- 801.460 “School bus”
- 801.462 “School zone”
- 801.465 “Security interest”
- 801.470 “Self-supporting trailer”
- 801.475 “Semitrailer”
- 801.477 “Serious traffic violation”
- 801.480 “Shoulder”
- 801.485 “Sidewalk”
- 801.490 “Snowmobile”
- 801.500 “Special use trailer”
- 801.505 “Stand” or “standing”
- 801.507 “Stinger-steered”
- 801.510 “Stop”
- 801.513 “Street rod”

- 801.515 “Suspend”
- 801.520 “Tandem axles”
- 801.522 “Tank vehicle”
- 801.524 “Throughway”
- 801.525 “Tire”
- 801.526 “Title”
- 801.527 “Totaled vehicle”; “totaled”
- 801.529 “Tow dolly”
- 801.530 “Tow vehicle”
- 801.540 “Traffic control device”
- 801.545 “Traffic crime”
- 801.555 “Traffic offense”
- 801.557 “Traffic violation”
- 801.560 “Trailer”
- 801.562 “Transitional ownership record”
- 801.565 “Travel trailer”
- 801.575 “Truck tractor”
- 801.580 “Truck trailer”
- 801.585 “Unloaded weight”
- 801.590 “Vehicle”

- 801.595 “Vehicle code”
- 801.600 “Vehicle identification number”
- 801.605 “Vehicle of special interest”
- 801.610 “Worker transport bus”

## GENERAL PROVISIONS

**801.010 Short title.** (1) ORS chapters 801 to 826 may be cited as the Oregon Vehicle Code.

(2) ORS 809.600 to 809.660 may be cited as the Habitual Traffic Offenders Act.

(3) ORS 813.095, 813.100, 813.131, 813.132, 813.140, 813.150, 813.310, 813.320 and 813.410 to 813.440 may be cited as the Motorist Implied Consent Law. [1983 c.338 §1; 1985 c.16 §2; 1995 c.733 §10; 1997 c.25 §4; 2003 c.814 §4]

**801.015 Effect of naming offenses.** The names given offenses in the vehicle code do not establish or limit the elements of the offense described but are merely for the convenience of the readers of the vehicle code and of the persons administering and enforcing the vehicle code. [1983 c.338 §2]

**801.020 Statements of policy and purpose; applicability of vehicle code.** This section contains statements of purpose or intent that are applicable to portions of the vehicle code as described in the following:

(1) The provisions of the vehicle code and other statutory provisions described in this subsection are an exercise of the police powers of this state, and the purpose, object and intent of the sections is to provide a comprehensive system for the regulation of all motor and other vehicles in this state. This subsection is applicable to the following:

(a) Those provisions of the vehicle code relating to the administration of the Department of Transportation.

(b) Those provisions of the vehicle code relating to the registration and titling of vehicles.

(c) Those provisions of the vehicle code relating to the regulation of the businesses of vehicle dealers, dismantlers, vehicle transporters, driver training schools and instructors and the towing and recovery of vehicles.

(d) Those provisions relating to the transfer and alteration of vehicles.

(2) It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of motor vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories and countries with respect to vehicles registered in this and such other states,

provinces, territories and countries, thus contributing to the economic and social development and growth of this state.

(3) The provisions described in this subsection shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and on the ocean shore which has been or may hereafter be declared a state recreation area. This subsection applies to provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles.

(4) The provisions of the vehicle code applicable to drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, district or any other political subdivision of this state, subject to such specific exceptions as are set forth in the vehicle code.

(5) Except as provided otherwise by federal law, the provisions of the vehicle code shall be applicable and uniform on federal lands within this state.

(6) Except as provided otherwise by federal law, traffic rules and regulations which are promulgated by a federal authority having jurisdiction over federal lands within this state and which vary from the provisions of the vehicle code shall be the law of the local authority within whose boundaries the federal land is located, and enforceable as such, if:

(a) Local authorities are authorized to vary in the same manner under the provisions of the vehicle code; and

(b) Prior approval for the variance has been obtained by the federal authority from the governing body of the local authority within whose boundaries the federal land is located.

(7) The vehicle code shall govern the construction of and punishment for any vehicle code offense committed after June 27, 1975, the construction and application of any defense to a prosecution for such an offense and any administrative proceedings authorized or affected by the vehicle code.

(8) When all or part of a vehicle code statute is amended or repealed, the statute or part thereof so amended or repealed remains in force for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person who violated the statute or part thereof before the effective date of the amending or repealing Act.

(9) The provisions of the vehicle code described in this subsection relating to the operation of vehicles refer exclusively to operation of vehicles upon highways and the ocean shore which has been or may hereafter be declared to be a state recreation area, except where the vehicle code specifically provides otherwise. This subsection applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles.

(10) All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles, in force and effect on August 22, 1969, shall continue in force and effect until specifically amended or revoked as provided by law or by such arrangements or agreements.

(11) It is hereby declared to be the policy of this state:

(a) To provide maximum safety for all persons who travel or otherwise use the public highways of this state;

(b) To deny the privilege of operating motor vehicles on the public highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of its courts and the statutorily required acts of its administrative agencies; and

(c) To discourage repetition of criminal acts by individuals against the peace and dignity of the state and its political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws.

(12) If any of the provisions under ORS 818.200 relating to variance permits are found to contravene section 127 of title 23, United States Code, it shall not serve to render inoperative any remaining of such provisions that may be held not to conflict with that federal law. [1983 c.338 §4; 1985 c.16 §4; 2003 c.655 §84b; 2005 c.654 §36]

**801.025** [1983 c.338 §5; 1985 c.16 §5; 1987 c.447 §139; repealed by 1989 c.400 §1 (801.026 enacted in lieu of 801.025)]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) The exemptions in subsection (3) of this section do not apply to the persons and vehicles when traveling to or from the facilities or construction project. [1989 c.400 §2 (enacted in lieu of 801.025); 1999 c.1051 §82]

**801.030 Exemptions from amendments to vehicle code.** This section describes exemptions from specific changes to the vehicle code. The exemptions allow some practice or right to continue after the change is made. The exemptions are as follows:

(1) Nothing contained in ORS 810.150 shall require the redesign, modification or replacement of street drains installed prior to September 13, 1975.

(2) Sections 2 to 169 of chapter 451, Oregon Laws 1975, shall not apply to or govern the construction of or punishment for any vehicle code offense committed before June 27, 1975, or the construction and application of any defense to a prosecution for such an offense and do not impair or render ineffectual any court or administrative proceedings or procedural matters which occurred before June 27, 1975. [1983 c.338 §6; 1985 c.171 §1]

**801.035** [1983 c.338 §7; 1985 c.16 §6; 1985 c.400 §1; 1989 c.43 §15; 1991 c.407 §19; repealed by 1995 c.733 §74]

**801.038 Local government regulation of cell phones in motor vehicles.** A city, county or other local government may not enact or enforce any charter provision, ordinance, resolution or other provision regulating the use of cellular telephones in motor vehicles. [2001 c.133 §1]

**Note:** 801.038 was enacted into law by the Legislative Assembly but was not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**801.040 Authority of local governments.** This section describes circumstances where special provisions are made concerning the authority of cities, counties or other political subdivisions in relation to some portion of the vehicle code. This section is not the only section of the vehicle code that applies to such authority and shall not be interpreted to affect the vehicle code except as specifically provided in this section. The following limits are partial or complete as described:

(1) No county, municipal or other local body with authority to adopt and administer local

police regulations under the Constitution and laws of this state shall enact or enforce any rule or regulation in conflict with the provisions of the vehicle code described in this subsection except as specifically authorized in the vehicle code. This subsection applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles.

(2) Except as provided in ORS 822.230 and this subsection, no city, county or other political subdivisions shall regulate or require or issue any registration, licenses, permits or surety bonds or charge any fee for the regulatory or surety registration of any person required to obtain a certificate from the Department of Transportation under ORS 822.205. This subsection does not:

(a) Limit any authority of a city or county to license and collect a general and nondiscriminatory license fee levied upon all businesses or to levy a tax based upon business conducted by any person within the city or county.

(b) Limit the authority of any city or county to impose any requirements or conditions as part of any contract to perform towing or recovering services for the city or county.

(c) Limit the authority of any city or county to impose requirements and conditions that govern the towing of a vehicle by a towing business under ORS 98.812 so long as those requirements and conditions are consistent with the provisions of ORS 822.230.

(3) No city, county or other political subdivision of this state, nor any state agency, may adopt a regulation or ordinance that imposes a special fee for the use of public lands or waters by snowmobiles or Class I all-terrain vehicles, or for the use of any access thereto that is owned by or under the jurisdiction of either the United States, this state or any such city, county or other political subdivision. The registration fees provided by ORS 821.320 are in lieu of any personal property or excise tax imposed on snowmobiles by this state or any political subdivision. No city, county or other municipality, and no state agency shall impose any other registration or license fee on any snowmobile in this state. This subsection does not prohibit any city, county or other political subdivision, or any state agency from regulating the operation of snowmobiles or Class I all-terrain vehicles on public lands, waters and other properties under its jurisdiction and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body if such regulations are not inconsistent with ORS 821.150 to 821.292.

(4) The provisions of ORS 819.100, 819.120, 819.150, 819.160 and 819.210 to 819.260 relating to removal of vehicles that are abandoned establish minimum requirements subject to the following:

(a) Notwithstanding paragraph (b) of this subsection, a county or incorporated city may supersede such provisions by ordinance or charter provision.

(b) Any road authority described under ORS 810.010 may adopt rules or procedures that do not conflict with such provisions to provide for additional protection for the owner or person with an interest in a vehicle subject to such provisions or that more quickly accomplish the procedures established under such provisions.

(5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident file with a designated city department a copy of any report required to be filed under

ORS 811.725. All such reports shall be for the confidential use of the city department but subject to the same requirements for release of such reports as provided for the release of such reports by the department under ORS 802.220 and 802.240.

(6) Except as otherwise specifically provided in this section, in accordance with the provisions of ORS 801.041, the governing body of a county may establish by ordinance registration fees for vehicles registered at a residence or business address within the county.

(7) Except as otherwise specifically provided in this section, in accordance with the provisions of ORS 801.042, the governing body of a district may establish by ordinance registration fees for vehicles registered at a residence or business address within the district. [1983 c.338 §8; 1985 c.16 §7; 1985 c.171 §2; 1985 c.459 §2a; 1987 c.765 §3; 1989 c.864 §3; 1989 c.991 §22; 1995 c.758 §5; 1995 c.774 §6; 1999 c.977 §13]

**801.041 Terms and conditions for imposition of registration fee by county.** The following apply to the authority granted to counties by ORS 801.040 to establish registration fees for vehicles:

(1) An ordinance establishing registration fees under this section must be enacted by the county imposing the registration fee and filed with the Department of Transportation. Any ordinance establishing registration fees that is enacted by the governing body of a county must be submitted to the electors of the county for their approval. The governing body of the county imposing the registration fee shall enter into an intergovernmental agreement under ORS 190.010 with the department by which the department shall collect the registration fees, pay them over to the county and, if necessary, allow the credit or credits described in ORS 803.445 (5). The intergovernmental agreement must state the date on which the department shall begin collecting registration fees for the county.

(2) The authority granted by this section allows the establishment of registration fees in addition to those described in ORS 803.420. There is no authority under this section to affect registration periods, qualifications, cards, plates, requirements or any other provision relating to vehicle registration under the vehicle code.

(3) Except as otherwise provided for in this subsection, when registration fees are imposed under this section, they must be imposed on all vehicle classes. Registration fees as provided under this section may not be imposed on the following:

- (a) Snowmobiles and Class I all-terrain vehicles.
- (b) Fixed load vehicles.
- (c) Vehicles registered under ORS 805.100 to disabled veterans.
- (d) Vehicles registered as antique vehicles under ORS 805.010.
- (e) Vehicles registered as vehicles of special interest under ORS 805.020.
- (f) Government-owned or operated vehicles registered under ORS 805.040 or 805.045.
- (g) School buses or school activity vehicles registered under ORS 805.050.
- (h) Law enforcement undercover vehicles registered under ORS 805.060.
- (i) Vehicles registered on a proportional basis for interstate operation.

(j) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (10) or (11).

(k) Vehicles registered as farm vehicles under the provisions of ORS 805.300.

(L) Travel trailers, campers and motor homes.

(4) Any registration fee imposed by a county must be a fixed amount not to exceed, with respect to any vehicle class, the registration fee established under ORS 803.420 (1). For vehicles on which a flat fee is imposed under ORS 803.420, the fee must be a whole dollar amount.

(5) Moneys from registration fees established under this section must be paid to the county establishing the registration fees as provided in ORS 802.110. The county ordinance shall provide for payment of at least 40 percent of the money to cities within the county unless a different distribution is agreed to between the county and the cities within the jurisdiction of the county. The moneys shall be used for any purpose for which moneys from registration fees may be used.

(6) Two or more counties may act jointly to impose a registration fee under this section. The ordinance of each county acting jointly with another under this subsection must provide for the distribution of moneys collected through a joint registration fee.

(7) Before the governing body of a county that overlaps a district can impose a registration fee under this section, it must enter into an intergovernmental agreement under ORS 190.010 with the governing bodies of that district and all counties, other districts and cities with populations of over 300,000 that overlap the district. The intergovernmental agreement must state the registration fees and, if necessary, how the revenue from the fees are to be apportioned among the counties and the districts. Before the governing body of a county can enter into such an intergovernmental agreement, the county shall consult with the cities in its jurisdiction. [1989 c.864 §4; 1993 c.751 §3; 2003 c.655 §85]

**Note:** 801.041, 801.042 and 801.043 were enacted into law by the Legislative Assembly but were not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**801.042 Terms and conditions for imposition of registration fee by district.** The following apply to the authority granted to a district by ORS 801.040 to establish registration fees for vehicles:

(1) Before the governing body of a district can impose a registration fee under this section, it must submit the proposal to the electors of the district for their approval and, if the proposal is approved, enter into an intergovernmental agreement under ORS 190.010 with the governing bodies of all counties, other districts and cities with populations of over 300,000 that overlap the district. The intergovernmental agreement must state the registration fees and, if necessary, how the revenue from the fees shall be apportioned among counties and the districts. Before the governing body of a county can enter into such an intergovernmental agreement, the county shall consult with the cities in its jurisdiction.

(2) If a district raises revenues from a registration fee for purposes related to highways, roads,

streets and roadside rest areas, the governing body of that district shall establish a Regional Arterial Fund and shall deposit in the Regional Arterial Fund all such registration fees.

(3) Interest received on moneys credited to the Regional Arterial Fund shall accrue to and become a part of the Regional Arterial Fund.

(4) The Regional Arterial Fund must be administered by the governing body of the district referred to in subsection (2) of this section and such governing body by ordinance may disburse moneys in the Regional Arterial Fund. Moneys within the Regional Arterial Fund may be disbursed only for a program of projects recommended by a joint policy advisory committee on transportation consisting of local officials and state agency representatives designated by the district referred to in subsection (2) of this section. The projects for which the joint policy advisory committee on transportation can recommend funding must concern arterials, collectors or other improvements designated by the joint policy advisory committee on transportation.

(5) Ordinances establishing registration fees under this section must be filed with the Department of Transportation. The governing body of the district imposing the registration fee shall enter into an intergovernmental agreement under ORS 190.010 with the department by which the department shall collect the registration fees, pay them over to the district and, if necessary, allow the credit or credits described in ORS 803.445 (5). The intergovernmental agreement must state the date on which the department shall begin collecting registration fees for the district.

(6) The authority granted by this section allows the establishment of registration fees in addition to those described in ORS 803.420. There is no authority under this section to affect registration periods, qualifications, cards, plates, requirements or any other provision relating to vehicle registration under the vehicle code.

(7) Except as otherwise provided for in this subsection, when registration fees are imposed under this section, the fees must be imposed on all vehicle classes. Registration fees as provided under this section may not be imposed on the following:

- (a) Snowmobiles and Class I all-terrain vehicles.
- (b) Fixed load vehicles.
- (c) Vehicles registered under ORS 805.100 to disabled veterans.
- (d) Vehicles registered as antique vehicles under ORS 805.010.
- (e) Vehicles registered as vehicles of special interest under ORS 805.020.
- (f) Government-owned or operated vehicles registered under ORS 805.040 or 805.045.
- (g) School buses or school activity vehicles registered under ORS 805.050.
- (h) Law enforcement undercover vehicles registered under ORS 805.060.
- (i) Vehicles registered on a proportional basis for interstate operation.
- (j) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (10) or (11).
- (k) Vehicles registered as farm vehicles under the provisions of ORS 805.300.
- (L) Travel trailers, campers and motor homes.

(8) Any registration fee imposed by the governing body of a district must be a fixed amount

not to exceed, with respect to any vehicle class, the registration fee established under ORS 803.420 (1). For vehicles on which a flat fee is imposed under ORS 803.420, the fee must be a whole dollar amount. [1989 c.864 §5; 1993 c.751 §4; 2003 c.655 §86]

**Note:** See note under 801.041.

**801.043 Moneys required by department for initial implementation of registration fees.**

Moneys required by the Department of Transportation to establish a system for the initial implementation of the collection and distribution of additional registration fees authorized by chapter 864, Oregon Laws 1989, shall be taken from the moneys that would otherwise be distributed to the counties and cities under ORS 366.739. [1989 c.864 §9]

**Note:** See note under 801.041.

**Note:** Legislative Counsel has substituted “chapter 864, Oregon Laws 1989,” for the words “this Act” in section 9, chapter 864, Oregon Laws 1989, compiled as 801.043. Specific ORS references have not been substituted, pursuant to 173.160. The sections for which substitution otherwise would be made may be determined by referring to the 1989 Comparative Section Table located in Volume 20 of ORS.

**801.045 Permissive use of private roadway.** Nothing in the provisions of the vehicle code described in this section shall prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring different or additional conditions than those specified or from otherwise regulating such use as may seem best to such owner. This section applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles. [1983 c.338 §9]

**801.050 Privilege of motorist to use highways.** Subject to compliance with the motor vehicle law of this state, owners and operators of motor vehicles are granted the privilege of using the highways of this state. [1983 c.338 §10; 1985 c.16 §8]

**801.055 Weight standards; Department of Transportation responsibility for weight determination; rules.** (1) References in the vehicle code to weights and measures refer to United States Standards thereof.

(2) For purposes of the vehicle code, the weights of vehicles, combinations of vehicles, parts of vehicles, wheels or axles shall be determined by the use of methods, procedures and devices established by the Department of Transportation by rule. The rules established in accordance with this subsection may include any or all of the following:

(a) Methods and procedures to determine weights when weighing devices or facilities are not convenient.

(b) Standards and certification procedures for weighing devices.

(c) Any other rules the department determines necessary or convenient for purposes of this subsection. [1983 c.338 §11; 1985 c.172 §1]

## DEFINITIONS

**801.100 Definitions generally.** Except where the context requires otherwise, the definitions given in the vehicle code govern its construction. [1983 c.338 §12]

**801.105** [1983 c.338 §13; repealed by 1993 c.741 §147]

**801.110 “Alley.”** “Alley” means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic. [1983 c.338 §14]

**801.115 “Ambulance.”** “Ambulance” means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability. [1983 c.338 §15]

**801.120 “Ambulatory disability.”** “Ambulatory disability” means a disability because of which a person:

- (1) Is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheelchair;
- (2) Is not able to cross curbs because of paralysis or loss of function of the person’s legs;
- (3) Is missing one or both legs; or
- (4) Has a permanently impaired or unsteady gait that makes it impossible or impractical to walk as a means of transportation. [1983 c.338 §16]

**801.125 “Antique vehicle.”** “Antique vehicle” means a vehicle that is older than one-half the number of years between the current year and 1900 and that is maintained as a collector’s item. [1983 c.338 §17; 2003 c.122 §1]

**801.127 “Arterial.”** “Arterial” or “arterial highway” means a highway that is used primarily by through traffic. [1997 c.404 §2]

**801.130 “Assembled vehicle.”** “Assembled vehicle” means a vehicle:

- (1) With a body that does not resemble any particular year model or make of vehicle;
- (2) That is not a vehicle rebuilt by a manufacturer;

(3) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(4) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica. [1983 c.338 §18; 1985 c.402 §3]

**801.135 “Axle.”** “Axle” means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two vertical parallel transverse planes 40 inches apart. [1983 c.338 §19]

**801.140 “Balance trailer.”** “Balance trailer” means every trailer, other than a self-supporting trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and so that it couples to the towing vehicle with a device other than a fifth wheel hitch. The definition in this section is based upon design features and, except as otherwise provided in this section, does not prohibit a balance trailer from fitting into another classification of trailer based on use. [1983 c.338 §20; 1985 c.16 §9]

**801.145 “Base fine amount.”** “Base fine amount” means the amount established under ORS 153.125 to 153.145 for the purposes specified in ORS chapter 153. [1983 c.338 §21; 1999 c.1051 §278]

**801.150 “Bicycle.”** “Bicycle” means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c.338 §22]

**801.155 “Bicycle lane.”** “Bicycle lane” means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §23]

**801.160 “Bicycle path.”** “Bicycle path” means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §24]

**801.163 “Biometric data.”** “Biometric data” means measurements of the physical characteristics of an individual’s face that can be used to authenticate the identity of an individual. [2005 c.775 §2]

**Note:** 801.163 becomes operative July 1, 2008. See section 17, chapter 775, Oregon Laws 2005.

**801.165 “Bus trailer.”** “Bus trailer” means any trailer designed or used for carrying human beings. [1983 c.338 §25]

**801.170 “Business district.”** “Business district” means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business. [1983 c.338 §26]

**801.175 “Canceled”; “cancellation.”** (1) “Canceled,” with reference to vehicle registration or title, means that the registration or title is declared void and terminated and new registration or title may be obtained only as permitted by law.

(2) “Cancellation” with reference to driving privileges or identification cards means the annulment or termination by formal action of the Department of Transportation of a person’s driving privileges or identification card, or of a person’s right to apply for privileges or identification card, because of some error or defect in a document or because the person is not eligible for the privileges or card. [1983 c.338 §27; 1985 c.16 §10; 1993 c.393 §1]

**801.180 “Camper.”** “Camper” means a structure that:

- (1) Has a floor;
- (2) Is designed to be mounted upon a motor vehicle;
- (3) Is not permanently attached to a motor vehicle upon which it is mounted;
- (4) Is designed to provide facilities for human habitation or for camping;
- (5) Is six feet or more in overall length;
- (6) Is five and one-half feet or more in height from floor to ceiling at any point; and
- (7) Has no more than one axle designed to support a portion of the weight of the camper.

[1983 c.338 §28]

**801.183 “Certificate of sale.”** “Certificate of sale” means a document that contains the name and address of the purchaser and seller of a motor vehicle or component part, the date of sale, the consideration paid and a description of the vehicle or part and other essential elements of a sale of a motor vehicle or major component part. [2005 c.654 §2]

**801.185 “Certificate of title.”** “Certificate of title” means a paper document issued by any jurisdiction specifically as evidence of vehicle ownership. A certificate of title is not necessarily the only evidence of vehicle ownership issued by a jurisdiction. [1983 c.338 §29; 1985 c.16 §11; 1987 c.217 §1; 1989 c.991 §23; 1991 c.873 §22; 1993 c.233 §4]

**801.187 “Circulatory roadway.”** “Circulatory roadway” means the portion of a highway within a roundabout that is used by vehicles to travel counterclockwise around a central island. A circulatory roadway does not have a crosswalk. [2001 c.464 §3]

**801.190 “Class I all-terrain vehicle.”** “Class I all-terrain vehicle” means a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 800 pounds or less that travels on three or more low pressure tires, has a saddle or seat for the operator and is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain. [1985 c.459 §2; 1995 c.775 §9; 1997 c.228 §1]

**801.193 “Class II all-terrain vehicle.”** “Class II all-terrain vehicle” means any motor vehicle that:

- (1) Weighs more than a Class I all-terrain vehicle;
- (2) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain; and
- (3) Is actually being operated off a highway. [1987 c.587 §2; 2005 c.227 §1]

**801.194 “Class III all-terrain vehicle.”** “Class III all-terrain vehicle” means an off-highway motorcycle with a dry weight of 600 pounds or less that travels on two tires. [1989 c.991 §2]

**801.195** [1983 c.338 §31; renumbered 801.198 in 1997]

**801.196** [1989 c.723 §2; 1991 c.284 §4; renumbered 801.199 in 1997]

**801.197 “Collector.”** “Collector” or “collector highway” means a highway that serves primarily to funnel traffic from one local highway to another or between arterials and local highways. [1997 c.404 §3]

**801.198 “Combination of vehicles.”** “Combination of vehicles” means two or more vehicles coupled together. [Formerly 801.195]

**801.199 “Combined weight.”** “Combined weight” means the total empty weight of all vehicles in a combination plus the total weight of the load carried on that combination of vehicles. [Formerly 801.196]

**801.200 “Commercial bus.”** “Commercial bus” means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

- (1) Taxicabs that:
  - (a) Are passenger vehicles with a passenger seating capacity that does not exceed five;
  - (b) Carry passengers for hire where destination and route traveled may be controlled by a

passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time;

(c) Are operated under a current license or permit issued by a city, county or other unit of local government where a permit or license is required for the operation of a taxicab; and

(d) Transport persons or property, or both, between points in Oregon.

(2) Vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of students to or from school. [1983 c.338 §32; 1985 c.16 §12]

**801.205 “Commercial bus trailer.”** “Commercial bus trailer” means a bus trailer:

(1) That is designed or used for carrying passengers and their personal baggage for compensation.

(2) Other than a vehicle commonly known and used as a private passenger vehicle not operated for compensation except in the transportation of students to or from school. [1983 c.338 §33; 1985 c.16 §13]

**801.207 “Commercial driver license.”** “Commercial driver license” means a driver license issued by this state or any other jurisdiction that authorizes its holder to drive a commercial motor vehicle if the holder also has any necessary endorsements to the license. [1989 c.636 §3; 2003 c.14 §457]

**801.208 “Commercial motor vehicle.”** (1) “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles that:

(a) Has a gross combination weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(b) Has a gross vehicle weight rating of 26,001 pounds or more;

(c) Is designed to transport 16 or more persons, including the driver;

(d) Is of any size and is used in the transportation of hazardous materials; or

(e) Is of any size and is owned or leased by, or operated under contract with, a mass transit district or a transportation district when the vehicle is actually being used to transport passengers for hire, regardless of the number of passengers, unless the vehicle is a taxi.

(2) Notwithstanding subsection (1) of this section, the term “commercial motor vehicle” does not include the following:

(a) An emergency fire vehicle being operated by firefighters as defined in ORS 652.050;

(b) Emergency vehicles being operated by emergency service workers as defined in ORS 401.025;

(c) A motor home used to transport or house, for nonbusiness purposes, the operator or the operator’s family members or personal possessions;

(d) A vehicle that is owned or leased by, or operated under contract with, a mass transit district or a transportation district when the vehicle is actually being used to transport passengers

for hire and is being operated by a volunteer driver, so long as the vehicle is not one described in subsection (1)(a) to (d) of this section; or

(e) A recreational vehicle that is operated solely for personal use. [1989 c.636 §2; 1991 c.185 §1; 1991 c.676 §1; 1999 c.359 §1]

**801.210 “Commercial vehicle.”** “Commercial vehicle” means a vehicle that:

- (1) Is used for the transportation of persons for compensation or profit; or
- (2) Is designed or used primarily for the transportation of property. [1983 c.338 §34]

**801.215 “Commission.”** “Commission” means the Oregon Transportation Commission. [1983 c.338 §35]

**801.217 “Converter dolly.”** “Converter dolly” means an auxiliary axle assembly equipped with a fifth wheel hitch and used to convert a semitrailer to a full trailer. [1991 c.284 §2]

**801.220 “Crosswalk.”** “Crosswalk” means any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for crosswalks under ORS 810.200. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection. Where no marked crosswalk exists, a crosswalk is that portion of the roadway described in the following:

(1) Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:

(a) The connections of the lateral lines of the sidewalks, shoulders or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or

(b) The prolongation of the lateral lines of a sidewalk, shoulder or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder.

(2) If there is neither sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection, measuring not less than six feet in width, that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk. [1983 c.338 §36]

**801.225 “Department.”** “Department” means the Department of Transportation. [1983 c.338 §37]

**801.230 “Director.”** “Director” means Director of Transportation. [1983 c.338 §38]

**801.235 “Disabled person.”** “Disabled person” means:

- (1) A person who has severely limited mobility because of paralysis or the loss of use of some or all of the person’s legs or arms;
- (2) A person who is affected by loss of vision or substantial loss of visual acuity or visual field beyond correction; or
- (3) A person who has any other disability that prevents the person from walking without the use of an assistive device or that causes the person to be unable to walk more than 200 feet, including but not necessarily limited to:
  - (a) Chronic heart condition;
  - (b) Emphysema;
  - (c) Arthritis;
  - (d) Rheumatism; or
  - (e) Ulcerative colitis or related chronic bowel disorder. [1983 c.338 §39; 1985 c.139 §3; 1987 c.296 §1; 1989 c.243 §1]

**801.236 “Dismantler.”** “Dismantler” means a person who is engaged in the business of:

- (1) Buying, selling, dealing in or processing, except for processing into scrap metal, motor vehicles for the purpose of destroying, salvaging, dismantling, disassembling, reducing to major component parts, crushing, compacting, recycling or substantially altering in form; or
- (2) Buying, selling, dealing in or processing motor vehicle major component parts that are stocked in the inventory of the business, if the buying, selling, dealing in or processing of major component parts is not part of a business selling new vehicles or repairing vehicles. [2005 c.654 §3]

**801.237 “District” defined for certain purposes.** As used in this section and ORS 267.001, 268.503, 801.040, 801.041, 801.042, 802.110, 803.420, 803.445 and 803.585, “district” means a mass transit or transportation district of over 400,000 persons established under ORS chapter 267 and a metropolitan service district of over 400,000 persons established under ORS chapter 268. [1989 c.864 §2a]

**Note:** 801.237 was enacted into law by the Legislative Assembly but was not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**801.240** [1983 c.338 §40; repealed by 1993 c.741 §147]

**801.245 “Driver license.”** “Driver license” or “license” may have any or all of the meanings provided for the terms under this section as required or appropriate under the section referring to the term. The term “driver license” may be used interchangeably with “license” and either term

may be used in any or all of the following ways:

- (1) It may refer to a document issued by this state or any other jurisdiction as evidence of a grant of driving privileges.
- (2) It may refer to general driving privileges granted by this state or another jurisdiction. [1983 c.338 §54; 1985 c.182 §1; 1985 c.608 §2]

**801.250 “Driver permit.”** “Driver permit” means a grant of driving privileges by this state or another jurisdiction that is more limited than those available under a license or that is only available under special or limited circumstances. The term may also refer to a document issued as evidence of a grant of driving privileges under a driver permit. Driver permits issued by this state include the following:

- (1) Applicant temporary driver permit described under ORS 807.310.
- (2) Court issued temporary driver permit described under ORS 807.320.
- (3) Disability golf cart driver permit described under ORS 807.210.
- (4) Emergency driver permit described under ORS 807.220.
- (5) Instruction driver permit described under ORS 807.280.
- (6) Hardship driver permit described under ORS 807.240.
- (7) Probationary driver permit described under ORS 807.270.
- (8) Special student driver permit described under ORS 807.230.
- (9) Special temporary instruction driver permit described under ORS 807.290.
- (10) Court bail driver permit described under ORS 807.330.
- (11) Temporary driver permit described under ORS 813.110. [1983 c.338 §41; 1985 c.16 §14; 1985 c.608 §1; 1987 c.801 §1]

**801.255 “Driving privilege.”** “Driving privilege” means the grant of authority by a jurisdiction to a person that allows that person to drive a vehicle on highways within that jurisdiction. Driving privileges grant authority to a person not to a vehicle. The driving privilege includes any such grant of authority whether or not documents are issued as evidence of the authority. In this state, driving privileges may be granted under:

- (1) A license as defined under ORS 801.207 and 801.245.
- (2) Driver permits as described in ORS 801.250.
- (3) The driving privileges established under ORS 807.020.
- (4) Any endorsement of a license or driver permit or limitations on a license or driver permit that allows a person to operate a motor vehicle. [1983 c.338 §42; 1989 c.636 §8; 2003 c.14 §458]

**801.258 “Electric assisted bicycle.”** “Electric assisted bicycle” means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Has both fully operative pedals for human propulsion and an electric motor; and

(5) Is equipped with an electric motor that:

(a) Has a power output of not more than 1,000 watts; and

(b) Is incapable of propelling the vehicle at a speed of greater than 20 miles per hour on level ground. [1997 c.400 §2; 1999 c.59 §233]

**801.259 “Electric personal assistive mobility device.”** “Electric personal assistive mobility device” means a device that:

(1) Is self-balancing on two nontandem wheels;

(2) Is designed to transport one person in a standing position;

(3) Has an electric propulsion system; and

(4) Has a maximum speed of 15 miles per hour. [2003 c.341 §2]

**801.260 “Emergency vehicle.”** “Emergency vehicle” means a vehicle that is equipped with lights and sirens as required under ORS 820.350 and 820.370 and that is any of the following:

(1) Operated by public police, fire or airport security agencies.

(2) Designated as an emergency vehicle by a federal agency.

(3) Designated as an emergency vehicle by the Director of Transportation. [1983 c.338 §43; 1993 c.751 §5]

**801.261 “Endorsement.”** “Endorsement,” when used in relation to driving privileges, means a grant of driving privileges, or the evidence thereof, to a person who holds a license, or in some instances a driver permit, allowing the person to exercise driving privileges that are not granted by the license or driver permit. The types of endorsements granted by this state and the driving privileges granted under each type of endorsement are established by ORS 807.035. [2003 c.14 §461]

**801.263 “Engine brake.”** (1) “Engine brake” means a device that converts a power-producing diesel engine into a power-absorbing air compressor, resulting in a net energy loss.

(2) “Unmuffled engine brake” means an engine brake that is not equipped with a muffler in good working order. [1993 c.314 §9]

**801.265 “Farm tractor.”** “Farm tractor” means a motor vehicle designed and used primarily in agricultural operations for drawing or operating other farm machines, equipment and implements of husbandry. [1983 c.338 §44]

**801.270 “Farm trailer.”** “Farm trailer” means a vehicle that:

(1) Is without motive power;

(2) Is a vehicle other than an implement of husbandry;

(3) Is designed to carry property; and

(4) Is drawn by a farm tractor. [1983 c.338 §45]

**801.272 “Field sobriety test.”** “Field sobriety test” means a physical or mental test, approved by the Department of State Police by rule after consultation with the Department of Public Safety Standards and Training, that enables a police officer or trier of fact to screen for or detect probable impairment from intoxicating liquor, a controlled substance, an inhalant or any combination of intoxicating liquor, an inhalant and a controlled substance. [1989 c.576 §17; 1997 c.853 §60; 1999 c.619 §4]

**801.275 “Fifth wheel hitch.”** “Fifth wheel hitch” means a coupling device for vehicles that is commonly known as a kingpin and fifth wheel assembly. [1983 c.338 §46]

**801.280 “Financial responsibility requirements.”** “Financial responsibility requirements” means the ability to respond in damages for liability, on account of accidents arising out of the ownership, operation, maintenance or use of a motor vehicle in a manner provided under ORS 806.060. [1983 c.338 §74; 1985 c.16 §20]

**801.285 “Fixed load vehicle.”** “Fixed load vehicle” means all of the following apply to the vehicle:

- (1) It is a vehicle with or without motive power that is designed and used primarily:
  - (a) To support and move a permanent load in the form of equipment or appliances constructed as part of or permanently attached to the body of the vehicle;
  - (b) For transportation of equipment or appliances that are ordinarily kept on or in the vehicle in order that the vehicle may be used for its primary purpose; and
  - (c) Except for the transportation of permanent load, appliances and equipment described in paragraphs (a) and (b) of this subsection, for purposes other than for the transportation of persons or property over public highways or streets.
- (2) It is a vehicle other than the following:
  - (a) A travel trailer.
  - (b) A tow vehicle, including a tow vehicle with cranes, hoists or dollies.
  - (c) A truck-mounted transit mixer.
  - (d) A self-propelled mobile crane.
- (3) It is a vehicle that may include, but is not limited to, the following vehicles:
  - (a) Air compressors, air drills, asphalt plants, asphalt spreaders, bituminous plants, bituminous mixers, bituminous spreaders and bucket loaders;
  - (b) Cement batch plants, cement mixers other than transit mix, cement spreaders, carryalls, crawler cranes, crushers and crushing plants, diggers and ditchers, power units and plants;
  - (c) Earthmoving scrapers, electric generating equipment, electric load-bank and wiring equipment, front-end loaders, leveling graders, lighting plants and portable wiring, motor graders, payloaders, power hoists, road graders, scoopmobiles, skip hoists, stackers and hoists;
  - (d) Athey wheels, backhoes, bituminous and cement pavement finishers, drag lines, fork lift

trucks, log loaders, mixmobiles, portable bins, portable parts and storage bins, portable shops, portable storage tanks, power shovels, road rollers, sheepsfoot rollers and paving mixers, towermobiles, welders, yarders;

(e) Bituminous and cement finishing machines, elevator equipment, scarifiers and rooters, traction engines, vibro screens and rotary screens, wheeled and crawler tractors other than truck tractors; and

(f) Apron feeders, grain grinders, grain rollers, sand classifiers and drags, sawmills and special construction equipment, scrap metal bailers, scrubber screens and plate feeders. [1983 c.338 §47; 1985 c.71 §1; 1995 c.79 §367; 2003 c.655 §87]

**801.288 “Funeral escort vehicle”; “funeral lead vehicle”; “funeral procession.”** (1) “Funeral escort vehicle” means any two-wheel or three-wheel vehicle that is accompanying a funeral procession and is properly equipped under ORS 811.800.

(2) “Funeral lead vehicle” means any vehicle that is properly equipped under ORS 811.800 and is used to lead and facilitate the movement of a funeral procession.

(3) “Funeral procession” means two or more vehicles, including any funeral lead vehicle or funeral escort vehicle, accompanying the body or cremated remains of a deceased person. [1991 c.482 §§2,3,4]

**801.290 “Future responsibility filing.”** “Future responsibility filing” means the requirement described under ORS 806.240 to file and maintain proof of compliance with financial responsibility requirements with the Department of Transportation. [1983 c.338 §48]

**801.295 “Golf cart.”** “Golf cart” means a motor vehicle that:

(1) Has not less than three wheels in contact with the ground;

(2) Has an unloaded weight less than 1,300 pounds;

(3) Is designed to be and is operated at not more than 15 miles per hour; and

(4) Is designed to carry golf equipment and not more than two persons, including the driver.

[1983 c.338 §49]

**801.297 “Gross combination weight rating.”** “Gross combination weight rating” means the gross vehicle weight rating of the power unit of a vehicle plus the gross vehicle weight rating of any towed unit. [1989 c.636 §4]

**801.298 “Gross vehicle weight rating.”** “Gross vehicle weight rating” means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. [1989 c.636 §5; 1991 c.185 §2]

**801.300 “Group of axles.”** “Group of axles” means an assemblage of two or more consecutive axles considered together in determining their combined load effect on a bridge or

pavement structure. [1983 c.338 §50; 1985 c.172 §2]

**801.303 “Hazardous materials.”** “Hazardous materials” has the meaning given that term in 49 C.F.R. 383.5, as in effect on July 27, 2005. [1989 c.636 §6; 2005 c.649 §31]

**801.305 “Highway.”** “Highway” means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. [1983 c.338 §51]

**801.310 “Implement of husbandry.”** “Implement of husbandry” means a vehicle or device used exclusively in agricultural operations. Truck trailers with a loaded weight of more than 8,000 pounds, motor vehicles, bus trailers, manufactured dwellings, prefabricated structures and recreational vehicles greater than eight and one-half feet in width and travel trailers are not implements of husbandry unless limited by design to agricultural uses. [1983 c.338 §52; 1985 c.16 §15; 1987 c.119 §1; 1989 c.723 §3; 1993 c.696 §6; 2003 c.655 §88]

**801.315** [1985 c.608 §3; 1989 c.636 §9; repealed by 2003 c.14 §459]

**801.317 “Inhalant.”** “Inhalant” means any glue, paint, cement or other substance that is capable of causing intoxication and that contains one or more of the following chemical compounds:

- (1) Acetone;
- (2) Amyl acetate;
- (3) Benzol or benzene;
- (4) Butane;
- (5) Butyl acetate;
- (6) Butyl alcohol;
- (7) Carbon tetrachloride;
- (8) Chloroform;
- (9) Cyclohexanone;
- (10) Difluoroethane;
- (11) Ethanol or ethyl alcohol;
- (12) Ethyl acetate;
- (13) Hexane;
- (14) Isopropanol or isopropyl alcohol;
- (15) Isopropyl acetate;
- (16) Methyl cellosolve acetate;
- (17) Methyl ethyl ketone;
- (18) Methyl isobutyl ketone;

- (19) Nitrous oxide;
- (20) Toluol or toluene;
- (21) Trichloroethylene;
- (22) Tricresyl phosphate;
- (23) Xylol or xylene; or
- (24) Any other solvent, material, substance, chemical or combination thereof having the property of releasing toxic vapors or fumes. [1999 c.619 §2]

**801.320 “Intersection.”** “Intersection” means the area of a roadway created when two or more roadways join together at any angle, as described in one of the following:

(1) If the roadways have curbs, the intersection is the area embraced within the prolongation or connection of the lateral curb lines.

(2) If the roadways do not have curbs, the intersection is the area embraced within the prolongation or connection of the lateral boundary lines of the roadways.

(3) The junction of an alley with a roadway does not constitute an intersection.

(4) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersection highway is a separate intersection. In the event the intersection highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways is a separate intersection. [1983 c.338 §53]

**801.323 “Issue”; “issuance.”** “Issue” or “issuance,” when used in relation to title, means either the creation of a record of title for a vehicle or physical delivery of a certificate of title to a person, or both. [1993 c.233 §3]

**801.325 “Limited visibility condition.”** “Limited visibility condition” means:

(1) Any time from sunset to sunrise; and

(2) Any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible on a straight, level, unlighted highway at a distance of 1,000 feet ahead. [1983 c.338 §55; 1987 c.158 §159]

**801.330 “Loaded weight.”** “Loaded weight” means the weight transmitted to the road, through an axle or set of axles, when the vehicle is fully loaded. [1983 c.338 §56; 1989 c.723 §4]

**801.331 “Low-speed vehicle.”** “Low-speed vehicle” means a four wheeled motor vehicle with a top speed of more than 20 miles per hour but not more than 25 miles per hour. [2001 c.293 §5]

**801.332** [1993 c.696 §2; repealed by 2003 c.655 §143]

**801.333 “Manufactured structure.”** “Manufactured structure” has the meaning given that

term in ORS 446.561. [1993 c.696 §3; 2003 c.655 §89]

**801.335 “Manufacturer.”** “Manufacturer” means any person engaged in the manufacture of new vehicles as a regular business. [1983 c.338 §57]

**801.340** [1983 c.338 §58; 1985 c.16 §16; repealed by 1993 c.696 §19]

**801.345 “Moped.”** “Moped” means a vehicle, including any bicycle equipped with a power source, other than an electric assisted bicycle as defined in ORS 801.258 or a motor assisted scooter as defined in ORS 801.348, that complies with all of the following:

- (1) It is designed to be operated on the ground upon wheels.
- (2) It has a seat or saddle for use of the rider.
- (3) It is designed to travel with not more than three wheels in contact with the ground.
- (4) It is equipped with an independent power source that:

(a) Is capable of propelling the vehicle, unassisted, at a speed of not more than 30 miles per hour on a level road surface; and

(b) If the power source is a combustion engine, has a piston or rotor displacement of 35.01 to 50 cubic centimeters regardless of the number of chambers in the power source.

(5) It is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the system is engaged. [1983 c.338 §59; 1985 c.16 §19; 1997 c.400 §5; 2001 c.749 §25]

**801.348 “Motor assisted scooter.”** “Motor assisted scooter” means a vehicle that:

- (1) Is designed to be operated on the ground with not more than three wheels;
- (2) Has handlebars and a foot support or seat for the operator’s use;
- (3) Can be propelled by motor or human propulsion; and
- (4) Is equipped with a power source that is incapable of propelling the vehicle at a speed of greater than 24 miles per hour on level ground and:

(a) If the power source is a combustion engine, has a piston or rotor displacement of 35 cubic centimeters or less regardless of the number of chambers in the power source; or

(b) If the power source is electric, has a power output of not more than 1,000 watts. [2001 c.749 §2]

**801.350 “Motor home.”** “Motor home” means a motor vehicle that:

(1) Is reconstructed, permanently altered or originally designed to provide facilities for human habitation; or

(2) Has a structure permanently attached to it that would be a camper if the structure was not permanently attached to the motor vehicle. [1983 c.338 §60]

**801.355 “Motor truck.”** “Motor truck” means a motor vehicle that is primarily designed or

used for carrying loads other than passengers. [1983 c.338 §61]

**801.360 “Motor vehicle.”** “Motor vehicle” means a vehicle that is self-propelled or designed for self-propulsion. [1983 c.338 §62]

**801.365 “Motorcycle.”** “Motorcycle” means any self-propelled vehicle other than a moped or farm tractor that:

- (1) Has a seat or saddle for use of the rider;
- (2) Is designed to be operated on the ground upon wheels; and
- (3) Is designed to travel with not more than three wheels in contact with the ground. [1983 c.338 §63]

**801.366 “Motorcycle helmet.”** “Motorcycle helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell and a chin-strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation. [1995 c.492 §2]

**801.370 “Operation.”** “Operation” means any operation, towing, pushing, movement or otherwise propelling. [1983 c.338 §66]

**801.375 “Owner.”** “Owner” when referring to the owner of a vehicle means:

- (1) The person in whose name title to a vehicle is issued, and who is entitled to possession and use of the vehicle.
- (2) If the title and right to possession and use for a vehicle are in different persons:
  - (a) The person, other than a security interest holder, who is entitled to the possession and use of the vehicle under a security agreement.
  - (b) The lessor or lessee of a vehicle, as designated by the lessor on the application for title, if the lessee is entitled to possession and use of the vehicle under a lease agreement. [1983 c.338 §67; 1991 c.551 §1; 1993 c.233 §7]

**801.377 “Ownership record.”** “Ownership record” means:

- (1) A primary ownership record; or
- (2) A transitional ownership record. [1989 c.927 §2; 1993 c.233 §8]

**801.380 “Park” or “parking.”** “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. [1983 c.338 §68]

**801.385 “Pedestrian.”** “Pedestrian” means any person afoot or confined in a wheelchair. [1983 c.338 §69]

**801.390 “Pole trailer.”** “Pole trailer” means a trailer attached or secured to the towing vehicle and ordinarily used for transporting long or irregular loads capable generally of sustaining themselves as beams between the towing vehicle and the trailer. The definition in this section is based on design features and, except as otherwise provided in this section, does not prohibit a pole trailer from fitting into another category of trailer based on use. [1983 c.338 §70]

**801.395 “Police officer.”** “Police officer” includes a member of the Oregon State Police, a sheriff, a deputy sheriff or a city police officer. [1983 c.338 §71]

**801.397 “Prefabricated structure.”** “Prefabricated structure” has the meaning given that term in ORS 455.010. [1993 c.696 §4; 2003 c.655 §90]

**801.400 “Premises open to the public.”** “Premises open to the public” includes any premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises. [1983 c.338 §72]

**801.402 “Primary ownership record.”** “Primary ownership record” means:

- (1) The manufacturer’s certificate of origin or equivalent record as determined by the Department of Transportation by rule;
  - (2) The current title issued for the vehicle by the State of Oregon or another jurisdiction; or
  - (3) Any other record determined by the department by rule to be a primary ownership record.
- [1989 c.927 §3; 1993 c.233 §9]

**801.403 “Rail fixed guideway system.”** “Rail fixed guideway system” means any light, heavy or rapid rail system, monorail, inclined plane, funicular, trolley, streetcar or automated guideway used primarily for carrying passengers. [2001 c.522 §2]

**801.405 “Reconstructed vehicle.”** “Reconstructed vehicle” means either:

- (1) A vehicle that:
  - (a) Has a body that resembles and primarily is a particular year model or make of vehicle;
  - (b) Is not a vehicle rebuilt by a manufacturer;
  - (c) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and
  - (d) Is not a replica; or
- (2) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer’s certificate of origin for the kit. [1983 c.338 §75; 1985 c.402 §4]

**801.407 “Recreational vehicle.”** “Recreational vehicle” has the meaning given in ORS 446.003. [1993 c.696 §5]

**801.410 “Registration” or “register.”** “Registration” or “register” means, when used in reference to vehicles, the recording of a vehicle as authorized for use within a jurisdiction and includes any documentation or devices issued as evidence of that authorization. This state registers vehicles as provided under ORS 803.350. [1983 c.338 §76]

**801.415 “Registration plate.”** “Registration plate” means a plate issued by a jurisdiction as evidence of vehicle registration. This state issues registration plates under ORS 803.520. [1983 c.338 §78; 1985 c.16 §22]

**801.420 “Registration weight.”** “Registration weight” means the combined weight required to be declared and established as the maximum combined weight at which certain vehicles will be operated on the highway. Vehicles for which registration weights must be declared and established and the procedures for establishing registration weights are described under ORS 803.430. [1983 c.338 §77; 1985 c.16 §21; 1989 c.723 §5; 1991 c.284 §7]

**801.425 “Replica.”** “Replica,” when used to refer to vehicles, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer. [1985 c.402 §2]

**801.430 “Residence district.”** “Residence district” means territory not comprising a business district that is contiguous to a highway that:

- (1) Has access to property occupied primarily by multifamily dwellings; or
- (2) Has an average of 150 feet or less between accesses or approaches to:
  - (a) Dwellings, churches, public parks within cities or other residential service facilities; or
  - (b) Dwellings and buildings used for business. [1983 c.338 §79; 1997 c.404 §4]

**801.435 “Revoked.”** “Revoked” with reference to driving privileges, vehicle registration or vehicle title means the termination thereof with new driving privileges or vehicle registration or vehicle title obtainable only as permitted by law. [1983 c.338 §80]

**801.440 “Right of way.”** “Right of way” means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. [1983 c.338 §81]

**801.445 “Road authority.”** “Road authority” means the body authorized to exercise authority over a road, highway, street or alley under ORS 810.010. [1983 c.338 §82]

**801.450 “Roadway.”** “Roadway” means the portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term “roadway” shall refer to any such roadway separately, but not to all such roadways collectively. [1983 c.338 §83]

**801.451 “Roundabout.”** “Roundabout” means an intersection characterized by a circulatory roadway, channelized approaches and yield control of entering traffic. A roundabout encompasses the area bounded by the outermost curb line or, if there is no curb, the edge of the pavement, and includes crosswalks on any entering or exiting roadway. [2001 c.464 §2]

**801.453** [1987 c.887 §2; repealed by 2003 c.819 §19]

**801.454 “Salvage title certificate.”** “Salvage title certificate” means a document issued by this state under the provisions of ORS 803.140 as evidence of vehicle ownership. Unless the context clearly requires otherwise, a salvage title certificate is not a “certificate of title” for purposes of the Oregon Vehicle Code or the rules of the Department of Transportation. [1991 c.873 §24]

**801.455 “School activity vehicle.”** “School activity vehicle” means a vehicle, other than a school bus, that is used to transport students to or from authorized school activities and that is not described by any of the following:

(1) A vehicle subject to ORS 825.100 or a vehicle under regulation of the United States Department of Transportation or the Interstate Commerce Commission.

(2) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of the owner of the vehicle for personal transportation of students to or from school activities and is not used for compensation except for the sharing of expenses in a ridesharing arrangement or reimbursement of mileage.

(3) A vehicle that is exempted from regulation as a school activity vehicle under ORS 820.150. [1985 c.420 §3; 1995 c.733 §80]

**801.460 “School bus.”** “School bus” means a motor vehicle that is described by any of the following:

(1) A vehicle that is marked with or displays the words “school bus.”

(2) A vehicle that is used to transport students to or from school and may be used to transport students to or from authorized school activities or functions and that is not a vehicle described by any of the following:

(a) A vehicle subject to regulation under ORS chapter 825.

(b) A vehicle regulated by a city under ORS 221.420.

(c) A vehicle, commonly known as a private passenger car or private passenger van, that is

used by the owner of the vehicle or a relative of the owner of the vehicle for personal transportation of students to or from school or school activities and is not used for compensation except for the sharing of expenses in a ridesharing arrangement or reimbursement of mileage.

(d) A vehicle that is exempted from regulation as a school bus under ORS 820.150. [1983 c.338 §84; 1985 c.16 §23; 1985 c.420 §1]

**801.462 “School zone.”** (1) “School zone” means both of the following:

(a) A specific segment of highway that is adjacent to school grounds and that is marked by signs described in subsection (2) of this section.

(b) A crosswalk that is not adjacent to school grounds and that is marked by signs described in subsection (2) of this section.

(2) Signs marking a school zone may include any words, symbols or combination of words and symbols that gives notice of the presence of the school zone. [2003 c.397 §2]

**801.465 “Security interest.”** “Security interest” means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation as more particularly defined by ORS 71.2010 (37). [1983 c.338 §85; 1985 c.16 §24]

**801.470 “Self-supporting trailer.”** “Self-supporting trailer” means a trailer, other than a pole trailer, designed so that no part of the weight of the trailer or the weight of any load on the trailer rests upon the towing vehicle. The definition in this section is based on design and, except as otherwise provided in this section, does not prohibit a self-supporting trailer from fitting into another category of trailer based on use. [1983 c.338 §86]

**801.475 “Semitrailer.”** “Semitrailer” means a trailer designed so that part of the weight of the trailer and part of the weight of any load on the trailer rests upon or is carried by another vehicle and coupled to another vehicle by a fifth wheel hitch. The definition in this section is based on design and, except as otherwise provided in this section, does not prohibit a semitrailer from fitting into another category of trailer based on use. [1983 c.338 §87]

**801.477 “Serious traffic violation.”** “Serious traffic violation” means:

(1) A violation, while operating a motor vehicle and holding a commercial driver license, of ORS 811.140, reckless driving.

(2) A violation, while operating a commercial motor vehicle, of:

(a) Any law establishing a speed limit, if the person is operating the vehicle 15 miles per hour or more above the posted limit.

(b) The basic speed rule established in ORS 811.100 if the person is operating the vehicle 15 miles per hour or more above the speeds established in ORS 811.105 as prima facie evidence of violation of the basic speed rule.

(c) ORS 807.010 (1), vehicle operating without driving privileges.

- (d) ORS 807.570, failure to carry a license or to present a license to a police officer.
- (e) ORS 811.140, reckless driving.
- (f) ORS 811.305, driving on the left on a curve or grade or at an intersection or rail crossing.
- (g) ORS 811.370, failure to drive within a lane.
- (h) ORS 811.410, unsafe passing on the left.
- (i) ORS 811.415, unsafe passing on the right.
- (j) ORS 811.485, following too closely.

(k) Any law relating to motor vehicle traffic control if the violation is connected to a fatal accident. This paragraph does not apply to violations of parking laws or laws regulating vehicle weight or equipment.

(L) Any law of another jurisdiction that corresponds to an Oregon law described in this section. [1991 c.185 §7; 1995 c.733 §81; 2003 c.819 §14; 2005 c.649 §22]

**Note:** Section 23, chapter 649, Oregon Laws 2005, provides:

**Sec. 23.** The amendments to ORS 801.477 by section 22 of this 2005 Act apply to:

(1) Except as provided in subsection (2) of this section, offenses committed before, on or after the effective date of this 2005 Act [July 27, 2005] if the suspension period is enhanced under ORS 809.413 based on a prior offense and the person was driving a commercial motor vehicle at the time of the offense.

(2) Offenses committed on or after the effective date of this 2005 Act if the offense is an offense not described in subsection (1) of this section or if the offense is an offense described in ORS 801.477 (2)(c) or (d). [2005 c.649 §23]

**801.480 “Shoulder.”** “Shoulder” means the portion of a highway, whether paved or unpaved, contiguous to the roadway that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses. [1983 c.338 §88]

**801.485 “Sidewalk.”** “Sidewalk” means the area determined as follows:

(1) On the side of a highway which has a shoulder, a sidewalk is that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a pedestrian.

(2) On the side of a highway which has no shoulder, a sidewalk is that portion of the highway between the lateral line of the roadway and the adjacent property line capable of being used by a pedestrian. [1983 c.338 §89]

**801.490 “Snowmobile.”** “Snowmobile” means a self-propelled vehicle that:

- (1) Is capable of traveling over snow or ice;
- (2) Uses as its means of propulsion an endless belt tread or cleats or any combination of tread and cleats or similar means of contact with the surface upon which it is operated;

- (3) Is steered wholly or in part by skis or sled-type runners; and
- (4) Is not registered in this state as a vehicle other than a snowmobile. [1983 c.338 §90]

**801.500 “Special use trailer.”** (1) “Special use trailer” means a trailer described under any of the following:

- (a) A trailer that is eight and one-half feet or less in width and of any length and that is used for commercial or business purposes.
  - (b) A trailer that is used temporarily on a construction site for office purposes only.
  - (c) A mobile modular unit.
- (2) “Special use trailer” does not include any travel trailer. [1985 c.16 §26; 1993 c.696 §7; 2003 c.655 §90a]

**801.505 “Stand” or “standing.”** “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. [1983 c.338 §91]

**801.507 “Stinger-steered.”** “Stinger-steered” in relation to a combination of vehicles means that the coupling device on the power unit is located back of the tread of the tires of the last axle. [2001 c.574 §2]

**801.510 “Stop.”** “Stop” means the following:

- (1) When required, it means the complete cessation from movement.
- (2) When prohibited, it means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic control device. [1983 c.338 §92]

**801.513 “Street rod.”** “Street rod” means a motor vehicle that:

- (1) Was manufactured prior to 1949 or was manufactured to resemble a motor vehicle manufactured prior to 1949;
- (2) May be equipped with a drive train, suspension system or brake system that is different from the drive train, suspension system or brake system originally installed on the vehicle;
- (3) May have alterations to the dimensions of the original body of the vehicle; and
- (4) Is not a motorcycle or an assembled vehicle. [1997 c.402 §2]

**801.515 “Suspend.”** “Suspend,” with reference to identification cards, driving privileges or vehicle registration, means the temporary withdrawal of the identification card, driving privileges or registration. [1983 c.338 §93; 1993 c.393 §1a]

**801.520 “Tandem axles.”** “Tandem axles” means any two or more consecutive axles that have centers more than 40 inches but not more than 96 inches apart and:

(1) Are individually attached to or articulated from, or both, a common attachment to the vehicle; or

(2) Have a connecting mechanism designed to equalize the load between axles. [1983 c.338 §94; 1985 c.172 §3]

**801.522 “Tank vehicle.”** “Tank vehicle” means a commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. “Tank vehicle” does not include a portable tank having a rated capacity under 1,000 gallons. [1989 c.636 §7]

**801.524 “Throughway.”** “Throughway” means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the road authority having jurisdiction over the highway, street or roadway. [Formerly 801.535]

**801.525 “Tire.”** “Tire” means the band of material used on the circumference of a wheel, on the outer face of a track or on a runner of a sled, which forms the tread that comes in contact with the surface of the road. If no band is used it means the tread or runner of a sled. [1983 c.338 §96]

**801.526 “Title.”** “Title” means an ownership interest in a vehicle that is evidenced by a record of the Department of Transportation or of some other jurisdiction. The record may be in the form of a certificate of title or it may be in another form, including but not necessarily limited to electronic or machine-readable form. Oregon issues titles under ORS 803.045. Titles for snowmobiles are issued as provided under ORS 821.060. Salvage titles are issued as provided in ORS 803.140. [1993 c.233 §2; 1995 c.774 §7; 1999 c.977 §15; 2003 c.655 §91]

**801.527 “Totaled vehicle”; “totaled.”** “Totaled vehicle” or “totaled” means:

(1) A vehicle that is declared a total loss by an insurer that is obligated to cover the loss or that the insurer takes possession of or title to.

(2) A vehicle that is stolen, if it is not recovered within 30 days of the date that it is stolen and if the loss is not covered by an insurer.

(3) A vehicle that has sustained damage that is not covered by an insurer and that is such that the estimated cost to repair the vehicle is equal to at least 80 percent of the retail market value of the vehicle prior to the damage. For purposes of this subsection, “retail market value” shall be as reflected in publications relied upon by financial institutions doing business in this state. [1991 c.820 §2]

**801.529 “Tow dolly.”** “Tow dolly” means an auxiliary axle assembly equipped with a tow bar and used to tow a motor vehicle behind another motor vehicle. [1991 c.284 §3]

**801.530 “Tow vehicle.”** “Tow vehicle” means a motor vehicle that is:

- (1) Altered or designed for, equipped for and used in the business of towing vehicles; and
- (2) Used to tow vehicles by means of a crane, hoist, tow bar, tow line or dolly or otherwise used to render assistance to other vehicles. [1983 c.338 §97; 1985 c.71 §2]

**801.535** [1983 c.338 §98; renumbered 801.524 in 1991]

**801.540 “Traffic control device.”** “Traffic control device” means:

- (1) Any sign, signal, marking or device placed, operated or erected by authority under ORS 810.210 for the purpose of guiding, directing, warning or regulating traffic.
- (2) Any device that remotely controls by electrical, electronic, sound or light signal the operation of any device identified in subsection (1) of this section and installed or operated under authority of ORS 810.210.
- (3) Any stop sign that complies with specifications adopted under ORS 810.200 that is held or erected by a member of a highway maintenance or construction crew working in the highway. [1983 c.338 §99; 1993 c.203 §1; 1993 c.522 §1]

**801.545 “Traffic crime.”** “Traffic crime” means any traffic offense that is punishable by a jail sentence. [1983 c.338 §100]

**801.550** [1983 c.338 §102; 1999 c.1051 §83; renumbered 801.557 in 1999]

**801.555 “Traffic offense.”** “Traffic offense” means any of the following offenses:

- (1) Any violation of a traffic ordinance of a city, municipal or quasi-municipal corporation, except ordinances governing parking of vehicles.
- (2) Any provision of law for which a criminal or traffic violation penalty is provided in the vehicle code.
- (3) Any provision of law for which a criminal or traffic violation penalty is provided in ORS chapter 825. [1983 c.338 §101; 1985 c.16 §27; 1999 c.1051 §84]

**801.557 “Traffic violation.”** “Traffic violation” means a traffic offense that is designated as a traffic violation in the statute defining the offense, or any other offense defined in the Oregon Vehicle Code that is punishable by a fine but that is not punishable by a term of imprisonment. Penalties for traffic violations are as provided for violations generally in ORS 153.018. [Formerly 801.550]

**801.560 “Trailer.”** “Trailer” means every vehicle without motive power designed to be drawn by another vehicle. Trailer includes, but is not limited to, the following types of trailers:

- (1) Balance trailers.
- (2) Bus trailers.

- (3) Commercial bus trailers.
- (4) Farm trailers.
- (5) Pole trailers.
- (6) Semitrailers.
- (7) Travel trailers.
- (8) Truck trailers.
- (9) Self-supporting trailers.
- (10) Special use trailers. [1983 c.338 §103; 1985 c.16 §28; 2003 c.655 §92]

**801.562 “Transitional ownership record.”** “Transitional ownership record” means a record containing all of the following:

- (1) The date of sale or if no sale is involved, the date the contract or security interest being perfected was signed.
- (2) The name of each owner of the vehicle.
- (3) The name and address of each security interest holder.
- (4) If there are multiple security interest holders, the priorities of interest if the security interest holders do not jointly hold a single security interest.
- (5) The vehicle identification number.
- (6) The name of the security interest holder or person who submits the transitional ownership record for the security interest holder. [1989 c.927 §4; 1993 c.233 §10]

**801.565 “Travel trailer.”** “Travel trailer” means:

- (1) A recreational vehicle without motive power that is eight and one-half feet or less in width and is not being used for commercial or business purposes; and
- (2) A prefabricated structure that is eight and one-half feet or less in width and that is not being used for commercial or business purposes. [1983 c.338 §104; 1993 c.696 §8; 2003 c.655 §93]

**801.570** [1983 c.338 §105; repealed by 2001 c.522 §12]

**801.575 “Truck tractor.”** “Truck tractor” means a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn. [1983 c.338 §106]

**801.580 “Truck trailer.”** “Truck trailer” means any trailer designed and used primarily for carrying loads other than passengers whether designed as a balance trailer, pole trailer, semitrailer or self-supporting trailer. [1983 c.338 §107]

**801.585 “Unloaded weight.”** “Unloaded weight” means the weight of a vehicle when the vehicle is fully equipped exclusive of load. [1983 c.338 §108; 1985 c.172 §4]

**801.590 “Vehicle.”** “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. “Vehicle” does not include a manufactured structure. [1983 c.338 §109; 2003 c.655 §94]

**801.595 “Vehicle code.”** “Vehicle code” means the Oregon Vehicle Code. [1983 c.338 §110]

**801.600 “Vehicle identification number.”** “Vehicle identification number” means a distinguishing number assigned and affixed to a vehicle or vehicle component, such as an engine or transmission or other severable portion of a vehicle, by the manufacturer or under ORS 819.400 for the purpose of providing identification for the vehicle or vehicle component. [1983 c.338 §111]

**801.605 “Vehicle of special interest.”** “Vehicle of special interest” means any American or foreign made vehicle that is maintained as a collector’s item and that:

(1) Is a street rod under ORS 801.513; or

(2) Complies with all of the following:

(a) The vehicle must be:

(A) At least 25 years old as dated from any current year; or

(B) Sanctioned as a vehicle of special interest by an established organization that provides for recognition of vehicles of special interest.

(b) If the vehicle is a reconstructed vehicle, the Department of Transportation must determine that the vehicle has been reconstructed with substantially original parts and that the vehicle otherwise complies with this section. [1983 c.338 §112; 1985 c.16 §29; 1997 c.402 §3; 2003 c.122 §2]

**801.610 “Worker transport bus.”** “Worker transport bus” means a vehicle that is described under ORS 820.010 that has a seating capacity of 12 or more passengers. [1983 c.338 §113]

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## Chapter 811 — Rules of the Road for Drivers

2005 EDITION

### RULES OF THE ROAD FOR DRIVERS

#### OREGON VEHICLE CODE

#### DUTIES TO PEDESTRIANS AND BICYCLES

- 811.005 Duty to exercise due care
- 811.015 Failure to obey traffic patrol member; penalty
- 811.017 Failure to yield to traffic patrol member; penalty
- 811.020 Passing stopped vehicle at crosswalk; penalty
- 811.025 Failure to yield to pedestrian on sidewalk; penalty
- 811.028 Failure to stop and remain stopped for pedestrian; penalty
- 811.030 Driving through safety zone; penalty
- 811.035 Failure to stop and remain stopped for blind pedestrian; penalty

- 811.050 Failure to yield to rider on bicycle lane; penalty
- 811.055 Failure to yield to bicyclist on sidewalk; penalty
- 811.060 Vehicular assault of bicyclist or pedestrian; penalty

## SPEED

### (Basic Rule)

- 811.100 Violation of basic speed rule; penalty
- 811.105 Speeds that are evidence of basic rule violation
- 811.106 Operation of flashing light indicating children in school zone
- 811.108 Relationship between speed limits and basic rule

### (Maximum Speeds)

- 811.109 Penalties for speed violations
- 811.111 Violating a speed limit; penalty
- 811.124 Meaning of “children are present” in ORS 811.111

### (Racing)

- 811.125 Speed racing on highway; penalty
- 811.127 Organizing a speed racing event; penalty

### (Impeding Traffic)

- 811.130 Impeding traffic; penalty

## CARELESS AND RECKLESS DRIVING

- 811.135 Careless driving; penalty

811.140 Reckless driving; penalty

## SPECIAL SAFETY MEASURES

811.145 Failure to yield to emergency vehicle or ambulance; penalty

811.147 Failure to maintain safe distance from emergency vehicle or ambulance; penalty

811.150 Interference with emergency vehicle or ambulance; penalty

811.155 Failure to stop for bus safety lights; penalty

811.157 Report by driver of violation of ORS 811.155; contents

811.159 Law enforcement agency response to report of violation of ORS 811.155

811.160 Interference with rail fixed guideway system operation; penalty

811.165 Failure to stop for passenger loading of public transit vehicle; penalty

811.167 Failure to yield right of way to transit bus; rules; penalty

## OPEN CONTAINER VIOLATIONS

811.170 Violation of open container law; penalty

## DISPOSING OF HUMAN WASTE

811.172 Improperly disposing of human waste; penalty

## DRIVING WHILE SUSPENDED OR REVOKED

811.175 Violation driving while suspended or revoked; penalties

811.180 Affirmative defenses

811.182 Criminal driving while suspended or revoked; penalties

## DRIVER OFFENSES INVOLVING PASSENGERS

- 811.190 Operation with obstructing passenger; penalty
- 811.195 Having passenger in trailer; penalty
- 811.200 Carrying dog on external part of vehicle; penalty
- 811.205 Carrying minor on external part of vehicle; penalty
- 811.210 Failure to use safety belts; penalty
- 811.215 Exemptions from safety belt requirements
- 811.220 Certificates of exemption from safety belt requirement
- 811.225 Failure to maintain safety belts in working order; penalty

#### HIGHWAY WORK ZONES

- 811.230 Definitions; fine; notice
- 811.231 Reckless endangerment of highway workers; penalties
- 811.232 Refusing to obey flagger; penalty
- 811.233 Failure to yield right of way to highway worker; penalty

#### SCHOOL ZONE PENALTIES

- 811.235 Fine for traffic offenses in school zones

#### SAFETY CORRIDORS

(Temporary provisions relating to safety corridors are compiled as notes following ORS 811.235)

#### GENERAL DRIVING RULES

- 811.250 Law applicable to vehicles registered out of state
- 811.255 Permitting unlawful operation of vehicle; penalty

(Traffic Control Devices)

811.260 Appropriate driver responses to traffic control devices

811.265 Failure to obey traffic control device; penalty

811.270 Failure to obey one-way designation; penalty

(Right of Way)

811.275 Failure to yield right of way at uncontrolled intersection; penalty

811.277 Failure to yield right of way at uncontrolled T intersection; penalty

811.280 Failure of driver entering roadway to yield right of way; penalty

811.285 Failure of merging driver to yield right of way; penalty

811.290 Obstructing cross traffic; penalty

811.292 Failure to yield right of way within roundabout; exception; penalty

(Driving on the Right)

811.295 Failure to drive on right; exceptions; penalty

811.300 Failure to drive on right of approaching vehicle; exceptions; penalty

811.305 Driving on left on curve or grade or at intersection or rail crossing; exceptions; penalty

811.310 Crossing center line on two-way, four-lane road; exceptions; penalty

811.315 Failure of slow driver to drive on right; exceptions; penalty

811.320 Failure to drive to right on divided highway; exceptions; penalty

811.325 Failure to keep camper, trailer or truck in right lane; exceptions; penalty

811.330 Driving wrong way around traffic island; penalty

(Turning)

811.335 Unlawful or unsignaled turn; penalty

811.340 Improperly executed left turn; penalty

811.345 Failure to use special left turn lane; penalty

811.346 Misuse of special left turn lane; penalty

811.350 Dangerous left turn; penalty

811.355 Improperly executed right turn; penalty

811.360 When vehicle turn permitted at stop light; improper turn at stop light; penalty

811.365 Illegal U-turn; penalty

(Lane Use)

811.370 Failure to drive within lane; penalty

811.375 Unlawful or unsignaled change of lane; penalty

811.380 Improper use of center lane on three-lane road; penalty

811.385 Depriving motorcycle or moped of full lane; penalty

(Signaling)

811.390 Unlawful use of lights to signal for passing; penalty

811.395 Appropriate signals for stopping, turning, changing lanes and decelerating

811.400 Failure to use appropriate signal for turn, lane change, stop or exit from roundabout; penalty

811.405 Failure to signal with lights; exceptions; penalty

(Passing)

811.410 Unsafe passing on left; penalty

811.415 Unsafe passing on right; penalty

811.420 Passing in no passing zone; exceptions; penalty

811.425 Failure of slower driver to yield to overtaking vehicle; penalty

(Prohibited Places)

811.430 Driving on highway divider; exceptions; penalty

811.435 Operation of motor vehicle on bicycle trail; exemptions; penalty

811.440 When motor vehicles may operate on bicycle lane

811.445 Use of throughway when prohibited; penalty

811.450 Violation of posted truck routes; defense; penalty

(Rail Crossings)

811.455 Failure to stop for railroad signal; penalty

811.460 Failure to follow rail crossing procedures for high-risk vehicles; application; penalty

811.462 Failure of operator of commercial motor vehicle to slow down and check tracks; penalty

811.465 Exemptions from high-risk vehicle rail crossing procedures

811.470 Improper movement of heavy equipment across rail crossing; application; penalty

811.475 Obstructing rail crossing; penalty

(Miscellaneous)

- 811.480 Illegal backing; penalty
- 811.485 Following too closely; penalty
- 811.490 Improper opening or leaving open of vehicle door; penalty
- 811.492 Engine braking; penalty; exception
- 811.495 Unlawful coasting on downgrade; exception; penalty
- 811.500 Unlawful stop or deceleration; penalty
- 811.505 Failure to stop when emerging from alley, driveway or building; penalty
- 811.510 Dangerous operation around livestock; penalty
- 811.512 Unlawfully operating low-speed vehicle on highway; penalty

USE OF LIGHTS AND WARNINGS

(Lights)

- 811.515 When lights must be displayed; kind of light; number; direction; use on certain vehicles
- 811.520 Unlawful use or failure to use lights; penalty
- 811.525 Exemptions from requirements for use of lights
- 811.526 Safety campaign for use of headlights

(Flares)

- 811.530 Failure to post warnings for disabled vehicle; application; penalty

OBEYING POLICE

- 811.535 Failing to obey police officer; penalty

811.540 Fleeing or attempting to elude police officer; penalty

## PARKING, STOPPING AND STANDING

### (Generally)

811.550 Places where stopping, standing and parking prohibited

811.555 Illegal stopping, standing or parking; affirmative defense; penalty

811.560 Exemptions from prohibitions on stopping, standing and parking

811.565 Dangerous movement of stopped, standing or parked vehicle; penalty

811.570 Improperly positioning parallel parked vehicle; exception; affirmative defense; penalty

811.575 Violation of posted parking restrictions on state highways; affirmative defense; penalty

811.580 Parking vehicle on state highway for vending purposes; penalty

811.585 Failure to secure motor vehicle; affirmative defense; penalty

### (Winter Recreation Parking Areas)

811.590 Unlawful parking in winter recreation parking area; exemptions; penalty

811.595 Winter recreation parking permit; rules; fees

811.600 Fees for winter recreation parking permits

### (Parking for Disabled Persons)

811.602 Disabled person parking permit; content; rules

811.603 Identification card without photograph; issuance; rules

811.604 Application for disabled person parking permit

- 811.605 Contents of individual placard or decal
- 811.606 Parking permit for temporarily disabled person
- 811.607 Program placards; rules
- 811.609 Family placards
- 811.611 Foreign visitor placard
- 811.612 Maintenance of privileges after relocation
- 811.615 Unlawful parking in space reserved for disabled persons; exceptions; penalty
- 811.617 Blocking parking space reserved for disabled person; penalty
- 811.620 Removal of vehicle illegally parked in space reserved for disabled persons
- 811.625 Unlawful use of disabled person parking permit by nondisabled person; penalty
- 811.627 Use of invalid disabled person parking permit; penalty
- 811.630 Misuse of program placard; penalty
- 811.632 Appointment of volunteers to issue citations for violation of disabled person parking laws
- 811.635 Privileges granted by disabled person parking permit other than program placard
- 811.637 Privileges granted by program placards

## ACCIDENTS

(Duties)

- 811.700 Failure to perform duties of driver when property is damaged; penalty

811.705 Failure to perform duties of driver to injured persons; penalty

811.706 Money damages resulting from violation of ORS 811.700 or 811.705

811.707 Crime classification for violation of ORS 811.705

811.710 Failure to perform duties of driver when animal is injured; penalty

811.715 Failure to perform duties of witness to accident; penalty

#### (Reports)

811.720 When accident must be reported

811.725 Driver failure to report accident; penalty

811.730 Owner failure to report accident; penalty

811.735 Failure of vehicle occupant to make accident report; penalty

811.740 False accident report; penalty

#### FUNERAL PROCESSIONS

811.800 Operation of funeral vehicles with improper lights; penalty

811.802 Failure to yield right of way to funeral procession; penalty

811.804 Intersection rules for funeral processions

811.806 Exceeding maximum speed for funeral procession; penalty

811.808 Exemption from speed limits for funeral escort vehicle

811.810 Disrupting funeral procession; penalty

811.812 Free passage for funeral procession vehicles

#### DUTIES TO PEDESTRIANS AND BICYCLES

**811.005 Duty to exercise due care.** None of the provisions of the vehicle code relieve a pedestrian from the duty to exercise due care or relieve a driver from the duty to exercise due care concerning pedestrians. [1983 c.338 §543]

**811.010** [1983 c.338 §544; 1985 c.16 §279; 2003 c.278 §1; repealed by 2005 c.746 §4]

**811.015 Failure to obey traffic patrol member; penalty.** (1) The driver of a vehicle commits the offense of failure to obey a traffic patrol member if:

(a) A traffic patrol member makes a cautionary sign or signal to indicate that students have entered or are about to enter the crosswalk under the traffic patrol member's direction; and

(b) The driver does not stop and remain stopped for students who are in or entering the crosswalk from either direction on the street on which the driver is operating.

(2) Traffic patrol members described in this section are those provided under ORS 339.650 to 339.665.

(3) The offense described in this section, failure to obey a traffic patrol member, is a Class A traffic violation. [1983 c.338 §545; 1995 c.383 §12; 2003 c.278 §2]

**811.017 Failure to yield to traffic patrol member; penalty.** (1) The driver of a vehicle commits the offense of failure to yield to a traffic patrol member if the driver fails to stop and yield the right of way to a traffic patrol member who:

(a) Has entered a crosswalk for the purpose of directing students who have entered or are about to enter the crosswalk; and

(b) Is carrying a flag or wearing something that identifies the person as a traffic patrol member.

(2) For purposes of this section, "traffic patrol" has the meaning given that term in ORS 339.650.

(3) The offense described in this section, failure to yield to a traffic patrol member, is a Class A traffic violation. [2003 c.557 §2]

**811.020 Passing stopped vehicle at crosswalk; penalty.** (1) The driver of a vehicle commits the offense of passing a stopped vehicle at a crosswalk if the driver:

(a) Approaches from the rear another vehicle that is stopped at a marked or an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway; and

(b) Overtakes and passes the stopped vehicle.

(2) The offense described in this section, passing a stopped vehicle at a crosswalk, is a Class B traffic violation. [1983 c.338 §546]

**811.025 Failure to yield to pedestrian on sidewalk; penalty.** (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian on a sidewalk if the driver does not yield the right of way to any pedestrian on a sidewalk.

(2) The offense described in this section, failure to yield to a pedestrian on a sidewalk, is a Class B traffic violation. [1983 c.338 §547; 1995 c.383 §42]

**811.028 Failure to stop and remain stopped for pedestrian; penalty.** (1) The driver of a vehicle commits the offense of failure to stop and remain stopped for a pedestrian if the driver does not stop and remain stopped for a pedestrian when the pedestrian is:

(a) Proceeding in accordance with a traffic control device as provided under ORS 814.010 or crossing the roadway in a crosswalk, as defined in ORS 801.220; and

(b) In any of the following locations:

(A) In the lane in which the driver's vehicle is traveling;

(B) In a lane adjacent to the lane in which the driver's vehicle is traveling;

(C) In the lane into which the driver's vehicle is turning;

(D) In a lane adjacent to the lane into which the driver's vehicle is turning, if the driver is making a turn at an intersection that does not have a traffic control device under which a pedestrian may proceed as provided under ORS 814.010; or

(E) Less than six feet from the lane into which the driver's vehicle is turning, if the driver is making a turn at an intersection that has a traffic control device under which a pedestrian may proceed as provided under ORS 814.010.

(2) For the purpose of this section, a bicycle lane or the part of a roadway where a vehicle stops, stands or parks that is adjacent to a lane of travel is considered to be part of that adjacent lane of travel.

(3) This section does not require a driver to stop and remain stopped for a pedestrian under any of the following circumstances:

(a) Upon a roadway with a safety island, if the driver is proceeding along the half of the roadway on the far side of the safety island from the pedestrian; or

(b) Where a pedestrian tunnel or overhead crossing has been provided at or near a crosswalk.

(4) The offense described in this section, failure to stop and remain stopped for a pedestrian, is a Class B traffic violation. [2005 c.746 §2]

**Note:** 811.028 was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 811 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

**811.030 Driving through safety zone; penalty.** (1) The driver of a vehicle commits the offense of driving through a safety zone if the driver at any time drives through or within any area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(2) The offense described in this section, driving through a safety zone, is a Class B traffic violation. [1983 c.338 §548; 1995 c.383 §43]

**811.035 Failure to stop and remain stopped for blind pedestrian; penalty.** (1) The driver of a vehicle commits the offense of failure to stop and remain stopped for a blind pedestrian if the driver violates any of the following:

(a) A driver approaching a blind or blind and deaf pedestrian carrying a white cane or accompanied by a dog guide, who is crossing or about to cross a roadway, shall stop and remain stopped until the pedestrian has crossed the roadway.

(b) Where the movement of vehicular traffic is regulated by traffic control devices, a driver approaching a blind or blind and deaf pedestrian shall stop and remain stopped until the pedestrian has vacated the roadway if the blind or blind and deaf pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of pedestrians who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, failure to stop and remain stopped for a blind pedestrian, is a Class B traffic violation. [1983 c.338 §549; 1985 c.16 §280; 2003 c.278 §3]

**811.040** [1983 c.338 §550; 1985 c.16 §281; 2003 c.278 §4; repealed by 2005 c.746 §4]

**811.045** [1983 c.338 §551; 2003 c.278 §5; repealed by 2005 c.746 §4]

**811.050 Failure to yield to rider on bicycle lane; penalty.** (1) A person commits the offense of failure of a motor vehicle operator to yield to a rider on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle, electric assisted bicycle, electric personal assistive mobility device, moped, motor assisted scooter or motorized wheelchair upon a bicycle lane.

(2) This section does not require a person operating a moped to yield the right of way to a bicycle or a motor assisted scooter if the moped is operated on a bicycle lane in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a rider on a bicycle lane, is a Class B traffic violation. [1983 c.338 §698; 1985 c.16 §336; 1991 c.417 §4; 1997 c.400 §8; 2001 c.749 §23; 2003 c.341 §7]

**811.055 Failure to yield to bicyclist on sidewalk; penalty.** (1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a bicyclist on a sidewalk if the driver does not yield the right of way to any bicyclist on a sidewalk.

(2) The driver of a motor vehicle is not in violation of this section when a bicyclist is operating in violation of ORS 814.410. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.

(3) The offense described in this section, failure to yield the right of way to a bicyclist on a

sidewalk, is a Class B traffic violation. [1983 c.338 §702; 1985 c.16 §340; 1995 c.383 §44]

**811.060 Vehicular assault of bicyclist or pedestrian; penalty.** (1) For the purposes of this section, “recklessly” has the meaning given that term in ORS 161.085.

(2) A person commits the offense of vehicular assault of a bicyclist or pedestrian if:

(a) The person recklessly operates a vehicle upon a highway in a manner that results in contact between the person’s vehicle and a bicycle operated by a person, a person operating a bicycle or a pedestrian; and

(b) The contact causes physical injury to the person operating a bicycle or the pedestrian.

(3) The offense described in this section, vehicular assault of a bicyclist or pedestrian, is a Class A misdemeanor. [2001 c.635 §5]

## SPEED

(Basic Rule)

**811.100 Violation of basic speed rule; penalty.** (1) A person commits the offense of violating the basic speed rule if the person drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to all of the following:

- (a) The traffic.
- (b) The surface and width of the highway.
- (c) The hazard at intersections.
- (d) Weather.
- (e) Visibility.
- (f) Any other conditions then existing.

(2) The following apply to the offense described in this section:

(a) The offense is as applicable on an alley as on any other highway.

(b) Speeds that are prima facie evidence of violation of this section are established by ORS 811.105.

(c) This section and ORS 811.105 establish limitation on speeds that are in addition to speed limits established in ORS 811.111.

(3) Except as provided in subsection (4) of this section, violation of the basic speed rule by exceeding a designated speed posted under ORS 810.180 is punishable as provided in ORS 811.109.

(4) The offense described in this section, violating the basic speed rule, is a Class B traffic violation if the person drives a vehicle upon a highway at a speed that is not reasonable and prudent under the circumstances described in subsection (1) of this section even though the speed is lower than the appropriate speed specified in ORS 811.105 as prima facie evidence of violation of the basic speed rule. [1983 c.338 §563; 1987 c.887 §9; 1989 c.592 §4; 1991 c.728 §5; 1999 c.1051 §229; 2003 c.819 §5]

**811.105 Speeds that are evidence of basic rule violation.** (1) Any speed in excess of a designated speed posted by authority granted under ORS 810.180 is prima facie evidence of violation of the basic speed rule under ORS 811.100.

(2) If no designated speed is posted by authority granted under ORS 810.180, any speed in excess of one of the following speeds is prima facie evidence of violation of the basic speed rule:

- (a) Fifteen miles per hour when driving on an alley.
- (b) Twenty miles per hour in a business district.
- (c) Twenty-five miles per hour in any public park.
- (d) Twenty-five miles per hour on a highway in a residence district if:
  - (A) The residence district is not located within a city; and
  - (B) The highway is neither an arterial nor a collector highway.

(e) Fifty-five miles per hour in locations not otherwise described in this section. [1983 c.338 §564; 1985 c.16 §286; 1987 c.887 §10; 1989 c.592 §5; 1995 c.558 §3; 1997 c.404 §5; 1997 c.438 §3; 2003 c.397 §6; 2003 c.819 §6]

**811.106 Operation of flashing light indicating children in school zone.** A flashing light used as a traffic control device to indicate that children may be arriving at or leaving school that is operated to give notice under ORS 811.111 or 811.235 may be operated only at times when children are scheduled to arrive at or leave the school. [1995 c.558 §2; 1997 c.682 §4; 2003 c.397 §7; 2003 c.819 §§7,7a,7b]

**811.108 Relationship between speed limits and basic rule.** (1) The speed limits established by ORS 811.111 do not authorize speeds higher than those required for compliance with the basic speed rule.

(2) The basic speed rule does not authorize speeds higher than those established as speed limits by ORS 811.111. [1987 c.887 §5; 2003 c.819 §8]

(Maximum Speeds)

**811.109 Penalties for speed violations.** (1) Violation of a specific speed limit imposed under law or of a posted speed limit is punishable as follows:

- (a) One to 10 miles per hour in excess of the speed limit is a Class D traffic violation.
- (b) 11 to 20 miles per hour in excess of the speed limit is a Class C traffic violation.
- (c) 21 to 30 miles per hour in excess of the speed limit is a Class B traffic violation.
- (d) Over 30 miles per hour in excess of the speed limit is a Class A traffic violation.

(2) Notwithstanding subsection (1) of this section, if the speed limit is 65 miles per hour or greater and:

(a) The person is exceeding the speed limit by 10 miles per hour or less, the offense is a Class C traffic violation.

(b) The person is exceeding the speed limit by more than 10 miles per hour but not more than 20 miles per hour, the offense is a Class B traffic violation.

(c) The person is exceeding the speed limit by more than 20 miles per hour, the offense is a Class A traffic violation.

(3) Violation of the basic speed rule by exceeding a designated speed posted under ORS 810.180 is punishable as follows:

(a) One to 10 miles per hour in excess of the designated speed is a Class D traffic violation.

(b) 11 to 20 miles per hour in excess of the designated speed is a Class C traffic violation.

(c) 21 to 30 miles per hour in excess of the designated speed is a Class B traffic violation.

(d) Over 30 miles per hour in excess of the designated speed is a Class A traffic violation.

(4) In addition to a fine imposed under subsection (1), (2) or (3) of this section, a court may impose a suspension of driving privileges for up to 30 days if a person exceeds a speed limit or designated speed by more than 30 miles per hour and the person has received at least one prior conviction under ORS 811.100 or 811.111 within 12 months of the date of the current offense.

(5) If a person drives 100 miles per hour or greater when the person commits a violation described in this section, a court shall impose the following in lieu of a punishment otherwise imposed under this section:

(a) A fine of \$1,000; and

(b) A suspension of driving privileges for not less than 30 days nor more than 90 days.

(6) When a court imposes a suspension under subsection (4) or (5) of this section, the court shall prepare and send to the Department of Transportation an order of suspension of driving privileges of the person. Upon receipt of an order under this subsection, the department shall take action as directed under ORS 809.280. [1995 c.383 §14; 2003 c.819 §17; 2005 c.491 §1]

**811.110** [1983 c.338 §565; 1987 c.887 §11; 1991 c.185 §9; 1995 c.383 §15; 2001 c.176 §6; 2003 c.402 §36; repealed by 2003 c.819 §§19,20]

**811.111 Violating a speed limit; penalty.** (1) A person commits the offense of violating a speed limit if the person:

(a) Drives a vehicle on an interstate highway at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.

(b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed:

(A) A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a truck tractor with a gross vehicle weight rating of more than 8,000 pounds.

(B) A school bus.

(C) A school activity vehicle.

(D) A worker transport bus.

(E) A bus operated for transporting children to and from church or an activity or function

authorized by a church.

(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 825.017 (9).

(c) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(A) Any designated speed for ocean shores that is established and posted under ORS 810.180.

(B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

(d) Drives a vehicle upon a highway in any city at a speed greater than a speed posted by authority granted under ORS 810.180 or, if no speed is posted, the following:

(A) Fifteen miles per hour when driving on an alley.

(B) Twenty miles per hour in a business district.

(C) Twenty-five miles per hour in a public park.

(D) Twenty-five miles per hour on a highway in a residence district if the highway is not an arterial highway.

(E) Sixty-five miles per hour on an interstate highway.

(F) Fifty-five miles per hour in locations not otherwise described in this paragraph.

(e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour if the school zone is:

(A) A segment of highway described in ORS 801.462 (1)(a) and:

(i) The school zone has a flashing light used as a traffic control device and operated under ORS 811.106 and the flashing light indicates that children may be arriving at or leaving school; or

(ii) If the school zone does not have a flashing light used as a traffic control device, the person drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.

(B) A crosswalk described in ORS 801.462 (1)(b) and:

(i) A flashing light used as a traffic control device and operated under ORS 811.106 indicates that children may be arriving at or leaving school; or

(ii) Children are present, as described in ORS 811.124.

(2) The offense described in this section, violating a speed limit, is punishable as provided in ORS 811.109. [2003 c.819 §4; 2003 c.819 §4a; 2005 c.573 §1; 2005 c.770 §6]

**Note:** The amendments to 811.111 by section 1, chapter 573, Oregon Laws 2005, take effect July 1, 2006. See section 2, chapter 573, Oregon Laws 2005. The text that is effective until July 1, 2006, including amendments by section 6, chapter 770, Oregon Laws 2005, is set forth for the user's convenience.

**811.111.** (1) A person commits the offense of violating a speed limit if the person:

(a) Drives a vehicle on an interstate highway at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.

(b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed:

(A) A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a truck tractor with a gross vehicle weight rating of more than 8,000 pounds.

(B) A school bus.

(C) A school activity vehicle.

(D) A worker transport bus.

(E) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 825.017 (9).

(c) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(A) Any designated speed for ocean shores that is established and posted under ORS 810.180.

(B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

(d) Drives a vehicle upon a highway in any city at a speed greater than a speed posted by authority granted under ORS 810.180 or, if no speed is posted, the following:

(A) Fifteen miles per hour when driving on an alley.

(B) Twenty miles per hour in a business district.

(C) Twenty-five miles per hour in a public park.

(D) Twenty-five miles per hour on a highway in a residence district if the highway is not an arterial highway.

(E) Sixty-five miles per hour on an interstate highway.

(F) Fifty-five miles per hour in locations not otherwise described in this paragraph.

(e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour:

(A) At any time, if the school zone is a segment of highway described in ORS 801.462 (1)(a) that is contiguous to a segment of highway on which:

(i) There is a posted speed of 30 miles per hour or less;

(ii) There is a speed limit of 30 miles per hour or less; or

(iii) A speed of 30 miles per hour or less is prima facie evidence of violation of the basic speed rule under ORS 811.105.

(B) At any time that a flashing light described in ORS 811.106 is operating or at any time posted on signs in the school zone, if the school zone is a segment of highway described in ORS 801.462 (1)(a) that is contiguous to a segment of highway on which:

(i) There is a posted speed greater than 30 miles per hour;

(ii) There is a speed limit greater than 30 miles per hour; or

(iii) A speed greater than 30 miles per hour is prima facie evidence of violation of the basic speed rule under ORS 811.105.

(C) At any time that a flashing light described in ORS 811.106 is operating, at any time posted on signs in the school zone or at any time that children are present, if the school zone is a crosswalk described in ORS 801.462 (1)(b).

(2) The offense described in this section, violating a speed limit, is punishable as provided in

ORS 811.109.

**811.112** [1987 c.887 §4; 1995 c.383 §16; repealed by 2003 c.819 §19]

**811.115** [1983 c.338 §566; 1985 c.420 §8; 1987 c.887 §12; 1989 c.457 §1; 1989 c.992 §19; 1995 c.383 §17; 1999 c.359 §9; repealed by 2003 c.819 §19]

**811.120** [1983 c.338 §567; 1987 c.887 §13; 1995 c.383 §18; repealed by 2003 c.819 §19]

**811.122** [1989 c.592 §2; repealed by 1991 c.728 §6]

**811.123** [1991 c.728 §2; 1995 c.383 §19; 1995 c.558 §4; 1997 c.404 §6; 1997 c.438 §4; 2003 c.397 §8; repealed by 2003 c.819 §§19,21]

**811.124 Meaning of “children are present” in ORS 811.111.** For purposes of ORS 811.111, children are present at any time and on any day when:

(1) Children are:

(a) Occupying or walking within a crosswalk described in ORS 801.462 (1)(b); or

(b) Waiting on the curb or shoulder of the highway at a crosswalk described in ORS 801.462 (1)(b); or

(2) A traffic patrol member provided under ORS 339.650 to 339.665 is present to assist children at a crosswalk described in ORS 801.462 (1)(b). [1997 c.438 §2; 2003 c.397 §5; 2003 c.819 §§9,9a,9b]

(Racing)

**811.125 Speed racing on highway; penalty.** (1) A person commits the offense of speed racing on a highway if, on a highway in this state, the person drives a vehicle or participates in any manner in any of the following in which a vehicle is involved:

(a) A speed competition or contest.

(b) An acceleration contest.

(c) A test of physical endurance.

(d) An exhibition of speed or acceleration.

(e) The making of a speed record.

(f) A race. For purposes of this paragraph, racing is the use of one or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles or to test the physical stamina or endurance of drivers over long distance driving routes.

(g) A drag race. For purposes of this paragraph, drag racing is the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance

each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit.

(2) The offense described in this section, speed racing on a highway, is a Class A traffic violation and is applicable on any premises open to the public. [1983 c.338 §568; 1985 c.16 §287]

**811.127 Organizing a speed racing event; penalty.** (1) Except as provided in subsection (3) of this section, a person commits the offense of organizing a speed racing event if the person in any manner organizes a speed racing event.

(2) As used in this section, “speed racing event” means an event that:

- (a) Is preplanned and coordinated and involves two or more vehicles;
- (b) Includes any of the activities described in ORS 811.125 (1); and
- (c) Takes place on a highway.

(3) A person who organizes a speed racing event is not in violation of this section if the person has a permit from the road authority for the highway on which the event takes place.

(4) The offense described in this section, organizing a speed racing event, is a Class C felony. [2003 c.550 §2]

(Impeding Traffic)

**811.130 Impeding traffic; penalty.** (1) A person commits the offense of impeding traffic if the person drives a motor vehicle or a combination of motor vehicles in a manner that impedes or blocks the normal and reasonable movement of traffic.

(2) A person is not in violation of the offense described under this section if the person is proceeding in a manner needed for safe operation.

(3) Proceeding in a manner needed for safe operation includes but is not necessarily limited to:

(a) Momentarily stopping to allow oncoming traffic to pass before making a right-hand or left-hand turn.

(b) Momentarily stopping in preparation of, or moving at an extremely slow pace while, negotiating an exit from the road.

(4) A person is not in violation of the offense described under this section if the person is proceeding as part of a funeral procession under the direction of a funeral escort vehicle or a funeral lead vehicle.

(5) The offense described in this section, impeding traffic, is a Class D traffic violation. [1983 c.338 §569; 1985 c.16 §288; 1989 c.433 §1; 1991 c.482 §18; 1995 c.383 §45]

CARELESS AND RECKLESS DRIVING

**811.135 Careless driving; penalty.** (1) A person commits the offense of careless driving if the person drives any vehicle upon a highway or other premises described in this section in a

manner that endangers or would be likely to endanger any person or property.

(2) The offense described in this section, careless driving, applies on any premises open to the public and is a Class B traffic violation unless commission of the offense contributes to an accident. If commission of the offense contributes to an accident, the offense is a Class A traffic violation. [1983 c.338 §570; 1995 c.383 §20]

**811.140 Reckless driving; penalty.** (1) A person commits the offense of reckless driving if the person recklessly drives a vehicle upon a highway or other premises described in this section in a manner that endangers the safety of persons or property.

(2) The use of the term “recklessly” in this section is as defined in ORS 161.085.

(3) The offense described in this section, reckless driving, is a Class A misdemeanor and is applicable upon any premises open to the public. [1983 c.338 §571]

## SPECIAL SAFETY MEASURES

**811.145 Failure to yield to emergency vehicle or ambulance; penalty.** (1) A person commits the offense of failure to yield to an emergency vehicle or ambulance if an ambulance or emergency vehicle that is using a visual or audible signal in a manner described under ORS 820.300 and 820.320 approaches the vehicle the person is operating and the person does not do all of the following:

(a) Yield the right of way to the ambulance or emergency vehicle.

(b) Immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the roadway clear of any intersection.

(c) Stop and remain in such position until the emergency vehicle or ambulance has passed.

(2) A person is not in violation of this section if the person is acting as otherwise directed by a police officer.

(3) This section does not relieve the driver of an emergency vehicle or ambulance from the duty to drive with due regard for the safety of all persons using the highway, nor does this section protect the driver of any such vehicle from the consequence of an arbitrary exercise of the right of way granted under this section.

(4) The offense described in this section, failure to yield to an emergency vehicle or ambulance, is a Class B traffic violation. [1983 c.338 §582; 1985 c.16 §289; 1995 c.383 §46]

**811.147 Failure to maintain safe distance from emergency vehicle or ambulance; penalty.** (1) A person operating a motor vehicle commits the offense of failure to maintain a safe distance from an emergency vehicle or ambulance if the person approaches an emergency vehicle or ambulance that is stopped and is displaying required warning lights and the person:

(a) On a highway having two or more lanes for traffic in a single direction, fails to:

(A) Make a lane change to a lane not adjacent to that of the emergency vehicle or ambulance;

or

(B) Reduce the speed of the motor vehicle, if making a lane change is unsafe.

(b) On a two directional, two-lane highway, fails to reduce the speed of the motor vehicle.

(2) The offense described in this section, failure to maintain a safe distance from an emergency vehicle or ambulance, is a Class B traffic violation. [2003 c.42 §2]

**Note:** 811.147 was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 811 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

**811.150 Interference with emergency vehicle or ambulance; penalty.** (1) A person commits the offense of interference with an emergency vehicle or ambulance if the person does any of the following:

(a) Drives a vehicle following at a distance closer than 500 feet any emergency vehicle or ambulance that is traveling in response to a fire alarm or emergency.

(b) Drives or parks a vehicle in a manner that interferes with the emergency vehicle or ambulance responding to a fire alarm or emergency.

(c) Drives over an unprotected hose of a fire department laid down on any highway, private road or driveway to be used at any fire, alarm of fire or emergency.

(2) The following exemptions apply to this section:

(a) Nothing in this section prohibits a driver of an emergency vehicle or ambulance from following within 500 feet of an emergency vehicle or ambulance traveling in response to a fire alarm or emergency or from driving into or parking a vehicle in the area or vicinity where such vehicles have stopped in response to an alarm or emergency.

(b) Nothing in this section prevents any person from driving over an unprotected hose of a fire department if the person first obtains the permission of a fire department official or police officer at the scene of the fire, alarm of fire or emergency.

(3) The offense described in this section, interference with an emergency vehicle or ambulance, is a Class B traffic violation. [1983 c.338 §584; 1985 c.16 §291; 1985 c.190 §1; 1995 c.383 §47]

**811.155 Failure to stop for bus safety lights; penalty.** (1) A driver commits the offense of failure to stop for bus safety lights if the driver meets or overtakes from either direction any vehicle that is stopped on a roadway and that is operating red bus safety lights described under ORS 816.260 and the driver does not:

(a) Stop before reaching the vehicle; and

(b) Remain standing until the bus safety lights are no longer operating.

(2) The following apply to the offense described in this section:

(a) The offense described in this section does not apply if the vehicle operating the bus safety lights is not permitted under ORS 816.350 and 816.360 to operate red bus safety lights.

(b) A driver need not comply with this section if the vehicle operating red bus safety lights is

stopped on a different roadway.

(3) The offense described in this section, failure to stop for bus safety lights, is a Class A traffic violation. [1983 c.338 §583; 1985 c.16 §290]

**811.157 Report by driver of violation of ORS 811.155; contents.** (1) The driver of a school bus, worker transport bus or a bus issued a permit under ORS 818.260 may report a violation of ORS 811.155 to the local law enforcement agency having jurisdiction over the area where the violation is alleged to have occurred.

(2) A report under subsection (1) of this section shall be made within 72 hours of the alleged violation and shall contain:

(a) The date and time of day of the alleged violation;

(b) The name of the street on which the bus was traveling at the time of the alleged violation and either the approximate address or the name of the closest intersecting street;

(c) The direction in which the bus was traveling and the direction in which the vehicle alleged to have committed the violation was traveling;

(d) The weather conditions, including visibility, at the time of the alleged violation; and

(e) The following information about the vehicle alleged to have committed the violation:

(A) Number and state of issuance of the registration plate; and

(B) Whether the vehicle is a sedan, station wagon, van, truck, bus, motorcycle or other type of vehicle.

(3) In addition to the information required by subsection (2) of this section, the report may contain any other identifying information, including but not limited to color of the vehicle, that the reporting bus driver has about the vehicle or the driver of the vehicle alleged to have committed the violation. [1987 c.654 §2]

**811.159 Law enforcement agency response to report of violation of ORS 811.155.** Upon receipt of a report containing the information required by ORS 811.157 (2), the law enforcement agency shall determine the name and address of the registered owner of the vehicle and shall send the registered owner a letter informing the owner that the vehicle was observed violating ORS 811.155. The letter shall include, at a minimum, information from the report filed under ORS 811.157 specifying the time and place of the alleged violation. [1987 c.654 §3]

**811.160 Interference with rail fixed guideway system operation; penalty.** (1) A person commits the offense of interference with rail fixed guideway system operation if the person does any of the following:

(a) Drives any vehicle in front of a rail fixed guideway system vehicle upon a track and the person fails to remove the person's vehicle from the track as soon as practicable after signal from the operator of the rail fixed guideway system vehicle.

(b) Drives a vehicle upon or across rail fixed guideway system tracks within an intersection in front of a rail fixed guideway system vehicle when the rail fixed guideway system vehicle has

started to cross the intersection.

(c) Overtakes or passes upon the left any rail fixed guideway system vehicle proceeding in the same direction whether actually in motion or temporarily at rest. This paragraph does not apply on one-way streets or on streets where the tracks are so located as to prevent compliance.

(2) This section applies to any rail fixed guideway system vehicle that is any device traveling exclusively upon rails when upon or crossing a highway but does not apply to cars or trains propelled or moved by steam engine or by diesel engine.

(3) The offense described in this section, interference with rail fixed guideway system operation, is a Class B traffic violation. [1983 c.338 §585; 1995 c.383 §48; 2001 c.522 §3]

**811.165 Failure to stop for passenger loading of public transit vehicle; penalty.** (1) A person commits the offense of failure to stop for passenger loading of a public transit vehicle if the person is the driver of a vehicle overtaking a public transit vehicle described in this section that is stopped or about to stop for the purpose of receiving or discharging any passenger and the person does not:

(a) Stop the overtaking vehicle to the rear of the nearest running board or door of the public transit vehicle; and

(b) Keep the vehicle stationary until all passengers have boarded or alighted therefrom and reached a place of safety.

(2) This section applies to the following public transit vehicles:

(a) Commercial buses; and

(b) Rail fixed guideway system vehicles.

(3) A person is not in violation of this section if the person passes a public transit vehicle:

(a) Upon the left of any public transit vehicle described in this section on a one-way street; or

(b) At a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians when:

(A) The public transit vehicle has stopped at the curb; or

(B) Any area or space has been officially set apart within the roadway for the exclusive use of pedestrians and the area or space is so protected or marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(4) The offense described in this section, failure to stop for passenger loading of public transit vehicle, is a Class B traffic violation. [1983 c.338 §586; 1985 c.16 §292; 1995 c.383 §49; 2001 c.522 §4]

**811.167 Failure to yield right of way to transit bus; rules; penalty.** (1) A person commits the offense of failure to yield the right of way to a transit bus entering traffic if the person does not yield the right of way to a transit bus when:

(a) A yield sign as described in subsection (2) of this section is displayed on the back of the transit bus;

(b) The person is operating a vehicle that is overtaking the transit bus from the rear of the

transit bus; and

(c) The transit bus, after stopping to receive or discharge passengers, is signaling an intention to enter the traffic lane occupied by the person.

(2) The yield sign referred to in subsection (1)(a) of this section shall warn a person operating a motor vehicle approaching the rear of a transit bus that the person must yield when the transit bus is entering traffic. The yield sign shall be illuminated by a flashing light when the bus is signaling an intention to enter a traffic lane after stopping to receive or discharge passengers. The Oregon Transportation Commission shall adopt by rule the message on the yield sign, specifications for the size, shape, color, lettering and illumination of the sign and specifications for the placement of the sign on a transit bus.

(3) This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.

(4) As used in this section, “transit bus” means a commercial bus operated by a city, a mass transit district established under ORS 267.010 to 267.390 or a transportation district established under ORS 267.510 to 267.650.

(5) The offense described in this section, failure to yield the right of way to a transit bus entering traffic, is a Class D traffic violation. [1997 c.509 §2]

## OPEN CONTAINER VIOLATIONS

**811.170 Violation of open container law; penalty.** (1) A person commits the offense of violation of the open container law in a motor vehicle if the person does any of the following:

(a) Drinks any alcoholic liquor in a motor vehicle when the vehicle is upon a highway.

(b) Possesses on one’s person, while in a motor vehicle upon a highway, any bottle, can or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed.

(c) Keeps in a motor vehicle when the vehicle is upon any highway, any bottle, can or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed. The following apply to this paragraph:

(A) This paragraph applies only to the registered owner of any motor vehicle or, if the registered owner is not then present in the vehicle, to the driver of the vehicle.

(B) This paragraph does not apply if the bottle, can or other receptacle is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk.

(C) For purposes of this paragraph, a utility compartment or glove compartment is considered within the area occupied by the driver and passengers.

(D) This paragraph does not apply to the living quarters of a camper or motor home.

(2) The offense described in this section does not apply to passengers in a motor vehicle operated by a common carrier and used primarily to carry passengers for hire.

(3) The offense described in this section, violation of the open container law in a motor

vehicle, is a Class B traffic violation. [1983 c.338 §597; 1985 c.16 §303; 2001 c.827 §10]

## DISPOSING OF HUMAN WASTE

**811.172 Improperly disposing of human waste; penalty.** (1) A person commits the offense of improperly disposing of human waste if the person is operating or riding in a motor vehicle and the person throws, puts or otherwise leaves a container of urine or other human waste on or beside the highway.

(2) The offense described in this section, improperly disposing of human waste, is a misdemeanor and is punishable by a maximum fine of \$250. [1999 c.670 §2]

## DRIVING WHILE SUSPENDED OR REVOKED

**811.175 Violation driving while suspended or revoked; penalties.** (1) A person commits the offense of violation driving while suspended or revoked if the person does any of the following:

(a) Drives a motor vehicle upon a highway during a period when the person's driving privileges or right to apply for driving privileges have been suspended or revoked in this state by a court or by the Department of Transportation.

(b) Drives a motor vehicle outside the limitations of a probationary permit issued under ORS 807.270 or a hardship driver permit issued under ORS 807.240, including any limitations placed on the permit under ORS 813.510.

(c) Drives a commercial motor vehicle upon a highway during a period when the person's commercial driver license has been suspended, regardless of whether or not the person has other driving privileges granted by this state.

(2) Affirmative defenses to the offense described in this section are established under ORS 811.180.

(3) The offense described in this section is applicable upon any premises open to the public.

(4) The offense described in this section, violation driving while suspended or revoked, is a Class A traffic violation except as otherwise provided in ORS 811.182. [1983 c.338 §598; 1985 c.16 §304; 1987 c.730 §1; 1987 c.801 §9; 1989 c.171 §91; 1989 c.636 §45; 1997 c.249 §228; 1999 c.1051 §90]

**811.180 Affirmative defenses.** The following establishes affirmative defenses in prosecutions for driving while suspended or revoked in violation of ORS 811.175 or 811.182 and describes when the affirmative defenses are not available:

(1) In addition to other defenses provided by law, including but not limited to ORS 161.200, it is an affirmative defense to the offenses described in ORS 811.175 and 811.182 that:

(a) An injury or immediate threat of injury to a human being or animal, and the urgency of the circumstances made it necessary for the defendant to drive a motor vehicle at the time and place

in question; or

(b) The defendant had not received notice of the defendant's suspension or revocation or been informed of the suspension or revocation by a trial judge who ordered a suspension or revocation of the defendant's driving privileges or right to apply.

(2) The affirmative defenses described in subsection (1)(b) of this section are not available to a defendant under the circumstances described in this subsection. Any of the evidence specified in this subsection may be offered in the prosecution's case in chief. This subsection applies if any of the following circumstances exist:

(a) The defendant refused to sign a receipt for the certified mail containing the notice of suspension or revocation.

(b) The notice of suspension or revocation could not be delivered to the defendant because the defendant failed to comply with the requirements under ORS 807.560 to notify the Department of Transportation of a change of address or residence.

(c) At a previous court appearance, the defendant had been informed by a trial judge that the judge was ordering a suspension or revocation of the defendant's driving privileges or right to apply.

(d) The defendant had actual knowledge of the suspension or revocation by any means prior to the time the defendant was stopped on the current charge.

(e) The defendant was provided with notice of intent to suspend under ORS 813.100. [1983 c.338 §599; 1985 c.16 §305; 1985 c.672 §18; 1985 c.744 §1; 1987 c.138 §2; 1987 c.158 §168; 1987 c.730 §20; 1987 c.801 §10; 1997 c.249 §229]

**811.182 Criminal driving while suspended or revoked; penalties.** (1) A person commits the offense of criminal driving while suspended or revoked if the person violates ORS 811.175 and the suspension or revocation is one described in this section, or if the hardship or probationary permit violated is based upon a suspension or revocation described in subsection (3) or (4) of this section.

(2) Affirmative defenses to the offense described in this section are established under ORS 811.180.

(3) The crime is a Class B felony if the suspension or revocation resulted from any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle or if the revocation resulted from a conviction for felony driving while under the influence of intoxicants.

(4) The crime is a Class A misdemeanor if the suspension or revocation is any of the following:

(a) A suspension under ORS 809.411 (2) resulting from commission by the driver of any degree of recklessly endangering another person, menacing or criminal mischief, resulting from the operation of a motor vehicle.

(b) A revocation under ORS 809.409 (4) resulting from perjury or the making of a false affidavit to the Department of Transportation.

(c) A suspension under ORS 813.410 resulting from refusal to take a test prescribed in ORS 813.100 or for taking a breath or blood test the result of which discloses a blood alcohol content of:

- (A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;
- (B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or
- (C) Any amount if the person was under 21 years of age.

(d) A suspension of a commercial driver license under ORS 809.413 (1) resulting from failure to perform the duties of a driver under ORS 811.700 while driving a commercial motor vehicle.

(e) A suspension of a commercial driver license under ORS 809.413 (12) where the person's commercial driving privileges have been suspended or revoked by the other jurisdiction for failure of or refusal to take a chemical test to determine the alcoholic content of the person's blood under a statute that is substantially similar to ORS 813.100.

(f) A suspension of a commercial driver license under ORS 809.404.

(g) A revocation resulting from habitual offender status under ORS 809.640.

(h) A suspension resulting from any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle, other than a crime described in subsection (3) of this section.

(i) A suspension for failure to perform the duties of a driver under ORS 811.705.

(j) A suspension for reckless driving under ORS 811.140.

(k) A suspension for fleeing or attempting to elude a police officer under ORS 811.540.

(L) A suspension or revocation resulting from misdemeanor driving while under the influence of intoxicants under ORS 813.010.

(m) A suspension for use of a commercial motor vehicle in the commission of a crime punishable as a felony.

(5) In addition to any other sentence that may be imposed, if a person is convicted of the offense described in this section and the underlying suspension resulted from driving while under the influence of intoxicants, the court shall impose a fine of at least \$1,000 if it is the person's first conviction for criminal driving while suspended or revoked and at least \$2,000 if it is the person's second or subsequent conviction.

(6) The Oregon Criminal Justice Commission shall classify a violation of this section that is a felony as crime category 6 of the rules of the Oregon Criminal Justice Commission. [1987 c.730 §§3,3a; 1989 c.636 §46; 1991 c.185 §10; 1991 c.860 §9; 1993 c.305 §2; 1995 c.568 §2; 1997 c.249 §230; 1999 c.1049 §7; 2001 c.436 §1; 2001 c.786 §2; 2003 c.346 §3; 2003 c.402 §37; 2005 c.649 §19]

**811.185** [1983 c.338 §600; 1985 c.16 §306; repealed by 1991 c.208 §1]

## DRIVER OFFENSES INVOLVING PASSENGERS

**811.190 Operation with obstructing passenger; penalty.** (1) A person commits the offense

of driver operation with obstructing passenger if the person is operating a vehicle when another person is in the operator's lap or in the operator's embrace.

(2) The offense described in this section, driver operation with obstructing passenger, is a Class D traffic violation. [1983 c.338 §601; 1995 c.383 §50]

**811.195 Having passenger in trailer; penalty.** (1) A person commits the offense of having a passenger in a trailer if the person operates a vehicle on a highway while towing any type of trailer that contains a passenger.

(2) This section does not apply if the person is operating any of the following vehicles:

(a) A commercial bus trailer.

(b) An independently steered trailer.

(c) A trailer towed with a fifth wheel hitch if the trailer is equipped with all of the following:

(A) Safety glazing materials that meet the standards established under ORS 815.040 wherever there are windows or doors with windows on the vehicle.

(B) An auditory or visual signaling device that a passenger inside the vehicle can use to gain the attention of the motor vehicle driver towing the vehicle.

(C) At least one unobstructed exit capable of being opened from both the interior and exterior of the vehicle.

(3) The offense described in this section, passenger in trailer, is a Class D traffic violation. [1983 c.338 §602; 1985 c.16 §307; 1995 c.383 §51; 2003 c.158 §7]

**811.200 Carrying dog on external part of vehicle; penalty.** (1) A person commits the offense of carrying a dog on the external part of a vehicle if the person carries a dog upon the hood, fender, running board or other external part of any automobile or truck that is upon a highway unless the dog is protected by framework, carrier or other device sufficient to keep it from falling from the vehicle.

(2) The offense described in this section, carrying dog on external part of vehicle, is a Class D traffic violation. [1983 c.338 §603; 1995 c.383 §52]

**811.205 Carrying minor on external part of vehicle; penalty.** (1) A person commits the offense of carrying a minor on an external part of a motor vehicle if the person carries any person under 18 years of age upon the hood, fender, running board or other external part of any motor vehicle that is upon a highway.

(2) For purposes of this section, the open bed of a motor vehicle is an external part of a motor vehicle.

(3) A person does not commit the offense described in this section if the person:

(a) Is carrying a minor in the open bed of a motor vehicle and the minor is secured with a safety belt or safety harness that complies with rules adopted under ORS 815.055;

(b) Is operating the motor vehicle in an organized parade; or

(c) Is carrying a minor who is seated on the floor of the open bed of a motor vehicle in which

all available passenger seats are occupied by minors, the tailgate is securely closed and the minor is being transported:

(A) In the course and scope of employment, provided that the minor is transported in compliance with law and rules regulating the transport of workers; or

(B)(i) Between a hunting camp and a hunting site or between hunting sites during hunting season; and

(ii) The minor has a hunting license.

(4) The offense described in this section, carrying a minor on an external part of a motor vehicle, is a Class B traffic violation. [1983 c.338 §604; 1995 c.383 §53; 2003 c.107 §1]

**811.210 Failure to use safety belts; penalty.** (1) A person commits the offense of failure to use safety belts if the person:

(a) Operates a motor vehicle on the highways of this state and is not properly secured with a safety belt or safety harness as required by subsection (2) of this section;

(b) Operates a motor vehicle on the highways of this state with a passenger who is under 16 years of age and the passenger is not properly secured with a child safety system, safety belt, or safety harness as required by subsection (2) of this section;

(c) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that is designed and used for the transportation of 15 or fewer persons, including the driver, and the person is 16 years of age or older and is responsible for another passenger who is not properly secured with a child safety system as required under subsection (2)(a) or (b) of this section; or

(d) Is a passenger in a motor vehicle on the highways of this state who is 16 years of age or older and who is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(2) To comply with this section:

(a) A person who is under four years of age and weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children weighing 40 pounds or less;

(b) Except as provided in subsection (3) of this section, a person who is at least four years of age and under six years of age or weighs between 40 and 60 pounds must be properly secured with a child safety system that elevates the person so that a safety belt or safety harness properly fits the person. “Proper fit” means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck. The child safety system shall meet the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children weighing between 40 and 60 pounds; or

(c) A person who is at least six years of age and weighs 60 pounds or more must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

(3) If the rear seat of a vehicle is not equipped with shoulder belts, the requirements of

subsection (2)(b) of this section do not apply provided the person is secured by a lap belt.

(4) The offense described in this section, failure to use safety belts, is a Class D traffic violation. [1985 c.16 §309; 1985 c.619 §1; 1991 c.2 §1; 1993 c.153 §1; 1993 c.751 §112; 2001 c.679 §1; 2003 c.159 §1; 2005 c.244 §2]

**811.215 Exemptions from safety belt requirements.** ORS 811.210 does not apply to:

(1) Privately owned commercial vehicles, as defined in ORS 801.210. The exemption in this subsection does not apply to any of the following:

(a) Vehicles commonly known as pickup trucks that have a combined weight of less than 10,000 pounds.

(b) Motor carriers, as defined in ORS 825.005, when operating in interstate commerce.

(c) Vehicles designed and used for the transportation of 15 or fewer persons, including the driver, except that the operator of a vehicle described in this paragraph is not required to:

(A) Be properly secured with a safety belt or safety harness as required by ORS 811.210 if the operator is a taxicab operator; or

(B) Ensure that a passenger is properly secured with a child safety system as described in ORS 811.210 (2)(a) and (b).

(2) Any vehicle not required to be equipped with safety belts or safety harnesses at the time the vehicle was manufactured, unless safety belts or safety harnesses have been installed in the vehicle.

(3) Any vehicle exempted by ORS 815.080 from requirements to be equipped upon sale with safety belts or safety harnesses.

(4) Any person for whom a certificate is issued by the Department of Transportation under ORS 811.220.

(5) Any person who is a passenger in a vehicle if all seating positions in the vehicle are occupied by other persons.

(6) Any person who is being transported while in the custody of a police officer or any law enforcement agency.

(7) Any person who is delivering newspapers or mail in the regular course of work.

(8) Any person who is riding in an ambulance for the purpose of administering medical aid to another person in the ambulance, if being secured by a safety belt or safety harness would substantially inhibit the administration of medical aid.

(9) Any person who is reading utility meters in the regular course of work.

(10) Any person who is employed to operate a vehicle owned by a mass transit district while the vehicle is being used for the transportation of passengers in the public transportation system of the district.

(11) Any person who is collecting solid waste or recyclable materials in the regular course of work. [1985 c.619 §3; 1987 c.138 §3; 1991 c.2 §2; 1997 c.509 §3; 1999 c.1057 §4; 2003 c.589 §5; 2005 c.244 §1; 2005 c.770 §8]

**811.220 Certificates of exemption from safety belt requirement.** The Director of Transportation shall issue a certificate of exemption required under ORS 811.215 for any person on whose behalf a statement signed by a physician is presented to the Department of Transportation. For a physician's statement to qualify under this section, the physician giving the statement must set forth reasons in the statement why use of a child safety system, safety belt or safety harness by the person would be impractical or harmful to the person by reason of physical condition, medical problem or body size. [1985 c.16 §310; 1985 c.619 §4; 1991 c.2 §3; 1995 c.79 §372; 2001 c.104 §306]

**811.225 Failure to maintain safety belts in working order; penalty.** (1) The registered owner of a motor vehicle commits the offense of failure of an owner to maintain safety belts in working order if:

(a) The vehicle is equipped with safety belts or safety harnesses that meet the standards established under ORS 815.055; and

(b) The owner fails to maintain the safety belts or safety harnesses in a condition that will enable occupants of all seating positions equipped with safety belts or safety harnesses to use the belts or harnesses.

(2) The offense described in this section, failure of an owner to maintain safety belts in working order, is a Class C traffic violation. [1991 c.2 §5; 1995 c.383 §118; 2003 c.158 §10]

## HIGHWAY WORK ZONES

**811.230 Definitions; fine; notice.** (1) As used in ORS 811.230, 811.231, 811.232 and 811.233:

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

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

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

(2)(a) The base fine amount for a person charged with an offense that is listed in subsection (3)(a) or (b) of this section and that is committed in a highway work zone shall be the amount established under ORS 153.125 to 153.145 based on the foundation amount calculated under ORS 153.131. The minimum fine for a person convicted of an offense that is listed in subsection (3)(a) or (b) of this section and that is committed in a highway work zone is the base fine amount so calculated.

(b) The minimum fine for a person convicted of a misdemeanor offense that is listed in

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

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

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

(a) Class A or Class B traffic violations.

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

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

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

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

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

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

(4) A court shall not waive, reduce or suspend the base fine amount or minimum fine required by this section.

(5) When a highway work zone is created, the agency, contractor or company responsible for the work may post signs designed to give motorists notice of the provisions of this section. [1995 c.253 §2; 1997 c.843 §3; 1999 c.1051 §292]

**811.231 Reckless endangerment of highway workers; penalties.** (1) A person commits the offense of reckless endangerment of highway workers if the person drives a motor vehicle in a highway work zone in such a manner as to endanger persons or property or if the person removes, evades or intentionally strikes a traffic control device in a highway work zone.

(2) Reckless endangerment of highway workers is a Class A misdemeanor. In addition to any other penalty, a person convicted of reckless endangerment of highway workers is subject to suspension of driving privileges as provided in ORS 809.411 (6). [1995 c.253 §3; 1997 c.83 §4; 2001 c.176 §7; 2003 c.402 §38]

**811.232 Refusing to obey flagger; penalty.** (1) A person commits the offense of refusing to obey a flagger if the person intentionally and unreasonably disobeys a lawful order by a flagger relating to driving a motor vehicle in a highway work zone.

(2) Refusing to obey a flagger is a Class A traffic violation. [1995 c.253 §4]

**811.233 Failure to yield right of way to highway worker; penalty.** (1) A person commits the offense of failure to yield the right of way to a highway worker who is a pedestrian if the person is operating a motor vehicle in a highway work zone and does not yield the right of way to a highway worker who is a pedestrian.

(2) The provisions of ORS 814.040 and 814.070 regarding pedestrians do not apply to pedestrians described in subsection (1) of this section.

(3) The offense described in this section, failure to yield the right of way to a highway worker who is a pedestrian, is a Class B traffic violation. [1997 c.843 §2]

## SCHOOL ZONE PENALTIES

**811.235 Fine for traffic offenses in school zones.** (1)(a) If signs authorized by ORS 810.245 are posted, the base fine amount for a person charged with an offense that is listed in subsection (2)(a) or (b) of this section and that is committed in a school zone shall be the amount established under ORS 153.125 to 153.145 based on the foundation amount calculated under ORS 153.131. The minimum fine for a person convicted of an offense that is listed in subsection (2)(a) or (b) of this section and that is committed in a school zone is the base fine amount so calculated.

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

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

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

(a) Class A or Class B traffic violations.

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

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

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

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

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

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

(3) A court shall not waive, reduce or suspend the base fine amount or minimum fine required by this section.

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

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

(b) A flashing light used as a traffic control device and operated under ORS 811.106 indicates that children may be arriving at or leaving school. [1997 c.682 §3; 1999 c.1051 §293; 2003 c.397 §9]

## SAFETY CORRIDORS

**Note:** Sections 5 and 6, chapter 1071, Oregon Laws 1999, provide:

**Sec. 5.** (1) In order to determine the effect of increasing fines in safety corridors, the Department of Transportation shall post signs in safety corridors chosen by the department indicating that fines for traffic offenses committed in those safety corridors will be doubled.

(2)(a) The base fine amount for a person charged with an offense that is listed in subsection (3)(a) or (b) of this section and that is committed in a safety corridor chosen by the department under subsection (1) of this section shall be the amount established under ORS 153.125 to 153.145, based on the foundation amount calculated under ORS 153.131. The minimum fine for a person convicted of an offense that is listed in subsection (3)(a) or (b) of this section and that is committed in a safety corridor is the base fine amount so calculated.

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

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

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

- (a) Class A or Class B traffic violations.
  - (b) Class C or Class D traffic violations related to exceeding a legal speed.
  - (c) Reckless driving, as defined in ORS 811.140.
  - (d) Driving while under the influence of intoxicants, as defined in ORS 813.010.
  - (e) Failure to perform the duties of a driver involved in an accident or collision, as described in ORS 811.700 or 811.705.
  - (f) Criminal driving while suspended or revoked, as defined in ORS 811.182.
  - (g) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.
- (4) A court may not waive, reduce or suspend the base fine amount or minimum fine required by this section. [1999 c.1071 §5; 1999 c.1071 §5a; 2001 c.421 §1; 2003 c.100 §3]

**Sec. 6.** Section 5, chapter 1071, Oregon Laws 1999, is repealed on January 1, 2008. [1999 c.1071 §6; 2001 c.421 §3; 2003 c.100 §1]

## GENERAL DRIVING RULES

**811.250 Law applicable to vehicles registered out of state.** Any out-of-state registered vehicle is subject to all laws, rules and regulations governing the operation of such vehicles on the highways of this state. [1983 c.338 §606; 1985 c.401 §15]

**811.255 Permitting unlawful operation of vehicle; penalty.** (1) A person who is an owner, lessor or lessee of a motor vehicle or who employs or otherwise directs the driver of a motor vehicle, commits the offense of permitting the unlawful operation of a vehicle if the person knowingly permits or requires the operation of the vehicle in violation of any of the following:

- (a) The rules of the road.
- (b) The laws governing equipment of motor vehicles.
- (c) The laws governing weight of motor vehicles.
- (d) The laws governing operator driving privileges.
- (e) The laws governing registration or titling of vehicles.

(2) The offense described in this section, permitting unlawful operation of a vehicle, is a Class B traffic violation. [1983 c.338 §607]

(Traffic Control Devices)

**811.260 Appropriate driver responses to traffic control devices.** This section establishes appropriate driver responses to specific traffic control devices for purposes of ORS 811.265. Authority to place traffic control devices is established under ORS 810.210. Except when acting under the direction of a police officer that contradicts this section, a driver is in violation of ORS 811.265 if the driver makes a response to traffic control devices that is not permitted under the following:

(1) Green signal. A driver facing a green light may proceed straight through or turn right or left unless a sign at that place prohibits either turn. A driver shall yield the right of way to other vehicles within the intersection at the time the green light is shown.

(2) Green arrow. A driver facing a green arrow signal light, shown alone or in combination with another signal, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other signals shown at the same time.

(3) Steady circular yellow signal. A driver facing a steady circular yellow signal light is thereby warned that the related right of way is being terminated and that a red or flashing red light will be shown immediately. A driver facing the light shall stop at a clearly marked stop line, but if none, shall stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then before entering the intersection. If a driver cannot stop in safety, the driver may drive cautiously through the intersection.

(4) Steady yellow arrow signal. A driver facing a steady yellow arrow signal, alone or in combination with other signal indications, is thereby warned that the related right of way is being terminated. Unless entering the intersection to make a movement permitted by another signal, a driver facing a steady yellow arrow signal shall stop at a clearly marked stop line, but if none, shall stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then before entering the intersection. If a driver cannot stop in safety, the driver may drive cautiously through the intersection.

(5) Steady circular red signal. A driver facing a steady circular red signal light alone shall stop at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then before entering the intersection. The driver shall remain stopped until a green light is shown except when the driver is permitted to make a turn under ORS 811.360.

(6) Steady red arrow signal. A driver facing a steady red arrow signal, alone or in combination with other signal indications, may not enter the intersection to make the movement indicated by the red arrow signal. Unless entering the intersection to make some other movement which is permitted by another signal, a driver facing a steady red arrow signal shall stop at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then before entering the intersection. The vehicle shall remain stopped until a green light is shown except when the driver is permitted to make a turn under ORS 811.360.

(7) Traffic control devices at places other than intersections. If a traffic control device that is a signal is erected and maintained at a place other than an intersection, the provisions of this section relating to signals shall be applicable. A required stop shall be made at a sign or marking on the roadway indicating where the stop shall be made, but in the absence of such sign or marking the stop shall be made at the signal.

(8) Flashing red signal. When a driver approaches a flashing red light used in a traffic control device or with a traffic sign, the driver shall stop at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign. This subsection does not apply at railroad grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 811.455.

(9) Flashing yellow signal. When a driver approaches a flashing yellow light used as a signal in a traffic control device or with a traffic sign, the driver may proceed through the intersection or past the signal only with caution. This subsection does not apply at railroad grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 811.455.

(10) Lane direction control signals. When lane direction control signals are placed over the individual lanes of a highway, a person may drive a vehicle in any lane over which a green signal light is shown, but may not enter or travel in any lane over which a red signal light is shown.

(11) Stop signs. A driver approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side of the intersection or, if there is no marked crosswalk, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching so closely as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

(12) Yield signs. A driver approaching a yield sign shall slow the driver's vehicle to a speed reasonable for the existing conditions and if necessary for safety, shall stop at a line as required for stop signs under this section, and shall yield the right of way to any vehicles in the intersection or approaching so closely as to constitute an immediate hazard. [1983 c.338 §609; 1989 c.539 §1; 1997 c.507 §6; 2003 c.278 §6]

**811.265 Failure to obey traffic control device; penalty.** (1) A person commits the offense of driver failure to obey traffic control device if the person drives a vehicle and the person does any of the following:

- (a) Fails to obey the directions of any traffic control device.
  - (b) Fails to obey any specific traffic control device described in ORS 811.260 in the manner required by that section.
- (2) A person is not subject to this section if the person is doing any of the following:
- (a) Following the directions of a police officer.
  - (b) Driving an emergency vehicle or ambulance in accordance with the privileges granted those vehicles under ORS 820.300.
  - (c) Properly executing a turn on a red light as authorized under ORS 811.360.
  - (d) Driving in a funeral procession led by a funeral lead vehicle or under the direction of the driver of a funeral escort vehicle.
- (3) The offense described in this section, driver failure to obey a traffic control device, is a Class B traffic violation. [1983 c.338 §608; 1991 c.482 §13]

**811.270 Failure to obey one-way designation; penalty.** (1) A person commits the offense of failure to obey a one-way designation if the person is operating a vehicle and the person proceeds upon a roadway designated for one-way traffic in a direction other than that indicated by a traffic control device.

(2) The offense described in this section, failure to obey a one-way designation, is a Class B traffic violation. [1983 c.338 §610]

(Right of Way)

**811.275 Failure to yield right of way at uncontrolled intersection; penalty.** (1) A person commits the offense of failure to yield the right of way at an uncontrolled intersection if the person is operating a motor vehicle that is approaching an uncontrolled highway intersection and the person does not look out for and give right of way to any driver on the right simultaneously approaching a given point, regardless of which driver first reaches and enters the intersection.

- (2) This section is subject to the described provisions of the following sections:
- (a) The provisions of ORS 811.260, relating to stop signs and yield signs.
  - (b) The provisions of ORS 811.285, relating to the requirements to yield the right of way upon entering a freeway or other arterial highway.
  - (c) The provisions of ORS 811.277, relating to the right of way at an uncontrolled T intersection.

(3) A person entering an intersection at an unlawful speed shall forfeit any right of way the person would otherwise have under subsection (1) of this section.

(4) The offense described in this section, failure to yield right of way at an uncontrolled

intersection, is a Class B traffic violation. [1983 c.338 §611; 1985 c.16 §311; 1987 c.138 §4; 2003 c.183 §3]

**811.277 Failure to yield right of way at uncontrolled T intersection; penalty.** (1) A person commits the offense of failure to yield the right of way at an uncontrolled T intersection if the person is operating a motor vehicle on a highway that ends at an uncontrolled T intersection and the person does not yield the right of way to any driver who is on the highway at the top of the T intersection.

(2) As used in this section and ORS 811.275:

(a) “T intersection” means an intersection at which one highway is perpendicular to another and at which one of the highways ends.

(b) “Top of the T intersection” means the highway that does not end at the junction of two highways.

(3) The offense described in this section, failure to yield the right of way at an uncontrolled T intersection, is a Class B traffic violation. [2003 c.183 §2]

**811.280 Failure of driver entering roadway to yield right of way; penalty.** (1) A person commits the offense of failure of a driver entering a roadway to yield the right of way if the person:

(a) Is operating a vehicle that is about to enter or cross a roadway from any private road, driveway, alley or place other than another roadway; and

(b) Does not yield the right of way to any vehicle approaching on the roadway to be entered or crossed so closely as to constitute an immediate hazard.

(2) This section does not apply where the movement of traffic is otherwise directed by a traffic control device or a driver of a funeral escort vehicle.

(3) The offense described in this section, failure of driver entering roadway to yield right of way, is a Class B traffic violation. [1983 c.338 §612; 1991 c.482 §14; 1995 c.383 §54]

**811.285 Failure of merging driver to yield right of way; penalty.** (1) A person commits the offense of failure of a merging driver to yield the right of way if the person is operating a vehicle that is entering a freeway or other arterial highway where an acceleration or merging lane is provided for the operator’s use and the operator does not look out for and give right of way to vehicles on the freeway or other arterial highway.

(2) The offense described in this section, failure of a merging driver to yield the right of way, is a Class B traffic violation. [1983 c.338 §613; 1995 c.383 §55]

**811.290 Obstructing cross traffic; penalty.** (1) A person commits the offense of obstructing cross traffic if the person is operating a vehicle and the person enters an intersection or a marked crosswalk when there is not sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians.

(2) The offense described in this section applies whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing cross traffic, is a Class D traffic violation. [1983 c.338 §614; 1995 c.383 §56]

**811.292 Failure to yield right of way within roundabout; exception; penalty.** (1) A person commits the offense of failure to yield right of way within a roundabout if the person operates a motor vehicle upon a multilane circulatory roadway and does not yield the right of way to a second vehicle lawfully exiting the roundabout from a position ahead and to the left of the person's vehicle.

(2) This section does not apply if a traffic control device indicates that the operator of a motor vehicle should take other action.

(3) The offense described in this section, failure to yield right of way within a roundabout, is a Class C traffic violation. [2001 c.464 §5]

**Note:** 811.292 was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 811 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

(Driving on the Right)

**811.295 Failure to drive on right; exceptions; penalty.** (1) A person commits the offense of failure to drive on the right if the person is operating a vehicle on a roadway of sufficient width and the person does not drive on the right half of the roadway.

(2) A person is not required to drive on the right side of the roadway by this section under any of the following circumstances:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement in ORS 811.410 to 811.425 or 811.808.

(b) When preparing to turn left in an intersection, alley or private road or driveway.

(c) When an obstruction or condition exists making it necessary to drive to the left of the center of the roadway, provided that a driver doing so shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within a distance as to constitute an immediate hazard.

(d) Upon a roadway divided into three marked lanes for traffic under the rules applicable on the roadway under ORS 811.380.

(e) Upon a roadway restricted to one-way traffic.

(3) The offense described in this section, failure to drive on the right, is a Class B traffic violation. [1983 c.338 §615; 1991 c.482 §15]

**811.300 Failure to drive on right of approaching vehicle; exceptions; penalty.** (1) A

person commits the offense of failure to drive on the right of an approaching vehicle if the person is operating a vehicle upon a roadway having width for not more than one lane of traffic in each direction and the person does not:

(a) Pass to the right of any other vehicle proceeding on the roadway in the opposite direction; and

(b) Give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(2) This section does not apply to a person operating a vehicle as otherwise directed by a traffic control device.

(3) The offense described in this section, failure to drive on the right of an approaching vehicle, is a Class B traffic violation. [1983 c.338 §616]

**811.305 Driving on left on curve or grade or at intersection or rail crossing; exceptions; penalty.** (1) A person commits the offense of driving on the left on a curve or grade or at an intersection or rail crossing if the person is operating a vehicle upon any two-way roadway where traffic is permitted to move in both directions simultaneously and the person drives on the left side of the center of the roadway:

(a) Upon any part of a grade or upon a curve in the roadway where the driver's view is obstructed for such a distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching an intersection or railroad grade crossing where the driver's view is obstructed for such a distance as to create a hazard in the event another vehicle might approach from the opposite direction; or

(c) At any intersection or railroad grade crossing.

(2) This section does not prohibit a person from driving on the left side of the center of a roadway under the following circumstances:

(a) When the right half of the roadway is obstructed or closed to traffic while under construction or repair; or

(b) When a driver makes a lawful left turn.

(3) The offense described in this section, driving on the left on a curve or grade or at an intersection or rail crossing, is a Class B traffic violation. [1983 c.338 §617]

**811.310 Crossing center line on two-way, four-lane road; exceptions; penalty.** (1) A person commits the offense of crossing the center line on a two-way, four-lane road if the person is operating a vehicle on a two-way roadway that has four or more lanes for moving traffic and the person drives to the left of the center line of the roadway.

(2) A person is not prohibited from driving to the left of the center line of a roadway by this section under the following circumstances:

(a) When authorized by a traffic control device designating certain lanes to the left side of the center of the roadway for use by traffic.

(b) When an obstruction or condition exists making it necessary to drive to the left of the center of the roadway, provided that a driver doing so shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within a distance as to constitute an immediate hazard.

(c) When making a left turn at an intersection, alley or private road or driveway.

(3) The offense described in this section, crossing the center line on a two-way, four-lane road, is a Class B traffic violation. [1983 c.338 §618]

**811.315 Failure of slow driver to drive on right; exceptions; penalty.** (1) A person commits the offense of failure of a slow driver to drive on the right if the person is operating a vehicle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing and the person fails to drive:

(a) In the right-hand lane available for traffic; or

(b) As close as practicable to the right-hand curb or edge of the roadway.

(2) This section does not apply under any of the following circumstances:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing passing in ORS 811.410 to 811.425.

(b) When preparing to turn left at an intersection, alley or private road or driveway.

(3) The offense described in this section, failure of slow driver to drive on the right, is a Class B traffic violation. [1983 c.338 §619; 1995 c.383 §57]

**811.320 Failure to drive to right on divided highway; exceptions; penalty.** (1) A person commits the offense of failure to drive to the right on a divided highway if the person is operating a vehicle upon a highway divided into two or more roadways by means of an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic and the person does not drive only upon the right-hand roadway.

(2) This section does not apply if a person is operating a vehicle in accordance with traffic control devices or the directions of a police officer that differ from the requirements of this section.

(3) The offense described in this section, failure to drive to the right on a divided highway, is a Class B traffic violation. [1983 c.338 §620]

**811.325 Failure to keep camper, trailer or truck in right lane; exceptions; penalty.** (1) A person commits the offense of failure to keep a camper, trailer or truck in the right lane if the person is operating any of the vehicles described in this subsection and the person does not drive in the right lane of all roadways having two or more lanes for traffic proceeding in a single direction. This subsection applies to all of the following vehicles:

(a) Any camper.

(b) Any vehicle with a trailer.

(c) Any vehicle with a registration weight of 10,000 pounds or more.

(2) This section does not require the described vehicles to be driven in the right lane under any of the following circumstances:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement in ORS 811.410 to 811.425 when such movement can be made without interfering with the passage of other vehicles.

(b) When preparing to turn left.

(c) When reasonably necessary in response to emergency conditions.

(d) To avoid actual or potential traffic moving onto the right lane from an acceleration or merging lane.

(e) When necessary to follow traffic control devices that direct use of a lane other than the right lane.

(3) The offense described in this section, failure to keep camper, trailer or truck in the right lane, is a Class B traffic violation. [1983 c.338 §621; 1989 c.723 §18; 1995 c.383 §58; 2005 c.770 §7]

**811.330 Driving wrong way around traffic island; penalty.** (1) A person commits the offense of driving the wrong way around a traffic island if the person is operating a vehicle and the person drives the vehicle around a rotary traffic island in any direction except to the right of the island.

(2) The offense described in this section, driving the wrong way around a traffic island, is a Class B traffic violation. [1983 c.338 §622]

(Turning)

**811.335 Unlawful or unsignaled turn; penalty.** (1) A person commits the offense of making an unlawful or unsignaled turn if the person is operating a vehicle upon a highway and the person turns the vehicle right or left when:

(a) The movement cannot be made with reasonable safety; or

(b) The person fails to give an appropriate signal continuously during not less than the last 100 feet traveled by the vehicle before turning.

(2) Appropriate signals for use while turning are as designated under ORS 811.395 and 811.400.

(3) The offense described in this section, making an unlawful or unsignaled turn, is a Class D traffic violation. [1983 c.338 §623; 1995 c.383 §59]

**811.340 Improperly executed left turn; penalty.** (1) A person commits the offense of making an improperly executed left turn if the person operates a vehicle and is intending to turn the vehicle to the left and the person does not:

(a) Approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the turning vehicle;

(b) Make the left turn to the left of the center of the intersection whenever practicable; and

(c) Except as otherwise allowed by ORS 811.346, leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(2) The offense described in this section, improperly executing a left turn, is a Class B traffic violation. [1983 c.338 §624; 1985 c.16 §312; 1995 c.383 §60; 1997 c.468 §3]

**811.345 Failure to use special left turn lane; penalty.** (1) A person commits the offense of failure to use a special left turn lane if the person is operating a vehicle where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by traffic control devices and the person turns the vehicle left from any other lane.

(2) The offense described in this section, failure to use special left turn lane, is a Class B traffic violation. [1983 c.338 §625; 1995 c.383 §61]

**811.346 Misuse of special left turn lane; penalty.** (1) A person commits the offense of misuse of a special left turn lane if the person uses a special left turn lane for anything other than making a left turn either into or from the special left turn lane.

(2) A person who turns into a special left turn lane from an alley, driveway or other entrance to the highway that has the special left turn lane is in violation of this section if the person does anything other than stop in the lane and merge into traffic in the lane immediately to the right of the person's vehicle.

(3) As used in ORS 811.345 and this section, a "special left turn lane" is a median lane that is marked for left turns by drivers proceeding in opposite directions.

(4) The offense described in this section, misuse of a special left turn lane, is a Class B traffic violation. [1997 c.468 §2]

**811.350 Dangerous left turn; penalty.** (1) A person commits the offense of making a dangerous left turn if the person:

(a) Is operating a vehicle;

(b) Intends to turn the vehicle to the left within an intersection or into an alley, private road, driveway or place from a highway; and

(c) Does not yield the right of way to a vehicle approaching from the opposite direction that is within the intersection or so close as to constitute an immediate hazard.

(2) The offense described in this section, dangerous left turn, is a Class B traffic violation. [1983 c.338 §626; 1985 c.16 §313]

**811.355 Improperly executed right turn; penalty.** (1) A person commits the offense of making an improperly executed right turn if the person is operating a vehicle, is intending to turn the vehicle to the right and does not proceed as close as practicable to the right-hand curb or edge of the roadway:

- (a) In making the approach for a right turn; and
- (b) In making the right turn.

(2) The offense described in this section, improperly executed right turn, is a Class B traffic violation. [1983 c.338 §627; 1995 c.383 §62]

**811.360 When vehicle turn permitted at stop light; improper turn at stop light; penalty.**

(1) The driver of a vehicle, subject to this section, who is intending to turn at an intersection where there is a traffic control device showing a steady circular red signal or a steady red arrow signal may do any of the following without violating ORS 811.260 and 811.265:

- (a) Make a right turn into a two-way street.
- (b) Make a right or left turn into a one-way street in the direction of traffic upon the one-way street.

(2) A person commits the offense of improper turn at a stop light if the person does any of the following while making a turn described in this section:

- (a) Fails to stop at the light as required.
- (b) Fails to exercise care to avoid an accident.
- (c) Disobeys the directions of a traffic control device or a police officer that prohibits the turn.
- (d) Fails to yield the right of way to traffic lawfully within the intersection or approaching so close as to constitute an immediate hazard.

(3) A driver who is making a turn described in this section is also subject to the requirements under ORS 811.028 to stop for a pedestrian while making the turn.

(4) The offense described in this section, improper turn at a stop light, is a Class B traffic violation. [1983 c.338 §628; 1997 c.507 §7; 2003 c.278 §7; 2005 c.746 §3]

**811.365 Illegal U-turn; penalty.** (1) A person commits the offense of making an illegal U-turn if the person is operating a vehicle and the person turns the vehicle so as to proceed in the opposite direction in any of the following places:

(a) Within an intersection where traffic is controlled by an electrical signal. This paragraph does not apply where posted otherwise.

(b) Upon a highway within the limits of an incorporated city between intersections.

(c) At any place upon a highway where the vehicle cannot be seen by another driver approaching from either direction within a distance of:

- (A) 500 feet within the incorporated limits of a city; or
- (B) 1,000 feet outside a city.

(2) The offense described in this section, illegal U-turn, is a Class C traffic violation unless commission of the offense contributes to an accident. If commission of the offense contributes to an accident, the offense is a Class B traffic violation. [1983 c.338 §629; 1995 c.383 §63]

(Lane Use)

**811.370 Failure to drive within lane; penalty.** (1) A person commits the offense of failure to drive within a lane if the person is operating a vehicle upon a roadway that is divided into two or more clearly marked lanes for traffic and the driver does not:

- (a) Operate the vehicle as nearly as practicable entirely within a single lane; and
- (b) Refrain from moving from that lane until the driver has first made certain that the movement can be made with safety.

(2) The offense described in this section, failure to drive within a lane, is a Class B traffic violation. [1983 c.338 §630]

**811.375 Unlawful or unsignaled change of lane; penalty.** (1) A person commits the offense of unlawful or unsignaled change of lanes if the person is operating a vehicle upon a highway and the person changes lanes by moving to the right or left upon the highway when:

- (a) The movement cannot be made with reasonable safety; or
- (b) The driver fails to give an appropriate signal continuously during not less than the last 100 feet traveled by the vehicle before changing lanes.

(2) Appropriate signals for use while changing lanes are as designated under ORS 811.395 and 811.400.

(3) The offense described in this section, unlawful or unsignaled change of lane, is a Class D traffic violation. [1983 c.338 §631; 1995 c.383 §64]

**811.380 Improper use of center lane on three-lane road; penalty.** (1) A person commits the offense of improper use of the center lane on a three-lane road if the person is operating a vehicle upon a roadway divided into three clearly marked lanes for traffic with two-way movement of traffic permitted on the roadway and the person operates the vehicle in the center lane under any circumstances other than as permitted under the following:

(a) The driver may drive in the center lane when the center lane is allocated exclusively to traffic moving in the same direction that the driver is proceeding by a traffic control device directing the lane allocation.

(b) The driver may drive in the center lane when the driver is overtaking and passing a vehicle proceeding in the same direction and the center lane is clear of traffic within a safe distance.

(c) The driver may drive in the center lane when making a left turn.

(2) The offense described in this section, improper use of center lane on three-lane road, is a Class B traffic violation. [1983 c.338 §632]

**811.385 Depriving motorcycle or moped of full lane; penalty.** (1) A person commits the offense of depriving a motorcycle or moped of a full lane if the person operates a motor vehicle upon a roadway laned for traffic in a manner that prevents a moped operator or motorcyclist from full use of a lane.

(2) This section does not apply to operators of motorcycles or mopeds whose use of lanes is

controlled by ORS 814.240 and 814.250.

(3) The offense described in this section, depriving a motorcycle or moped of a full lane, is a Class B traffic violation. [1983 c.338 §685]

(Signaling)

**811.390 Unlawful use of lights to signal for passing; penalty.** (1) A person commits the offense of unlawful use of lights to signal for passing if the person is operating a vehicle and the person flashes any lights as a courtesy or “do pass” signal to other drivers approaching from the rear.

(2) The offense described in this section, unlawful use of lights to signal for passing, is a Class D traffic violation. [1983 c.338 §633; 1995 c.383 §65]

**811.395 Appropriate signals for stopping, turning, changing lanes and decelerating.** This section establishes appropriate signals, for purposes of the vehicle code, for use when signals are required while stopping, turning, changing lanes or suddenly decelerating a vehicle. This section does not authorize the use of only hand and arm signals when the use of signal lights is required under ORS 811.405. Vehicle lighting equipment described in this section is vehicle lighting equipment for which standards are established under ORS 816.100 and 816.120. Appropriate signals are as follows:

(1) To indicate a left turn either of the following:

- (a) Hand and arm extended horizontally from the left side of the vehicle.
- (b) Activation of front and rear turn signal lights on the left side of the vehicle.

(2) To indicate a right turn either of the following:

(a) Hand and arm extended upward from the left side of the vehicle. A person who is operating a bicycle is not in violation of this paragraph if the person signals a right turn by extending the person’s right hand and arm horizontally.

(b) Activation of front and rear turn signal lights on the right side of the vehicle.

(3) To indicate a stop or a decrease in speed either of the following:

- (a) Hand and arm extended downward from the left side of the vehicle; or
- (b) Activation of brake lights on the vehicle.

(4) Change of lane by activation of both front and rear turn signal lights on the side of the vehicle toward which the change of lane is made. [1983 c.338 §635; 1985 c.16 §314]

**811.400 Failure to use appropriate signal for turn, lane change, stop or exit from roundabout; penalty.** (1) A person commits the offense of failure to use an appropriate signal for a turn, lane change or stop or for an exit from a roundabout if the person does not make the appropriate signal under ORS 811.395 by use of signal lamps or hand signals and the person is operating a vehicle that is:

- (a) Turning, changing lanes, stopping or suddenly decelerating; or

(b) Exiting from any position within a roundabout.

(2) This section does not authorize the use of only hand signals to signal a turn, change of lane, stop or deceleration when the use of signal lights is required under ORS 811.405.

(3) The offense described in this section, failure to use appropriate signal for a turn, lane change or stop or for an exit from a roundabout, is a Class B traffic violation. [1983 c.338 §634; 1995 c.383 §66; 2001 c.464 §6]

**811.405 Failure to signal with lights; exceptions; penalty.** (1) A person commits the offense of failure to signal with lights when required if a person is operating a vehicle and does not use the vehicle lighting equipment described under ORS 811.395 to signal when turning, changing lanes, stopping or suddenly decelerating under any of the following circumstances:

(a) During limited visibility conditions.

(b) At any time the person is operating a vehicle or combination of vehicles in which the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the vehicle is greater than 24 inches.

(c) At any time the person is operating a vehicle or combination of vehicles in which the distance from the center of the top of the steering post to the rear limit of the body or load is greater than 14 feet.

(2) This section does not require the driver of a moped or bicycle that is not equipped with lighting equipment to use lighting equipment when required by this section. A driver of such moped or bicycle shall signal by means of appropriate hand and arm signals described under ORS 811.395 without violation of this section.

(3) The offense described in this section, failure to signal with lights when required, is a Class D traffic violation. [1983 c.338 §636; 1985 c.16 §315; 1995 c.383 §67]

(Passing)

**811.410 Unsafe passing on left; penalty.** (1) A person commits the offense of unsafe passing on the left if the person violates any of the following requirements concerning the overtaking and passing of vehicles:

(a) The driver of a vehicle that is overtaking any other vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted under ORS 811.415, the driver of an overtaken vehicle shall give way to the right in favor of an overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

(c) The driver of a vehicle shall not drive to the left side of the center of the roadway in overtaking and passing a vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and

passing to be completed without interfering with the operation of a vehicle approaching from the opposite direction or a vehicle overtaken.

(d) An overtaking vehicle shall return to an authorized lane of traffic as soon as practicable.

(2) This section does not authorize driving on the left side of the center of the road when prohibited under the following:

(a) Limitations on driving on the left of the center of a roadway under ORS 811.305.

(b) Passing in a no passing zone under ORS 811.420.

(c) ORS 811.295, 811.300 and 811.310 to 811.325 that require driving on the right.

(3) The offense described in this section, unsafe passing on the left, is a Class B traffic violation. [1983 c.338 §637; 1987 c.158 §168a]

**811.415 Unsafe passing on right; penalty.** (1) A person commits the offense of unsafe passing on the right if the person:

(a) Drives a vehicle to overtake and pass upon the right of another vehicle at any time not permitted under this section.

(b) Drives a vehicle to overtake and pass upon the right of another vehicle at any time by driving off the paved portion of the highway.

(2) For purposes of this section, a person may drive a vehicle to overtake and pass upon the right of another vehicle under any of the following circumstances:

(a) Overtaking and passing upon the right is permitted if:

(A) The overtaken vehicle is making or the driver has signaled an intention to make a left turn;

(B) The paved portion of the highway is of sufficient width to allow two or more lanes of vehicles to proceed lawfully in the same direction as the overtaking vehicle; and

(C) The roadway ahead of the overtaking vehicle is unobstructed for a sufficient distance to permit passage by the overtaking vehicle to be made in safety.

(b) Overtaking and passing upon the right is permitted if the overtaken vehicle is proceeding along a roadway in the left lane of two or more clearly marked lanes allocated exclusively to vehicular traffic moving in the same direction as the overtaking driver.

(c) Overtaking and passing upon the right is permitted if the overtaking vehicle is a bicycle that may safely make the passage under the existing conditions.

(3) The offense described in this section, unsafe passing on the right, is a Class B traffic violation. [1983 c.338 §638; 1987 c.158 §169; 2005 c.316 §1]

**811.420 Passing in no passing zone; exceptions; penalty.** (1) A person commits the offense of passing in a no passing zone if the person drives a vehicle on the left side of a roadway in a no passing zone that has been established and designated to prohibit such movements by appropriate signs or markings posted on the roadway.

(2) The authority to establish and post no passing zones for purposes of this section is established under ORS 810.120.

(3) The provisions of this section do not apply under any of the following circumstances:

(a) When a driver turns left into or from an alley, intersection, private road or driveway.

(b) When an obstruction or condition exists making it necessary to drive to the left of the center of the roadway provided that a driver doing so shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within a distance that would constitute an immediate hazard.

(4) The offense described in this section, passing in a no passing zone, is a Class B traffic violation. [1983 c.338 §639; 1985 c.16 §316]

**811.425 Failure of slower driver to yield to overtaking vehicle; penalty.** (1) A person commits the offense of failure of a slower driver to yield to overtaking vehicle if the person is driving a vehicle and the person fails to move the person's vehicle off the main traveled portion of the highway into an area sufficient for safe turnout when:

(a) The driver of the overtaken vehicle is proceeding at a speed less than a speed established in ORS 811.105 as prima facie evidence of violation of the basic speed rule;

(b) The driver of the overtaking vehicle is proceeding at a speed in conformity with ORS 811.105;

(c) The highway is a two directional, two-lane highway; and

(d) There is no clear lane for passing available to the driver of the overtaking vehicle.

(2) This section does not apply to the driver of a vehicle in a funeral procession.

(3) The offense described in this section, failure of a slower driver to yield to overtaking vehicle, is a Class B traffic violation. [1983 c.338 §640; 1991 c.482 §16; 1995 c.383 §68; 2001 c.104 §307; 2003 c.819 §15]

(Prohibited Places)

**811.430 Driving on highway divider; exceptions; penalty.** (1) A person commits the offense of driving on a highway divider if the person drives a vehicle over, across or within a dividing space, barrier or section that is an intervening space, physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic and that divides a highway into two or more roadways.

(2) This section does not apply when the movement of a vehicle that is otherwise prohibited by this section is made:

(a) At an authorized crossover or intersection; or

(b) At the specific direction of a road authority.

(3) The offense described in this section, driving on a highway divider, is a Class B traffic violation. [1983 c.338 §642]

**811.435 Operation of motor vehicle on bicycle trail; exemptions; penalty.** (1) A person commits the offense of operation of a motor vehicle on a bicycle trail if the person operates a motor vehicle upon a bicycle lane or a bicycle path.

(2) Exemptions to this section are provided under ORS 811.440.

(3) This section is not applicable to mopeds. ORS 811.440 and 814.210 control the operation and use of mopeds on bicycle lanes and paths.

(4) The offense described in this section, operation of a motor vehicle on a bicycle trail, is a Class B traffic violation. [1983 c.338 §643]

**811.440 When motor vehicles may operate on bicycle lane.** This section provides exemptions from the prohibitions under ORS 811.435 and 814.210 against operating motor vehicles on bicycle lanes and paths. The following vehicles are not subject to ORS 811.435 and 814.210 under the circumstances described:

(1) A person may operate a moped on a bicycle lane that is immediately adjacent to the roadway only while the moped is being exclusively powered by human power.

(2) A person may operate a motor vehicle upon a bicycle lane when:

(a) Making a turn;

(b) Entering or leaving an alley, private road or driveway; or

(c) Required in the course of official duty.

(3) An implement of husbandry may momentarily cross into a bicycle lane to permit other vehicles to overtake and pass the implement of husbandry.

(4) A person may operate a motorized wheelchair on a bicycle lane or path.

(5) A person may operate a motor assisted scooter on a bicycle lane or path.

(6) A person may operate an electric personal assistive mobility device on a bicycle lane or path. [1983 c.338 §645; 1991 c.417 §1; 2001 c.749 §24; 2003 c.341 §8]

**811.445 Use of throughway when prohibited; penalty.** (1) A person commits the offense of use of a throughway when prohibited if any use restrictions or prohibitions are posted by appropriate signs giving notice thereof and the person violates any restriction or prohibition so posted.

(2) The authority to impose restrictions and prohibitions for purposes of this section is granted under ORS 810.020.

(3) The offense described in this section, use of throughway when prohibited, is a Class D traffic violation. [1983 c.338 §646; 1995 c.383 §69]

**811.450 Violation of posted truck routes; defense; penalty.** (1) A person commits the offense of violation of posted truck routes if appropriate signs designating truck routes are posted and the person does not operate a vehicle in compliance with the posted requirements.

(2) Authority to establish and change truck routes for purposes of this section is established in ORS 810.040.

(3) It is a defense to a charge of violation of this section if the person so charged can establish that the person could not reach the person's destination without traveling upon the street, road or highway prohibited under the posted requirements.

(4) The offense described in this section, violation of posted truck routes, is a Class B traffic violation. [1983 c.338 §647; 1985 c.393 §39; 1995 c.383 §70]

### (Rail Crossings)

**811.455 Failure to stop for railroad signal; penalty.** (1) A person commits the offense of failure to stop for a railroad signal if the person fails to comply with any of the following requirements:

(a) A person who is driving a vehicle must stop the vehicle at a clearly marked stop line on the near side of a railroad crossing or, if there is no clearly marked stop line, not less than 15 feet nor more than 50 feet from the nearest rail of the crossing under any of the following circumstances:

(A) When a clearly visible electric or mechanical signal is given by a device that warns of the immediate approach of a railroad train.

(B) Upon the lowering of a crossing gate.

(C) When a signal given by a flagger or police officer indicates the approach or passage of a railroad train.

(D) When an approaching train is clearly visible and because of its nearness to the crossing is an immediate hazard.

(E) When an audible signal is given by an approaching railroad train because its speed or nearness to the crossing is an immediate hazard.

(b) A driver who has stopped for the passing of a train at a railroad grade crossing in accordance with the provisions of this section shall not proceed across the railroad tracks until the driver can do so safely.

(c) A person shall not drive any vehicle through, around or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

(2) The offense described in this section, failure to stop for a railroad signal, is a Class B traffic violation. [1983 c.338 §648; 1985 c.16 §317; 1995 c.383 §71; 1997 c.249 §232; 2001 c.492 §3]

**811.460 Failure to follow rail crossing procedures for high-risk vehicles; application; penalty.** (1) A person commits the offense of failure to follow rail crossing procedures for high-risk vehicles if the person takes any vehicle described in this section across any railroad or rail fixed guideway system tracks at grade without doing all of the following:

(a) Stopping the vehicle at a clearly marked stop line or, if there is not a clearly marked stop line, not less than 15 feet nor more than 50 feet from the nearest rail of the railroad or rail fixed guideway system.

(b) While so stopped, listening and looking in both directions along the tracks for approaching trains or rail fixed guideway system vehicles and for signals indicating approaching trains or rail fixed guideway system vehicles.

(c) Proceeding across the tracks after stopping only when such movement can be performed safely in the gear of the motor vehicle that does not require manually changing gears while proceeding.

(d) Proceeding across the tracks without manually changing gears.

(2) This section applies to the following vehicles when moved across railroad or rail fixed guideway system tracks:

(a) A school bus.

(b) A school activity vehicle with a loaded weight of 10,000 pounds or more.

(c) A worker transport bus.

(d) Any bus operated for transporting children to and from church or an activity or function authorized by a church.

(e) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided under ORS 825.017 (9).

(f) A commercial bus.

(g) A motor vehicle carrying as a cargo or part of a cargo any explosive substance, inflammable liquids, corrosives or similar substances or any cargo that the Department of Transportation determines to be hazardous. For purposes of this paragraph, the department may only determine a substance to be hazardous by rule. Any rules adopted by the department to determine hazardous substances must be consistent with substances classified as hazardous by the United States Secretary of Transportation.

(h) A tank vehicle, whether loaded or empty, used for the transportation of any hazardous material.

(3) Exemptions to this section are provided under ORS 811.465.

(4) The offense described in this section, failure to follow rail crossing procedures for high-risk vehicles, is a Class B traffic violation. [1983 c.338 §649; 1985 c.16 §318; 1985 c.420 §9; 1989 c.992 §20; 1995 c.383 §72; 1995 c.733 §49; 2001 c.104 §308; 2001 c.492 §4; 2001 c.522 §5]

**811.462 Failure of operator of commercial motor vehicle to slow down and check tracks; penalty.** (1) A person commits the offense of failure of the operator of a commercial motor vehicle to slow down and check that tracks are clear of an approaching train if the person:

(a) Is operating a commercial motor vehicle that is not required by ORS 811.460 to stop before reaching a rail crossing;

(b) Is approaching a rail crossing at grade; and

(c) Fails to slow down and check that the tracks are clear of an approaching train before proceeding across the railroad tracks.

(2) The offense described in this section, failure of the operator of a commercial motor vehicle to slow down and check that tracks are clear of an approaching train, is a Class B traffic violation. [2001 c.492 §7]

**811.465 Exemptions from high-risk vehicle rail crossing procedures.** This section establishes exemptions from the special crossing procedures established for high-risk vehicles under ORS 811.460. The exemptions are partial or complete as described in the following:

(1) The vehicles are not required to comply with the procedures at a crossing of a street or highway and rail fixed guideway system tracks if:

(a) The rail fixed guideway system vehicles operate within and parallel to the right of way of a street or highway; and

(b) All vehicle movements are controlled by traffic control devices.

(2) The vehicles are not required to comply with the procedures when crossing any railway tracks upon which operation has been abandoned and for which the Department of Transportation has plainly marked that no stop need be made.

(3) The vehicles are not required to comply with the procedures when crossing industry track crossings across which train operations are required by law to be conducted under flag protection.

(4) The vehicles are not required to comply with the procedures when crossing industry track crossings within districts in which the designated speed of vehicles is 20 miles per hour or less.

(5) Vehicles are not required to comply with the procedures when crossing any crossing where an officer directs traffic to proceed or where an operating traffic control signal indicates that other traffic may proceed.

(6) Vehicles are not required to comply with the procedures when crossing any crossing protected by crossing gates. The exemption under this subsection does not apply to:

(a) School buses or school activity vehicles that are required to stop at crossings with crossing gates under ORS 811.460;

(b) Tank vehicles, whether loaded or empty, used to transport hazardous materials;

(c) Vehicles transporting any hazardous material requiring the vehicle to be placarded; or

(d) High-risk vehicles described in ORS 811.460 that are not otherwise described in this subsection, when operating in interstate commerce.

(7) Except when a train or rail fixed guideway system vehicle is approaching, the driver of a commercial bus is not required to stop at crossings where the Department of Transportation has determined and plainly marked that no stop need be made. [1983 c.338 §650; 1985 c.420 §10; 2001 c.522 §6; 2003 c.589 §6]

**811.470 Improper movement of heavy equipment across rail crossing; application; penalty.** (1) A person commits the offense of improper movement of heavy equipment across a rail crossing if the person operates or moves any equipment described in this section upon or across any tracks at a railroad or rail fixed guideway system grade crossing without complying with any of the following:

(a) Before moving across the tracks, the person must give notice of an intended crossing to a responsible officer of the railroad or rail fixed guideway system in time for protection to be given.

(b) Where the railroad or rail fixed guideway system has provided a flagger, the person operating or moving such equipment shall obey the direction of the flagger.

(c) The person operating or moving such equipment must do all of the following:

(A) The person must stop before making the crossing at a clearly marked line or, if there is no clearly marked line, not less than 15 feet nor more than 50 feet from the nearest rail.

(B) While so stopped, the person must look and listen in both directions along the tracks for approaching trains.

(C) The person shall not proceed across the tracks unless the crossing can be made safely.

(2) This section applies to the operation of movement across railroad or rail fixed guideway system tracks of any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of 10 miles per hour or less or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway.

(3) The offense described in this section, improper movement of heavy equipment across a rail crossing, is a Class B traffic violation. [1983 c.338 §651; 1985 c.16 §319; 1995 c.383 §73; 1997 c.249 §233; 2001 c.522 §7]

**811.475 Obstructing rail crossing; penalty.** (1) A person commits the offense of obstructing a rail crossing if the person is operating a vehicle and the person does either of the following:

(a) Drives onto any railroad or rail fixed guideway system grade crossing when there is not sufficient space on the other side of the railroad or rail fixed guideway system grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, railroad trains or rail fixed guideway system vehicles; or

(b) While driving a commercial motor vehicle, fails to negotiate the rail crossing because of insufficient undercarriage clearance.

(2) The offense described in this section is applicable whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing rail crossings, is a Class B traffic violation. [1983 c.338 §652; 1995 c.383 §74; 2001 c.492 §5; 2001 c.522 §8]

(Miscellaneous)

**811.480 Illegal backing; penalty.** (1) A person commits the offense of illegal backing if the person backs a vehicle the person is driving when it is not safe to do so or when it causes interference with other traffic upon a highway.

(2) The offense described in this section, illegal backing, is a Class D traffic violation. [1983 c.338 §653; 1995 c.383 §75]

**811.485 Following too closely; penalty.** (1) A person commits the offense of following too closely if the person does any of the following:

(a) Drives a vehicle so as to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon, and condition of, the

highway.

(b) Drives a truck, commercial bus or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city and follows another truck, commercial bus or motor vehicle drawing another vehicle without, when conditions permit, leaving sufficient space so that an overtaking vehicle may enter and occupy the space without danger. This paragraph does not prevent a truck, commercial bus or motor vehicle drawing another vehicle from overtaking and passing a vehicle or combination of vehicles.

(c) Drives a vehicle when traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city in a caravan or motorcade whether or not towing another vehicle without operating the vehicle so as to leave sufficient space between vehicles to enable a vehicle to enter and occupy the space without danger.

(2) This section does not apply in the case of a funeral procession. Except for the funeral lead vehicle, vehicles participating in a funeral procession shall follow the preceding vehicle as closely as is reasonable and safe.

(3) The offense described in this section, following too closely, is a Class B traffic violation. [1983 c.338 §654; 1991 c.482 §20]

**811.490 Improper opening or leaving open of vehicle door; penalty.** (1) A person commits the offense of improper opening or leaving open a vehicle door if the person does any of the following:

(a) Opens any door of a vehicle unless and until it is reasonably safe to do so and it can be done without interference with the movement of traffic, or with pedestrians and bicycles on sidewalks or shoulders.

(b) Leaves a door open on the side of a vehicle available to traffic, or to pedestrians or bicycles on sidewalks or shoulders for a period of time longer than necessary to load or unload passengers.

(2) The offense described in this section, improper opening or leaving open a vehicle door, is a Class D traffic violation. [1983 c.338 §655; 1985 c.16 §320]

**811.492 Engine braking; penalty; exception.** (1) A person commits the offense of engine braking if the person is operating a motor vehicle on a highway and uses an unmuffled engine brake.

(2) The offense described in this section, engine braking, is a Class A traffic violation.

(3) A person is not in violation of this section if the person uses an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property. [1993 c.314 §7]

**811.495 Unlawful coasting on downgrade; exception; penalty.** (1) A person commits the offense of unlawful coasting on a downgrade if the person is the driver of a vehicle on a downgrade and the person coasts with the gears or transmission of the motor vehicle in neutral or

with the clutch disengaged.

(2) This section does not apply to the driver of a motorized bicycle.

(3) The offense described in this section, unlawful coasting on a downgrade, is a Class D traffic violation. [1983 c.338 §656; 1985 c.16 §321; 1995 c.383 §76]

**811.500 Unlawful stop or deceleration; penalty.** (1) A person commits the offense of unlawful stop or deceleration if the person is operating a vehicle and the person stops or suddenly decreases the speed of the vehicle without first giving an appropriate signal to the driver immediately to the rear when there is opportunity to give the signal.

(2) Appropriate signals for the purpose of this section are as designated under ORS 811.395 and 811.400.

(3) The offense described in this section, unlawful stop or deceleration, is a Class B traffic violation. [1983 c.338 §657; 1995 c.383 §77]

**811.505 Failure to stop when emerging from alley, driveway or building; penalty.** (1) A person commits the offense of failure to stop when emerging from an alley, driveway or building if the person is operating a vehicle that is emerging from an alley, building, private road or driveway in a business or residence district and the person does not stop the vehicle as follows:

(a) If there is a sidewalk or sidewalk area, the person must stop the vehicle before driving onto the sidewalk or sidewalk area.

(b) If there is no sidewalk or sidewalk area, the person must stop at the point nearest the roadway to be entered where the driver has a view of approaching traffic.

(2) The offense described in this section, failure to stop when emerging from an alley, driveway or building, is a Class B traffic violation. [1983 c.338 §658; 1985 c.16 §322; 1995 c.383 §78]

**811.510 Dangerous operation around livestock; penalty.** (1) A person commits the offense of dangerous operation around livestock if the person is operating a vehicle upon a highway and the person fails to do any of the following:

(a) A driver shall use caution when approaching or passing a person riding, leading or herding livestock on the highway.

(b) If a person riding or leading livestock upon a highway gives a distress signal to an approaching driver by raising a hand, the driver must promptly stop the driver's vehicle, unless movement forward is necessary to avoid an accident, and, if requested, shall turn off the engine until the livestock is under control.

(c) A driver shall yield the right of way to livestock being driven on a highway.

(2) This section is only applicable if the livestock is an animal of the species of horses, mules, donkeys, cattle, swine, sheep or goats.

(3) The offense described in this section, dangerous operation around livestock, is a Class B traffic violation. [1983 c.338 §666]

**811.512 Unlawfully operating low-speed vehicle on highway; penalty.** (1) A person commits the offense of unlawfully operating a low-speed vehicle on a highway if the person operates a low-speed vehicle on a highway that has a speed limit or posted speed of more than 35 miles per hour.

(2) Notwithstanding subsection (1) of this section, a city or county may adopt an ordinance allowing operation of low-speed vehicles on city streets or county roads that have speed limits or posted speeds of more than 35 miles per hour.

(3) The offense described in this section, unlawfully operating a low-speed vehicle on a highway, is a Class B traffic violation. [2001 c.293 §8]

## USE OF LIGHTS AND WARNINGS

(Lights)

**811.515 When lights must be displayed; kind of light; number; direction; use on certain vehicles.** This section establishes requirements for ORS 811.520. Except where an exemption under ORS 811.525 specifically provides otherwise, a vehicle that does not comply with this section is in violation of ORS 811.520. Where specific types of lighting equipment are mentioned in this section, those types are types described in ORS 816.040 to 816.290. The requirements under this section are as follows:

(1) Subject to any other provision of this section, any lighting equipment a vehicle is required to be equipped with under ORS 816.040 to 816.290 must be displayed when the vehicle is upon a highway within this state at any time limited visibility conditions exist. The provisions of this subsection apply during the times stated when the required visibility is measured on a straight, level unlighted highway.

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

- (a) The lights are being used as turn signals; or
- (b) The headlights are also lighted at the same time.

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

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

(5) Tow vehicle warning lights on tow vehicles shall be activated when the tow vehicles are

engaged in connecting with other vehicles and drawing such vehicles onto highways or while servicing disabled vehicles.

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

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

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

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

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

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

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

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

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

(10) Auxiliary lights mounted higher than 54 inches shall not be lighted when the vehicle is used on a highway.

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

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

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

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

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

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

(e) Notwithstanding any other paragraph of this subsection, the lights shall not be operated if the vehicle is stopping or has stopped at an intersection where traffic is controlled by electrical traffic control signals, other than flashing signals, or by a police officer.

(f) Notwithstanding any other paragraph of this subsection, the lights shall not be operated if the vehicle is stopping or has stopped at a loading or unloading area where the vehicle is completely off the roadway.

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

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

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

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

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

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

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

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

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

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

(B) In a highway work zone as defined in ORS 811.230. [1983 c.338 §660; 1985 c.71 §7; 1989 c.402 §1; 1991 c.482 §19; 2003 c.118 §2; 2003 c.245 §1]

**811.520 Unlawful use or failure to use lights; penalty.** (1) A person commits the offense of

unlawful use or failure to use lights if the person does any of the following:

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

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

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

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

(3) The offense described in this section, unlawful use of or failure to use lights, is a Class B traffic violation, except that violation of ORS 811.515 (3), (4), (13) or (17) or subsection (1)(c) of this section is a Class D traffic violation. [1983 c.338 §659; 1985 c.16 §323; 1991 c.482 §21; 1995 c.383 §21]

**811.525 Exemptions from requirements for use of lights.** This section establishes exemptions from ORS 811.515 and 811.520. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following:

(1) ORS 811.515 and 811.520 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Except for the provisions relating to exempt-vehicle safety lighting equipment, ORS 811.515 and 811.520 do not apply to any of the following:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors.

(d) Antique motor vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) Whenever motor and other vehicles are operated in combination during the time that lights are required, any lighting equipment, except the taillight, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination, need not be lighted. This subsection shall not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights nor the requirement that all lights on the rear of the rearmost vehicle of the combination be lighted.

(4) Lighting equipment on bicycles shall be lighted as required under ORS 815.280.

(5) Parked or stopped vehicles are not required to display parking lights if the road authority for the highway provides by ordinance or resolution that no lights need be displayed upon a vehicle parked on the highway in accordance with legal parking regulations where there is

sufficient light to render clearly discernible any person or object within a distance of 500 feet from the highway.

(6) Nothing under ORS 811.515 and 811.520 limits the ability to use the following lights with any other lights during the day or at night:

(a) Public vehicle warning lights.

(b) Pilot vehicle warning lights.

(c) Tow vehicle warning lights.

(d) Police lights.

(e) Warning lights on vehicles at the scene of an actual or potential release of hazardous materials, as described in ORS 816.280.

(f) Warning lights on vehicles being used by medical examiners to reach the scene of an accident or of a death investigation, as described in ORS 816.280.

(g) Commercial vehicle warning lights.

(7) Requirements for use of motorcycle and moped headlights are under ORS 814.320.

(8) Requirements for lighting equipment for an electric personal assistive mobility device are under ORS 815.284. [1983 c.338 §661; 1985 c.16 §324; 1985 c.71 §8; 1999 c.497 §2; 2003 c.245 §2; 2003 c.341 §9]

**811.526 Safety campaign for use of headlights.** The Department of Transportation shall conduct a safety campaign to educate people about the advantages of using headlights in fog or rain or when driving on a single lane highway. The campaign shall include, but need not be limited to, encouraging people to drive with headlights on under the specified conditions. [1997 c.464 §1]

**Note:** 811.526 was enacted into law by the Legislative Assembly but was not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Flares)

**811.530 Failure to post warnings for disabled vehicle; application; penalty.** (1) A person commits the offense of failure to post warnings for a disabled vehicle if the person is the driver, or other person in charge of a vehicle subject to this section, and the person does not cause the placement of such roadside vehicle warning devices as the Department of Transportation may require under ORS 815.035 when the vehicle is disabled during limited visibility conditions and cannot immediately be removed from the main traveled portion of a highway outside of a business district or residence district.

(2) This section applies only to the following vehicles:

(a) School buses.

(b) School activity vehicles.

(c) Worker transport buses.

(d) Vehicles used in transportation of persons for hire by a nonprofit entity as provided in ORS 825.017 (9).

(e) A bus being operated for transporting children to and from religious services or an activity or function authorized by the religious organization.

(f) Commercial buses.

(g) Motor trucks with a registration weight in excess of 8,000 pounds.

(h) Trailers with a registration weight in excess of 8,000 pounds.

(3) Requirements to be equipped with roadside vehicle warning devices are contained in ORS 815.285.

(4) The offense described in this section, failure to post warnings for a disabled vehicle, is a Class B traffic violation. [1983 c.338 §662; 1985 c.16 §325; 1985 c.420 §11; 1989 c.992 §21]

## OBEYING POLICE

**811.535 Failing to obey police officer; penalty.** (1) A person commits the offense of failing to obey a police officer if the person refuses or fails to comply with any lawful order, signal or direction of a police officer who:

(a) Is displaying the police officer's star or badge; and

(b) Has lawful authority to direct, control or regulate traffic.

(2) The offense described in this section, failing to obey a police officer, is a Class B traffic violation. [1983 c.338 §663; 1995 c.383 §79]

**811.540 Fleeing or attempting to elude police officer; penalty.** (1) A person commits the crime of fleeing or attempting to elude a police officer if:

(a) The person is operating a motor vehicle; and

(b) A police officer who is in uniform and prominently displaying the police officer's badge of office or operating a vehicle appropriately marked showing it to be an official police vehicle gives a visual or audible signal to bring the vehicle to a stop, including any signal by hand, voice, emergency light or siren, and either:

(A) The person, while still in the vehicle, knowingly flees or attempts to elude a pursuing police officer; or

(B) The person gets out of the vehicle and knowingly flees or attempts to elude the police officer.

(2) It is an affirmative defense to a prosecution of a person under this section that, after a police officer operating a vehicle not marked as an official police vehicle signaled the person to bring the person's vehicle to a stop, the person proceeded lawfully to an area the person reasonably believed was necessary to reach before stopping.

(3) The offense described in this section, fleeing or attempting to elude a police officer, is applicable upon any premises open to the public and:

- (a) Is a Class C felony if committed as described in subsection (1)(b)(A) of this section; or
- (b) Is a Class A misdemeanor if committed as described in subsection (1)(b)(B) of this section. [1983 c.338 §664; 1991 c.655 §1; 1997 c.532 §1; 1997 c.860 §1]

## PARKING, STOPPING AND STANDING

(Generally)

**811.550 Places where stopping, standing and parking prohibited.** This section establishes places where stopping, standing and parking a vehicle are prohibited for purposes of the penalties under ORS 811.555. Except as provided under an exemption in ORS 811.560, a person is in violation of ORS 811.555 if a person parks, stops or leaves standing a vehicle in any of the following places:

(1) Upon a roadway outside a business district or residence district, whether attended or unattended, when it is practicable to stop, park or leave the vehicle standing off the roadway. Exemptions under ORS 811.560 (1), (7) and (9) are applicable to this subsection.

(2) On a shoulder, whether attended or unattended, unless a clear and unobstructed width of the roadway opposite the standing vehicle is left for the passage of other vehicles and the standing vehicle is visible from a distance of 200 feet in each direction upon the roadway or the person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the standing vehicle by use of flaggers, flags, signs or other signals. Exemptions under ORS 811.560 (9) are applicable to this subsection.

(3) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway. Exemptions under ORS 811.560 (7) are applicable to this subsection.

(4) On a sidewalk. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(5) Within an intersection. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(6) On a crosswalk. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(7) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs and markings. For purposes of this subsection the safety zone must be an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(8) Alongside or opposite a street excavation or obstruction when stopping, standing or parking would obstruct traffic. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(9) Upon a bridge or other elevated structure upon a highway. Exemptions under ORS 811.560 (4) to (8) are applicable to this subsection.

(10) Within a highway tunnel. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(11) On any railroad or rail fixed guideway system tracks or within seven and one-half feet of the nearest rail at a time when the parking of vehicles would conflict with operations or repair of the tracks. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(12) On a throughway. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(13) In the area between roadways of a divided highway, including crossovers. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(14) At any place where traffic control devices prohibit stopping. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(15) In front of a public or private driveway. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(16) Within 10 feet of a fire hydrant. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(17) Within 20 feet of a crosswalk at an intersection. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(18) Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control device located at the side of the roadway if the standing or parking of a vehicle will obstruct the view of any traffic control device located at the side of the roadway. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(19) Within 15 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station, within 75 feet of the entrance. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(20) At any place where traffic control devices prohibit standing. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(21) Within 50 feet of the nearest rail of a railroad or rail fixed guideway system crossing. Exemptions under ORS 811.560 (3) to (7) are applicable to this subsection.

(22) At any place where traffic control devices prohibit parking. Exemptions under ORS 811.560 (3) to (7) are applicable to this subsection.

(23) On a bicycle lane. Exemptions under ORS 811.560 are applicable to this subsection.

(24) On a bicycle path. Exemptions under ORS 811.560 are applicable to this subsection.

[1983 c.338 §669; 1985 c.21 §1; 1985 c.334 §1; 1989 c.433 §2; 1997 c.249 §234; 2001 c.522 §9]

**811.555 Illegal stopping, standing or parking; affirmative defense; penalty.** (1) A person commits the offense of illegal stopping, standing or parking if:

(a) The person stops, parks or leaves standing a vehicle in a place where such stopping, parking or standing is prohibited under ORS 811.550; or

(b) The person is the owner of an unattended vehicle parked in a place where such parking is prohibited under ORS 811.550.

(2) Exemptions from this section are established under ORS 811.560.

(3) A police officer, under authority granted by ORS 810.430, may move or require to be moved a vehicle that is stopped, parked or left standing in violation of this section.

(4) It is an affirmative defense to a prosecution of the owner of a vehicle under subsection (1) (b) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

(5) The offense described by this section, illegal stopping, standing or parking, is a Class D traffic violation. [1983 c.338 §668; 1987 c.687 §4]

**811.560 Exemptions from prohibitions on stopping, standing and parking.** This section provides exemptions from ORS 811.550 and 811.555. The following exemptions are applicable as provided under ORS 811.550:

(1) When applicable, this subsection exempts school buses or worker transport buses stopped on a roadway to load or unload workers or children, providing that the flashing school bus safety lights on the bus are operating.

(2) When applicable, this subsection exempts vehicles stopped, standing or parked momentarily to pick up or discharge a passenger.

(3) When applicable, this subsection exempts vehicles stopped, standing or parked momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(4) When applicable, this subsection exempts vehicles owned or operated by the state, a county or city when stopping, standing or parking is necessary to perform maintenance or repair work on the roadway.

(5) When applicable, this subsection exempts vehicles from the prohibitions and penalties when the driver's disregard of the prohibitions is necessary to avoid conflict with other traffic.

(6) When applicable, this subsection exempts vehicles acting in compliance with law or at the direction of a police officer or a traffic control device.

(7) When applicable, this subsection exempts the driver of a vehicle that is disabled in such manner and to such extent that the driver cannot avoid stopping or temporarily leaving the disabled vehicle in a prohibited position.

(8) When applicable, this subsection exempts vehicles owned or operated by the State Department of Fish and Wildlife when stopping, standing or parking is necessary to enable employees to release fish.

(9) When applicable, this subsection exempts vehicles momentarily stopped to allow oncoming traffic to pass before making a right-hand or left-hand turn or momentarily stopped in preparation for or while negotiating an exit from the road. [1983 c.338 §670; 1985 c.334 §2; 1989 c.433 §3]

**811.565 Dangerous movement of stopped, standing or parked vehicle; penalty.** (1) A person commits the offense of dangerous movement of a stopped, standing or parked vehicle if

the person moves a vehicle so stopped, standing or parked when the movement cannot be made with reasonable safety.

(2) The offense described in this section, dangerous movement of a stopped, standing or parked vehicle, is a Class B traffic violation. [1983 c.338 §675; 1995 c.383 §80]

**811.570 Improperly positioning parallel parked vehicle; exception; affirmative defense; penalty.** (1) A person commits the offense of improperly positioning a parallel parked vehicle if:

(a) The person stops or parks a vehicle on a highway where parallel parking is permitted and the vehicle is not parked in accordance with the following:

(A) Upon a two-way highway, the vehicle shall be positioned so that the right-hand wheels are parallel to and within 12 inches of the right curb or, if none, as close as possible to the right edge of the right shoulder.

(B) On a one-way highway where parallel parking is permitted on either side, a vehicle parked or stopped on the right side shall be positioned in accordance with the requirements of subparagraph (A) of this paragraph and a vehicle parked or stopped on the left side shall be positioned so that the left-hand wheels are parallel to and within 12 inches of the left curb or, if none, as close as possible to the left edge of the left shoulder.

(C) Where marked parking spaces are provided, a vehicle shall be positioned so that it faces in the direction in which vehicles in the adjacent lane of the roadway are required to travel and so that the wheels are within the parking space markings which are parallel to the curb or, if none, to the edge of the shoulder; or

(b) The person is the owner of an unattended vehicle parked on a highway in violation of paragraph (a) of this subsection.

(2) The provisions of this section do not apply to the driver of a vehicle that is disabled in such manner and to such extent that the driver cannot avoid stopping or temporarily leaving the disabled vehicle in a position prohibited by this section.

(3) A police officer, under authority granted by ORS 810.430, may move or require to be moved a vehicle that is parked in violation of this section.

(4) It is an affirmative defense to a prosecution of the owner of a vehicle under subsection (1) (b) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

(5) The offense described in this section, improperly positioning a parallel parked vehicle, is a Class D traffic violation. [1983 c.338 §671; 1987 c.687 §5]

**811.575 Violation of posted parking restrictions on state highways; affirmative defense; penalty.** (1) A person commits the offense of violation of posted parking restrictions on state highways if appropriate signs or markings are posted giving notice of any regulations, restrictions or prohibitions on the parking, stopping or standing of vehicles on a state highway and:

(a) The person parks, stops or stands a vehicle on a state highway in violation of any such regulations, restrictions or prohibitions; or

(b) The person is the owner of an unattended vehicle parked on a state highway in violation of any such regulations, restrictions or prohibitions.

(2) Authority to impose restrictions, regulations and prohibitions on parking, stopping or standing of vehicles on state highways is established under ORS 810.160.

(3) It is an affirmative defense to a prosecution of the owner of a vehicle under subsection (1) (b) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

(4) The offense described in this section, violation of posted parking restrictions on state highways, is a Class D traffic violation. [1983 c.338 §672; 1987 c.687 §6]

**811.580 Parking vehicle on state highway for vending purposes; penalty.** (1) A driver commits the offense of unlawful parking for vending purposes if the person parks or leaves standing a vehicle on a right of way of a state highway for the purpose of advertising, selling or offering merchandise for sale except pursuant to written agreement with the Department of Transportation.

(2) The offense described in this section, unlawful parking for vending purposes is a Class D traffic violation. [1983 c.338 §674]

**811.585 Failure to secure motor vehicle; affirmative defense; penalty.** (1) A person commits the offense of failure to secure a motor vehicle if the person is driving or is in charge of a motor vehicle and:

(a) The person permits the vehicle to stand unattended on a highway without first doing all of the following:

(A) Stopping the engine.

(B) Turning the front wheels to the curb or side of the highway when standing upon any grade.

(C) Locking the ignition.

(D) Removing the key from the ignition.

(E) Effectively setting the brake on the vehicle; or

(b) The person is the owner of an unattended motor vehicle parked on a highway in violation of paragraph (a) of this subsection.

(2) It is an affirmative defense to a prosecution of the owner of a vehicle under subsection (1) (b) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

(3) The offense described in this section, failure to secure a motor vehicle, is a Class D traffic violation. [1983 c.338 §676; 1985 c.16 §326; 1987 c.687 §7; 1995 c.383 §81]

(Winter Recreation Parking Areas)

**811.590 Unlawful parking in winter recreation parking area; exemptions; penalty.** (1) A person commits the offense of unlawful parking in a winter recreation parking area if the person

parks a vehicle in a location designated as a winter recreation parking area under ORS 810.170 at any time from November 15 of any year to April 30 of the next year and the vehicle is not displaying a winter recreation parking permit issued under ORS 811.595.

(2) Unless the police officer issuing the citation witnesses the parking of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section was parked by the registered owner of the vehicle. If the parking of the vehicle is witnessed by the police officer, the operator of the vehicle is in violation of this section.

(3) In addition to those vehicles displaying a winter recreation parking permit, the following vehicles are not subject to the prohibition or penalty under this section:

(a) A vehicle owned and operated by the United States, another state or a political subdivision thereof.

(b) A vehicle owned and operated by this state or by any city, district or political subdivision thereof.

(c) A vehicle owned by a resident of another state if the vehicle displays a winter area parking permit issued in accordance with the laws of the state in which the owner of the vehicle resides and that is similar to the winter recreation parking permit issued under ORS 811.595. The exemption under this paragraph is only granted to the extent that a similar exemption or privilege is granted under the laws of the other state for vehicles displaying a winter recreation parking permit issued under ORS 811.595.

(4) The offense described in this section, unlawful parking in a winter recreation parking area, is punishable by a fine of \$30. [1983 c.338 §678; 1999 c.1010 §1]

**811.595 Winter recreation parking permit; rules; fees.** A winter recreation parking permit is a vehicle permit that is issued as evidence of a grant of authority to park a vehicle in a winter recreation parking location established under ORS 810.170 without violation of ORS 811.590. The Department of Transportation shall establish a program for the issuance of winter recreation parking permits under this section. The program established by the department shall comply with all of the following:

(1) The department shall adopt rules necessary for the issuance and administration of winter recreation parking permits. The rules shall be adopted under ORS chapter 183.

(2) The department shall include all of the following in the rules adopted under this section:

(a) The type of permit.

(b) The manner in which the permit is to be issued.

(c) The manner of displaying the permit on a vehicle.

(d) Procedures for issuance of permits by persons appointed by the department.

(3) Vehicle permits issued under this section shall be transferable from vehicle to vehicle.

(4) The fees for issuance of winter recreation parking permits are as provided under ORS 811.600. [1983 c.338 §679; 1985 c.16 §327]

**811.600 Fees for winter recreation parking permits.** The Oregon Transportation

Commission shall set the fees for issuance of a winter recreation parking permit issued under ORS 811.595 by rule. The commission shall consider recommendations of the Winter Recreation Advisory Committee in setting the fees under this section. The fees established for issuance of winter recreation parking permits shall be designed to cover the costs of enforcing the requirement for winter recreation parking permits and of removing snow from winter recreation parking locations designated under ORS 810.170, but may not exceed the following:

- (1) For winter recreation parking permits valid for a period of one day, \$5.
- (2) For winter recreation parking permits valid for a period of three consecutive days, \$10.
- (3) For winter recreation parking permits valid for a period of one year beginning each November, \$30. [1983 c.338 §684(1); 1985 c.16 §329(1); 1985 c.139 §5(1); 1993 c.245 §1; 1997 c.583 §7; 1999 c.1010 §2]

(Parking for Disabled Persons)

**811.602 Disabled person parking permit; content; rules.** (1) A disabled person parking permit is a means of identifying vehicles being used to exercise the parking privileges described in ORS 811.635. The following are disabled person parking permits:

- (a) A special decal described in ORS 811.605 issued by the Department of Transportation to be affixed to a golf cart or substantially similar vehicle;
- (b) An individual placard described in ORS 811.605;
- (c) A program placard issued by the department under ORS 811.607;
- (d) A family placard issued by the department under ORS 811.609; and
- (e) A foreign visitor placard issued by the department under ORS 811.611.

(2) The department shall issue a disabled person parking permit in the form of a decal or individual placard to any person who submits an application that complies with ORS 811.604. Nothing in this section prohibits the department from issuing a decal or individual placard to a person who has disabled veteran registration plates issued under ORS 805.100 and who qualifies for the decal or placard.

(3) Except as otherwise provided in this subsection, the department may not issue more than one individual placard to an applicant. The department may issue a replacement placard upon receipt of proof satisfactory to the department that the original placard has been lost, mutilated or destroyed. The department may issue a temporary duplicate permit to a person who needs a duplicate permit for travel purposes. A temporary duplicate permit shall be valid for 30 days. The department shall adopt rules governing application for and issuance of temporary duplicate permits. Nothing in this subsection prohibits issuance of an individual placard to a person who has been issued a decal.

(4) Permits issued under this section, other than temporary duplicate permits, may be renewed by mail.

(5) Permits for use on vehicles that are regularly used as part of a program for the transportation of disabled persons are issued as provided in ORS 811.607.

(6) Except as provided in subsection (7) of this section, the department shall determine the form, size and content of any decal or placard issued under this section and shall adopt rules governing their issuance, display and use as necessary to carry out this section.

(7)(a) Except as provided in paragraph (b) of this subsection, the department may not require a decal or placard issued under this section to an individual or a family to contain any identifying information about the person to whom the decal or placard is issued, including any of the following:

- (A) Name;
- (B) Address;
- (C) Telephone number;
- (D) Social Security number;
- (E) Driver license number;
- (F) Golf cart driver permit number;
- (G) Identification card number;
- (H) Passport or visa number; or
- (I) Photograph.

(b) The department may require a decal or placard issued under this section to an individual or a family to contain not more than four digits of the driver license or identification card number of the person to whom the decal or placard is issued. [1987 c.187 §7; 1989 c.243 §2; 1991 c.741 §1; 1993 c.751 §66; 1995 c.462 §1; 2001 c.827 §11; 2005 c.406 §1]

**Note:** Section 5, chapter 406, Oregon Laws 2005, provides:

**Sec. 5.** The amendments to ORS 811.602, 811.605, 811.606 and 811.609 by sections 1 to 4 of this 2005 Act apply to disabled person parking permits issued or renewed on or after the effective date of this 2005 Act [January 1, 2006]. [2005 c.406 §5]

**811.603 Identification card without photograph; issuance; rules.** (1) The Department of Transportation shall issue an identification card without a photograph to an applicant for a disabled person parking permit if the applicant does not have a driver license or permit or an identification card issued by the department under ORS 807.400 and if the applicant submits a statement from a physician that it would be impractical or harmful to the applicant, because of medical or physical condition, to appear at an office of the department and be photographed for an identification card.

(2) The department shall determine by rule the terms, conditions and requirements of an identification card issued under this section except that the department may not require either that an applicant appear personally in order to receive or renew a card or that the card contain a photograph. [1991 c.741 §2b; 2001 c.827 §12]

**811.604 Application for disabled person parking permit.** (1) Application for issuance of a disabled person parking permit in the form of an individual placard or decal issued under ORS

811.602 shall include:

(a) A certificate by a licensed physician, a certified nurse practitioner or a licensed physician assistant to the Department of Transportation that the applicant is a disabled person or a certificate by a licensed optometrist that the applicant is a disabled person because of loss of vision or substantial loss of visual acuity or visual field beyond correction; and

(b) The number of a current, valid driver license, golf cart driver permit or identification card issued to the applicant by the department.

(2) Application for renewal of a disabled person parking permit shall be a signed statement from the holder of the permit saying that the person is still qualified to hold the permit. [1987 c.187 §8; 1989 c.243 §6; 1991 c.741 §2; 1995 c.462 §2; 1999 c.582 §16; 2001 c.827 §13]

**811.605 Contents of individual placard or decal.** (1) An applicant for an individual placard or decal issued by the Department of Transportation under ORS 811.602 must have a driver license, a disability golf cart driver permit or an identification card issued by the department. The placard or decal shall be valid so long as the license, permit or identification card is valid and may be renewed when the license, permit or card is renewed.

(2) An individual placard or decal shall contain an expiration date that is visible from outside the vehicle when the placard or decal is displayed on or in the vehicle. The expiration date shall be the same as the expiration date of the driver license, golf cart driver permit or identification card of the holder of the placard. [1989 c.243 §4; 2005 c.406 §2]

**Note:** See note under 811.602.

**811.606 Parking permit for temporarily disabled person.** The Department of Transportation may issue a placard showing an expiration date not to exceed six months after the date of issuance for use by temporarily disabled persons upon submission by the applicant of a certificate described in ORS 811.604 except that it certifies that the applicant is temporarily disabled for less than four years. An applicant for a temporary permit need not have a driver license, permit or identification card. [1987 c.187 §9; 1987 c.296 §4; 1989 c.243 §7; 1991 c.741 §3; 1993 c.741 §85; 2001 c.827 §14; 2005 c.406 §3]

**Note:** See note under 811.602.

**811.607 Program placards; rules.** The Department of Transportation shall issue disabled person parking permits in the form of program placards for use on vehicles that are regularly used as part of a program for the transportation of disabled persons or by an adult foster care home. All the following apply to placards issued under this section:

(1) The department shall determine the form, size and content of the placards except that the department shall require that a placard contain the name of the program holding the placard and the department shall require that the expiration date of a placard be visible when the placard is

displayed in the vehicle.

(2) Placards issued under this section shall be valid for a period of eight years from the date of issue. Upon expiration, placards may be renewed in a manner determined by the department by rule. The department shall authorize renewal by mail of placards issued under this section.

(3) The department shall determine by rule how programs for the transportation of disabled persons may qualify vehicles for placards issued under this section. [1989 c.243 §5; 1991 c.741 §4; 1999 c.91 §4; 2001 c.827 §15]

**811.608** [1987 c.187 §10; repealed by 1989 c.243 §18]

**811.609 Family placards.** The Department of Transportation shall issue disabled person parking permits in the form of family placards for use on vehicles that are regularly used by a family that includes more than one disabled person. All the following apply to placards issued under this section:

(1) The department shall determine the form, size and content of the placards except that the department shall require that the expiration date of a placard be visible when the placard is displayed in the vehicle.

(2) Placards issued under this section shall be valid for a period of eight years from the date of issue. Upon expiration, placards may be renewed in a manner determined by the department by rule.

(3) The department shall not issue or renew a placard under this section unless a licensed physician certifies that the family includes at least two disabled persons. [1991 c.741 §4b; 1999 c.91 §5; 2001 c.827 §16; 2005 c.406 §4]

**Note:** See note under 811.602.

**811.610** [1985 c.246 §2; repealed by 1991 c.741 §7]

**811.611 Foreign visitor placard.** (1) The Department of Transportation may issue a disabled person parking permit in the form of a placard to a person who is visiting from a foreign country if the person presents to the department either a valid driver license or other grant of driving privileges from the foreign country or a passport or visa showing that the person is a visitor to the United States and presents one of the following:

(a) A valid disabled person parking permit issued by the country that issued the visitor's passport or visa;

(b) A certificate from an official of the agency that issues disabled person parking permits in the country that issued the visitor's passport or visa certifying that the person holds a valid disabled person parking permit; or

(c) A certificate from a licensed physician, a certified nurse practitioner or a licensed physician assistant addressed to the Department of Transportation certifying that the applicant is

a disabled person, or a certificate from a licensed optometrist certifying that the applicant is a disabled person because of loss of vision or substantial loss of visual acuity or visual field beyond correction.

(2) A disabled person parking permit issued under this section is valid for 30 days. [1997 c.680 §2; 1999 c.582 §17; 2001 c.827 §17]

**811.612 Maintenance of privileges after relocation.** To maintain disabled person parking privileges after relocation, a person who relocates to Oregon and who holds a disabled person parking permit from another state shall obtain an Oregon disabled person parking permit pursuant to ORS 811.602. [2001 c.367 §6]

**811.615 Unlawful parking in space reserved for disabled persons; exceptions; penalty.**

(1) A person commits the offense of unlawful parking in a space reserved for disabled persons if:

(a) The person parks a vehicle in any parking space that is on private or public property and that is marked or signed to provide parking for disabled persons and the vehicle does not conspicuously display a disabled person parking permit described under ORS 811.602 or 811.606 or a disabled parking permit issued by another jurisdiction; or

(b) The person parks a vehicle in the aisle required by ORS 447.233 regardless of whether or not the vehicle displays a disabled person parking permit.

(2) This section does not apply to any of the following:

(a) Momentarily parking a vehicle in a parking space marked or signed for disabled persons for the purposes of allowing a disabled person to enter or leave the vehicle.

(b) Any parking space that is marked or signed to provide parking for disabled persons and that is subject to different provisions or requirements under city or county ordinance if the different provisions or requirements are clearly posted.

(3) Unless the police officer or other authorized person issuing the citation witnesses the parking of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section was parked by the registered owner of the vehicle and the citation issued for the violation may be placed upon the vehicle. If the parking of the vehicle is witnessed by the police officer or other person authorized to issue a citation for the offense, the operator of the vehicle is in violation of this section.

(4) The penalties provided by this section shall be imposed regardless of the text or symbol displayed on the marking or sign reserving the space or aisle for disabled persons. The penalties are in addition to the following:

(a) A vehicle parked on private property in violation of this section is subject to removal under ORS 98.810 and to lien and sale under ORS 98.812.

(b) A vehicle parked in violation of this section may be removed and sold as provided under ORS 811.620.

(5) The offense described in this section, unlawful parking in a space reserved for disabled persons, is a Class A traffic violation except that a person in violation of this section shall pay a

minimum fine of \$190 for the first offense and a minimum fine of \$450 for each subsequent offense.

(6) Notwithstanding any other provision of law and except as otherwise provided in subsection (7) of this section:

(a) A court may not suspend imposition or execution of a sentence to pay at least the minimum fine required by this section for a person's first offense unless the court finds from clear and convincing evidence that compelling circumstances require a suspension of a portion of the fine in the interests of justice. In no event shall a court suspend under this paragraph more than \$140 of the minimum \$190 fine.

(b) A court may not suspend imposition or execution of a sentence to pay a fine for a second or subsequent offense.

(7) If the court finds that the person who was issued a citation for the offense described in this section lawfully held, but failed to properly display, a valid permit at the time of citation, then the court may suspend all but \$20 of the fine. [1983 c.338 §680; 1985 c.16 §328; 1987 c.187 §2; 1989 c.243 §8; 1991 c.741 §11; 1993 c.195 §1; 1995 c.79 §373; 1997 c.680 §4; 2001 c.367 §1]

**811.617 Blocking parking space reserved for disabled person; penalty.** (1) A person commits the offense of blocking a parking space reserved for disabled persons if the person:

(a) Stops or parks a vehicle in such a way as to block access to a parking space that is on private or public property and that is marked or signed to provide parking for disabled persons; or

(b) Places an object or allows an object to be placed in such a manner that it blocks access to a parking space that is on private or public property and that is marked or signed to provide parking for disabled persons.

(2)(a) Unless the police officer or other authorized person issuing the citation witnesses the stopping or parking of a vehicle in violation of subsection (1)(a) of this section, there is a rebuttable presumption that the vehicle was stopped or parked by the registered owner of the vehicle and a citation issued for the violation may be placed upon the vehicle. If the stopping or parking of the vehicle is witnessed by the police officer or other person authorized to issue a citation for the offense, or if the operator is in the vehicle, the operator of the vehicle is in violation of this section.

(b) Unless the police officer or other authorized person issuing the citation witnesses the blocking of a parking space in violation of subsection (1)(b) of this section, there is a rebuttable presumption that the owner or manager of the parking lot placed or allowed placement of the object blocking access to the parking space and a citation may be issued to the owner or manager of the parking lot. If a police officer or other person issuing the citation sees a person placing an object in violation of subsection (1)(b) of this section, the officer or other person may issue the citation to the person seen.

(3) For purposes of this section, a parking space includes any adjacent access aisle as described in ORS 447.233.

(4) The offense described in this section, blocking a parking space reserved for disabled

persons, is a Class D traffic violation except that a person in violation of this section shall pay a minimum fine of \$50. Notwithstanding any other provision of law, a court may not suspend imposition or execution of a sentence to pay at least the minimum fine required by this section unless the court finds that the defendant is indigent. [1997 c.498 §2; 2001 c.367 §2]

**811.620 Removal of vehicle illegally parked in space reserved for disabled persons.** If a vehicle is illegally parked in violation of ORS 811.615, the vehicle may be removed and, if notice required under subsection (3) of this section is given, is subject to costs for the removal and storage of the vehicle as provided under the following:

(1) The owner of private property may have the vehicle removed from the property in the manner provided for removal of vehicles under ORS 98.812.

(2) Subject to subsection (3) of this section, any state agency or political subdivision of this state may provide for the removal and storage of the vehicle and the vehicle shall be subject to the following:

(a) The state agency or political subdivision may require payment of reasonable costs for removal and storage of the vehicle before the vehicle is released.

(b) If the vehicle is not claimed and any fees required under this subsection are not paid within 30 days of the removal, a lien described under ORS 98.812 (3) attaches to the vehicle and its contents for the reasonable costs for removal and storage of the vehicle and contents.

(3) If a vehicle is removed under subsection (2) of this section, the garagekeeper or public parking operator removing the vehicle shall:

(a) Notify the local law enforcement agency of the location of the vehicle within one hour after the vehicle is placed in storage; and

(b) Unless the vehicle is claimed, give notice, within 10 days after the vehicle is placed in storage, to the vehicle owner or any other person with an interest in the vehicle, as indicated by the title records. If notice under this paragraph is given by mail, it must be mailed within the 10-day period, but need not be received within that period. [1983 c.338 §433; 1985 c.16 §227; 1993 c.233 §56]

**811.625 Unlawful use of disabled person parking permit by nondisabled person; penalty.** (1) A person commits the offense of the unlawful use of a disabled person parking permit by a nondisabled person if the person:

(a) Is not a disabled person and is not transporting the holder of a disabled person parking permit to or from the parking location; and

(b) Uses a disabled person parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635.

(2) The offense described in this section, unlawful use of disabled person parking permit by a nondisabled person, is a Class A traffic violation except that a person in violation of this section shall pay a minimum fine of \$450. Notwithstanding any other provision of law, a court may not suspend imposition or execution of a sentence to pay at least the minimum fine required by this

section. [1983 c.338 §681; 1987 c.187 §3; 1989 c.243 §9; 1991 c.741 §12; 1995 c.79 §374; 2001 c.367 §3]

**811.627 Use of invalid disabled person parking permit; penalty.** (1) A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:

- (a) Has been previously reported as lost or stolen;
- (b) Has been altered;
- (c) Was issued to a person who is deceased at the time of the citation;
- (d) Has not been issued under ORS 811.602;
- (e) Is a photocopy or other reproduction of a permit, regardless of the permit status; or
- (f) Is mutilated or illegible.

(2) Unless the police officer or other authorized person issuing the citation witnesses the parking of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section was parked by the registered owner of the vehicle and the citation issued for the violation may be placed upon the vehicle. If the parking of the vehicle is witnessed by the police officer or other person authorized to issue a citation for the offense, the operator of the vehicle is in violation of this section.

(3) The offense described in this section, use of an invalid disabled person parking permit, is a Class A traffic violation except that a person in violation of this section shall pay a minimum fine of \$450. Notwithstanding any other provision of law and except as provided in subsection (5) of this section, a court may not suspend imposition or execution of a sentence to pay at least the minimum fine required by this section.

(4) If the court finds that a person committed the offense described in this section, the court shall collect the permit and return it to the Department of Transportation for destruction unless the person claims the permit was lost or destroyed, or the police officer or other person authorized to issue a citation for the offense collected the permit.

(5) If the court finds that a person committed the offense described in this section by using a permit that was mutilated or illegible, the court may assess any fine it deems appropriate up to the maximum amount allowable for the offense. If the mutilated or illegible permit has been replaced by the department, the court may dismiss the citation. [2001 c.367 §7]

**811.630 Misuse of program placard; penalty.** (1) A person commits the offense of misuse of a program placard if the person:

- (a) Is the driver of a vehicle that is being used as part of a program for the transportation of disabled persons; and
- (b) Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

(2) The offense described in this section, misuse of a program placard, is a Class A traffic violation except that a person in violation of this section shall pay a minimum fine of \$190 for a

first offense and a minimum fine of \$450 for each subsequent offense. Notwithstanding any other provision of law, a court may not suspend imposition or execution of a sentence to pay at least the minimum fine required by this section. [1983 c.338 §682; 1987 c.187 §4; 1989 c.243 §10; 2001 c.367 §4]

**811.632 Appointment of volunteers to issue citations for violation of disabled person parking laws.** (1) A law enforcement agency authorized to enforce parking laws may appoint volunteers to issue citations for violations of ORS 811.615, 811.617, 811.625 and 811.630, or of ordinances dealing with parking privileges for disabled persons. Volunteers appointed under this subsection must be at least 21 years of age. The law enforcement agency appointing the volunteers may establish any other qualifications the agency deems desirable.

(2) Any agency appointing volunteers under this section shall provide training to the volunteers before authorizing them to issue citations.

(3) A citation issued by a volunteer appointed under this section shall have the same force and effect as a citation issued by a police officer for the same offense. [1991 c.741 §10; 1997 c.498 §3]

**Note:** 811.632 was enacted into law by the Legislative Assembly but was not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**811.635 Privileges granted by disabled person parking permit other than program placard.** All of the following apply to the parking privileges granted to disabled persons under a disabled person parking permit other than a program placard described in ORS 811.607:

(1) The privileges granted under a permit may be exercised notwithstanding ORS 811.575, any authority granted under ORS 810.160 or parking restrictions imposed by any city or county and without violation thereof.

(2) Subject to the limitations under subsection (3) of this section, a permit allows its holder, or another person while transporting its holder to or from the parking location, to exercise the following privileges:

(a) Park a motor vehicle in any public parking zone restricted as to the length of time permitted therein without incurring penalties imposed for overtime parking in such zones.

(b) Park a motor vehicle in any public parking zone with metered parking without being required to pay any parking meter fee.

(3) The privileges granted under subsection (2) of this section do not include any of the following:

(a) Parking in zones where stopping, parking or standing of all motor vehicles is prohibited.

(b) Parking in the late evening or overnight where such parking is prohibited.

(c) Parking in zones reserved for special types of motor vehicles or activities.

(d) Parking in zones where parking is permitted only for 30 minutes or less.

(4) In addition to other privileges granted under a permit, the person issued a permit, or another person while transporting the person issued the permit to or from the parking location, may use the permit to park in a parking space that is marked or signed to provide parking for disabled persons without violation of ORS 811.615. [1983 c.338 §683; 1985 c.139 §4; 1987 c.187 §5; 1989 c.243 §11]

**811.637 Privileges granted by program placards.** (1) Notwithstanding ORS 811.635, a program placard described under ORS 811.607 confers only the following privileges:

(a) It authorizes the driver of a vehicle that is being used as part of the program to which the placard was issued to park the vehicle for three hours or less in any public parking zone restricted as to the length of time permitted therein without incurring penalties for overtime parking in such zones;

(b) It authorizes the driver of a vehicle that is being used as part of the program to which the placard was issued to park the vehicle for three hours or less in any public parking zone with metered parking without being required to pay any parking meter fee; and

(c) It authorizes the driver of a vehicle that is being used as part of the program to which the placard was issued to park the vehicle for three hours or less in any parking space that is marked or signed to provide parking for disabled persons without violation of ORS 811.615, so long as the vehicle conspicuously displays the permit.

(2) The privileges granted under subsection (1) of this section do not include any of the following:

(a) Parking in zones where stopping, parking or standing of all motor vehicles is prohibited.

(b) Parking in the late evening or overnight where such parking is prohibited.

(c) Parking in zones reserved for special types of motor vehicles or activities.

(d) Parking in zones where parking is permitted only for 30 minutes or less. [1989 c.243 §13; 1999 c.779 §1]

**811.640** [1983 c.338 §684(2); 1985 c.16 §329(2); 1985 c.139 §5(2); 1987 c.187 §11; 1989 c.243 §14; 1991 c.741 §5; 1995 c.462 §3; 1997 c.680 §3; 1999 c.91 §6; repealed by 2001 c.827 §18]

## ACCIDENTS

### (Duties)

**811.700 Failure to perform duties of driver when property is damaged; penalty.** (1) A person commits the offense of failure to perform the duties of a driver when property is damaged if the person is the driver of any vehicle and the person does not perform duties required under any of the following:

(a) If the person is the driver of any vehicle involved in an accident that results only in

damage to a vehicle that is driven or attended by any other person the person must perform all of the following duties:

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

(B) Remain at the scene of the accident until the driver has fulfilled all of the requirements under this paragraph.

(C) Give to the other driver or passenger the name and address of the driver and the registration number of the vehicle that the driver is driving and the name and address of any other occupants of the vehicle.

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

(b) If the person is the driver of any vehicle that collides with any vehicle that is unattended, the person shall immediately stop and:

(A) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle; or

(B) Leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

(c) If the person is the driver of any vehicle involved in an accident resulting only in damage to fixtures or property legally upon or adjacent to a highway, the person shall do all of the following:

(A) Take reasonable steps to notify the owner or person in charge of the property of such fact and of the driver's name and address and of the registration number of the vehicle the driver is driving.

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

(2) The offense described in this section, failure to perform the duties of a driver when property is damaged, is a Class A misdemeanor and is applicable on any premises open to the public. [1983 c.338 §572]

**811.705 Failure to perform duties of driver to injured persons; penalty.** (1) A person commits the offense of failure to perform the duties of a driver to injured persons if the person is the driver of any vehicle involved in an accident that results in injury or death to any person and does not do all of the following:

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

(b) Remain at the scene of the accident until the driver has fulfilled all of the requirements

under this subsection.

(c) Give to the other driver or surviving passenger or any person not a passenger who is injured as a result of the accident the name and address of the driver and the registration number of the vehicle that the driver is driving and the name and address of any other occupants of the vehicle.

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

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

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

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

(b) Failure to perform the duties of a driver to injured persons is a Class B felony if a person suffers serious physical injury as defined in ORS 161.015 or dies as a result of the accident. [1983 c.338 §573; 1993 c.621 §1; 2001 c.919 §1]

**811.706 Money damages resulting from violation of ORS 811.700 or 811.705.** When a person is convicted of violating ORS 811.700 or 811.705, the court, in addition to any other sentence it may impose, may order the person to pay an amount of money equal to the amount of any damages caused by the person as a result of the incident that created the duties in ORS 811.700 or 811.705. [1995 c.782 §2]

**Note:** 811.706 was enacted into law by the Legislative Assembly but was not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**811.707 Crime classification for violation of ORS 811.705.** The Oregon Criminal Justice Commission shall classify the crime of failure to perform the duties of a driver to injured persons as crime category 8 of the sentencing guidelines grid of the commission if a person suffers

serious physical injury as defined in ORS 161.015 or dies as a result of the accident that forms the basis of the conviction. [2001 c.919 §2]

**Note:** 811.707 was enacted into law by the Legislative Assembly but was not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**811.710 Failure to perform duties of driver when animal is injured; penalty.** (1) A person commits the offense of failure to perform the duties of a driver when an animal is injured if the person knowingly strikes and injures a domestic animal and the person does not do all of the following:

- (a) Stop at once.
- (b) Make a reasonable effort to determine the nature of the animal's injuries.
- (c) Give reasonable attention to the animal.
- (d) Immediately report the injury to the animal's owner.
- (e) If unable to contact the owner of the animal, notify a police officer.

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

(3) The offense described in this section, failure to perform the duties of a driver when an animal is injured, is a Class B traffic violation. [1983 c.338 §574]

**811.715 Failure to perform duties of witness to accident; penalty.** (1) A person commits the offense of failure to perform the duties of a witness to an accident if the person:

- (a) Witnesses an accident that results in injury or death to any person or causes damage to a vehicle that is driven or attended by any person; and
- (b) Does not furnish to the driver or occupant of such vehicles or injured person, the true name and address of the witness.

(2) The offense described in this section, failure to perform the duties of a witness to an accident, is a Class B traffic violation. [1983 c.338 §575]

(Reports)

**811.720 When accident must be reported.** (1) Except as provided in subsection (4) of this section, any accident occurring on a highway or upon premises open to the public resulting in injury or death to any person is subject to the reporting requirements under the following sections:

- (a) The reporting requirements for drivers under ORS 811.725.
- (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.
- (c) The reporting requirements for owners of vehicles under ORS 811.730.

(2) Except as provided in subsection (4) of this section, an accident occurring on a highway or upon premises open to the public resulting in damage to the property of any person in excess of

\$1,500 is subject to the following reporting requirements:

(a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the manner specified under ORS 811.725.

(b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

(c) If the property damage is to property other than a vehicle involved in the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must report the accident in the manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

(d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed from the scene of the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must report the accident in the manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

(3) The dollar amount specified in subsection (2) of this section may be increased every five years by the Department of Transportation based upon any increase in the Portland-Salem Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this subsection shall be rounded to the nearest \$100.

(4) The following are exempt from the reporting requirements of this section:

(a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

(b) A law enforcement official acting in the course of official duty if the accident involved a law enforcement official performing a lawful intervention technique or a law enforcement official and a person acting during the commission of a criminal offense. As used in this paragraph:

(A) “Law enforcement official” means a person who is responsible for enforcing the criminal laws of this state or a political subdivision of this state and who is employed or volunteers:

(i) As a peace officer commissioned by a city, port, school district, mass transit district, county or county service district authorized to provide law enforcement services under ORS 451.010;

(ii) With the Department of State Police or the Criminal Justice Division of the Department of Justice; or

(iii) As an investigator of a district attorney’s office, if the investigator is certified as a peace officer in this state.

(B) “Lawful intervention technique” means a method by which one motor vehicle causes, or attempts to cause, another motor vehicle to stop. [1983 c.338 §576; 1987 c.258 §11; 1993 c.614 §1; 1997 c.279 §1; 2001 c.827 §7; 2003 c.531 §1; 2005 c.405 §1]

**Note:** Section 2, chapter 531, Oregon Laws 2003, provides:

**Sec. 2.** The amendments to ORS 811.720 by section 1 of this 2003 Act apply to accidents occurring on or after the effective date of this 2003 Act [January 1, 2004]. [2003 c.531 §2]

**811.725 Driver failure to report accident; penalty.** (1) The driver of a vehicle commits the offense of driver failure to report an accident if the driver does any of the following:

(a) Is driving any vehicle that is involved in an accident required to be reported under ORS 811.720 and does not, within 72 hours of the accident, complete a report of the accident in a form approved by the Department of Transportation and submit the report to the department.

(b) Is driving a vehicle that is involved in an accident and does not submit to the department any report required by the department that is other than or in addition to the reports required by this section. The department may request a supplemental report if in the opinion of the department the original report is insufficient.

(c) Is driving any vehicle that is involved in an accident required to be reported under ORS 811.720 and does not, within 72 hours of the accident, certify to the department, in a form furnished by the department, that at the time of the accident the person was in compliance with the financial responsibility requirements.

(2) The certification of compliance with financial responsibility required under this section is subject to the prohibitions and penalties for false certification under ORS 806.050.

(3) The reports described under this section are subject to the provisions of ORS 802.220 and 802.240 relating to the use of such reports after submission. Exemptions from requirements to certify compliance with financial responsibility are established under ORS 806.020.

(4) A driver may be required to file additional accident reports with a city as provided under ORS 801.040.

(5) The offense described in this section, driver failure to report an accident, is a Class B traffic violation. [1983 c.338 §577; 1985 c.393 §36; 1993 c.751 §67; 2005 c.195 §1]

**811.730 Owner failure to report accident; penalty.** (1) The owner of a vehicle commits the offense of owner failure to report an accident if the owner does any of the following:

(a) If the person owns a vehicle that is involved in an accident that is required to be reported under ORS 811.720 and all of the following apply:

(A) The accident occurred while the vehicle was driven by someone other than the owner of the vehicle.

(B) The driver of the vehicle does not make an accident report as required under ORS 811.725.

(C) The owner of the vehicle fails to report the accident to the Department of Transportation in a form specified by the department as soon as the owner learns of the accident.

(b) If the person is the owner of a vehicle involved in an accident and the person does not make any additional reports the department may require.

(2) The offense described in this section, owner failure to report an accident, is a Class B traffic violation. [1983 c.338 §578; 1985 c.393 §37; 1993 c.751 §68]

**811.735 Failure of vehicle occupant to make accident report; penalty.** (1) A person

commits the offense of failure of a vehicle occupant to make an accident report if:

- (a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is involved in an accident required to be reported under ORS 811.720;
  - (b) The driver of the vehicle is physically incapable of making an accident report required under ORS 811.725; and
  - (c) The occupant does not make the accident report or cause the accident report to be made.
- (2) This section does not require an occupant of a vehicle who is not a driver to make any certification of compliance with financial responsibility requirements.
- (3) The offense described in this section, failure of a vehicle occupant to make an accident report, is a Class B traffic violation. [1983 c.338 §579]

**811.740 False accident report; penalty.** (1) A person commits the offense of giving a false accident report if the person gives information in any report required under ORS 811.725 or 811.730, knowing or having reason to believe that such information is false.

(2) The offense described in this section, giving a false accident report, is a Class B misdemeanor. [1983 c.338 §581; 1985 c.393 §38]

## FUNERAL PROCESSIONS

**811.800 Operation of funeral vehicles with improper lights; penalty.** (1) A person commits the offense of operation of a funeral escort vehicle or a funeral lead vehicle with improper lights if the person:

- (a) Fails to equip the funeral escort vehicle or funeral lead vehicle with at least one “fire company warning light” as provided for under ORS 816.350 and described under ORS 816.285; or
  - (b) Uses the “fire company warning light” at any time except during a funeral procession.
- (2) No ordinance or other regulation shall prohibit the use of warning lights on a funeral escort vehicle or funeral lead vehicle while driving in a funeral procession.

(3) The offense described in this section, operation of a funeral escort vehicle or funeral lead vehicle with improper lights, is a Class D traffic violation. [1991 c.482 §6; 1993 c.18 §170; 1995 c.383 §1]

**811.802 Failure to yield right of way to funeral procession; penalty.** (1) A person commits the offense of failure to yield the right of way to a funeral procession if the funeral procession is accompanied by a funeral escort vehicle or a funeral lead vehicle and the person does not do the following:

- (a) Yield the right of way to the funeral procession.
- (b) Stop before entering any intersection and remain stopped until the funeral procession has passed.
- (c) Obey any directions given by a driver of a funeral escort vehicle.

(2) Except as otherwise provided in subsection (3) of this section and except for emergency vehicles and police vehicles or at the direction of a police officer, this section applies to pedestrians, bicyclists, motor vehicle drivers and anyone else in the path of a funeral procession.

(3) This section applies only to persons who knew or in the exercise of reasonable care should have known of the presence of a funeral procession.

(4) The offense described in this section, failure to yield the right of way to a funeral procession, is a Class D traffic violation. [1991 c.482 §7; 1995 c.383 §2]

**811.804 Intersection rules for funeral processions.** (1) While exercising due caution regarding the safety of others, notwithstanding any traffic control device, right of way provisions or other provisions of the Oregon Vehicle Code, if the funeral escort vehicle or funeral lead vehicle lawfully enters an intersection, the following procession may enter the intersection without stopping.

(2) Notwithstanding subsection (1) of this section, the vehicles in the funeral procession shall yield the right of way:

- (a) To an emergency vehicle giving an audible or visible signal; or
- (b) If directed by a police officer to do so. [1991 c.482 §8]

**811.806 Exceeding maximum speed for funeral procession; penalty.** (1) Notwithstanding any other provision of law, a person commits the offense of exceeding the maximum speed for a funeral procession if:

- (a) The person is driving in a funeral procession on a highway with a speed limit of less than 50 miles per hour and the person drives at a speed that exceeds five miles per hour less than the speed limit; or
- (b) The person is driving in a funeral procession on a highway with a speed limit greater than 50 miles per hour and the person drives at a speed that exceeds 45 miles per hour.

(2) The offense described in this section, exceeding the maximum speed for a funeral procession, is a Class D traffic violation. [1991 c.482 §12; 1995 c.383 §3]

**811.808 Exemption from speed limits for funeral escort vehicle.** Notwithstanding ORS 811.111 or 811.295, while overtaking the funeral procession in order to direct traffic at the next intersection, the funeral escort vehicle may exceed the posted speed limit by 10 miles per hour and may cross the center line of a roadway that is divided into two or more lanes. [1991 c.482 §9; 2003 c.14 §494; 2003 c.819 §10]

**811.810 Disrupting funeral procession; penalty.** (1) A person commits the offense of disrupting a funeral procession if:

- (a) The person is driving a vehicle that is not a member of the funeral procession and the person drives between the vehicles in a funeral procession; or
- (b) The person is driving a vehicle that is not a member of the funeral procession and the

person joins the funeral procession in order to be exempt from any rule of the road.

(2) This section does not apply to any emergency vehicle or police vehicle while that vehicle is performing emergency or police duties.

(3) The offense described in this section, disrupting a funeral procession, is a Class D traffic violation. [1991 c.482 §10; 1995 c.383 §4]

**811.812 Free passage for funeral procession vehicles.** Any person or vehicle participating in a funeral procession shall be allowed to pass free through all tollgates, tunnels, toll bridges and ferries. [1991 c.482 §11]

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## CHAPTER 812

[Reserved for expansion]

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## Chapter 815 — Vehicle Equipment Generally

2005 EDITION

### VEHICLE EQUIPMENT GENERALLY

#### OREGON VEHICLE CODE

#### GENERAL PROVISIONS

815.005 Consistent parts and equipment authorized

815.010 Compliance with standards for equipment; federal standards to supersede state

815.015 Department inspection of vehicles for compliance

815.020 Operation of unsafe vehicle; penalty

815.025 Causing unreasonable noise with vehicle; penalty

#### AUTHORITY TO ESTABLISH STANDARDS

815.030 State vehicle equipment standards

815.035 Rules for standards for roadside warning devices

815.040 Standards for window and windshield material

815.045 Rules for use of traction tires and chains; signs

815.052 Rules establishing standards for protective headgear

815.055 Rules establishing standards for safety belts, harnesses and child safety systems

815.060 Rules establishing standards for slow-moving vehicle emblems

815.065 Rules establishing standards for hydraulic brake fluid

815.070 Road warning signals for tow vehicles or wreckers

#### PROVIDING UNLAWFUL EQUIPMENT

815.075 Selling vehicles or equipment that violates rules; exemptions; penalty

815.080 Providing safety belt, harness or child safety system that does not comply with standards; exemptions; penalty

815.085 Servicing with or selling unapproved brake fluid; penalty

815.090 Replacement of vehicle windows with unapproved material; penalty

815.095 Unlawful sales, installations or representations concerning pollution control systems; penalty

815.097 Providing vehicle with mercury light switch

#### OPERATING WITH UNLAWFUL EQUIPMENT

815.100 Operation of vehicle that violates equipment rules; penalty

815.105 Exemptions from equipment requirements

815.107 Exemption from equipment requirements for street rods

#### SPECIFIC EQUIPMENT

(Slow-Moving Vehicles)

815.110 Requirements for and use of slow-moving vehicle emblem

815.115 Violation of emblem requirements; penalty

815.120 Exemptions from emblem requirements

(Brakes)

815.125 Requirements and standards

815.130 Improper brakes; penalty

815.135 Exemptions from brake requirements

(Tires)

815.140 Failure to use vehicle traction tires or chains; penalty

815.145 Exemptions from traction tire or chains requirement

815.155 Unlawful use of device without wheels; exemptions; civil liability; penalty

815.160 Unlawful use of metal objects on tires; civil liability; penalty

815.165 Exemptions from prohibition on tires with metal objects

815.167 Prohibition on selling studs other than lightweight studs

815.170 Operation without pneumatic tires; civil liability; penalty

815.175 Exemptions from pneumatic tire requirement

(Mudguards, Fenders)

815.180 Standards

815.182 Kinds of mudguards required for specified vehicles; placement

815.185 Operation without proper fenders or mudguards; penalty

815.190 Exemptions from mudguard and fender requirements

(Visible Emissions)

815.195 Requirements and standards

815.200 Violation of visible emission limits; penalty

815.205 Exemptions from visible emission limits

(Windows)

815.210 Operation of vehicle without approved material in windows; exemptions; penalty

815.215 Failure to have windshield wipers; exemptions; penalty

815.220 Obstruction of vehicle windows; penalty

815.221 Tinting; authorized and prohibited materials; certificate

815.222 Illegal window tinting; penalty

(Horns, Sound Equipment)

815.225 Violation of use limits on sound equipment; exemptions; penalty

815.230 Violation of sound equipment requirements; exemptions; penalty

(Sound System Amplification)

815.232 Unreasonable sound amplification from a vehicle; penalty

815.233 Enhancement of penalty for violation of ORS 815.232

(Mirrors)

815.235 Operation without rearview mirror; exemptions; penalty

(Image Display Devices)

815.240 Unlawful use of image display device; exemptions; penalty

(Clearance)

815.245 Violation of minimum clearance requirements for passenger vehicles; penalty

(Exhaust System)

815.250 Operation without proper exhaust system; exemptions; penalty

(Speedometer)

815.255 Operation of vehicle for hire without speedometer; exemptions; penalty

(Disposal System)

815.260 Operation of recreational vehicle with unsealed disposal system; exemption; penalty  
(Loads)

815.270 Operating vehicle that is loaded or equipped to obstruct driver; penalty

815.275 Failure to mark end of load with light or flag when required; penalty  
(Bicycles)

815.280 Violation of bicycle equipment requirements; penalty

815.281 Selling noncomplying bicycle headgear; renting or leasing bicycle without having approved headgear available; penalties

(Motorized Wheelchairs)

815.282 Operating motorized wheelchair on bicycle lane without proper lighting equipment

(Motor Assisted Scooters)

815.283 Violation of motor assisted scooter equipment requirements; penalty

(Electric Personal Assistive Mobility Devices)

815.284 Violation of electric personal assistive mobility device equipment requirements; penalty

(Warning Devices)

815.285 Failure to carry roadside vehicle warning devices; exemptions; penalty

(Implements of Husbandry)

815.290 Exemptions from equipment requirements

(Pollution Control Equipment)

815.295 Failure to have required pollution control equipment; exemptions; penalty

815.300 Exemptions from requirement to be equipped with pollution control system

815.305 Disconnection or alteration of pollution control equipment; penalty

815.310 Proof of compliance with requirements

815.315 Use of improper certificate for pollution control system; penalty

815.320 Unlawful certification of compliance with pollution control requirements; penalty

815.325 Unlawfully requiring repair for certification of compliance with pollution control requirements; penalty

(Odometer Offenses)

815.405 Department review of odometer disclosure statements

815.410 Illegal odometer tampering; prohibition; exceptions; civil remedy; penalty

815.415 Unlawful repair of odometer; rules; civil action; penalty

815.420 Unlawfully removing odometer repair notice; penalty

815.425 Failure to submit odometer disclosure; penalty

815.430 Submitting false odometer disclosure; penalty

(Traffic Control Signal Operating Devices)

815.440 Unauthorized possession, use or distribution of traffic control signal operating device; exemption; penalty

815.445 Authority to use traffic control signal operating devices; costs

## GENERAL PROVISIONS

**815.005 Consistent parts and equipment authorized.** Nothing in the vehicle code shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of the vehicle code. [1983 c.338 §434]

**815.010 Compliance with standards for equipment; federal standards to supersede state.** (1) Testing requirements for equipment standards adopted under the vehicle code shall be met by the manufacturer submitting a report from a laboratory approved by the Department of Transportation showing compliance with the current federal regulations or the standards of the Society of Automotive Engineers, the American National Standards Institute or the National Institute of Standards and Technology. This subsection supersedes any provision to the contrary in the vehicle code.

(2) A federal vehicle safety standard that conflicts with an equipment provision of the vehicle code applicable to the same aspect of performance shall supersede that specific provision of the vehicle code

with respect to vehicles in compliance with the federal vehicle safety standard that was in effect at the time of sale. [1983 c.338 §435; 1985 c.16 §228; 1989 c.402 §2; 1991 c.67 §221; 2003 c.14 §497; 2003 c.158 §1]

**815.015 Department inspection of vehicles for compliance.** The Department of Transportation may at any time inspect any vehicle to determine its compliance with the equipment provisions and other provisions of the vehicle code. [1983 c.338 §436]

**815.020 Operation of unsafe vehicle; penalty.** (1) A person commits the offense of operation of an unsafe vehicle if the person does any of the following:

(a) Drives or moves on any highway any vehicle which is in such unsafe condition as to endanger any person.

(b) Owns a vehicle and causes or knowingly permits the vehicle to be driven or moved on any highway when the vehicle is in such unsafe condition as to endanger any person.

(2) The offense described in this section, operation of an unsafe vehicle, is a Class B traffic violation. [1983 c.338 §437]

**815.025 Causing unreasonable noise with vehicle; penalty.** (1) A person commits the offense of causing unreasonable noise with a vehicle if the person operates upon any highway any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of the vehicle.

(2) The offense described in this section, causing unreasonable noise with a vehicle, is a Class D traffic violation. [1983 c.338 §438; 1987 c.158 §171; 1995 c.383 §22]

## AUTHORITY TO ESTABLISH STANDARDS

**815.030 State vehicle equipment standards.** (1) The Department of Transportation shall adopt and enforce minimum standards for vehicle performance or vehicle equipment performance consistent with this section.

(2) Standards adopted by the department under this section shall be consistent with any vehicle standards established under federal regulations or under standards of the Society of Automotive Engineers, the American National Standards Institute or the National Institute of Standards and Technology.

(3) As federal regulations concerning vehicle equipment are subsequently amended or repealed the department may consider subsequent federal vehicle safety standards and adopt standards with respect to any vehicle or item of vehicle equipment applicable to the same aspect of performance of such vehicle or item of equipment if the department determines that the subsequent federal standards are practicable, provide an objective standard and meet the need for vehicle safety.

(4) Standards adopted by the department under this section supersede any equipment provision of the vehicle code applicable to the same aspect of performance that conflicts with a specific provision of a standard adopted by the department under this section with respect to compliance with safety standards in effect at the time of sale.

(5) The department shall continue to adopt equipment standards as required under other sections of the vehicle code if there is no standard under this section.

(6) Proof of certification of equipment under this section may be in the form of a symbol or designation prescribed in federal standards or if there is no federal symbol or designation, by a symbol or designation acceptable to the department.

(7) Compliance with any requirements for equipment under this section is subject to ORS 815.010.

(8) Prohibitions and penalties relating to the standards established under this section are provided under ORS 815.075 and 815.100. [1983 c.338 §439; 1985 c.188 §1; 2003 c.158 §2]

**815.035 Rules for standards for roadside warning devices.** The Department of Transportation shall adopt rules to establish standards for roadside vehicle warning devices for purposes of ORS 811.530 and 815.285. The rules shall include requirements for the placement and use of such warning devices to provide warning of disabled vehicles. [1985 c.16 §230]

**815.040 Standards for window and windshield material.** (1) The Department of Transportation shall establish standards for safety glazing material used in vehicle windows and windshields including standards for any glazing material so constructed, treated or combined with other materials as to reduce substantially, in comparison to ordinary sheet or plate glass, the likelihood of injury to persons by broken or cracked glass or by objects from external sources.

(2) The standards established under this section shall conform, insofar as practical, to safety standards and specifications for safety glazing material issued by the federal government.

(3) Prohibitions and penalties relating to the standards established under this section are provided under ORS 815.090 and 815.210.

(4) The standards established under this section may not restrict the installation and use of window tinting material that meets the requirements of ORS 815.221. [1983 c.338 §440; 1989 c.402 §3; 1995 c.263 §5; 2003 c.14 §498; 2003 c.158 §3]

**815.045 Rules for use of traction tires and chains; signs.** (1) The Oregon Transportation Commission shall adopt rules necessary to carry out ORS 815.140. The rules adopted by the commission:

(a) Shall establish the various types of conditions under which vehicle traction tires or chains must be used.

(b) Shall define types of vehicle traction tires or chains that may be used under various road conditions. The commission rules under this paragraph shall comply with the following:

(A) Traction tire shall be defined to include any tire that meets traction standards established by the Department of Transportation.

(B) Tires with studs that are permitted under ORS 815.165 shall be allowed as traction tires under the rules.

(C) The department may require that traction tires without studs bear identifying marks, defined by the department, that indicate that the tire was manufactured specifically for adverse weather conditions.

(D) Chains shall be defined to include link chains, cable chains or any other device that attaches to the wheel, vehicle or outside of the tire and that augments the traction of a vehicle.

(c) Shall establish signs to be posted under conditions that require vehicle traction tires or chains.

(d) May establish types or classes of vehicles that are exempt from requirements to use vehicle traction tires or chains under certain conditions if the commission determines that the operation of the class or type of vehicle would be safe under those conditions.

(2) A road authority shall:

(a) Determine when conditions on a segment of highway require the use of vehicle traction tires or chains as defined by the commission;

(b) Determine which segments of a highway shall be posted as described under this section to require

vehicle traction tires or chains; and

(c) Provide for the placement and removal of signs requiring the use of vehicle traction tires or chains. [1983 c.338 §441; 1985 c.16 §231; 1993 c.741 §86; 1997 c.493 §1]

**815.050** [1983 c.338 §442; 1985 c.16 §232; 1993 c.751 §73; repealed by 1995 c.492 §8]

**815.052 Rules establishing standards for protective headgear.** The Department of Transportation shall adopt and enforce rules establishing minimum standards and specifications for safe protective headgear to be worn by people operating bicycles, by passengers on bicycles and by people riding on skateboards or scooters or using in-line skates. The rules shall conform, insofar as practicable, to national safety standards and specifications for such headgear. [1993 c.408 §6; 2003 c.106 §2; 2005 c.141 §1]

**815.055 Rules establishing standards for safety belts, harnesses and child safety systems.** (1) The Department of Transportation shall adopt and enforce rules establishing minimum standards and specifications for the construction and installation of safety belts, safety harnesses or child safety systems and anchors or other devices to which safety belts, safety harnesses or child safety systems may be attached and secured. The rules adopted under this subsection are subject to the following:

(a) The rules that establish minimum standards and specifications for child safety systems required and regulated under this section and ORS 811.210 and 815.080 shall conform to the standards for child safety systems established by the federal government. Child safety systems are required to meet those standards in effect at the date of manufacture.

(b) All rules adopted under this subsection shall conform to the regulations and standards established by the federal government relating to safety belt assemblies that are applicable to motor vehicles at the date of manufacture.

(2) The department may purchase in the market and test or submit to testing laboratories any safety belt, safety harness, child safety system or anchor or other device. The department shall enforce the penalties under ORS 815.080 if it determines that the belt, harness, child safety system or anchor or other device does not conform to the minimum standards established under this section.

(3) Prohibitions and penalties relating to sale and use of equipment subject to this section are provided under ORS 811.210 and 815.080. [1983 c.338 §443; 1985 c.16 §233; 1989 c.402 §4; 1993 c.751 §74; 2001 c.679 §2; 2003 c.158 §9]

**815.060 Rules establishing standards for slow-moving vehicle emblems.** The Department of Transportation shall adopt rules for slow-moving vehicle emblems for purposes of ORS 815.110 and 815.115. The rules adopted under this section shall:

(1) Require a slow-moving vehicle emblem that is reflectorized or fluorescent and that is of a standard type.

(2) Establish design and mounting requirements that the emblem must meet.

(3) Conform to the nationally accepted standards for slow-moving vehicle emblems. [1983 c.338 §444]

**815.065 Rules establishing standards for hydraulic brake fluid.** The Department of Transportation shall adopt and enforce rules for the purpose of regulation of hydraulic brake fluid under ORS 815.085. The rules shall establish standards and specifications and labeling requirements for hydraulic brake fluid and other liquid mediums through which force is transmitted to the brakes in the hydraulic brake system of a

vehicle. The rules, in so far as practicable, shall conform to safety standards and specifications for brake fluids issued by the federal government and to the current standards and specifications of the Society of Automotive Engineers applicable to such fluid. The department shall publish rules adopted under this section. Penalties and prohibitions relating to the rules are as provided under ORS 815.085. [1983 c.338 §446; 1989 c.402 §5; 2003 c.158 §12]

**815.070 Road warning signals for tow vehicles or wreckers.** The Oregon Transportation Commission shall prescribe warning signs or signals for placement on roadways by tow vehicles or wreckers under ORS 822.220. [1983 c.338 §449; 1985 c.16 §236; 1987 c.119 §2]

## PROVIDING UNLAWFUL EQUIPMENT

**815.075 Selling vehicles or equipment that violates rules; exemptions; penalty.** (1) A person commits the offense of selling vehicles or equipment that violates state equipment administrative rules if the person sells or offers for sale any vehicle or sells or offers for sale for use upon a vehicle or uses on any vehicle any equipment if the vehicle or equipment:

(a) Does not conform to standards established by the Department of Transportation by rule under ORS 815.030; and

(b) Does not bear thereon proof of certification that it complies with the applicable standards.

(2) Proof of certification required under this section may be made in any manner provided under ORS 815.030.

(3) This section is subject to the following exemptions in addition to any exemptions under ORS 801.026:

(a) Vehicles of special interest that are registered under ORS 805.020 are deemed to comply with this section if:

(A) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating order; or

(B) The vehicles are street rods that conform to ORS 815.107.

(b) Road machinery, road rollers, implements of husbandry, farm trailers and farm tractors are not subject to this section.

(c) Antique vehicles are not subject to this section if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) The offense described under this section, selling vehicles or equipment that violates state equipment administrative rules, is a Class D traffic violation. [1983 c.338 §450; 1985 c.16 §237; 1989 c.402 §6; 1995 c.79 §375; 1995 c.383 §23; 1997 c.402 §6]

**815.080 Providing safety belt, harness or child safety system that does not comply with standards; exemptions; penalty.** (1) A person commits the offense of providing a safety belt, harness equipment or a child safety system that does not comply with standards if the person does any of the following:

(a) Sells or offers for sale a new motor vehicle that is not equipped with safety belts, safety harnesses or child safety systems that comply with and are installed in compliance with the rules adopted by the Department of Transportation under ORS 815.055. This paragraph applies only to motor vehicles that are primarily designed for transportation of individuals and that have seating for one or more passengers side-

by-side with the operator. This paragraph requires only that the vehicle be equipped with one seat belt or harness for the operator and one for at least one of the passengers seated beside the operator.

(b) Sells or offers for sale any safety belt, safety harness, child safety system, anchor or other device for attaching or securing safety belts, safety harnesses or child safety system if the belt, harness, child safety system, anchor or device does not comply with the rules adopted by the department under ORS 815.055. This paragraph applies only to belts, harnesses, child safety systems, anchors or devices for use or installation on a vehicle that is primarily designed for transportation of individuals.

(c) Sells or offers for sale any safety belt, safety harness, child safety system, anchor or other device for attaching or securing safety belts, safety harnesses or child safety systems if the belt, harness, child safety system, anchor or device is not marked as required under federal safety standards and if the mark is not legible when the belt, harness, child safety system, anchor or other device is used or installed on a vehicle. This paragraph applies only to belts, harnesses, child safety systems, anchors or devices for use or installation on a vehicle that is primarily designed for transportation of individuals.

(d) Installs any safety belt, safety harness, child safety system, anchor or other device for attaching or securing safety belts, safety harnesses or child safety systems on a vehicle that is primarily designed for the transportation of individuals except in compliance with rules adopted by the department under ORS 815.055.

(2) This section does not apply to school buses or school activity vehicles that are subject to equipment standards adopted by the State Board of Education or the State Board of Higher Education under ORS 820.100.

(3) The offense described in this section, providing a safety belt, harness equipment or a child safety system that does not comply with standards, is a Class C traffic violation. [1983 c.338 §452; 1985 c.16 §238; 1985 c.420 §5; 1987 c.119 §3; 1993 c.751 §113; 1995 c.383 §24; 1999 c.39 §10; 2003 c.158 §11]

**815.085 Servicing with or selling unapproved brake fluid; penalty.** (1) A person commits the offense of servicing with or selling unapproved brake fluid if the person does any of the following:

(a) Distributes, has for sale, offers for sale or sells any hydraulic brake fluid or any other liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle if the fluid or liquid does not comply with the standards, specifications and labeling established by rule by the Department of Transportation under ORS 815.065.

(b) Services any vehicle with any hydraulic brake fluid or any other liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle if the fluid or liquid does not comply with the standards, specifications and labeling established by rule by the department under ORS 815.065.

(2) The offense described in this section, servicing with or selling unapproved brake fluid, is a Class A misdemeanor. [1983 c.338 §454]

**815.090 Replacement of vehicle windows with unapproved material; penalty.** (1) A person commits the offense of replacement of vehicle windows with unapproved material if the person makes or procures the replacement of windows or windshields in a motor vehicle and the replacement is made with a material that does not meet the standards established by the Department of Transportation under ORS 815.040.

(2) This section does not apply to vehicles that are exempt under ORS 815.210 from the prohibitions against operating a vehicle without approved materials in the vehicle windows.

(3) The offense described in this section, replacement of vehicle windows with unapproved material, is

a Class A misdemeanor. [1983 c.338 §455; 2003 c.158 §4]

**815.095 Unlawful sales, installations or representations concerning pollution control systems; penalty.** (1) A person commits the offense of making unlawful sales of, installations of or representations concerning vehicle pollution control systems if the person does any of the following:

(a) Sells, displays, advertises or represents as a certified system any motor vehicle pollution control system that is not certified under ORS 468A.365.

(b) Installs or sells for installation upon a motor vehicle any motor vehicle pollution control system for which a certificate of approval has not been issued under ORS 468A.365.

(2) The offense described in this section, making unlawful sales, installations or representations concerning vehicle pollution control systems, is a Class A misdemeanor but each day of violation does not constitute a separate offense. [1983 c.338 §456; 1985 c.16 §239]

**815.097 Providing vehicle with mercury light switch.** A person commits the offense of providing a vehicle with a mercury light switch if the person sells or offers for sale in this state a vehicle manufactured after January 1, 2006, that contains a mercury light switch mounted on the hood or trunk. [2001 c.924 §7]

## OPERATING WITH UNLAWFUL EQUIPMENT

**815.100 Operation of vehicle that violates equipment rules; penalty.** (1) A person commits the offense of operation of a vehicle that violates state equipment administrative rules if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a vehicle if the vehicle or any equipment on the vehicle:

(a) Does not conform to standards established by the Department of Transportation by rule under ORS 815.030; and

(b) Does not bear thereon proof of certification that it complies with the applicable standards.

(2) Proof of certification required under this section may be made in any manner provided under ORS 815.030.

(3) This section is subject to the exemptions from this section established under ORS 815.105.

(4) Vehicle equipment standards established by rule under ORS 815.030 supersede any other equipment standards under the vehicle code when so provided by ORS 815.030.

(5) The offense described under this section, operation of vehicle that violates state equipment administrative rules, is a Class C traffic violation. [1983 c.338 §466; 1985 c.16 §244; 1985 c.393 §16]

**815.105 Exemptions from equipment requirements.** This section establishes exemptions from ORS 815.030 and 815.100. Exemptions under this section are in addition to any exemptions under ORS 801.026. Exemptions under this section are partial or complete as described in the following:

(1) Vehicles of special interest that are registered under ORS 805.020 are deemed to comply with ORS 815.030 and 815.100 if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(2) Road machinery, road rollers, implements of husbandry, farm trailers and farm tractors are exempt from ORS 815.030 and 815.100.

(3) Antique vehicles are exempt from ORS 815.030 and 815.100 if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) Motorized wheelchairs are exempt from ORS 815.030 and 815.100 when used as permitted under ORS 811.440. [1983 c.338 §467; 1985 c.16 §245; 1989 c.402 §7; 1991 c.417 §5; 1997 c.402 §7]

**815.107 Exemption from equipment requirements for street rods.** A vehicle of special interest that is a street rod is exempt from vehicle equipment requirements under ORS 815.075, 815.105, 815.120, 815.135, 815.175, 815.190, 815.210, 815.215, 815.230, 815.250, 815.255 and 816.340 if all of the following apply:

(1) The vehicle is equipped with original manufacturer's equipment and accessories, or their equivalent, except that:

(a) The drive train, suspension system or brake system on the original vehicle may be replaced with a drive train, suspension system or brake system that:

(A) Conforms to the requirements of ORS 815.125, if applicable;

(B) Conforms to applicable standards established by the Department of Transportation by rule under ORS 815.030; and

(C) Bears any required proof of certification that the equipment complies with the applicable standards;

(b) The dimensions of the original body of the vehicle may be altered if the altered body conforms to the standards established by the department by rule under ORS 815.030;

(c) The hood, bumpers and fenders of the vehicle may be removed from the vehicle; and

(d) The exhaust system may be modified to discharge exhaust along the side of the vehicle if the exhaust is discharged away from the vehicle and from a location to the rear of the rear edge of the front door of the vehicle.

(2) The vehicle is maintained in safe operating condition. [1997 c.402 §5; 1999 c.59 §243]

## SPECIFIC EQUIPMENT

### (Slow-Moving Vehicles)

**815.110 Requirements for and use of slow-moving vehicle emblem.** This section establishes requirements for ORS 815.115. The requirements under this section are in addition to any other requirements for lighting equipment provided by law. Except as specifically provided by an exemption under ORS 815.120, a person violates ORS 815.115 if the person does not comply with any of the following requirements:

(1) The following types of vehicles must display slow-moving vehicle emblems described under ORS 815.060:

(a) Vehicles or combinations of vehicles designed for customary use at speeds of less than 25 miles per hour.

(b) Golf carts or similar vehicles when operated by a disabled person.

(c) Class I all-terrain vehicles operated on a highway under ORS 821.191 (1).

(2) Slow-moving vehicle emblems must meet the requirements for such emblems established by the Department of Transportation by rule under ORS 815.060.

(3) Slow-moving vehicle emblems shall be displayed on the rear of the power unit. When a

combination of vehicles is being operated in a manner that obscures the emblem mounted on the power unit, an additional emblem shall be displayed on the rear of the rearmost vehicle in the combination. [1983 c.338 §469; 2001 c.529 §5]

**815.115 Violation of emblem requirements; penalty.** (1) A person commits the offense of violation of slow-moving vehicle emblem requirements if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a vehicle or combination of vehicles if the vehicle or combination of vehicles:

(a) Is required by ORS 815.110 to be equipped with a slow-moving vehicle emblem and the vehicle is not equipped with an emblem in the manner required by ORS 815.060.

(b) Is displaying a slow-moving vehicle emblem when not required under ORS 815.110 or in a manner not in conformity with ORS 815.060.

(2) This section is subject to exemptions from this section established under ORS 815.120.

(3) The offense described in this section, violation of slow-moving vehicle emblem requirements, is a Class C traffic violation. [1983 c.338 §468; 1985 c.393 §17]

**815.120 Exemptions from emblem requirements.** This section establishes exemptions from the requirements of ORS 815.110 and 815.115. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) Vehicles of special interest that are registered under ORS 805.020 are deemed to comply with the requirements if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(2) Antique vehicles are not subject to the standards if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) Road machinery, road rollers and farm tractors are not subject to the requirements except as provided in this subsection. Such vehicles or combinations thereof are subject to the requirements if the vehicles are designed for use at speeds less than 25 miles per hour, except when such vehicles are engaged in actual construction or maintenance work and guarded by a flagger or by clear visible warning signs. [1983 c.338 §470; 1985 c.16 §246; 1985 c.69 §8; 1997 c.402 §8]

(Brakes)

**815.125 Requirements and standards.** This section establishes requirements for ORS 815.130. Except as specifically provided by an exemption under ORS 815.135, a vehicle or combination of vehicles is in violation of ORS 815.130, if the vehicle or combination of vehicles is not equipped with brakes as required under the following or if the brakes do not meet the standards described under the following:

(1) Motorcycles and mopeds shall be provided with at least one brake that may be operated by hand or foot.

(2) Motor vehicles other than mopeds or motorcycles shall be equipped with brakes that include two separate means of applying the brakes. Each of the separate means of applying the brakes shall be effective

to apply the brakes to at least two wheels and, if the separate means of applying the brakes are connected in any way, shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(3) A combination of vehicles that includes a motor vehicle and any other vehicle shall be equipped with a brake system on one or more of the vehicles.

(4) Brakes on any vehicle must be adequate to control movement of and to stop and to hold the vehicle or combination of vehicles.

(5) Brakes on any vehicle must be maintained in good working order.

(6) Every motor vehicle and combination of motor vehicles except mopeds or motorcycles shall at all times be equipped with a parking brake system. A parking brake system required by this subsection must meet all the following requirements:

(a) The system must be adequate to hold the vehicle or combination of motor vehicles on any grade where operated under any condition of loading on a surface free from ice or snow.

(b) The system shall at all times be capable of being applied by either the driver's muscular effort, by spring action or by other energy. This paragraph is violated if the method for applying the system is not sufficient to make the system hold a vehicle as required by this subsection.

(c) If the system is applied by an energy source, the source must be isolated from other uses and used exclusively for the operation of the system.

(d) The method for keeping the brakes applied must be other than by fluid pressure, air pressure or electric energy.

(e) The system shall be designed so that the brakes cannot be released unless they may be immediately reapplied.

(7) Brakes on vehicles of the following described weight must be able to stop the vehicle moving at the described speed within the described distance without leaving a 12-foot wide lane:

(a) Vehicles with a registration weight of less than 8,000 pounds must be able to brake from a speed of 20 miles per hour to a stop within 25 feet.

(b) Vehicles with a registration weight of 8,000 pounds or more and combinations of vehicles must be able to brake from a speed from 20 miles per hour to a stop within 35 feet. [1983 c.338 §472; 1985 c.16 §247]

**815.130 Improper brakes; penalty.** (1) A person commits the offense of having improper brakes if the person does any of the following:

(a) Drives or moves on any highway a vehicle that is not equipped with brakes that meet requirements under ORS 815.125.

(b) Owns a vehicle and causes or knowingly permits the vehicle to be driven or moved on any highway when the vehicle is not equipped with brakes that meet the requirements under ORS 815.125.

(2) This section is subject to the exemptions from this section established under ORS 815.135.

(3) The offense described in this section, improper brakes, is a Class C traffic violation. [1983 c.338 §471; 1995 c.383 §25]

**815.135 Exemptions from brake requirements.** This section establishes exemptions from ORS 815.130. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) The following vehicles shall be deemed in compliance with the brake requirements if the vehicles

are equipped with original manufacturer's equipment and accessories, or their equivalent, and maintained in safe operating condition:

(a) Except as provided in subsection (2) of this section, motor vehicles of special interest that are registered under ORS 805.020.

(b) Antique motor vehicles that are registered under ORS 805.010.

(2) Motor vehicles of special interest that are registered under ORS 805.020 and that are street rods, as defined in ORS 801.513, shall be deemed in compliance with the brake requirements if the street rods conform to ORS 815.107.

(3) The following vehicles are exempt from the brake requirements:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors.

(d) Electric personal assistive mobility devices. [1983 c.338 §473; 1985 c.69 §2; 1997 c.402 §9; 2003 c.341 §15]

(Tires)

**815.140 Failure to use vehicle traction tires or chains; penalty.** (1) A person commits the offense of failure to use vehicle traction tires or chains if the person drives or moves or owns and causes or knowingly permits to be driven or moved any motor vehicle or trailer on any highway if the highway is posted showing conditions that require vehicle traction tires or chains and the vehicle is not equipped with vehicle traction tires or chains that are required for the posted conditions.

(2) Traction tires or chains that are referred to in this section are those established by rule under the authority granted under ORS 815.045.

(3) This section does not apply to vehicles exempted from this section under ORS 815.145.

(4) This section only applies to sections of highway on which a road authority requires the use of traction tires or chains and on which signs requiring the use of traction tires or chains have been posted as provided in ORS 815.045.

(5) A court shall not find a person to be in violation of the offense described under this section if the court determines that the conditions of the highway at the time the person was cited did not require posting under rules adopted under ORS 815.045. The defense under this subsection may be affirmatively asserted by any person cited for violation of the offense described in this section.

(6) The offense described in this section, failure to use vehicle traction tires or chains, is a Class C traffic violation. [1983 c.338 §474; 1995 c.383 §119; 1997 c.493 §2]

**815.145 Exemptions from traction tire or chains requirement.** This section establishes exemptions from ORS 815.140. The following are completely or partially exempt as described:

(1) Police vehicles under any conditions.

(2) Fire vehicles when responding to a fire.

(3) An ambulance when responding to an emergency.

(4) A passenger vehicle or truck is not required to use chains if the vehicle or truck:

(a) Has an unloaded weight of 6,500 pounds or less;

(b) Is equipped and operated to provide power to both front and rear wheels;

(c) Is carrying chains as defined in ORS 815.045;

(d) Is equipped with tires, on all wheels, that are vehicle traction tires as defined in ORS 815.045;

(e) Is not towing another vehicle other than as may be necessary to remove disabled vehicles from the roadway; and

(f) Is not being operated in a manner or under conditions where the vehicle loses traction while stopping, cornering or moving.

(5) Vehicles exempt by rule under ORS 815.045. [1983 c.338 §475; 1997 c.493 §3]

**815.150** [1983 c.338 §476; 1985 c.16 §248; 1987 c.145 §1; 1991 c.67 §222; repealed by 1997 c.326 §2 and 1997 c.493 §6]

**815.155 Unlawful use of device without wheels; exemptions; civil liability; penalty.** (1) A person commits the offense of unlawful use of devices without wheels if the person does any of the following:

(a) Drives or moves on a highway any sled or other device that does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the highway and that has a loaded weight in excess of 500 pounds.

(b) Owns a sled or other device that does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the highway and that has a loaded weight in excess of 500 pounds and causes or permits the sled or device to be driven or moved on a highway. Operation of any sled or device in violation of this section is prima facie evidence that the owner of the sled or device caused or permitted the sled or device to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section.

(2) The application of this section is subject to the following exemptions:

(a) This section does not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(b) This section does not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(c) Operations authorized under the terms of a variance permit issued under ORS 818.200 are subject to the terms of the permit. It is a defense to any charge of violation of this section if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation issued prior to and valid at the time of the offense.

(d) This section does not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the federal government, the State of Oregon, or any county or incorporated city in the construction, maintenance or repair of public highways and at the immediate location or site of such construction, maintenance or repair.

(e) This section does not apply to vehicles while being used on the roads of a road authority by mass transit districts for the purposes authorized under ORS 267.010 to 267.390, provided the operation is approved by the road authority for that road.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, unlawful use of devices without wheels, is a Class C traffic violation. [1983 c.338 §477; 1985 c.16 §249; 1985 c.393 §18]

**815.160 Unlawful use of metal objects on tires; civil liability; penalty.** (1) A person commits the offense of unlawful use of metal objects on tires if the person does any of the following:

(a) Drives or moves on a highway any vehicle equipped with any tire having on its periphery any block, stud, cleat, bead, chain or other protuberance of metal or other inflexible material that projects beyond the tread or traction surface of the tire.

(b) Owns a vehicle and causes or permits the vehicle to be driven or moved on a highway when the vehicle is equipped with any tire having on its periphery any block, stud, cleat, bead, chain or other protuberance of metal or other inflexible material that projects beyond the tread or traction surface of the tire. Operation of any vehicle in violation of this section is prima facie evidence that the owner of the vehicle caused or permitted the vehicle to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 815.165.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, unlawful use of metal objects on tires, is a Class C traffic violation. [1983 c.338 §478; 1985 c.393 §19]

**815.165 Exemptions from prohibition on tires with metal objects.** This section establishes exemptions from ORS 815.160. The exemptions under this section are in addition to any under ORS 801.026. Exemptions are partial or complete as described in the following:

(1) Any vehicle on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) Any vehicle on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) Operations approved under a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 815.160 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation issued prior to and valid at the time of the offense.

(4) Vehicles actually engaged at the time in construction or repair of highways in this state.

(5) Traction engines moved upon dirt or unimproved roads.

(6) Vehicles equipped with chains as defined in ORS 815.045.

(7) Between November 1 of any year and April 1 of the following year, vehicles equipped with any tire having on its periphery studs of metal or other material extending beyond the tread surface of the tire not less than four-hundredths (0.04) inch nor more than six-hundredths (0.06) inch and made of such material that the studs will wear, through use, at the same rate as the tread surface of the tire. When the preservation of the highway surface or the safety of the traveling public so indicates, the Department of Transportation shall have the authority to shorten or lengthen the period for the permissible use of such tires in any area of the state specifically designated by the department.

(8) School buses with a loaded weight of 10,000 pounds or more.

(9) Emergency vehicles and ambulances used in an emergency situation.

(10) Motor vehicles used for regularly scheduled medical transport services.

(11) The owner or lessee of any land adjoining any highway may move across or along the highway any tractor or implement of husbandry for the purpose of planting, cultivating, caring for or harvesting any crop, on condition that the owner or lessee shall be liable to the State of Oregon for the benefit of the State Highway Fund with respect to state highways, or to the proper county for the benefit of the county road

fund with respect to county highways, for any damage or injury done to the highway by the movement. [1983 c.338 §479; 1985 c.420 §7; 1997 c.493 §4; 2003 c.757 §1]

**815.167 Prohibition on selling studs other than lightweight studs.** (1) A tire dealer may not sell a tire equipped with studs that are not lightweight studs.

(2) A tire dealer may not sell a stud other than a lightweight stud for installation in a tire.

(3) As used in this section:

(a) “Lightweight stud” means a stud that is recommended by the manufacturer of the tire for the type and size of the tire and that:

(A) Weighs no more than 1.5 grams if the stud is size 14 or less;

(B) Weighs no more than 2.3 grams if the stud size is 15 or 16; or

(C) Weighs no more than 3.0 grams if the stud size is 17 or larger.

(b) “Tire dealer” means a person engaged in a business, trade, occupation, activity or enterprise that sells, transfers, exchanges or barter tires or tire related products for consideration. [1995 c.701 §2; 1997 c.493 §5]

**815.170 Operation without pneumatic tires; civil liability; penalty.** (1) A person commits the offense of operation without pneumatic tires if the person does any of the following:

(a) Drives, operates or moves on a highway any vehicle or combination of vehicles that is not equipped with pneumatic tires made of elastic material.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven, operated or moved on a highway when not equipped with pneumatic tires made of elastic material. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 815.175.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, operation without pneumatic tires, is a Class C traffic violation. [1983 c.338 §480; 1985 c.393 §20]

**815.175 Exemptions from pneumatic tire requirement.** This section establishes exemptions from ORS 815.170. The exemptions under this section are in addition to any exemptions under ORS 801.026. Exemptions are partial or complete as described in the following:

(1) Vehicles are not subject on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) Vehicles are not subject on any road, thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) Operation authorized under the terms of a variance permit issued under ORS 818.200 is subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 815.170 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense.

(4) ORS 815.170 does not apply to any implement of husbandry that is equipped with any tires made of elastic material other than pneumatic tires or with tires made with any nonelastic material that are not prohibited under ORS 815.160 and that has a loaded weight of not more than 7,000 pounds and a loaded weight as measured at any axle of not more than 3,500 pounds.

(5) Vehicles of special interest that are registered under ORS 805.020 are deemed in compliance if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(6) ORS 815.170 does not apply to road machinery, road rollers or farm tractors.

(7) ORS 815.170 does not apply to antique vehicles if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property. [1983 c.338 §481; 1985 c.16 §250; 1997 c.402 §10]

(Mudguards, Fenders)

**815.180 Standards.** This section designates fender and mudguard standards for ORS 815.185. Except as specifically provided by an exemption under ORS 815.190, a vehicle is in violation of ORS 815.185 if the vehicle is not equipped with fenders or mudguards as required under ORS 815.185 or if the fenders or mudguards do not meet the standards of this section or are not of the type required by this section. The standards for fenders and mudguards are as follows:

(1) There are three different types of fenders and mudguards. Any vehicle required to have fenders and mudguards may be equipped with any fender, cover, flap or splash apron to comply with the requirements of ORS 815.185 for fenders and mudguards as long as the fenders and mudguards meet all of the following standards:

(a) The width of any fender or mudguard required under this section must be of sufficient size so that the fender or mudguard extends at least to each side of the width of the tire or combined width of the multiple tires when measured against the cross section of the tread of the wheel or the combined cross sections of the treads of the multiple wheels.

(b) Any fender or mudguard required under this section must be of sufficient size and must be so constructed as to be capable at all times of arresting and deflecting any dirt, mud, water or other substance that may be picked up and carried by the wheels.

(2) The following types of fenders or mudguards must cover the wheels of the vehicle in the manner described in paragraphs (a), (b) and (c) of this subsection:

(a) Type I fenders or mudguards must extend in full width from a point on the wheels that is above and forward of the center of the tires over to a point at the rear of the wheels that is not more than 10 inches, or, if attached to the rear of a dump box that elevates for unloading, not more than 13 inches, above the surface of the highway when the vehicle is empty.

(b) Type II fenders or mudguards must extend downward in full width from a point behind the wheels that is not lower than halfway between the center of the wheels and the top of the tires to a point at the rear of the wheels that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(c) Type III fenders or mudguards must extend in full width from a point on the wheels that is above and forward of the center of the tire over a point at the rear of the wheel that is not more than 27 inches above the surface of the highway. [1983 c.338 §483; 1985 c.16 §252; 1993 c.314 §2; 2001 c.335 §9; 2003 c.158 §13]

**815.182 Kinds of mudguards required for specified vehicles; placement.** (1) The following types of vehicles must be equipped with the proper type of fenders or mudguards as described in ORS 815.180 (2):

(a) Type I fenders or mudguards shall be within five feet of the tire tread of the tires on the last axle of:

(A) Every motor truck equipped with a body that has a registration weight of 8,000 pounds or more.

(B) Every trailer except one otherwise described in this subsection.

(C) Every commercial bus.

(b) Type II fenders or mudguards shall be within four feet of the tire tread of the tires on the last axle of:

(A) Every motor truck with a registration weight of 8,000 pounds or more that is not equipped with a body.

(B) A pole trailer.

(C) A jeep used in the movement of nondivisible heavy haul loads.

(D) A booster.

(E) A lowboy.

(F) A container chassis. For purposes of this subparagraph, a container chassis is a frame with wheels, attached to a tractor, that is used to transport containers to and from ports, rail hubs and customer locations.

(c) Type III fenders or mudguards shall be on each axle of every motor vehicle not otherwise described in this section.

(2) For purposes of this section, a truck tractor and a semitrailer coupled together shall be considered one vehicle. [1993 c.314 §3; 1997 c.722 §7; 2001 c.335 §8]

**815.185 Operation without proper fenders or mudguards; penalty.** (1) A person commits the offense of operation without proper fenders or mudguards if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a vehicle without fenders or mudguards as required by ORS 815.182, or if the fenders or mudguards fail to meet the standards for fenders and mudguards established under ORS 815.180.

(2) Exemptions to this section are established under ORS 815.190.

(3) If a person who is cited for violation of the offense under this section submits evidence satisfactory to the court that the fenders or mudguards on the vehicle subject to the citation have been added, repaired or replaced to comply with the requirements of ORS 815.180 and 815.182, the court shall dismiss the charge for violation of the offense without penalty to the person.

(4) The offense described in this section, operation without proper fenders or mudguards, is a Class C traffic violation. [1983 c.338 §482; 1985 c.16 §251; 1993 c.314 §4; 1995 c.383 §26]

**815.190 Exemptions from mudguard and fender requirements.** This section establishes exemptions from ORS 815.182 and 815.185. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following:

(1) Vehicles of special interest that are registered under ORS 805.020 are deemed in compliance with the requirements and standards if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(2) Road machinery, road rollers and farm tractors are exempt from the standards and requirements.

(3) Antique motor vehicles are exempt from the standards and requirements if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) A motor truck is exempt from the requirements to be equipped with fenders or mudguards if the vehicle has just a chassis that is not equipped for hauling a load.

(5) Fenders or mudguards are not required on any modified American-made pre-1935 vehicle, or any identifiable vintage or replica thereof that is titled as a later assembled vehicle or replica and is used for show and pleasure use when such vehicle is used and driven only during fair weather on well-maintained, hard-surfaced roads. [1983 c.338 §484; 1985 c.402 §12; 1993 c.314 §5; 1997 c.402 §11; 1999 c.170 §1; 2003 c.655 §120]

(Visible Emissions)

**815.195 Requirements and standards.** This section establishes requirements for ORS 815.200. Except as specifically provided by an exemption under ORS 815.205, a vehicle is in violation of ORS 815.200 if the vehicle is required to comply with one of the following standards for visible emissions and the vehicle produces visible emissions that exceed those allowable under the described standard, as follows:

(1) A vehicle exceeds Visible Emission Standard I if the vehicle produces any visible emissions that include any gases or particulates, other than uncombined water, which separately or in combination are visible upon release to the outdoor atmosphere.

(2) A vehicle exceeds Visible Emission Standard II if the vehicle is operated at an elevation described under this subsection and the vehicle produces a visible emission in excess of that allowed under this subsection. Visible emissions limited under this subsection include any gases or particulates, other than uncombined water, which separately or in combination are visible upon release to the outdoor atmosphere. The limitations on visible emission under this subsection are limits on the percent of transmitted light that is obscured by the visible emission. A vehicle violates the standards under this subsection if the vehicle does any of the following:

(a) While operated at an elevation of 3,000 feet or less, releases emissions that obscure more than 10 percent of transmitted light. A vehicle is not in violation of this paragraph if the vehicle releases emissions that obscure 40 percent or less of transmitted light for not longer than seven consecutive seconds.

(b) While operated at an elevation of over 3,000 feet, releases emissions that obscure more than 20 percent of transmitted light. A vehicle is not in violation of this paragraph if the vehicle releases emissions that obscure 60 percent or less of transmitted light for not longer than seven consecutive seconds. [1983 c.338 §486; 1985 c.16 §253]

**815.200 Violation of visible emission limits; penalty.** (1) A person commits the offense of violation of visible emission limits if the person operates, drives and causes or permits to be driven on any highway:

(a) A motor vehicle, other than one described in paragraph (b) of this subsection, that has visible emissions exceeding visible emissions allowed under Visible Emission Standard I under ORS 815.195.

(b) A motor vehicle powered by compression ignition, two cycle or diesel cycle engines or a vehicle excluded by order of the Environmental Quality Commission under ORS 468A.075 and the vehicle has visible emissions exceeding visible emissions allowed under Visible Emission Standard II under ORS 815.195.

(2) The exemptions from this section are established under ORS 815.205.

(3) The offense described in this section, violation of visible emission limits, is a Class D traffic violation. [1983 c.338 §485; 1985 c.393 §21]

**815.205 Exemptions from visible emission limits.** This section establishes exemptions from ORS 815.195 and 815.200. The exemptions under this section are in addition to any exemptions under ORS 801.026. Exemptions under this section are partial or complete as described in the following:

(1) Motor vehicles registered as farm vehicles under ORS 805.300 are not subject to the limits on visible emissions.

(2) Vehicles of special interest and antique vehicles are not subject to the limits on visible emissions if the vehicles are maintained as a collectors' item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) The visible emission limits apply only in counties having a population over 50,000 according to the 1970 federal decennial census that are located west of the summit of the Cascade Mountains. The summit of the Cascade Mountains is determined for purposes of this subsection by the line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, thence southerly along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon. [1983 c.338 §487]

(Windows)

**815.210 Operation of vehicle without approved material in windows; exemptions; penalty.** (1) A person commits the offense of operation of a vehicle without approved materials in windows if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle with a windshield or windows that do not conform to the standards established by the Department of Transportation under ORS 815.040.

(2) This section does not apply to the following vehicles:

(a) Any motor vehicle manufactured on or before January 1, 1954, and registered in this state. The exemption under this paragraph does not apply to windshields or windows that have been replaced after January 1, 1954.

(b) Vehicles of special interest that are registered under ORS 805.020 and that are:

(A) Equipped with original manufacturer's equipment and accessories, or their equivalent, that are maintained in safe operating condition; or

(B) Street rods that conform to ORS 815.107.

(c) Road machinery, road rollers or farm tractors.

(d) Antique vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) The vehicle exemptions under this section are also exemptions from the prohibitions under ORS 815.090 against replacing vehicle window or windshield with any unapproved material as provided in that section.

(4) The offense described in this section, operation of a vehicle without approved materials in windows, is a Class C traffic violation. [1983 c.338 §488; 1985 c.16 §254; 1985 c.393 §22; 1997 c.402 §12; 2003 c.158 §6]

**815.215 Failure to have windshield wipers; exemptions; penalty.** (1) A person commits the offense

of failure to have windshield wipers if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle that has a windshield and that is not equipped with windshield wipers that meet the requirements under this section.

(2) Windshield wipers meet the requirements of this section if the windshield wipers are designed for cleaning rain or other moisture from the windshield and so constructed as to be controlled or operated by the driver of the vehicle.

(3) This section does not apply to the following vehicles:

(a) Vehicles of special interest that are registered under ORS 805.020 and that are:

(A) Equipped with original manufacturer's equipment and accessories, or their equivalent, and that are maintained in safe operating condition; or

(B) The vehicles are street rods that conform to ORS 815.107.

(b) Road machinery, road rollers or farm tractors.

(c) Antique vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(d) Motorcycles.

(4) The offense described in this section, failure to have windshield wipers, is a Class C traffic violation. [1983 c.338 §489; 1997 c.402 §13; 2003 c.158 §14]

**815.220 Obstruction of vehicle windows; penalty.** (1) A person commits the offense of obstruction of vehicle windows if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway any vehicle with windows obstructed in a manner prohibited under this section.

(2) The windows of a vehicle are obstructed in a manner prohibited by this section if any material that prohibits or impairs the ability to see into or out of the vehicle is upon any vehicle window described in this subsection. This subsection applies to any sign, poster, one-way glass, adhesive film, glaze application or other material if the material prohibits or impairs the ability to see into or out of the vehicle. This subsection only applies to the following windows of the vehicle:

(a) The front windshield.

(b) The side-wings.

(c) The side windows on either side forward of or adjacent to the operator's seat.

(d) The rear window.

(3) Nothing in this section prohibits safety glazing materials of a type that conforms to standards established under ORS 815.040.

(4) Nothing in this section prohibits placement of permits in accordance with the provisions of ORS 803.650 or with rules adopted by the Department of Transportation under ORS 803.650.

(5) Nothing in this section prohibits the application of tinting material to the windows of a motor vehicle in compliance with ORS 815.221.

(6) The offense described in this section, obstruction of vehicle windows, is a Class D traffic violation. [1983 c.338 §490; 1985 c.16 §255; 1987 c.166 §5; 1995 c.263 §4; 1995 c.383 §91; 2003 c.158 §5]

**815.221 Tinting; authorized and prohibited materials; certificate.** (1) Notwithstanding any other provision of law, a person may apply tinting material to the windows of a motor vehicle in compliance with this section.

(2) Tinting material may be applied to the side and rear windows of a motor vehicle if:

- (a) The tinting material has a light transmittance of 50 percent or more;
- (b) The tinting material has a light reflectance of 13 percent or less; and
- (c) The total light transmittance through the window with the tinting material applied is 35 percent or more.

(3) Tinting material that has a lower light transmittance or produces a lower total light transmittance than permitted in subsection (2)(a) and (c) of this section may be applied to the top six inches of a windshield. Tinting material may not be applied to any other portion of the windshield.

(4) Tinting material that has a lower light transmittance or produces a lower total light transmittance than permitted in subsection (2)(a) and (c) of this section may be applied to all windows of a multipurpose passenger vehicle that are behind the driver. This subsection applies only to vehicles that are equipped with rearview mirrors on each side of the vehicle. The windows as tinted shall meet the requirements for AS-3 glazing material established by federal regulation. For purposes of this subsection, a “multipurpose passenger vehicle” is a motor vehicle with motive power that is designed to carry 10 or fewer persons and is constructed either on a truck chassis or with special features for occasional off-road operation.

(5) Tinting material that has a lower light transmittance or produces a lower total light transmittance than permitted in subsection (2)(a) and (c) of this section may be applied to the side and rear windows of a vehicle registered in the name of a person, or the person’s legal guardian, if the person has an affidavit signed by a validly licensed physician or optometrist stating that the person has a physical condition requiring window tinting that produces a lower light transmittance than allowed by this section. The affidavit required by this subsection shall be kept in the vehicle and shall be shown to a police officer who inquires about the tint.

(6) There are no light transmittance requirements for glazing materials applied to AS-3 type windows.

(7) The following types of tinting material are not permitted:

- (a) Mirror finish products.
- (b) Red, gold, yellow, amber or black material.
- (c) Tinting material that is in liquid preapplication form and is brushed or sprayed on.

(8) Each person who installs window tinting material in compliance with this section shall give the person who requested the installation a certificate stating:

- (a) The name and address of the person who installed the tint;
- (b) The light transmittance of the tinting material;
- (c) The light reflectance of the tinting material; and
- (d) That the total light transmittance through each window with the tinting material applied is not less than 35 percent.

(9) The certificate issued under subsection (8) of this section shall be kept in the motor vehicle and shall be shown to a police officer who inquires about the tint.

(10) Prohibitions and penalties related to the standards established under this section are provided under ORS 815.222. [1995 c.263 §2; 2003 c.158 §8]

**815.222 Illegal window tinting; penalty.** (1) A person commits the offense of illegal window tinting if the person applies window tinting material that does not comply with ORS 815.221 or applies window tinting material to a window of a motor vehicle that is not authorized by ORS 815.221 to be equipped with window tinting material.

(2) A person commits the offense of operating a vehicle with illegal window tinting if the person operates a vehicle registered or required to be registered in Oregon that is equipped with window tinting

material that is not in compliance with or authorized by ORS 815.221.

(3) Each offense described in this section is a Class B traffic violation. [1995 c.263 §3]

(Horns, Sound Equipment)

**815.225 Violation of use limits on sound equipment; exemptions; penalty.** (1) A person commits the offense of violation of use limits on sound equipment if the person does any of the following:

(a) Uses upon a vehicle, any bell, siren, compression or exhaust whistle.

(b) Uses a horn otherwise than as a reasonable warning or makes any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(2) Authorized emergency vehicles and ambulances are not subject to this section but are subject to ORS 820.370 and 820.380.

(3) The offense described in this section, violation of use limits on sound equipment, is a Class C traffic violation. [1983 c.338 §491]

**815.230 Violation of sound equipment requirements; exemptions; penalty.** (1) A person commits the offense of violation of vehicle sound equipment requirements if the person drives or moves on any highway or owns and causes or knowingly permits to be driven on any highway any vehicle that violates any of the following equipment provisions:

(a) A motor vehicle must be equipped with a horn in good working order, capable of emitting sounds audible under normal conditions from a distance of not less than 200 feet.

(b) No vehicle shall be equipped with any bell, siren, compression or exhaust whistle.

(2) This section is subject to the exemptions under this subsection in addition to any exemptions under ORS 801.026. The exemptions under this subsection are partial or complete as described in the following:

(a) Authorized emergency vehicles are subject to sound equipment requirements and limitations as provided in ORS 820.370 and 820.380.

(b) Vehicles of special interest that are registered under ORS 805.020 are not subject to this section if the vehicles are:

(A) Equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(B) Street rods that conform to ORS 815.107.

(c) Bicycles are subject to requirements and limitations on sound equipment as provided under ORS 815.280.

(d) Antique vehicles are not subject to the requirements if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(e) The requirements do not apply to road machinery, road rollers and farm tractors.

(f) Electric personal assistive mobility devices are subject to requirements and limitations on sound equipment as provided under ORS 815.284.

(3) The offense described in this section, violation of vehicle sound equipment requirements, is a Class C traffic violation. [1983 c.338 §492; 1985 c.16 §256; 1997 c.402 §14; 2003 c.341 §16]

(Sound System Amplification)

**815.232 Unreasonable sound amplification from a vehicle; penalty.** (1) A person commits the offense of causing unreasonable sound amplification from a vehicle if the person operates, or permits the operation of, any sound amplification system which is plainly audible outside of a vehicle from 50 or more feet when the vehicle is on a public highway or on premises open to the public, unless that system is being operated to request assistance or warn of a hazardous situation.

(2) Subsection (1) of this section does not apply to:

(a) Vehicles being operated outside of an urban growth boundary;

(b) Emergency vehicles as defined in ORS 801.260;

(c) Vehicles operated by utilities defined under ORS 757.005, 758.505 or 759.005, or telecommunications carriers as defined in ORS 133.721;

(d) Sound systems of vehicles used for advertising, or in parades, political or other special events, except that the use of sound systems on those vehicles may be prohibited by a local authority by ordinance or resolution;

(e) Audio alarm systems installed in vehicles; or

(f) Federal Communications Commission licensed two-way radio communications systems.

(3) As used in subsection (1) of this section, “plainly audible” means any sound for which the information content of that sound is unambiguously communicated to the listener including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensible musical rhythms or vocal sounds.

(4) The offense described in this section, causing unreasonable sound amplification from a vehicle, is a Class D traffic violation. [1991 c.601 §3; 1995 c.383 §27; 1999 c.1093 §19]

**Note:** 815.232 and 815.233 were added to and made a part of the Oregon Vehicle Code by legislative action but were not added to ORS chapter 815 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

**815.233 Enhancement of penalty for violation of ORS 815.232.** A person otherwise convicted of a violation under ORS 815.232 (4) commits a misdemeanor if:

(1) The person has been convicted of three or more violations of ORS 815.232 (1) within 12 months immediately preceding the commission of the offense; and

(2) The prior convictions are admitted by the defendant or alleged in the accusatory pleading. [1991 c.601 §4; 1999 c.1051 §92]

**Note:** See note under 815.232.

(Mirrors)

**815.235 Operation without rearview mirror; exemptions; penalty.** (1) A person commits the offense of operation without a rearview mirror if the person does any of the following:

(a) Drives or moves on any highway any motor vehicle that is not equipped with a rearview mirror or device that meets the requirements under this section.

(b) Owns a motor vehicle and causes or knowingly permits the vehicle to be driven or moved on any highway when the vehicle is not equipped with a rearview mirror or device that meets the requirements under this section.

(2) A rearview mirror or device only meets the requirements of this section if it enables the driver of the vehicle to have such a clear and unobstructed view of the rear at all times and under all conditions of load as will enable the driver to see any other vehicle approaching from not less than 200 feet in the rear on an unobstructed road.

(3) This section does not apply to the following vehicles:

(a) Vehicles of special interest that are registered under ORS 805.020 and that were not equipped with rearview mirrors when originally manufactured.

(b) Road machinery, road rollers or farm tractors.

(c) Antique motor vehicles that are registered under ORS 805.010 and that were not equipped with rearview mirrors when originally manufactured.

(4) The offense described in this section, operation without a rearview mirror, is a Class C traffic violation. [1983 c.338 §493; 1985 c.69 §3]

(Image Display Devices)

**815.240 Unlawful use of image display device; exemptions; penalty.** (1) As used in this section, “image display device” means equipment capable of displaying to the driver of a motor vehicle:

(a) A broadcast television image; or

(b) A visual image from a digital video disc or video cassette player.

(2) Except as provided in subsection (3) of this section, a person commits the offense of unlawful use of an image display device if the person drives or moves on any highway, or owns and causes or knowingly permits to be driven or moved on any highway, any motor vehicle equipped with any image display device that is displaying a broadcast television image or a visual image from a digital video disc or video cassette player that is visible to the driver while operating the motor vehicle.

(3) Subsection (2) of this section does not apply to:

(a) Emergency vehicles; or

(b) Use of image display devices that are displaying images for navigational purposes.

(4) The offense described in this section, unlawful use of an image display device, is a Class B traffic violation. [1983 c.338 §494; 1985 c.69 §4; 2005 c.572 §1]

(Clearance)

**815.245 Violation of minimum clearance requirements for passenger vehicles; penalty.** (1) A person commits the offense of violation of minimum clearance requirements for passenger vehicles if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway any passenger motor vehicle that does not have the clearance from the surface of the roadway required by this section.

(2) A vehicle does not have the clearance from the surface of the roadway required by this section if any portion of the vehicle, other than the wheels, has less clearance from the surface of a level roadway than the clearance between the roadway and the lowest portion of any rim of any wheel in contact with the roadway.

(3) The offense described in this section, violation of minimum clearance requirements for passenger vehicles, is a Class B traffic violation. [1983 c.338 §495]

## (Exhaust System)

**815.250 Operation without proper exhaust system; exemptions; penalty.** (1) A person commits the offense of operation without proper exhaust system if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle that is not equipped with an exhaust system that meets the requirements under this section.

(2) An exhaust system only meets the requirements of this section if all of the following apply:

(a) The exhaust system must be in good working order.

(b) The exhaust system must be in constant operation.

(c) The exhaust system must meet noise emission standards determined by the Department of Environmental Quality to be substantially equivalent to the following standards based upon a stationary test conducted at a distance of 25 feet in accordance with procedures established by the Department of Environmental Quality:

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Vehicle type	Maximum level, dBA	Model, Year
I. Motor vehicles required to establish a registration weight under ORS 803.430 and commercial buses	94.....	before 1976
	91.....	1976 and after
II. Motorcycles and mopeds	94.....	before 1976
	91.....	1976
	89.....	after 1976
III. Motor vehicles not described under I or II	92.....	before 1976
	88.....	1976 and after

(3) This section does not apply to the following vehicles:

(a) Vehicles of special interest that are registered under ORS 805.020 and that are:

(A) Equipped with original manufacturer's equipment and accessories, or their equivalent, and that are maintained in safe operating condition; or

(B) Street rods that conform to ORS 815.107.

(b) Road machinery, road rollers or farm tractors.

(c) Antique motor vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) The court in its discretion may dismiss a citation issued for violation of the offense described in this section if evidence is presented that the exhaust system complies with or has been repaired or modified to comply with the requirements under this section.

(5) The offense described in this section, operation without proper exhaust system, is a Class C traffic violation. [1983 c.338 §496; 1985 c.16 §257; 1985 c.393 §23; 1997 c.402 §15]

(Speedometer)

**815.255 Operation of vehicle for hire without speedometer; exemptions; penalty.** (1) A person commits the offense of operation of a vehicle for hire without a speedometer if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle used for carrying passengers for hire that is not equipped with a speedometer or other registering device capable of registering accurately the speed at which the vehicle is operated.

(2) This section is subject to the following exemptions in addition to any exemptions under ORS 801.026.

(a) A motor vehicle equipped with a governor or other regulating device to control its speed within the limits specified by law is not required to be equipped as this section specifies.

(b) Vehicles of special interest that are registered under ORS 805.020 are deemed in compliance with the requirements of this section if:

(A) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and maintained in safe operating condition; or

(B) The vehicles are street rods that conform to ORS 815.107.

(c) Antique motor vehicles are exempt from the requirements of this section if the vehicles are maintained as collector's items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) The offense described in this section, operation of vehicle for hire without speedometer, is a Class C traffic violation. [1983 c.338 §497; 1985 c.393 §24; 1997 c.402 §16]

(Disposal System)

**815.260 Operation of recreational vehicle with unsealed disposal system; exemption; penalty.** (1) A person commits the offense of operation of a recreational vehicle with unsealed disposal system if:

(a) The person has the use, possession or control of any vehicle or structure constructed for movement on highways;

(b) The vehicle or structure is equipped with a plumbing, sink or toilet fixture; and

(c) The disposal system for the vehicle or structure is unsealed or uncapped while the vehicle or structure is in any way or place of whatever nature open to the use of the public.

(2) For purposes of this section, a way or place open to the use of the public includes, but is not limited to, highways, roads, streets, alleys, lanes, trails, beaches, parks and recreational use areas owned or operated by the state, a county or local municipality for use by the general public.

(3) This section does not apply to disposal systems being discharged into or connected with a sewage disposal system approved by the Department of Human Services.

(4) The offense described in this section, operation of a recreational vehicle with unsealed disposal system, is a Class C traffic violation. [1983 c.338 §498; 1985 c.16 §258; 1985 c.393 §25]

(Loads)

**815.265** [1983 c.338 §499; repealed by 2001 c.335 §5]

**815.270 Operating vehicle that is loaded or equipped to obstruct driver; penalty.** (1) A person commits the offense of operating a vehicle that is loaded or equipped to obstruct the driver if the person is operating a vehicle that is loaded or equipped or where baggage or an encumbrance does any of the following:

(a) Substantially obstructs the driver's views to the rear, through one or more mirrors and otherwise.

(b) Obstructs the driver's view to the front or sides.

(c) Interferes with control of the driving mechanism.

(d) Prevents the free, unhampered operation of the vehicle by the driver.

(2) The offense described in this section, vehicle loaded or equipped to obstruct driver, is a Class C traffic violation. [1983 c.338 §500; 1985 c.16 §259]

**815.275 Failure to mark end of load with light or flag when required; penalty.** (1) A person commits the offense of failure to mark the end of a load with a light or flag when required if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway any vehicle with a load that extends to the rear four feet or more beyond the bed or body of the vehicle and the person fails to:

(a) Place end load lights described under ORS 816.290 at the extreme rear end of the load, in addition to any other rear light required upon every vehicle, at times when limited visibility conditions exist; or

(b) At any other time, display at the extreme rear end of the load a red flag or cloth not less than 12 inches square.

(2) The offense described in this section, failure to mark end of load with light or flag when required, is a Class C traffic violation. [1983 c.338 §501]

(Bicycles)

**815.280 Violation of bicycle equipment requirements; penalty.** (1) A person commits the offense of violation of bicycle equipment requirements if the person does any of the following:

(a) Operates on any highway a bicycle in violation of the requirements of this section.

(b) Is the parent or guardian of a minor child or ward and authorizes or knowingly permits the child or

ward to operate a bicycle on any highway in violation of the requirements of this section.

(2) A bicycle is operated in violation of the requirements of this section if any of the following requirements are violated:

(a) A bicycle must be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

(b) A person shall not install or use any siren or whistle upon a bicycle.

(c) At the times described in the following, a bicycle or its rider must be equipped with lighting equipment that meets the described requirements:

(A) The lighting equipment must be used during limited visibility conditions.

(B) The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the bicycle.

(C) The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(3) Nothing contained in this section shall be construed to prohibit the use of additional parts and accessories on any bicycle consistent with this section.

(4) This section does not apply to electric personal assistive mobility devices. Equipment requirements for electric personal assistive mobility devices are provided in ORS 815.284.

(5) The offense described in this section, violation of bicycle equipment requirements, is a Class D traffic violation. [1983 c.338 §502; 1985 c.16 §260; 1985 c.69 §5; 2003 c.158 §15; 2003 c.341 §17]

**815.281 Selling noncomplying bicycle headgear; renting or leasing bicycle without having approved headgear available; penalties.** (1) A person commits the offense of selling noncomplying bicycle equipment if the person sells or offers for sale any bicycle headgear that does not meet the standards established by the Department of Transportation under ORS 815.052.

(2) A person commits the offense of unlawfully renting or leasing a bicycle to another if the person:

(a) Is in the business of renting or leasing bicycles; and

(b) Does not have bicycle headgear approved under ORS 815.052 available for rental for use by persons under 16 years of age.

(3) The offenses described in this section are Class D traffic violations. [1993 c.408 §5; 2003 c.158 §16]

(Motorized Wheelchairs)

**815.282 Operating motorized wheelchair on bicycle lane without proper lighting equipment.** (1) A person commits the offense of operating a motorized wheelchair on a bicycle lane or path without proper lighting equipment if the person operates a motorized wheelchair on a bicycle lane or path and the person is not equipped with lighting equipment required of bicyclists under ORS 815.280.

(2) This section applies at the times described in ORS 815.280 for application of the lighting requirements of that section to bicyclists.

(3) The offense described in this section, operating a motorized wheelchair on a bicycle lane or path without proper lighting equipment, is a Class D traffic violation. [1991 c.417 §3b]

(Motor Assisted Scooters)

**815.283 Violation of motor assisted scooter equipment requirements; penalty.** (1) A person commits the offense of violation of motor assisted scooter equipment requirements if the person:

(a) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age and authorizes or knowingly permits the child to operate a motor assisted scooter on any highway in violation of the requirements of this section; or

(b) Operates a motor assisted scooter on any highway during times of limited visibility conditions and the motor assisted scooter is not equipped with, or the person does not use, lighting equipment that meets the following requirements:

(A) If the motor assisted scooter is equipped with lighting equipment:

(i) The lighting equipment must include a white light visible from a distance of at least 300 feet to the front and sides of the motor assisted scooter;

(ii) The lighting equipment must have a red reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 500 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle; and

(iii) The lighting equipment must have a white or yellow reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 200 feet to the front of the motor assisted scooter.

(B) If the motor assisted scooter is not equipped with lighting equipment, the operator of the motor assisted scooter must wear:

(i) A white light mounted to be visible from all distances up to 300 feet to the front and sides of the motor assisted scooter;

(ii) A red reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 500 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle; and

(iii) A white or yellow reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 200 feet to the front of the motor assisted scooter.

(2) Nothing in this section prohibits the use of additional parts and accessories on any motor assisted scooter not inconsistent with this section.

(3) The offense described in this section, violation of motor assisted scooter equipment requirements, is a Class D traffic violation. [2001 c.749 §19]

(Electric Personal Assistive Mobility Devices)

**815.284 Violation of electric personal assistive mobility device equipment requirements; penalty.**

(1) A person commits the offense of violation of electric personal assistive mobility device equipment requirements if the person:

(a) Operates an electric personal assistive mobility device during times of limited visibility conditions and the electric personal assistive mobility device or the operator is not equipped with and using the following:

(A) A white light visible from a distance of at least 500 feet to the front and sides of the electric personal assistive mobility device; and

(B) A red reflector, lighting device or material of such size or characteristic as to be visible from all distances up to 600 feet to the rear when the electric personal assistive mobility device is directly in front of lawful lower beams of headlights on a motor vehicle; or

(b) Installs or uses any siren or whistle upon an electric personal assistive mobility device.

(2) Nothing in this section prohibits the use of additional parts and accessories not inconsistent with this section.

(3) The offense described in this section, violation of electric personal assistive mobility device equipment requirements, is a Class D traffic violation. [2003 c.341 §10]

(Warning Devices)

**815.285 Failure to carry roadside vehicle warning devices; exemptions; penalty.** (1) A person commits the offense of failure to carry roadside vehicle warning devices if:

(a) The person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway any vehicle subject to the requirements to use roadside vehicle warning devices under ORS 811.530; and

(b) The vehicle does not carry such roadside vehicle warning devices as the Department of Transportation may require under ORS 815.035.

(2) This section does not apply to any of the following:

(a) Vehicles that are not subject to the requirements to use roadside vehicle warning devices under ORS 811.530.

(b) At any time between sunrise and sunset.

(c) To any vehicles operated within a business district or residence district.

(3) The offense described in this section, failure to carry roadside vehicle warning devices, is a Class C traffic violation. [1983 c.338 §503; 1985 c.16 §261; 1985 c.393 §26]

(Implements of Husbandry)

**815.290 Exemptions from equipment requirements.** (1) In addition to any other specific exemptions provided for implements of husbandry, implements of husbandry are exempt from any requirements under the following:

(a) ORS 815.075 and 815.100, relating to state requirements for vehicle equipment.

(b) ORS 811.515, 811.520, 816.040 to 816.290, 816.320, 816.330, 816.350 and 816.360, relating to requirements for and use of lighting equipment.

(c) ORS 815.125 and 815.130, relating to brake requirements.

(d) ORS 815.180 and 815.185, relating to fender and mudguard requirements and use.

(e) ORS 815.210, relating to material in windshields.

(f) ORS 815.215, relating to requirements for windshield wipers.

(g) ORS 815.230, relating to vehicle sound equipment.

(h) ORS 815.235, relating to rearview mirrors.

(i) ORS 815.240, relating to image display devices in vehicles. Limitations on the use of image display devices in implements of husbandry are provided in ORS 820.400.

(j) ORS 815.250, relating to vehicle exhaust and exhaust equipment.

(2) This section does not exempt implements of husbandry from the requirements for equipment and operation under ORS 820.400. [1983 c.338 §778; 1985 c.16 §375; 1985 c.69 §6; 2005 c.572 §2]

(Pollution Control Equipment)

**815.295 Failure to have required pollution control equipment; exemptions; penalty.** (1) A person commits the offense of failure to be equipped with required pollution control equipment if the person operates a motor vehicle upon a highway or leaves a motor vehicle standing upon a highway and the vehicle is not equipped with a motor vehicle pollution control system, as defined under ORS 468A.350, that is in compliance with motor vehicle pollutant, noise control and emission standards adopted by the Environmental Quality Commission under ORS 468A.360.

(2) A person shall not be found in violation of this section if proof of compliance has been issued for the vehicle in compliance with ORS 815.310. Whenever proof of compliance is revoked, suspended or restricted because a certified system, as defined in ORS 468A.350, or factory-installed system, as defined in ORS 468A.350, has been found to be unsafe in actual use or is otherwise mechanically defective, the defect must be corrected or the system must be brought into compliance with the rules of the commission within 30 days after such finding.

(3) Exemptions to this section are established under ORS 815.300. In addition to such exemptions, the following exemptions to this section are established:

(a) If the Environmental Quality Commission adopts a rule under ORS 468A.360 requiring certified or factory-installed systems on motor vehicles registered in designated counties, such vehicles are not required to be in compliance with such rules until after the date of registration, reregistration or renewal of the vehicle immediately subsequent to the effective date of the rule.

(b) Implements of husbandry, road machinery, road rollers and farm tractors are exempt from this section.

(c) Antique vehicles maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property, are exempt from this section.

(4) The offense described in this section, failure to be equipped with required pollution control equipment, is a Class C traffic violation. [1983 c.338 §504; 1985 c.16 §262; 1985 c.393 §27; 1989 c.22 §3; 1995 c.383 §28]

**815.300 Exemptions from requirement to be equipped with pollution control system.** This section establishes exemptions from the requirements under ORS 815.295 to be equipped with a certified pollution control system. Exemptions established by this section are in addition to any exemptions established by ORS 801.026. The exemptions established in this section are also applicable to requirements for certification of pollution control equipment before registration under ORS 803.350 and 803.465. All of the following vehicles are exempt from the requirements under ORS 815.295:

(1) Any vehicle that is not a motor vehicle.

(2) Any vehicle unless the vehicle is registered within:

(a) The boundaries of the metropolitan service district formed under ORS chapter 268 for the metropolitan area, as defined in ORS 268.020, which includes the City of Portland, Oregon.

(b) Boundaries designated by the Environmental Quality Commission under ORS 468A.390.

(3) Any new motor vehicle or new motor vehicle engine when the registration results from the initial retail sale thereof.

(4) Any motor vehicle:

(a) Not registered in areas designated under subsection (2)(a) of this section, including any expansion of such boundary under subsection (2)(b) of this section, with a model year that predates by more than 20

years the year in which registration or renewal of registration is required; or

(b) Registered in areas designated under subsection (2)(a) of this section, including any expansion of such boundary under subsection (2)(b) of this section, with a model year of 1974 or earlier.

(5) Motor vehicles that are registered as farm vehicles under ORS 805.300 or apportioned farm vehicles under ORS 805.300.

(6) Special interest vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses but not used primarily for the transportation of persons or property.

(7) Fixed load vehicles.

(8) Vehicles that are proportionally registered under ORS 826.009 and 826.011 in accordance with agreements established under ORS 826.007.

(9) Electric motor vehicles. This subsection does not exempt hybrid motor vehicles that use electricity and another source of motive power.

(10) First response rescue units operated by political subdivisions of this state that are not used to transport persons suffering from illness, injury or disability.

(11) A vehicle that is currently registered in Oregon at the time application for new registration is received by the Department of Transportation if the new registration is a result of a change in the registration or plate type and the application is received at least four months prior to the expiration of the existing registration.

(12) Golf carts.

(13) Any Class I, Class II or Class III all-terrain vehicle.

(14) An original equipment manufacturer vehicle that is engineered, designed, produced and warranted to use natural gas as its only fuel source. [1983 c.338 §505; 1985 c.16 §263; 1985 c.222 §5; 1987 c.349 §7; 1989 c.43 §35; 1991 c.15 §6; 1991 c.383 §4; 1993 c.791 §5; 1997 c.418 §1; 2001 c.293 §10]

**815.305 Disconnection or alteration of pollution control equipment; penalty.** (1) A person commits the offense of unlawful disconnection or alteration of pollution control equipment if the person does any of the following:

(a) Disconnects or permits to be disconnected a factory installed motor vehicle air pollution control device or a factory-installed system, as defined in ORS 468A.350, or knowingly and willfully permits such device or factory-installed system to become or remain inoperative.

(b) Modifies or alters a certified system or factory-installed system, as defined in ORS 468A.350, in a manner that decreases its efficiency or effectiveness in the control of air pollution.

(2) The following exemptions to this section are established:

(a) This section does not apply when factory-installed motor vehicle air pollution control equipment, systems or devices are disconnected for the purpose of conversion to gaseous fuels including, but not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous form.

(b) This section is not intended to prohibit the use of replacement, conversion, turbocharger or other alternative components in a certified or factory-installed system if the components do not significantly affect the efficiency or effectiveness of the system in controlling air pollution.

(3) The offense described in this section, unlawful disconnection or alteration of pollution control equipment, is a Class A misdemeanor, but each day of violation does not constitute a separate offense. [1983 c.338 §506]

**815.310 Proof of compliance with requirements.** When proof of compliance with pollution control

equipment requirements is required under ORS 803.350, 803.465 and 815.295 the following apply:

(1) The proof may be provided by any means that the Department of Transportation and the Environmental Quality Commission determine by joint rulemaking or by interagency agreement to be satisfactory.

(2) Except as otherwise provided in this section, when a certificate of compliance is used as proof, the certificate must comply with all the following:

(a) It must be signed by a person licensed and qualified under ORS 468A.380.

(b) It must be dated not more than 180 days prior to the motor vehicle registration or renewal of registration.

(c) It must be on a form supplied by the Department of Environmental Quality and must include such information as the department may require.

(3) In order for registration to continue to be valid for a motor vehicle that is registered as a government-owned vehicle under ORS 805.040, a police undercover vehicle under ORS 805.060 or a state-owned vehicle with regular registration plates under ORS 805.045, the vehicle must be certified as frequently as a privately owned vehicle of the same registration type is required to be certified. For purposes of this subsection, the registration type of a privately owned vehicle is determined by the registration period for the vehicle under ORS 803.415. For local government vehicles, the proof of certification may be provided through self-testing facilities provided by local governmental agencies. Local governmental agencies providing self-testing facilities may not be charged a fee in connection with provision of the required proof. However, a reasonable fee covering department expenses in administering such self-testing programs may be charged. [1983 c.338 §215; 1985 c.16 §82; 1987 c.440 §6; 1989 c.22 §4; 1995 c.183 §1; 2003 c.61 §1; 2005 c.51 §1]

**815.315 Use of improper certificate for pollution control system; penalty.** (1) A person commits the offense of use of improper certificate for pollution control system if the person makes, issues or knowingly uses any imitation or counterfeit of a certificate of compliance described under ORS 815.310.

(2) The offense described in this section, use of improper certificate for pollution control system, is a Class B traffic violation, but each day of violation does not constitute a separate offense. [1983 c.338 §216; 1995 c.383 §92]

**815.320 Unlawful certification of compliance with pollution control requirements; penalty.** (1) A person commits the offense of unlawful certification of compliance with pollution control requirements if the person does any of the following:

(a) Falsely certifies that a motor vehicle is equipped with a functioning certified system, as defined in ORS 468A.350, or that the motor vehicle complies with the rules and standards adopted by the Environmental Quality Commission under ORS 468A.360.

(b) Falsifies any information on the certificate of compliance described under ORS 815.310.

(c) With a purpose to defraud or with intent, causes registration of a motor vehicle that would not otherwise be eligible for registration because of its failure to comply with rules and standards adopted by the Environmental Quality Commission under ORS 468A.360.

(2) The offense described in this section, unlawful certification of compliance with pollution control requirements, is a Class A misdemeanor, but each day of violation does not constitute a separate offense. [1983 c.338 §217]

**815.325 Unlawfully requiring repair for certification of compliance with pollution control requirements; penalty.** (1) A person commits the offense of unlawfully requiring repair for certification with pollution control requirements if the person requires as a condition of the issuance of a certification of compliance described under ORS 815.310 any repairs or services unnecessary for compliance with rules or standards adopted under ORS 468A.350, 468A.355, 468A.365 and 468A.385.

(2) The offense described in this section, unlawfully requiring repair for certification of compliance with pollution control requirements, is a Class A misdemeanor, but each day of violation does not constitute a separate offense. [1983 c.338 §218]

**815.400** [1985 c.251 §8; 1987 c.119 §4; 1987 c.750 §11; 1989 c.43 §36; 1989 c.148 §17; repealed by 1991 c.873 §53]

(Odometer Offenses)

**815.405 Department review of odometer disclosure statements.** (1) The Department of Transportation may establish a program of reviewing department records and odometer disclosure statements to determine vehicles that may have incorrect odometer disclosures or on which the odometer may have been altered. The program may include any procedures the department determines appropriate including, but not limited to, the comparison of odometer disclosures for individual vehicles with statistical information on statistically average mileage for vehicles within a certain period of time.

(2) If the department determines under this section that it is likely that a vehicle or vehicles have incorrect odometer disclosures or have odometers that have been illegally altered, the department may do any of the following:

(a) Report the findings of the department to the owners or purchasers of the vehicles.

(b) Report the findings of the department to enforcement officials charged with enforcing laws relating to odometers, including, but not limited to, police officials, district attorneys or the Attorney General's office. [1985 c.251 §9; 1991 c.873 §18]

**815.410 Illegal odometer tampering; prohibition; exceptions; civil remedy; penalty.** (1) A person commits the offense of illegal odometer tampering if the person does any of the following:

(a) Advertises for sale, sells, uses or installs on any part of a motor vehicle or on any odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this paragraph the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

(b) With the intent to defraud, operates a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

(c) Replaces, disconnects, turns back or resets the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

(2) This section does not apply to a person who is servicing, repairing or replacing an odometer in compliance with ORS 815.415.

(3) The owner or subsequent purchaser of a vehicle may bring an action in an appropriate court of this state against any person who violates this section and may recover from the person an amount of \$1,500 or treble the actual damage caused by the violation. Only a single recovery is permitted under this subsection for any single violation of this section. The court may award reasonable attorney fees to the prevailing party

in an action under this subsection.

(4) The offense described in this section, illegal odometer tampering, is a Class C felony. [Formerly 646.860; 1995 c.618 §137]

**815.415 Unlawful repair of odometer; rules; civil action; penalty.** (1) A person commits the offense of unlawful repair of an odometer if the person services, repairs or replaces the odometer on any vehicle and the person does not comply with all of the following:

(a) Whenever possible, the person shall perform the work on the odometer without changing the mileage reading from that shown on the odometer before the work is performed.

(b) If it is not possible to perform the work without changing the mileage reading, the person must do all of the following:

(A) Adjust the odometer reading to zero.

(B) Place a notice on the left door frame of the vehicle specifying the mileage reading prior to the work and the date the work was performed. A notice required under this subparagraph must be in writing and must be in a form established by the Department of Transportation by rule.

(C) Make an odometer disclosure in a form required by the department by rule and submit the disclosure to the department within 10 days of completing the work.

(2) The owner or any subsequent purchaser of a vehicle may bring an action in an appropriate court of this state against any person who violates this section and may recover from the person an amount of \$500 or twice the actual damages caused by the violation, whichever is greater. Only a single recovery is permitted under this subsection for any single violation of this section. The court may award reasonable attorney fees to the prevailing party in an action under this section.

(3) A person is not subject to the requirements for work performed on vehicles that are exempt from odometer disclosure requirements under ORS 803.102.

(4) The offense described in this section, unlawful repair of an odometer, is a Class C misdemeanor. [1985 c.251 §4; 1991 c.873 §19; 1995 c.618 §138]

**815.420 Unlawfully removing odometer repair notice; penalty.** (1) A person commits the offense of unlawfully removing an odometer repair notice if the person removes any notice showing service, repair or replacement of an odometer with the mileage reading and the date of the work that has been placed on a vehicle in compliance with ORS 815.415.

(2) The offense described in this section, unlawfully removing an odometer repair notice, is a Class C misdemeanor. [1985 c.251 §5]

**815.425 Failure to submit odometer disclosure; penalty.** (1) A person commits the offense of failure to submit an odometer disclosure if the person is required by ORS 803.102, 803.370, 805.120 or 815.415 to submit an odometer disclosure and the person fails to submit the required odometer disclosure.

(2) The offense described in this section, failure to submit an odometer disclosure, is a Class C misdemeanor. [1985 c.251 §6; 1989 c.148 §18; 1991 c.67 §223; 1991 c.873 §20; 1993 c.751 §108]

**815.430 Submitting false odometer disclosure; penalty.** (1) A person commits the offense of submitting a false odometer disclosure if the person knowingly makes any false statement or provides any false information on an odometer disclosure form.

(2) The offense described in this section, submitting a false odometer disclosure, is a Class C felony.

[1985 c.251 §7; 1991 c.873 §21]

(Traffic Control Signal Operating Devices)

**815.440 Unauthorized possession, use or distribution of traffic control signal operating device; exemption; penalty.** (1) A person commits the offense of unauthorized possession, use or distribution of a traffic control signal operating device if the person owns, uses, sells or otherwise distributes a device that is designed to control a traffic control light as a person using the device approaches the light.

(2) This section does not apply to persons operating traffic control signal operating devices as authorized by ORS 815.445.

(3) For purposes of ORS 133.555, a traffic control signal operating device is contraband if it is used by a person who is not authorized as provided in ORS 815.445 to use the device.

(4) The offense described in this section, unauthorized possession, use or distribution of a traffic control signal operating device, is a Class C misdemeanor. [1993 c.314 §14; 1993 c.522 §5; 1997 c.507 §1]

**815.445 Authority to use traffic control signal operating devices; costs.** (1) The owner of a traffic control signal may authorize use of a traffic control signal operating device by the following persons for the following purposes:

(a) An authorized operator in an emergency vehicle, in order to improve the safety and efficiency of emergency response operations.

(b) An authorized operator in a bus, in order to interrupt the cycle of the traffic control signal in such a way as to keep the green light showing for longer than it otherwise would. As used in this paragraph, “bus” has the meaning given that term in ORS 184.675.

(c) An authorized operator in a traffic signal maintenance vehicle, in order to facilitate traffic signal maintenance activities.

(2) The owner of a traffic control signal who authorizes additional uses of a traffic control signal operating device, as authorized by this section, shall allocate the incremental costs, if any, of such additional uses to the additional users.

(3) A traffic control signal operating device used by an authorized person in an emergency vehicle shall preempt and override a device operated by any other person.

(4) A traffic control signal operating device used as authorized under this section must operate in such a way that the device does not continue to control the signal once the vehicle containing the device has arrived at the intersection, regardless of whether the vehicle remains at the intersection. [1997 c.507 §3]

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## Chapter 816 — Vehicle Equipment: Lights

2005 EDITION

### VEHICLE EQUIPMENT: LIGHTS

#### OREGON VEHICLE CODE

#### ADOPTION AND ENFORCEMENT OF STANDARDS

816.010 Authority to adopt and enforce standards for lighting equipment; testing for compliance with standards

816.020 Motor carriers under jurisdiction of Department of Transportation

#### NONCOMPLYING EQUIPMENT

816.030 Selling noncomplying lighting equipment; penalty

#### GENERAL REQUIREMENTS

816.040 Lighting equipment standards; effect of rules

#### REQUIREMENTS AND STANDARDS FOR SPECIFIC LIGHTS

816.050 Headlights; rules

- 816.060 Auxiliary lights
- 816.070 Passing lights
- 816.080 Taillights
- 816.090 Registration plate lights
- 816.100 Brake lights
- 816.110 Back-up lights
- 816.120 Turn signals
- 816.130 Parking lights
- 816.140 Cowl or fender lights
- 816.150 High beam indicator
- 816.160 Rear mounted lighting system
- 816.170 Spot lights
- 816.180 Reflectors
- 816.190 Marker lights
- 816.200 Clearance lights
- 816.210 Identification lights
- 816.220 Exempt-vehicle safety lighting equipment
- 816.230 Fog lights
- 816.240 Hazard lights
- 816.250 Police lights

- 816.260 Bus safety lights
- 816.270 Mail delivery lights
- 816.280 Warning lights
- 816.285 Fire department warning lights
- 816.290 End load lights
- 816.300 Operation with nonstandard lighting equipment; penalty
- 816.310 Exemptions from lighting equipment requirements

#### REQUIRED LIGHTS

- 816.320 Lighting equipment required for motor vehicles
- 816.330 Operation without required lighting equipment; penalty
- 816.340 Exemptions from required equipment

#### PROHIBITED LIGHTS

- 816.350 Prohibitions on number and kind of lights for certain vehicles
- 816.360 Use of prohibited lighting equipment; penalty
- 816.370 Exemptions from lighting equipment prohibitions

#### ADOPTION AND ENFORCEMENT OF STANDARDS

**816.010 Authority to adopt and enforce standards for lighting equipment; testing for compliance with standards.** (1) The Department of Transportation shall adopt and enforce minimum standards for vehicle lighting equipment under ORS 816.040 to 816.290 including installation, adjustment and aiming and adjustment when in use on motor vehicles.

(2) As federal regulations concerning vehicle lighting equipment are subsequently amended or repealed, the department may consider subsequent federal vehicle lighting equipment standards and adopt standards with respect to any vehicle lighting equipment applicable to the

same aspect of performance of the vehicle lighting equipment if the department determines that the subsequent federal standards are practicable, provide an objective standard and meet the need for vehicle safety.

(3) When the department has reason to believe that any lighting equipment, as it is being sold commercially, does not comply with established standards, the department may have the device tested by a recognized testing laboratory to determine if the lighting equipment complies with the standards adopted under this section.

(4) Standards adopted under this section must be consistent with vehicle standards established under federal regulations or by the Society of Automotive Engineers.

(5) Standards adopted by the department under this section supersede any equipment provision of the vehicle code applicable to the same aspect of performance that conflicts with a specific provision of a standard adopted by the department under this section with respect to compliance with safety standards in effect at the time of sale.

(6) The department shall continue to adopt equipment standards as required under other sections of the vehicle code if there are no standards under this section.

(7) The department may at any time purchase in the open market and submit to the testing laboratory one or more sets of any lighting equipment, and if the lighting equipment, upon testing, fails to meet the standards adopted for lighting equipment under this section, the department shall enforce the penalties set forth in ORS 816.030 to 816.300.

(8) Prohibitions and penalties relating to the standards adopted under this section are set forth in ORS 816.030 to 816.300. [1983 c.338 §447; 2003 c.158 §17]

**816.020 Motor carriers under jurisdiction of Department of Transportation.** With respect to motor carriers operated under the jurisdiction of the Department of Transportation, the department may adopt standard specifications at variance with the requirements and standards for vehicle lighting equipment under ORS 811.515 to 811.525 or 816.040 to 816.370 whenever standard specifications adopted by the Federal Motor Carrier Safety Administration are different from those established by those sections. The standard specifications so adopted by the department shall conform to standard specifications adopted by the Federal Motor Carrier Safety Administration for vehicles operating in interstate commerce. [1983 c.338 §448; 1985 c.16 §235; 1995 c.733 §89; 2003 c.158 §18]

## NONCOMPLYING EQUIPMENT

**816.030 Selling noncomplying lighting equipment; penalty.** (1) A person commits the offense of selling noncomplying lighting equipment if the person sells or offers for sale for use upon or as part of the equipment of any vehicle any vehicle lighting equipment that does not comply with standards adopted by the Department of Transportation under ORS 816.010.

(2) The offense described in this section, selling noncomplying lighting equipment, is a Class D traffic violation. [1983 c.338 §453; 1995 c.383 §29; 2003 c.158 §19]

## GENERAL REQUIREMENTS

**816.040 Lighting equipment standards; effect of rules.** ORS 816.040 to 816.290 establish requirements for ORS 816.300. Except where an exemption under ORS 816.310 specifically provides otherwise, any vehicle lighting that does not comply with ORS 816.040 to 816.290 violates ORS 816.300 and is subject to the penalty provided for in ORS 816.040 to 816.290. Each of the following is a requirement for lighting equipment described in ORS 816.040 to 816.290:

(1) Whenever ORS 816.040 to 816.290 specify either the distance from which lighting equipment shall render objects visible or the distance within which lighting equipment shall be visible, that distance of visibility, unless a different time or condition is expressly stated, shall be as determined:

- (a) Under normal atmospheric conditions;
- (b) At any time from sunset to sunrise or any other time when, due to insufficient light, persons and vehicles are not clearly discernible at a distance of 1,000 feet; and
- (c) On a straight, level unlighted highway.

(2) Whenever ORS 816.040 to 816.290 specify the mounted height of lighting equipment, the height shall be determined from the center of the lighting equipment to the level ground upon which the vehicle stands.

(3) Any standard provided for a piece of lighting equipment under ORS 816.040 to 816.290 is subject to being superseded by a rule adopted by the Department of Transportation as provided under ORS 815.030. [1983 c.338 §458 (1); 1985 c.16 §240 (1); 1985 c.69 §1 (1); 1985 c.71 §4 (1); 1985 c.393 §13 (1); 1985 c.420 §6 (1); 1995 c.733 §90]

## REQUIREMENTS AND STANDARDS FOR SPECIFIC LIGHTS

**816.050 Headlights; rules.** Each of the following is a requirement for headlights as described:

(1) On vehicles required to be equipped with two or more headlights under ORS 816.320 and 816.330 the headlights shall be equally distributed on each side of the front of the vehicle. This subsection does not apply to motorcycles and mopeds.

(2) Headlights shall show a continuously burning light except that:

(a) When permitted under ORS 814.320, headlights for motorcycles or mopeds may have an upper beam that can be modulated between a high and lower brightness at a rate of 200 to 280 pulses per minute.

(b) A federally approved headlight flashing system may be used as emergency vehicle lights on police, fire, emergency or ambulance vehicles.

(3) Headlights shall show a white light described in Standard Number 108 of the Federal Motor Vehicle Safety Standards.

(4) Headlights shall show the light forward.

(5) The Department of Transportation shall adopt and enforce rules establishing minimum

standards and specifications for headlights. The rules shall conform, insofar as practicable, to safety standards and specifications for vehicle lighting issued by the federal government or to standards and recommendations established by the Society of Automotive Engineers.

(6) When multiple beam headlights are used or when headlights are used in combination with auxiliary lights or passing lights, the lights shall be arranged on the vehicle so that the selection between distributions of light projected to different elevations may be selected by the driver at will or so that the selection can be made automatically.

(7) Headlights shall be aimed in accordance with rules adopted by the department. If headlights provide only a single distribution of light and are not supplemented by auxiliary lights, the single beam headlights shall be so aimed that when the vehicle is not loaded, none of the high intensity portion of the light shall, at a distance of 25 feet ahead of the vehicle, project higher than five inches below the level of the center of the lamp from which it comes, or higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead of the vehicle.

(8) The intensity of the light of single beam headlights shall be sufficient to reveal persons and vehicles upon a street or highway at a distance of at least 200 feet ahead of the vehicle to which they are attached.

(9) Headlights that are required under ORS 816.320 and 816.330 must be mounted, adjusted and aimed in accordance with standards adopted by the department under ORS 816.010.

(10) Headlights that are required under ORS 816.320 and 816.330 and any part for such headlight that tends to change the original design or performance must be of a type that complies with standards adopted by the department under ORS 816.010.

(11) Single beam headlights that are not supplemented by auxiliary lights shall be permitted on a motor vehicle in lieu of multiple beam headlights only if the single distribution of lights complies with any requirements for single beam headlights under this section. [1983 c.338 §458 (2); 1985 c.16 §240 (2); 1985 c.69 §1 (2); 1985 c.71 §4 (2); 1985 c.393 §13 (2); 1985 c.420 §6 (2); 1989 c.402 §8; 1991 c.769 §1; 2003 c.158 §20]

**816.060 Auxiliary lights.** (1) As used in this section, “auxiliary lights” means low beam auxiliary lights.

(2) When auxiliary lights are used in combination with headlights, the combination of lights shall be arranged on the vehicle so that the selection between distributions of light projected to different elevations may be selected by the driver at will or so that the selection can be made automatically.

(3) Auxiliary lights shall be wired in accordance with rules adopted by the Department of Transportation.

(4) Auxiliary lights shall be mounted, adjusted and aimed in accordance with rules adopted by the department.

(5) Auxiliary lights mounted on a vehicle for highway use shall be mounted at a height of 54 inches or less above the level surface upon which the vehicle stands. Auxiliary lights mounted higher than 54 inches are subject to any limitation on use under ORS 811.515 and 811.520.

(6) Auxiliary lights and any part for such light that tends to change the original design or performance must be of a type that complies with standards adopted by the department under ORS 816.010.

(7) Auxiliary lights shall show a white light forward. [1983 c.338 §458 (3); 1985 c.16 §240 (3); 1985 c.69 §1 (3); 1985 c.71 §4 (3); 1985 c.393 §13 (3); 1985 c.420 §6 (3); 2003 c.158 §21]

**816.070 Passing lights.** (1) As used in this section, “passing lights” means high beam auxiliary lights.

(2) When passing lights are used in combination with headlights, the combination of lights shall be arranged on the vehicle so that the selection between distributions of light projected to different elevations may be selected by the driver at will or so that the selection can be made automatically.

(3) Passing lights shall be wired in accordance with rules adopted by the Department of Transportation.

(4) Passing lights shall be aimed in accordance with rules adopted by the department.

(5) Passing lights shall show a white light forward. [1983 c.338 §458 (4); 1985 c.16 §240 (4); 1985 c.69 §1 (4); 1985 c.71 §4 (4); 1985 c.393 §13 (4); 1985 c.420 §6 (4); 2003 c.158 §22]

**816.080 Taillights.** (1) Taillights shall be mounted on the rear of a vehicle.

(2) Except as otherwise provided in this section, when lighted, taillights shall emit a red light.

(3) When lighted, taillights shall emit a light plainly visible from a distance of 500 feet to the rear.

(4) Taillights may be constructed so as to include registration plate lights.

(5) Taillights shall be wired so as to be lighted whenever the headlights or auxiliary lights are lighted.

(6) Taillights that are required under ORS 816.320 and 816.330 must be mounted, adjusted and aimed in accordance with the standards adopted by the Department of Transportation.

(7) Taillights that are required under ORS 816.320 and 816.330 and any part for such light that tends to change the original design or performance must be of a type that complies with standards adopted by the department under ORS 816.010.

(8) On a motor vehicle that was manufactured before 1959, the taillight or the taillight assembly, if the taillight is combined with another light, may contain a blue or purple insert of not more than one inch in diameter. [1983 c.338 §458 (5); 1985 c.16 §240 (5); 1985 c.69 §1 (5); 1985 c.71 §4 (5); 1985 c.393 §13 (5); 1985 c.420 §6 (5); 1997 c.492 §1; 2003 c.158 §23]

**816.090 Registration plate lights.** Each of the following is a requirement for registration plate lights as described:

(1) A registration plate light shall be so constructed and placed as to illuminate the rear registration plate of the vehicle.

(2) A registration plate light may either be constructed as a separate light or as part of a

taillight.

(3) A registration plate light shall show a white light.

(4) A registration plate light shall render the rear registration plate clearly legible from a distance of 50 feet to the rear.

(5) A registration plate light shall be wired so as to be lighted whenever the headlights or auxiliary lights are lighted. [1983 c.338 §458 (6); 1985 c.16 §240 (6); 1985 c.69 §1 (6); 1985 c.71 §4 (6); 1985 c.393 §13 (6); 1985 c.420 §6 (6)]

**816.100 Brake lights.** Each of the following is a requirement for brake lights as described:

(1) Brake lights shall be placed on the rear of the vehicle. Where more than one brake light is required under ORS 816.320 and 816.330 at least one brake light shall be placed on each side of the rear.

(2) Brake lights shall be constructed and located on a vehicle so as to give a signal of intention to stop.

(3) Brake lights shall emit a red light. If the motor vehicle was manufactured before 1959 and the brake light is combined with the taillight in a taillight assembly, the assembly may contain an insert as described under ORS 816.080.

(4) Except as provided in subsection (11) of this section, brake lights shall emit a steady burning light.

(5) Brake lights shall emit a light that is plainly visible and capable of being seen and distinguished from a distance of 500 feet to the rear of the vehicle in normal daylight.

(6) Brake lights required under ORS 816.320 and 816.330 shall be mounted, so far as practicable, in such a manner as to reduce the hazard of being obscured by mud or dust thrown by the wheels.

(7) Brake lights shall not project a glaring or dazzling light.

(8) Brake lights may be incorporated with a taillight.

(9) Brake lights shall be activated upon application of the service brake.

(10) Brake lights required under ORS 816.320 and 816.330 or any parts for brake lights must comply with standards adopted by the Department of Transportation under ORS 816.010.

(11) Brake lights for motorcycles may flash intermittently, provided that the brake lights do not override the rear turn signal function. [1983 c.338 §458 (7); 1985 c.16 §240 (7); 1985 c.69 §1 (7); 1985 c.71 §4 (7); 1985 c.393 §13 (7); 1985 c.420 §6 (7); 1997 c.492 §2; 2003 c.158 §24]

**816.110 Back-up lights.** Back-up lights may be constructed either separately or in combination with another light. [1983 c.338 §458 (8); 1985 c.16 §240 (8); 1985 c.69 §1 (8); 1985 c.71 §4 (8); 1985 c.393 §13 (8); 1985 c.420 §6 (8)]

**816.120 Turn signals.** Each of the following is a requirement for turn signals as described:

(1) Turn signals shall be so constructed and located on a vehicle as to give a signal of intention to turn right or left.

(2) The following types of turn signals shall show light in the direction indicated:

(a) Front turn signal lights shall show light to the front of the vehicle.

(b) Rear turn signal lights shall show light to the rear of the vehicle.

(3) The following types of turn signals shall have the color of light indicated:

(a) Front turn signal lights may be white or amber.

(b) Rear turn signal lights may be red, amber or yellow. If the rear turn signal is red, the motor vehicle was manufactured before 1959 and the turn signal is combined with the taillight in a taillight assembly, the assembly may contain an insert as described under ORS 816.080.

(4) Turn signals shall be understandable in normal sunlight and at a distance of 500 feet at night.

(5) Turn signals that are required under ORS 816.320 and 816.330 must be mounted, adjusted and aimed in accordance with the standards adopted by the Department of Transportation.

(6) Turn signals that are required under ORS 816.320 and 816.330 and any part for such turn signals that tends to change the original design or performance must be of a type that complies with standards adopted by the department under ORS 816.010. [1983 c.338 §458 (9); 1985 c.16 §240 (9); 1985 c.69 §1 (9); 1985 c.71 §4 (9); 1985 c.393 §13 (9); 1985 c.420 §6 (9); 1997 c.492 §3; 2003 c.158 §25]

**816.130 Parking lights.** Each of the following is a requirement for parking lights as indicated:

(1) Parking lights shall be on the roadway side of the vehicle when a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto.

(2) Parking lights shall exhibit a white or amber light visible to the front of the vehicle and a red light visible to the rear of the vehicle.

(3) Parking lights shall be visible from a distance of 500 feet to the front of the vehicle and from a distance of 500 feet to the rear of the vehicle. [1983 c.338 §458 (10); 1985 c.16 §240 (10); 1985 c.69 §1 (10); 1985 c.71 §4 (10); 1985 c.393 §13 (10); 1985 c.420 §6 (10)]

**816.140 Cowl or fender lights.** Cowl or fender lights shall emit an amber or white light without glare. [1983 c.338 §458 (11); 1985 c.16 §240 (11); 1985 c.69 §1 (11); 1985 c.71 §4 (11); 1985 c.393 §13 (11); 1985 c.420 §6 (11)]

**816.150 High beam indicator.** Each of the following is a requirement for a high beam indicator:

(1) A high beam indicator shall be constructed so as to be lighted when, and only when, the uppermost distribution of light from the headlights is in use.

(2) A high beam indicator shall be so designed and located that when lighted it will be readily visible to the driver of the vehicle so equipped.

(3) A high beam indicator shall be without glare to the driver of the vehicle so equipped. [1983 c.338 §458 (12); 1985 c.16 §240 (12); 1985 c.69 §1 (12); 1985 c.71 §4 (12); 1985 c.393 §13 (12); 1985 c.420 §6 (12)]

**816.160 Rear mounted lighting system.** Each of the following is a requirement for a rear mounted lighting system:

- (1) A rear mounted lighting system shall have a green light, a yellow light and a red light.
- (2) A rear mounted lighting system shall be constructed so that:
  - (a) The green light will be actuated when the accelerator is depressed;
  - (b) The yellow light will be actuated when the vehicle is moving forward or standing and idling, but not under power from its engine; and
  - (c) The red light will be actuated when the motor vehicle is being braked through the use of its braking system.
- (3) The red and green lights of a rear mounted lighting system may be illuminated simultaneously. Otherwise, only one light of the system shall be illuminated at any one time and either the green or yellow lights shall be illuminated when the red lights are not illuminated.
- (4) The lights of a rear mounted lighting system shall be capable of being seen and distinguished from a distance of 500 feet to the rear of the vehicle during normal daylight.
- (5) Rear mounted lighting systems shall not project a glaring or dazzling light. [1983 c.338 §458 (13); 1985 c.16 §240 (13); 1985 c.69 §1 (13); 1985 c.71 §4 (13); 1985 c.393 §13 (13); 1985 c.420 §6 (13)]

**816.170 Spot lights.** Each of the following is a requirement for spot lights as indicated:

- (1) Spot lights must be mounted, adjusted and aimed in accordance with standards adopted by the Department of Transportation.
- (2) Spot lights and any part for such spot lights that tends to change the original design or performance must be of a type that complies with standards adopted by the department under ORS 816.010. [1983 c.338 §458 (14); 1985 c.16 §240 (14); 1985 c.69 §1 (14); 1985 c.71 §4 (14); 1985 c.393 §13 (14); 1985 c.420 §6 (14); 2003 c.158 §26]

**816.180 Reflectors.** Each of the following is a requirement for reflectors as indicated:

- (1) The following are the colors for the indicated type of reflector:
  - (a) Rear reflectors and rearward side reflectors shall be red.
  - (b) Forward side reflectors and intermediate side reflectors shall be amber.
- (2) The following types of reflectors shall be placed as indicated:
  - (a) Rear reflectors shall be mounted on the rear of the vehicle. If more than one rear reflector is required under ORS 816.320 and 816.330, there shall be at least one rear reflector on either side of the rear of the vehicle. On pole trailers, rear reflectors may be mounted on each side of the bolster or load.
  - (b) Forward side reflectors shall be mounted on the side of the vehicle near the front of the vehicle.
  - (c) Intermediate side reflectors shall be mounted on the side of the vehicle at or near the midpoint between the forward side reflectors and the rearward side reflectors.

(d) Rearward side reflectors shall be mounted on the side of the vehicle near the rear of the vehicle.

(3) Reflectors shall be mounted on a vehicle at a height not less than 15 inches and not more than 60 inches above the ground on which the vehicle stands.

(4) Reflectors shall be of such size or characteristics and so mounted and maintained as to be readily visible at night within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlights.

(5) Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides and those mounted on the rear shall reflect the required color to the rear.

(6) Reflectors required under ORS 816.320 and 816.330 shall be mounted, so far as practicable, in such manner as to reduce the hazard of being obscured by mud or dust thrown by the wheels.

(7) Reflectors that are required under ORS 816.320 and 816.330 must be mounted, adjusted and aimed in accordance with standards adopted by the Department of Transportation.

(8) Reflectors that are required under ORS 816.320 and 816.330 and any part for such reflectors that tends to change the original design or performance must be of a type that complies with standards adopted by the department under ORS 816.010.

(9) Rear reflectors may be constructed either as a separate reflector or as part of and incorporated with the taillights. [1983 c.338 §458 (15); 1985 c.16 §240 (15); 1985 c.69 §1 (15); 1985 c.71 §4 (15); 1985 c.393 §13 (15); 1985 c.420 §6 (15); 2003 c.158 §27]

**816.190 Marker lights.** Each of the following is a requirement for marker lights as indicated:

(1) The following types of marker lights shall be placed as indicated:

(a) Forward side marker lights shall be mounted on the side of the vehicle at or near the front.

(b) Intermediate side marker lights shall be mounted on the side of the vehicle at or near the midpoint between the forward side marker lights and the rearward side marker lights.

(c) Rearward side marker lights shall be mounted on the side of the vehicle at or near the rear.

(2) The following are the colors for the indicated type of marker lights:

(a) Rearward side marker lights shall be red.

(b) Forward side marker lights and intermediate side marker lights shall be amber.

(3) Side marker lights may be mounted in combination with clearance lights if illumination is given as required with reference to both.

(4) Marker lights that are required under ORS 816.320 and 816.330 shall be mounted, so far as practicable, in such manner as to reduce the hazard of being obscured by mud or dust thrown by the wheels.

(5) Marker lights shall be capable of being seen and distinguished at a distance of 500 feet directly from that part of the vehicle on which the lights are placed. [1983 c.338 §458 (16); 1985 c.16 §240 (16); 1985 c.69 §1 (16); 1985 c.71 §4 (16); 1985 c.393 §13 (16); 1985 c.420 §6 (16)]

**816.200 Clearance lights.** Each of the following is a requirement for clearance lights as

indicated:

(1) The following types of clearance lights shall be placed as indicated:

(a) Front clearance lights shall be placed on the front of the vehicle. When more than one front clearance light is required under ORS 816.320 and 816.330, at least one front clearance light shall be on each side of the front of the vehicle.

(b) Rear clearance lights shall be placed on the rear of the vehicle. When more than one rear clearance light is required under ORS 816.320 and 816.330, at least one rear clearance light shall be on each side of the rear of the vehicle.

(2) The following are the colors for indicated type of clearance lights:

(a) Front clearance lights shall be amber.

(b) Rear clearance lights shall be red.

(3) Clearance lights shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and shall be mounted as near the top of the vehicle as practicable.

(4) Clearance lights may be mounted in combination with side marker lights if illumination is given as required with reference to both.

(5) Clearance lights that are required under ORS 816.320 and 816.330 shall be mounted, so far as practicable, in such manner as to reduce the hazard of being obscured by mud or dust thrown by the wheels.

(6) Clearance lights shall be capable of being seen and distinguished at a distance of 500 feet directly from that part of the vehicle on which the lights are placed. [1983 c.338 §458 (17); 1985 c.16 §240 (17); 1985 c.69 §1 (17); 1985 c.71 §4 (17); 1985 c.393 §13 (17); 1985 c.420 §6 (17)]

**816.210 Identification lights.** Each of the following is a requirement for identification lights:

(1) An identification light is a group of three lights mounted at the same height with the centers of the lights in the group of lights spaced not less than 6 inches nor more than 12 inches apart.

(2) The following types of identification lights shall be placed as indicated:

(a) Front identification lights shall be placed on the front of the vehicle.

(b) Rear identification lights shall be placed on the rear of the vehicle.

(3) Identification lights shall be mounted as close as practicable to the top of the vehicle.

(4) Identification lights shall be mounted as close as practicable to the vertical centerline of the vehicle on that part of the vehicle where the identification lights are mounted.

(5) Front identification lights shall be an amber color. Rear identification lights shall be a red color.

(6) Identification lights that are required ORS 816.320 and 816.330 shall be mounted, so far as practicable, in such manner as to reduce the hazard of being obscured by mud or dust thrown by the wheels.

(7) Identification lights shall be capable of being seen and distinguished at a distance of 500 feet directly from that part of the vehicle on which the lights are placed. [1983 c.338 §458 (18);

1985 c.16 §240 (18); 1985 c.69 §1 (18); 1985 c.71 §4 (18); 1985 c.393 §13 (18); 1985 c.420 §6 (18)]

**816.220 Exempt-vehicle safety lighting equipment.** Each of the following is a requirement for exempt-vehicle safety lighting equipment:

(1) Exempt-vehicle safety lighting equipment shall consist of at least two lighted lights or lanterns.

(2) The following are the colors for the indicated type of exempt-vehicle safety lighting equipment indicated:

(a) The exempt-vehicle safety lighting equipment that exhibits a light to the front of the vehicle shall exhibit a white light in that direction.

(b) The exempt-vehicle safety lighting equipment that exhibits a light to the rear of the vehicle shall exhibit a red light in that direction.

(3) At least one piece of exempt-vehicle safety lighting equipment shall exhibit a light visible to the front of the vehicle and at least one shall exhibit a light visible to the rear of the vehicle.

(4) Exempt-vehicle safety lighting equipment shall be visible from a distance of 500 feet from the direction that the light is required to be visible. [1983 c.338 §458 (19); 1985 c.16 §240 (19); 1985 c.69 §1 (19); 1985 c.71 §4 (19); 1985 c.393 §13 (19); 1985 c.420 §6 (19)]

**816.230 Fog lights.** Each of the following is a requirement for fog lights as described:

(1) Fog lights shall be mounted, aimed and adjusted in accordance with standards adopted by the Department of Transportation.

(2) Fog lights and any part of such fog lights that tends to change the original design or performance must be of a type that complies with standards adopted by the department under ORS 816.010.

(3) Forward mounted fog lights shall show a white, amber or yellow light.

(4) Rear mounted fog lights shall show a red light. [1983 c.338 §458 (20); 1985 c.16 §240 (20); 1985 c.69 §1 (20); 1985 c.71 §4 (20); 1985 c.393 §13 (20); 1985 c.420 §6 (20); 2003 c.158 §28]

**816.240 Hazard lights.** Each of the following is a requirement for hazard lights as described:

(1) At least two hazard lights shall be mounted on the front of the vehicle and at least two hazard lights shall be mounted on the rear of the vehicle.

(2) Hazard lights mounted on the front of the vehicle shall be mounted at the same level as other hazard lights on the front of the vehicle. Hazard lights mounted on the rear of the vehicle shall be mounted at the same level as other hazard lights on the rear of the vehicle.

(3) Hazard lights shall be as widely spaced laterally on the front and rear of the vehicle as practicable.

(4) Hazard lights on a vehicle shall flash simultaneously with each other.

(5) Hazard lights on the front of a vehicle may be white or amber lights. Hazard lights on the

rear of a vehicle may be amber or red lights.

(6) Hazard lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night. [1983 c.338 §458 (21); 1985 c.16 §240 (21); 1985 c.69 §1 (21); 1985 c.71 §4 (21); 1985 c.393 §13 (21); 1985 c.420 §6 (21)]

**816.250 Police lights.** Each of the following is a requirement for police lights as described:

(1) Police lights may be blue, red, yellow, amber or white.

(2) Police lights may be revolving or stationary-type flashing lights.

(3) Police lights shall be visible from a distance of not less than 1,000 feet under normal atmospheric conditions at night.

(4) Police lights may include one or more lights. [1983 c.338 §458 (22); 1985 c.16 §240 (22); 1985 c.69 §1 (22); 1985 c.71 §4 (22); 1985 c.393 §13 (22); 1985 c.420 §6 (22); 1989 c.402 §9; 1997 c.492 §5]

**816.260 Bus safety lights.** Each of the following is a requirement for bus safety lights:

(1) Bus safety lights shall include at least two of each color of light on the front of the vehicle and at least two of each color of light on the rear of the vehicle.

(2) Bus safety lights shall include red and amber lights.

(3) Each bus safety light shall alternately flash with the bus safety lights of the same color that are placed on the same end of the vehicle displaying the lights. [1983 c.338 §458 (23); 1985 c.16 §240 (23); 1985 c.69 §1 (23); 1985 c.71 §4 (23); 1985 c.393 §13 (23); 1985 c.420 §6 (23)]

**816.270 Mail delivery lights.** (1) Each of the following is a requirement for mail delivery lights other than strobe lights:

(a) Mail delivery lights shall include two lights.

(b) Mail delivery lights shall be simultaneously flashing lights.

(c) Mail delivery lights may be constructed so that the lights flash continuously or are actuated by application of the service brake.

(d) Mail delivery lights shall have at least 12 square inches of effective illuminated surface.

(e) Mail delivery lights shall be of double face or two-way type.

(f) Mail delivery lights shall project an amber color to the front and a red color to the rear.

(g) Mail delivery lights shall be visible from a distance of not less than 100 feet to the front and rear in normal sunlight.

(h) Mail delivery lights shall be mounted on the highest part of the top of the vehicle in such a position that the illumination from the lights is visible both to the front and rear for the required distance and shall be spaced laterally as far apart as body construction will permit.

(i) Between mail delivery lights there shall be mounted a 22-inch by 7-inch sign with the wording "U.S. Mail" in four-inch letters in black on a white background.

(j) Mail delivery lights and the required sign shall be installed so that the sign can be easily lowered and the lights turned off when the vehicle is not actually engaged in United States Mail

service.

(k) Mail delivery lights, the required sign, wiring, switches and mounting devices shall all be of a type that meets standards adopted by the Department of Transportation.

(2) Magnetically attached strobe lights may be used as mail delivery lights without meeting any of the requirements of subsection (1) of this section except the visibility requirements of subsection (1)(g) and (h) of this section. Strobe lights used as mail delivery lights shall be amber. [1983 c.338 §458 (24); 1985 c.16 §240 (24); 1985 c.69 §1 (24); 1985 c.71 §4 (24); 1985 c.393 §13 (24); 1985 c.420 §6 (24); 1991 c.601 §1; 2003 c.158 §29]

**816.280 Warning lights.** This section establishes standards for different types of warning lights. Each of the following is a requirement for warning lights as described:

(1) The following are the colors for the indicated type of warning light:

(a) Public vehicle warning lights, pilot vehicle warning lights and commercial vehicle warning lights shall be amber.

(b) Tow vehicle warning lights may be amber or red.

(c) Weighmaster and motor carrier enforcement officer warning lights shall be red.

(d) Warning lights on vehicles engaged in the removal, containment or cleanup of a hazardous materials release, and on vehicles at the scene of a potential release of hazardous materials, may be red or amber.

(e) Warning lights on vehicles being used by medical examiners to reach the scene of an accident or of a death investigation may be red.

(2) Warning lights shall provide an intermittent light that may be either of a revolving or flashing type or any other type that provides an intermittent light.

(3) All warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night. [1983 c.338 §458 (25); 1985 c.16 §240 (25); 1985 c.69 §1 (25); 1985 c.71 §4 (25); 1985 c.393 §13 (25); 1985 c.420 §6 (25); 1989 c.402 §10; 1991 c.769 §3; 1993 c.741 §104; 1999 c.497 §1; 2003 c.245 §3]

**816.285 Fire department warning lights.** Each of the following is authorized for fire department warning lights:

(1) Fire department vehicle warning lights may be red or a combination of red and white.

(2) Fire department vehicles may use an approved headlight flashing system as authorized by ORS 816.050.

(3) Fire department vehicles may have a forward facing flashing white light for the purpose of operating a traffic signal preemption device.

(4) Fire department vehicles may show a flashing or revolving green light when operating as the command post in emergency incidents.

(5) Fire department emergency response vehicle lights may be any color allowed for police lights under ORS 816.250. [1991 c.769 §5; 1997 c.492 §6]

**Note:** 816.285 was added to and made a part of ORS chapter 816 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**816.290 End load lights.** Each of the following is a requirement for end load lights:

- (1) The lights shall be red in color.
- (2) The lights shall be either a lighted light or lantern.
- (3) The lights shall be placed at the extreme rear end of a load.
- (4) The lights shall be plainly visible from a distance of at least 500 feet to the sides and rear of the vehicle. [1983 c.338 §458 (26); 1985 c.16 §240 (26); 1985 c.69 §1 (26); 1985 c.71 §4 (26); 1985 c.393 §13 (26); 1985 c.420 §6 (26)]

**816.300 Operation with nonstandard lighting equipment; penalty.** (1) A person commits the offense of operation with nonstandard lighting equipment if the person does any of the following:

(a) Drives or moves on any highway any vehicle equipped with lighting equipment described under ORS 816.040 to 816.290 that does not meet the standards required for the equipment under ORS 816.040 to 816.290.

(b) Owns a vehicle or combination of vehicles and causes or knowingly permits the vehicle or combination of vehicles to be driven or moved on any highway when the vehicle or combination is equipped with lighting equipment described under ORS 816.040 to 816.290 that does not meet the standards required for the equipment under ORS 816.040 to 816.290.

(2) The application of this section is subject to the exemptions from this section established under ORS 816.310.

(3) The offense described in this section, operation with nonstandard lighting equipment, is a Class C traffic violation. [1983 c.338 §457; 1985 c.393 §12]

**816.310 Exemptions from lighting equipment requirements.** This section establishes exemptions from ORS 816.040 to 816.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following:

(1) ORS 816.040 to 816.300 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Lighting equipment used on vehicles of special interest that are registered under ORS 805.020 shall be deemed in compliance with ORS 816.040 to 816.300 if the equipment is original manufacturer's equipment and accessories, or their equivalent and if the equipment is maintained in safe operating condition.

(3) ORS 816.040 to 816.300 do not apply to equipment on any of the following:

- (a) Road machinery.
- (b) Road rollers.

(c) Farm tractors.

(d) Antique motor vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(e) Motorized wheelchairs when used as permitted under ORS 811.440.

(4) On any combination of vehicles, only the lighting equipment on the rearmost vehicle in the combination of vehicles need be visible from distances specified under ORS 816.040 to 816.290 for lighting equipment on the rear of vehicles.

(5) Lighting equipment on bicycles shall meet the requirements established for such equipment under ORS 815.280.

(6) Vehicle lighting equipment requirements for ambulances and emergency vehicles are established in ORS 820.350.

(7) Lighting equipment on electric personal assistive mobility devices shall meet the requirements established in ORS 815.284. [1983 c.338 §459; 1985 c.16 §241; 1991 c.417 §6; 2003 c.341 §18]

## REQUIRED LIGHTS

**816.320 Lighting equipment required for motor vehicles.** This section establishes requirements for ORS 816.330. Where specific types of lighting equipment are mentioned by this section, those types are types described under ORS 816.040 to 816.290. Except where an exemption under ORS 816.340 specifically provides otherwise, a vehicle that does not comply with this section is in violation of ORS 816.330:

(1) A motor vehicle shall be equipped with all of the following in addition to any other requirements under this section:

(a) Headlights. Motor vehicles other than motorcycles or mopeds shall be equipped with at least two. Motorcycles or mopeds shall be equipped with at least one.

(b) Taillights. Motor vehicles other than motorcycles shall be equipped with two taillights. Motorcycles are only required to be equipped with one taillight.

(c) Registration plate light.

(d) Brake lights. Motor vehicles other than motorcycles and mopeds shall be equipped with at least two brake lights. Motorcycles and mopeds are only required to be equipped with one brake light.

(e) Turn signal lights.

(f) Rear reflectors.

(2) All trailers shall be equipped with all of the following in addition to any other requirements under this section:

(a) Taillights. Trailers are required to be equipped with two taillights.

(b) Registration plate lights.

(c) Two brake lights.

- (d) Turn signal lights.
- (e) Two rear reflectors.

(3) The motor vehicles described in this subsection shall be equipped with forward and rearward side reflectors on each side of the vehicle and forward and rearward side marker lights on each side of the vehicle in addition to any requirements under subsection (1) of this section.

This subsection applies to the following vehicles:

- (a) School buses.
- (b) Worker transport buses.
- (c) Vehicles used in transportation of persons for hire by a nonprofit entity as provided in ORS 825.017 (9).

(d) A bus being operated for transporting children to and from religious services or an activity or function authorized by the religious organization.

- (e) Commercial buses.
- (f) Motor trucks with a registration weight in excess of 8,000 pounds.

(4) In addition to any other requirements under this section, any motor truck with a registration weight in excess of 8,000 pounds, commercial bus or trailer that is 80 inches or more in overall width and less than 30 feet in overall length shall be equipped with the following:

- (a) Two front and two rear clearance lights.
- (b) Front and rear identification lights.

(5) In addition to any other requirements under this section, any motor truck with a registration weight of more than 8,000 pounds, commercial bus or trailer that is more than 30 feet in overall length, regardless of its width shall be equipped with the following:

- (a) Two front and two rear clearance lights.
- (b) Front and rear identification lights.
- (c) Intermediate side marker lights and intermediate side reflectors on each side of the vehicle.

(6) Every motor vehicle that has multiple-beam lighting equipment shall be equipped with a high beam indicator.

(7) Tow vehicles shall be equipped with tow vehicle warning lights. [1983 c.338 §461; 1985 c.71 §5; 1989 c.402 §11; 1989 c.992 §22]

**816.330 Operation without required lighting equipment; penalty.** (1) A person commits the offense of operation without required lighting equipment if the person does any of the following:

- (a) Drives or moves on any highway any vehicle that is not equipped with lighting equipment that is required for the vehicle under ORS 816.320.
- (b) Owns a vehicle or combination of vehicles and causes or knowingly permits the vehicle or combination of vehicles to be driven or moved on any highway when the vehicle or combination is not equipped with lighting equipment that is required for the vehicle under ORS 816.320.

(2) The application of this section is subject to the exemptions from this section established under ORS 816.340.

(3) The offense described in this section, operation without required lighting equipment, is a Class C traffic violation. [1983 c.338 §460; 1985 c.393 §14]

**816.340 Exemptions from required equipment.** This section establishes exemptions from ORS 816.320 and 816.330. The exemptions established under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) ORS 816.320 and 816.330 shall not be construed to prohibit the use of additional parts and accessories on any vehicle consistent with the provisions of those sections.

(2) Motor vehicles of special interest that are registered under ORS 805.020 shall be deemed in compliance with ORS 816.320 and 816.330 if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and if the equipment is maintained in safe operating condition; or

(b) The vehicles are street rods that conform ORS 815.107.

(3) ORS 816.320 and 816.330 do not apply to any of the following vehicles:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors, implements of husbandry and farm trailers.

(d) Antique motor vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) Motorcycles manufactured before 1973 are not required to be equipped with turn signals if the motorcycle is not driven during limited visibility conditions under ORS 811.405 and 811.515.

(5) Truck tractors are not required to be equipped with rear reflectors.

(6) Pole trailers are not required to be equipped with side reflectors, side marker lights, clearance lights or identification lights.

(7) Motor vehicles registered in this state on or before January 1, 1940, are not required to be equipped with a high-beam indicator.

(8) Bicycles shall be equipped with lighting equipment as required under ORS 815.280.

(9) Requirements for warning lights on ambulances are provided under ORS 820.350 and 820.360.

(10) Electric personal assistive mobility devices shall be equipped with lighting equipment as required under ORS 815.284. [1983 c.338 §462; 1985 c.16 §242; 1989 c.402 §12; 1997 c.402 §17; 2003 c.158 §30; 2003 c.341 §19]

## PROHIBITED LIGHTS

**816.350 Prohibitions on number and kind of lights for certain vehicles.** This section establishes requirements for ORS 816.360. When specific types of lighting equipment are mentioned by this section, those types are types described under ORS 816.040 to 816.290. Except

as allowed under this section or where an exemption under ORS 816.370 specifically provides otherwise, a vehicle that does not comply with this section is in violation of ORS 816.360:

(1)(a) A motorcycle may not be equipped with more than three headlights.

(b) A moped may not be equipped with more than two headlights.

(2) Except when blue or purple inserts are allowed under ORS 816.080, 816.100 or 816.120, no vehicle may have any lighting equipment mounted on the rear that displays or reflects any color other than red except for the following lighting equipment:

(a) Turn signal lights.

(b) Rear mounted lighting systems.

(c) Registration plate lights.

(d) Back-up lights.

(3) Except as otherwise allowed under this section, only the following types of vehicles may be equipped with public vehicle warning lights:

(a) A vehicle operated by the state, or any county, city, district or other political subdivision of the state, and used for the construction, improvement, repair, maintenance, operation or patrol of any public highway.

(b) Vehicles operated by a public utility or telecommunications utility involved in maintenance, repair or construction of their facilities along public rights of way.

(4) Vehicles operated by a police officer and used for law enforcement may be equipped with any type of police lights, but only these vehicles may be equipped with blue lights.

(5) Except as otherwise allowed under this section, only a vehicle operated by a weighmaster or motor carrier enforcement officer proceeding under the authority of ORS 810.530 may be equipped with weighmaster warning lights.

(6) Except as otherwise allowed under this section, only tow vehicles may be equipped with tow vehicle warning lights.

(7) Except as otherwise allowed under this section, only a motor vehicle escort accompanying a motor vehicle carrying or towing a load of a size or description not permitted under ORS 815.160, 815.170, 818.020, 818.060, 818.090, 818.110, 818.160 and 818.300 may be equipped with a pilot vehicle warning light.

(8) Except as otherwise allowed under this section, only the following vehicles may be equipped with bus safety lights:

(a) School buses.

(b) Worker transport buses.

(c) Vehicles issued a permit under ORS 818.260.

(9) No vehicle except a vehicle used in active service transporting United States Mail may be equipped with mail delivery lights.

(10) Except as otherwise allowed under this section, fire company warning lights may only be used on the following vehicles:

(a) An emergency vehicle.

(b) A vehicle authorized under a permit issued under ORS 818.250.

(c) Funeral lead vehicles and funeral escort vehicles used to escort funeral processions.

(11) Except as otherwise allowed under this section, no vehicle or equipment may display or carry any lighting equipment or device with a red light visible from directly in front of the vehicle or equipment.

(12) Except as otherwise allowed under this section, all flashing lights are prohibited on all motor vehicles on any street or highway except for turn signals, hazard lights and headlight flashing systems described in ORS 816.050.

(13) No motor vehicle other than an emergency vehicle may be equipped with more than one spot light.

(14) No motor vehicle may be equipped with more than two cowl or fender lights.

(15) A vehicle at the scene of an actual or potential release of hazardous materials may be equipped with warning lights as described in ORS 816.280 (1)(d).

(16) A vehicle being used by medical examiners to reach the scene of an accident or of a death investigation may be equipped with warning lights as described in ORS 816.280 (1)(e).

(17) A vehicle may be equipped with covers on any of the following lights if the covers are removed when the lights are required to be in operation:

(a) Headlights under ORS 816.050.

(b) Taillights under ORS 816.080.

(c) Brake lights under ORS 816.100.

(d) Turn signals under ORS 816.120.

(e) Reflectors under ORS 816.180.

(18) A commercial vehicle, as defined in ORS 801.210 (2), may be equipped with commercial vehicle warning lights. [1983 c.338 §464; 1985 c.16 §243; 1985 c.71 §6; 1987 c.447 §140; 1989 c.402 §13; 1991 c.482 §17; 1991 c.769 §2; 1993 c.741 §105; 1997 c.492 §4; 1999 c.497 §3; 2003 c.118 §1; 2003 c.158 §31; 2003 c.245 §4]

**816.360 Use of prohibited lighting equipment; penalty.** (1) A person commits the offense of use of prohibited lighting equipment if the person does any of the following:

(a) Drives or moves on any highway any vehicle that is equipped with lighting equipment that the vehicle is not allowed under ORS 816.350.

(b) Owns a vehicle or combination of vehicles and causes or knowingly permits the vehicle or combination of vehicles to be driven or moved on any highway when the vehicle or combination is equipped with lights that the vehicle or combination is not allowed under ORS 816.350.

(2) The application of this section is subject to the exemptions from this section established under ORS 816.370.

(3) The offense described in this section, use of prohibited lighting equipment, is a Class C traffic violation. [1983 c.338 §463; 1985 c.393 §15]

**816.370 Exemptions from lighting equipment prohibitions.** This section establishes exemptions from ORS 816.350 and 816.360. The exemptions established under this section are in

addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) ORS 816.350 and 816.360 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Lighting equipment used on motor vehicles of special interest that are registered under ORS 805.020 shall be deemed in compliance with ORS 816.350 and 816.360 if the equipment is original manufacturer's equipment and accessories, or their equivalent and if the equipment is maintained in safe operating condition.

(3) ORS 816.350 and 816.360 do not apply to equipment on any of the following:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors.

(d) Antique motor vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) Ambulances and emergency vehicles are subject to the provisions under ORS 820.350 and 820.360. [1983 c.338 §465]

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## CHAPTER 817

[Reserved for expansion]

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## Chapter 820 — Special Provisions for Certain Vehicles

2005 EDITION

### SPECIAL PROVISIONS FOR CERTAIN VEHICLES

#### OREGON VEHICLE CODE

#### WORKER TRANSPORT AND OTHER VEHICLES

820.010 Vehicles subject to safety regulation; Department of Consumer and Business Services jurisdiction; rules

820.020 Vehicles other than worker transport vehicles that are subject to safety regulation

820.030 Safety code; rules; standards; tentative draft; hearings; notice; amendment

820.040 Inspection of vehicles

820.050 Orders regarding noncomplying vehicles or drivers

820.060 Safety requirement; owner violation of worker transport vehicle safety code; penalty

820.070 Driver violation of worker transport vehicle safety code; penalty

## SCHOOL VEHICLES

820.100 Adoption of safety standards for construction and equipment of school vehicles; rules

820.105 School bus stop arms

820.110 Rules for driver qualification and training and accident reports

820.120 Rules for school vehicle inspection

820.130 School bus registration

820.140 Revocation of registration

820.150 Rules for exemption of certain vehicles from Oregon Vehicle Code

820.160 Illegal display of school bus markings; penalty

820.170 Improper school bus markings; penalty

820.180 Unsafe school vehicle operation; penalty

820.190 Minor operating school vehicle; penalty

## MISCELLANEOUS PROVISIONS

820.200 Minor operating public passenger vehicle; penalty

820.210 Registration exemptions for golf carts and similar vehicles

820.220 Operation of low-speed vehicle in prohibited area; penalty

## AMBULANCES AND EMERGENCY VEHICLES

(Application of Traffic Laws)

820.300 Exemptions from traffic laws

820.320 Illegal operation of emergency vehicle or ambulance; penalty

(Records)

820.330 Failure to make, maintain and make available ambulance records; exemption; penalty

820.340 Contents of ambulance records

(Equipment)

820.350 Ambulance warning lights

820.360 Illegal ambulance lighting equipment; exemption; penalty

820.370 Ambulance or emergency vehicle sirens

820.380 Illegal ambulance or emergency vehicle sirens; exemption; penalty

## IMPLEMENTS OF HUSBANDRY

820.400 Unlawful operation of implement of husbandry; penalty

## MANUFACTURED STRUCTURES

820.520 Travel or special use trailer assessed as manufactured structure; effect of ceasing to be used as permanent home

820.570 Violating trip permit requirements for manufactured structures; penalty

## WORKER TRANSPORT AND OTHER VEHICLES

**820.010 Vehicles subject to safety regulation; Department of Consumer and Business Services jurisdiction; rules.** (1) A motor vehicle is subject to safety regulation under ORS 820.030 to 820.070, if the vehicle is furnished by an employer and is used to transport one or more workers to and from their places of employment. All of the following apply to this subsection:

(a) The employer must be an individual who employs or uses two or more workers.

(b) The workers employed or transported may be any individuals who are employed for any period in any work for which the workers are compensated, whether full- or part-time.

(c) The place of employment to and from which the vehicle is used to transport workers must be a location where one or more workers are actually performing the labor incident to their employment.

(d) Vehicles may include passenger automobiles and station wagons operated by or on behalf of employers.

(2) If vehicles described in this section are worker transport buses, the vehicles may be subject to additional regulation for the use of bus safety lights under ORS 811.520 and 816.300 in addition to safety measures under ORS 811.155.

(3) The Department of Consumer and Business Services has concurrent jurisdiction with the Department of Transportation in the adoption, under ORS 820.030, of rules relating to vehicles described in this section and in the enforcement of those rules under ORS 820.040 and 820.050 as applied to vehicles described in this section.

(4) Vehicles described in this section are in addition to any vehicles subjected to regulation under ORS 820.020. [1983 c.338 §738; 1985 c.16 §355]

**820.020 Vehicles other than worker transport vehicles that are subject to safety regulation.** Vehicles described in this section are subject to safety regulation under ORS 820.030 to 820.070 in addition to worker transport vehicles subjected to such regulation under ORS 820.010. This section applies to every motor vehicle that is exempt from ORS chapter 825 by ORS 825.017 (9). [1983 c.338 §739; 1989 c.992 §23]

**820.030 Safety code; rules; standards; tentative draft; hearings; notice; amendment.** The Department of Transportation shall make and enforce reasonable rules relating to vehicles described under ORS 820.010 and 820.020. Authority for enforcement of the rules is established under ORS 820.040 to 820.070. The rules shall be embodied in a safety code and the safety code is subject to all of the following:

(1) The safety code shall establish minimum standards for all of the following aspects of the safety and operation of vehicles described under ORS 820.010 and 820.020:

(a) For the construction and mechanical equipment of a motor vehicle, including its coupling devices, lighting devices and reflectors, motor exhaust system, rear-vision mirrors, service and parking brakes, steering mechanism, tires, warning and signaling devices and windshield wipers.

(b) For the operation of a motor vehicle, including driving rules, loading and carrying freight and passengers, maximum daily hours of service by drivers, minimum age and skill of drivers, physical condition of drivers, refueling, road warning devices and the transportation of gasoline and explosives.

(c) For the safety of passengers in a motor vehicle, including emergency exits, fire extinguishers, first aid kits, means of ingress and egress, side walls, and a tailgate or other means of retaining freight and passengers within the motor vehicle.

(2) Before formulating a draft of the safety code, the department shall invite the participation of interested state agencies and representative business, farm, labor and safety organizations.

These groups may make suggestions relating to the minimum standards to be embodied in the safety code. The department shall consider the suggestions and prepare a tentative draft of the safety code.

(3) The following apply to hearings on a tentative draft under this section:

(a) Upon the fixing of dates and places for hearings to consider the tentative draft, the department:

(A) Shall cause notices of the hearings to be published in one or more daily newspapers of general circulation published and circulated in the City of Portland and in such other newspapers of general circulation in this state as will give wide notices of the hearings; and

(B) Shall cause copies of the tentative draft to be widely distributed among representative business, farm, labor and safety organizations and among interested individuals.

(b) Any individuals or groups may participate in the hearings, and submit their comments and suggestions relating to the minimum standards embodied in the tentative draft.

(4) Notice of the adoption and issuance of the safety code shall be given in the same manner as notices of the hearings.

(5) The department shall cause copies of the safety code and amendments thereto to be widely distributed among interested state agencies, among representative business, farm, labor and safety organizations and among interested individuals.

(6) The department may amend the safety code at any time upon its own motion or upon complaint by any individual or group, in the same manner as the safety code was prepared, adopted and distributed under this section.

(7) No defect or inaccuracy in a notice or in the publication thereof shall invalidate the safety code or any amendment thereto adopted and issued by the department. [1983 c.338 §740; 1985 c.16 §356]

**820.040 Inspection of vehicles.** (1) The Department of Transportation, in enforcing the safety code established under ORS 820.030, may inspect any vehicle that is described under ORS 820.010 or 820.020.

(2) Upon request, the Superintendent of State Police shall assist the department in these inspections. [1983 c.338 §741]

**820.050 Orders regarding noncomplying vehicles or drivers.** (1) Whenever the Department of Transportation finds that a vehicle described under ORS 820.010 or 820.020 violates any provision of the safety code adopted under ORS 820.030 or an amendment thereto, the department shall make, enter and serve upon the owner of the vehicle any order necessary to protect the safety of persons transported in the vehicle.

(2) The department may direct in an order, as a condition to the continued use of the motor vehicle for authorized purposes, that such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished and used as are reasonably required to satisfy the requirements of the safety code, in the manner and within the time specified in the

order.

(3) The department may also issue to the owner of the vehicle an order to require that any driver of the motor vehicle satisfy the minimum standards for a driver under the safety code established under ORS 820.030.

(4) Any person aggrieved by an order of the department under this section may appeal under the provisions of ORS 183.480.

(5) Violation of an order issued under this section is subject to penalty as provided under ORS 820.060. [1983 c.338 §742]

**820.060 Safety requirement; owner violation of worker transport vehicle safety code; penalty.** (1) The following vehicles shall be maintained in a safe condition and operated in a safe manner at all times:

(a) Vehicles described in ORS 820.010. This paragraph applies whether or not the vehicle is used upon a public highway.

(b) Vehicles described in ORS 820.020.

(2) A person commits the offense of owner violation of the worker transport vehicle safety code if the person is the owner of a vehicle described under ORS 820.010 or 820.020 and the person does any of the following:

(a) Violates or willfully fails to comply with an order issued under ORS 820.050.

(b) Violates any provision of the safety code established under ORS 820.030, or any amendment thereto.

(3) The offense described in this section, owner violation of worker transport vehicle safety code, is a Class B traffic violation. [1983 c.338 §743; 1985 c.393 §50]

**820.070 Driver violation of worker transport vehicle safety code; penalty.** (1) A person commits the offense of driver violation of worker transport vehicle safety code if the person, at any time, operates a vehicle described under ORS 820.010 or 820.020 in a manner that violates any provision of the safety code established under ORS 820.030 or any amendment thereto.

(2) The offense described in this section, driver violation of worker transport vehicle safety code, is a Class B traffic violation. [1983 c.338 §744; 1985 c.393 §51]

## SCHOOL VEHICLES

**820.100 Adoption of safety standards for construction and equipment of school vehicles; rules.** (1) The State Board of Education shall adopt and enforce such reasonable standards relating to school bus and school activity vehicle construction and school bus and school activity vehicle equipment as the board deems necessary for safe and economical operation.

(2) The State Board of Higher Education may adopt and enforce separate rules of the type described under this section for school buses and school activity vehicles that are under its jurisdiction.

(3) The State Board of Education shall adopt and enforce standards for school bus stop arms authorized by ORS 820.105.

(4) Rules adopted under this section:

(a) Must be consistent with requirements established by statute or by rule adopted under statutory authority that relate to the same subject.

(b) Shall be consistent with minimum uniform national standards, if such standards exist.

(c) May include different requirements for different classes or types of school buses or school activity vehicles.

(d) May include any exemptions determined appropriate under ORS 820.150. [1983 c.338 §747; 1985 c.16 §358; 1985 c.420 §12; 1987 c.654 §6; 1989 c.491 §71]

**820.105 School bus stop arms.** Notwithstanding any other provision of law, school buses may be equipped with an octagonal shaped mechanical stop arm that indicates when the bus is stopped to load or unload passengers on a roadway. The stop arms authorized by this section shall be equipped with two alternately flashing red bus safety lights showing both to the front and rear of the bus. [1987 c.654 §5]

**Note:** 820.105 was added to and made a part of ORS chapter 820 but was not added to any smaller series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**820.110 Rules for driver qualification and training and accident reports.** (1) The State Board of Education shall adopt and enforce rules to establish requirements of operation, qualifications or special training of drivers and special accident reports for school buses and school activity vehicles.

(2) The State Board of Higher Education may adopt and enforce separate rules of the type described under this section for school buses and school activity vehicles that are under its jurisdiction.

(3) The rules adopted under this section:

(a) Are subject to ORS 820.190 and 820.200 and to any other statute or regulation relating to the operation of vehicles, qualifications of drivers and accident reports.

(b) Must be consistent with requirements established by statute or by rule adopted under statutory authority that relate to the same subject.

(c) May include different requirements for different classes or types of school buses or school activity vehicles.

(d) May include any exemptions determined appropriate under ORS 820.150. [1983 c.338 §748; 1985 c.16 §359; 1985 c.420 §13; 1989 c.491 §72]

**820.120 Rules for school vehicle inspection.** (1) The State Board of Education shall adopt and enforce rules to provide for the inspection of school buses and school activity vehicles to

assure that the vehicles are in compliance with requirements under rules established under ORS 820.100 and 820.110, as applicable, and that the vehicles are safe for operation. The rules may include intervals of inspections.

(2) The State Board of Higher Education may adopt and enforce separate rules of the type described under this section for school buses and school activity vehicles that are under its jurisdiction.

(3) The rules adopted under this section:

(a) Are subject to any other statute or regulation relating to the safety of vehicles for operation and the inspection of vehicles.

(b) May include different requirements for different classes or types of school buses or school activity vehicles.

(c) May include any exemptions determined appropriate under ORS 820.150. [1983 c.338 §749; 1985 c.420 §14; 1989 c.491 §73]

**820.130 School bus registration.** The Department of Transportation shall issue registration for a school bus when notified that the vehicle conforms to applicable rules under ORS 820.100 to 820.120 and that the vehicle is safe for operation on the highways. Notification required by this section shall be from:

(1) The State Board of Education or its authorized representative regarding vehicles under its regulatory authority.

(2) The State Board of Higher Education or its authorized representative regarding vehicles under its jurisdiction. [1983 c.338 §752; 1985 c.420 §17; 1999 c.39 §11]

**820.140 Revocation of registration.** The Department of Transportation may revoke the registration of any school bus if the department determines that the vehicle:

(1) Is not maintained and operated in accordance with rules applicable to the vehicle under ORS 820.100 to 820.120; or

(2) Is not safe for operation over or is not safely operated over the public highways. [1983 c.338 §753; 1985 c.16 §360; 1985 c.420 §18]

**820.150 Rules for exemption of certain vehicles from Oregon Vehicle Code.** (1) The State Board of Education, by rule, may establish classes or types of vehicles that are not considered school buses or school activity vehicles for purposes of the Oregon Vehicle Code or classes of school buses or school activity vehicles that are not subject to regulation under the Oregon Vehicle Code either partially or completely.

(2) The State Board of Higher Education may adopt separate rules of the type described under this section for vehicles that are under its jurisdiction.

(3) Rules adopted under this section are subject to the following:

(a) Any exemption, either partial or total, established under this section may be based upon passenger capacity, on limited use or on any other basis the State Board of Education or the State

Board of Higher Education considers appropriate.

(b) No exemption, either partial or total, shall be established under this section for any vehicle that is marked with or displays the words “school bus.”

(c) Any vehicle determined not to be a school bus under this section is not a school bus within the definition established under ORS 801.460. Partial exemptions established for vehicles under this section may include removal of the vehicle from any provisions relating to school buses under the vehicle code.

(d) Any vehicle determined not to be a school activity vehicle under this section is not a school activity vehicle within the definition established under ORS 801.455. Partial exemptions established for vehicles under this section may include removal of the vehicle from any provisions relating to school activity vehicles under the vehicle code.

(e) In considering any rules under this section, the boards shall consider the need to assure student safety. [1985 c.420 §16; 1989 c.491 §74; 1995 c.79 §381; 1999 c.39 §12]

**820.160 Illegal display of school bus markings; penalty.** (1) A person commits the offense of illegal display of school bus markings if the person displays the words “School Bus” on any vehicle unless the vehicle:

(a) Is used in transporting school children to or from school or an authorized school activity or function; and

(b) Complies with the applicable requirements under rules established under ORS 820.100 to 820.120.

(2) The offense described in this section, illegal display of school bus markings, is a Class B traffic violation. [1983 c.338 §750; 1985 c.393 §52; 1995 c.383 §98]

**820.170 Improper school bus markings; penalty.** (1) A person commits the offense of improper school bus markings if the person displays the words “School Bus” on a vehicle without such words being marked in the front and in the rear in letters eight inches high or higher and of proportionate width.

(2) The offense described in this section, improper school bus markings, is a Class D traffic violation. [1983 c.338 §751; 1985 c.393 §53; 1995 c.383 §99]

**820.180 Unsafe school vehicle operation; penalty.** (1) A person commits the offense of unsafe school vehicle operation if:

(a) The person operates or owns and causes or permits to be operated a school bus or school activity vehicle in a manner that is in violation of any rules applicable to the vehicle that are adopted under ORS 820.100 to 820.120; or

(b) The person owns or leases and causes or permits to be operated for school purposes a school bus or school activity vehicle containing more passengers than the vehicle is designed to transport.

(2) A person is not in violation of subsection (1)(b) of this section if a bus or vehicle contains

more passengers than it is designed to transport due to unforeseen or unusual circumstances.

(3) The offense described in this section, unsafe school vehicle operation, is a Class B traffic violation. [1985 c.420 §4; 1991 c.392 §1; 1995 c.383 §100]

**820.190 Minor operating school vehicle; penalty.** (1) A person commits the offense of being a minor operating a school vehicle if the person is under 18 years of age and the person drives any of the following while it is in use for the transportation of pupils to or from school or an authorized school activity or function:

(a) A school bus.

(b) A school activity vehicle.

(c) A vehicle owned by a public or governmental agency.

(d) A privately owned vehicle that is operated for compensation that is a vehicle other than a vehicle commonly known and used as a private passenger vehicle and not operated for compensation except in the transportation of students to or from school.

(2) The offense described in this section, minor operating a school vehicle, is a Class B traffic violation. [1983 c.338 §754; 1985 c.420 §19]

## MISCELLANEOUS PROVISIONS

**820.200 Minor operating public passenger vehicle; penalty.** (1) A person commits the offense of being a minor operating a public passenger vehicle if the person is under 21 years of age and the person drives a motor vehicle while it is in use as a public passenger-carrying vehicle.

(2) The offense described in this section, minor operating a public passenger vehicle, is a Class B traffic violation. [1983 c.338 §755]

**820.210 Registration exemptions for golf carts and similar vehicles.** (1) Golf carts operated in accordance with an ordinance adopted under ORS 810.070 are exempt from registration requirements under the vehicle code.

(2) Golf carts or substantially similar vehicles that are operated by disabled persons at not more than 15 miles an hour are exempt from registration requirements under the vehicle code.

(3) Notwithstanding any provision of the vehicle code relating to vehicle equipment and condition, upon designation of a portion of a highway becoming effective under an ordinance adopted under ORS 810.070, it shall be lawful to drive golf carts on highways or portions thereof so designated in accordance with the rules and regulations prescribed by the local authority. [1983 c.338 §780]

**820.220 Operation of low-speed vehicle in prohibited area; penalty.** (1) A person commits the offense of operation of a low-speed vehicle in a prohibited area if the person is a disabled person and the person operates a golf cart or substantially similar motor vehicle on any highway with a speed designation greater than 25 miles per hour.

(2) The offense described in this section, operation of low-speed vehicle in prohibited area, is a Class D traffic violation. [1983 c.338 §781]

## AMBULANCES AND EMERGENCY VEHICLES

(Application of Traffic Laws)

**820.300 Exemptions from traffic laws.** (1) Subject to conditions, limitations, prohibitions and penalties established for emergency vehicle and ambulance drivers under ORS 820.320, the driver of an emergency vehicle or ambulance may do any of the following:

- (a) Park or stand in disregard of a statute, regulation or ordinance prohibiting that parking or standing.
  - (b) Proceed past a red signal or stop sign.
  - (c) Exceed the designated speed limits.
  - (d) Disregard regulations governing direction of movement or turning in specified directions.
  - (e) Proceed past the flashing bus safety lights without violating ORS 811.155 if the driver first stops the vehicle and then proceeds only when the driver:
    - (A) Determines that no passengers of the bus remain on the roadway; and
    - (B) Proceeds with caution.
- (2) The provisions of this section:
- (a) Do not relieve the driver of an emergency vehicle or ambulance from the duty to drive with due regard for the safety of all other persons.
  - (b) Are not a defense to the driver of an emergency vehicle or ambulance in an action brought for criminal negligence or reckless conduct.
  - (c) Except as specifically provided in this section, do not relieve the driver of an emergency vehicle or ambulance from the duty to comply with ORS 811.155. [1983 c.338 §757; 1985 c.16 §362; 1995 c.209 §5]

**820.310** [1983 c.338 §758; 1985 c.16 §363; 1985 c.278 §2; repealed by 1995 c.209 §7]

**820.320 Illegal operation of emergency vehicle or ambulance; penalty.** (1) A person commits the offense of illegal operation of an emergency vehicle or ambulance if the person is the driver of an emergency vehicle or ambulance and the person violates any of the following:

- (a) The driver of an emergency vehicle or ambulance may only exercise privileges granted under ORS 820.300 when responding to an emergency call or when responding to, but not upon returning from, an emergency. The driver of an emergency vehicle may exercise privileges granted under ORS 820.300 when in pursuit of an actual or suspected violator of the law.
- (b) The driver of an emergency vehicle or ambulance must use a visual signal with appropriate warning lights when the driver is exercising privileges granted under ORS 820.300.
- (c) In addition to any required visual signal, the driver of an emergency vehicle or ambulance

must make use of an audible signal meeting the requirements under ORS 820.370 when the driver is proceeding past a stop light or stop sign under privileges granted by ORS 820.300 (1)(b).

(d) A driver of an emergency vehicle or ambulance who is exercising privileges granted under ORS 820.300 by parking or standing an emergency vehicle in disregard of a regulation or ordinance prohibiting that parking, stopping or standing, shall not use the audible signal.

(e) In exercising the privileges under ORS 820.300 (1)(e) relating to buses and bus safety lights, the driver of an emergency vehicle or ambulance must first stop the vehicle and then must:

- (A) Determine that no passengers of the bus remain on the roadway; and
- (B) Proceed with caution.

(f) In proceeding past any stop light or stop sign under the privileges granted by ORS 820.300, the driver of an emergency vehicle or ambulance must slow down as may be necessary for safe operation.

(g) The driver of an emergency vehicle or ambulance must not exceed any designated speed limit to an extent which endangers persons or property.

(2) The driver of an emergency vehicle that is operated as an emergency police vehicle is not required to use either visual signal or the audible signal as described in this section in order to exercise the privileges granted in ORS 820.300 when it reasonably appears to the driver that the use of either or both would prevent or hamper the apprehension or detection of a violator of a statute, ordinance or regulation.

(3) The offense described in this section, illegal operation of an emergency vehicle or ambulance, is a Class B traffic violation. [1983 c.338 §759; 1985 c.16 §364; 1995 c.209 §1]

(Records)

**820.330 Failure to make, maintain and make available ambulance records; exemption; penalty.** (1) A person commits the offense of failure to make, maintain and make available ambulance records if the person violates any of the following:

(a) When an ambulance is used in an emergency situation the driver of the ambulance, within 24 hours after such use, must cause to be made and must sign a record that complies with ORS 820.340.

(b) The owner of any ambulance must cause any record required by this section to be preserved for not less than seven years.

(c) Upon demand of any district attorney, the custodian of any record required under this section must make the record available to that district attorney for the purpose of investigating any alleged violation of ORS 820.320 by a driver of an ambulance.

(d) Upon demand of an authorized representative of the Department of Human Services, the custodian of any record required under this section shall make the record available to the authorized representative who wishes to inspect the record for purposes of ascertaining identities of emergency medical technicians as defined in ORS 682.025.

(2) This section does not apply to any person or ambulance exempted by ORS 682.035 or

682.079 from regulation by the Department of Human Services.

(3) Authority of political subdivisions to regulate records of ambulances is limited under ORS 682.031.

(4) The offense described in this section, failure to make, maintain and make available ambulance records, is a Class B traffic violation. [1983 c.338 §760; 1985 c.393 §54; 1995 c.209 §6]

**820.340 Contents of ambulance records.** Records required under ORS 820.330 shall contain all of the following:

- (1) The time of day and the date when ambulance service was requested.
- (2) The name of the ambulance driver and the name of the emergency medical technicians, as defined in ORS 682.025, who provided the service, one of whom may be the driver.
- (3) The name and address of any individual to be transported.
- (4) Any reason to believe the life of the individual is jeopardized by delay of the ambulance.
- (5) The location from which the individual is to be transported.
- (6) The name and address of any person who requested the ambulance service.
- (7) The time of day when service for the individual is begun and ended. [1983 c.338 §761]

(Equipment)

**820.350 Ambulance warning lights.** (1) Subject to any other law or rule pursuant thereto relating to lighting of a vehicle, the Department of Transportation may prescribe required warning lights for ambulances. The requirements established under this section may include, but are not limited to, numbers required, placement, visibility, rate of flash if applicable and inside indicators.

(2) Enforcement of the requirements established under this section is provided under ORS 820.360. [1983 c.338 §762; 1985 c.79 §1; 1989 c.782 §38]

**820.360 Illegal ambulance lighting equipment; exemption; penalty.** (1) A person commits the offense of illegal ambulance lighting equipment if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway an ambulance that does not contain and is not at all times equipped with warning lights in proper condition and adjustment as required under ORS 820.350.

(2) This section does not apply to any person or ambulance exempted by ORS 682.035 or 682.079 from regulation by the Department of Human Services.

(3) Authority of political subdivisions to regulate warning lights on ambulances is limited under ORS 682.031.

(4) The offense described under this section, illegal ambulance lighting equipment, is a Class C traffic violation. [1983 c.338 §763; 1995 c.383 §30]

**820.370 Ambulance or emergency vehicle sirens.** (1) Subject to any other law or rule pursuant thereto relating to the noise of a vehicle, the Department of Transportation may prescribe required sirens or other audible signals for ambulances and emergency vehicles. The requirements established under this section may include, but are not limited to, numbers required, placement, audibility and inside indicators.

(2) Enforcement of the requirements established under this section is provided under ORS 820.380. [1983 c.338 §764; 1985 c.16 §365; 1985 c.79 §2; 1989 c.782 §39]

**820.380 Illegal ambulance or emergency vehicle sirens; exemption; penalty.** (1) A person commits the offense of illegal ambulance or emergency vehicle sirens if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway an ambulance or emergency vehicle that does not contain and is not at all times equipped with sirens or other audible signals in proper conditions and adjustment as required under 820.370.

(2) This section does not apply to any ambulance or person operating or owning an ambulance if the ambulance or person is exempted by ORS 682.035 or 682.079 from regulation by the Department of Human Services.

(3) Authority of political subdivisions to regulate sirens and other audible signals is limited under ORS 682.031.

(4) The offense described under this section, illegal ambulance or emergency vehicle sirens, is a Class C traffic violation. [1983 c.338 §765; 1995 c.209 §2; 1995 c.383 §31]

## IMPLEMENTS OF HUSBANDRY

**820.400 Unlawful operation of implement of husbandry; penalty.** (1) A person commits the offense of unlawful operation of an implement of husbandry if the person operates an implement of husbandry in violation of any of the following:

(a) Such vehicle must be driven as closely as is practicable to the right-hand edge of the roadbed, including the shoulders, if any.

(b) Such vehicle, if the movement of the vehicle occurs during the hours of darkness, must be equipped and operating two headlights, clearance lights and reflectors marking the overall width as far as practical and visible from the front, rear and sides and a taillight.

(c) An image display device may not be operated in an implement of husbandry at any time while the implement of husbandry is being operated on a highway. As used in this paragraph, “image display device” has the meaning given that term in ORS 815.240.

(d) Such vehicle must display, when driven, a slow-moving vehicle emblem described in ORS 815.060.

(2) The offense described in this section, unlawful operation of an implement of husbandry, is a Class D traffic violation. [1983 c.338 §779; 1985 c.69 §7; 1985 c.393 §55; 1995 c.383 §101; 2005 c.572 §3]

## MANUFACTURED STRUCTURES

**820.500** [1983 c.338 §782; 1985 c.16 §378; 1985 c.416 §7; 1989 c.148 §19; 1991 c.459 §438k; 1991 c.873 §42; 1993 c.233 §66; 1997 c.577 §48; 1999 c.383 §1; 2001 c.675 §14; repealed by 2003 c.655 §143]

**820.510** [1985 c.16 §381; 1993 c.233 §67; 1993 c.696 §10; 1999 c.383 §2; 2003 c.189 §1; repealed by 2003 c.655 §143]

**820.520 Travel or special use trailer assessed as manufactured structure; effect of ceasing to be used as permanent home.** When a travel trailer or special use trailer ceases to be assessed under the ad valorem tax laws of this state as a manufactured structure under ORS 308.880, the trailer must be registered and licensed as a travel trailer or special use trailer. [1983 c.338 §783; 1985 c.16 §379; 1993 c.18 §171; 1993 c.696 §11; 2003 c.655 §122]

**820.525** [1999 c.383 §4; 2003 c.189 §2; repealed by 2003 c.655 §143]

**820.530** [1983 c.338 §784; 1985 c.16 §382; 1985 c.401 §16; 1993 c.233 §68; 1995 c.383 §102; repealed by 2003 c.655 §143]

**820.540** [1983 c.338 §785; 1985 c.16 §383; 1995 c.383 §103; repealed by 2003 c.655 §143]

**820.550** [1983 c.338 §786; 1995 c.383 §104; repealed by 2003 c.655 §143]

**820.560** [1983 c.338 §787; 1985 c.16 §384; 1985 c.416 §8; 1989 c.409 §1; 1993 c.551 §4; 1993 c.751 §78; 1999 c.359 §4; repealed by 2003 c.655 §143]

**820.570 Violating trip permit requirements for manufactured structures; penalty.** (1) A person commits the offense of violating trip permit requirements for manufactured structures if the person does any of the following:

(a) Moves a manufactured structure on a highway of this state without a trip permit for the movement. This paragraph does not apply to movements of manufactured structures by vehicle transporters as permitted under ORS 822.310.

(b) Fails to prominently display a trip permit on the rear of a manufactured structure being moved when a trip permit is required for the move.

(c) Moves a manufactured structure when a trip permit is required without completing the permit prior to the movement.

(2) The offense described under this section, violating trip permit requirements for manufactured structures, is a Class B traffic violation. [1983 c.338 §788; 1985 c.16 §385; 1985

c.416 §9; 2003 c.655 §123]

**820.580** [1983 c.338 §789; 1985 c.16 §386; repealed by 2003 c.655 §143]

**820.585** [2001 c.675 §1; repealed by 2003 c.655 §143]

**820.587** [2001 c.675 §2; repealed by 2003 c.655 §143]

**820.589** [2001 c.675 §3; repealed by 2003 c.655 §143]

**820.591** [2001 c.675 §4; repealed by 2003 c.655 §143]

**820.593** [2001 c.675 §5; repealed by 2003 c.655 §143]

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