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OREGON VEHICLE CODE

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Chapter 801

2001 EDITION

General Provisions and Definitions for Oregon Vehicle Code

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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 813.100, 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]

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 portions of ORS 308.865 relating to the duties of the Department of Transportation.

(b) Those provisions of the vehicle code relating to the administration of the department.

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

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

(e) 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]

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: Section 2, chapter 133, Oregon Laws 2001, provides:

Sec. 2. Section 1 of this 2001 Act [801.038] applies to all charter provisions, ordinances, resolutions and other provisions regulating the use of cellular telephones in motor vehicles, whether adopted before, on or after the effective date of this 2001 Act [January 1, 2002]. [2001 c.133 §2]

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 shall 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 shall be imposed on all vehicle classes. Registration fees as provided under this section shall not be imposed on the following:

(a) Snowmobiles and Class I all-terrain vehicles.

(b) Manufactured structures.

(c) Fixed load vehicles.

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

(4) Any registration fee imposed by a county shall 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 shall be a whole dollar amount.

(5) Moneys from registration fees established under this section shall 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 shall 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 shall 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]

Note: 801.041 and 801.042 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 801 or any 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 shall 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 shall 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, they shall be imposed on all vehicle classes. Registration fees as provided under this section shall not be imposed on the following:

(a) Snowmobiles and Class I all-terrain vehicles.

(b) Manufactured structures.

(c) Fixed load vehicles.

(d) Vehicles registered under ORS 805.100 to disabled veterans.

(e) Vehicles registered as antique vehicles under ORS 805.010.

(f) Vehicles registered as vehicles of special interest under ORS 805.020.

(g) Government-owned or operated vehicles registered under ORS 805.040 or 805.045.

(h) School buses or school activity vehicles registered under ORS 805.050.

(i) Law enforcement undercover vehicles registered under ORS 805.060.

(j) Vehicles registered on a proportional basis for interstate operation.

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

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

(m) Travel trailers, campers and motor homes.

(8) Any registration fee imposed by the governing body of a district shall 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 shall be a whole dollar amount. [1989 c.864 §5; 1993 c.751 §4]

Note: See note under 801.041.

Note: Section 9, chapter 864, Oregon Laws 1989, provides:

Sec. 9. 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 this Act shall be taken from the moneys that would otherwise be distributed to the counties and cities under ORS 366.524 (3). [1989 c.864 §9]

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 motor 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]

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]

801.165 "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]

801.185 "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 and less than 8,000 pounds;
(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]

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 indorsements to the license. [1989 c.636 §3]

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]

801.237 "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 ORS chapter 801 or any 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 indorsement 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]

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]

801.260 "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]

801.263 "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 manufactured structure.
(b) A travel trailer.
(c) A tow vehicle, including a tow vehicle with cranes, hoists or dollies.
(d) A truck-mounted transit mixer.
(e) 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, back hoes, 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]

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 for that term in section 103 of the Hazardous Materials Transportation Act, 49 App. U.S.C. 1801 et seq. [1989 c.636 §6]

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 structures, prefabricated structures 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]

801.315 "Indorsement." "Indorsement," 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 indorsements granted by this state and the driving privileges granted under each type of indorsement are established by ORS 807.035. [1985 c.608 §3; 1989 c.636 §9]

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 "Manufactured dwelling." "Manufactured dwelling" has the meaning given in ORS 446.003 and also includes a structure that would meet the definition in ORS 446.003 except that it is being used for other than residential

purposes. [1993 c.696 §2]

801.333 “Manufactured structure.” (1) “Manufactured structure” means:
(a) A manufactured dwelling that is more than eight and one-half feet wide;
(b) A prefabricated structure that is more than eight and one-half feet wide; and
(c) A recreational vehicle that is more than eight and one-half feet wide.
(2) “Manufactured structure” does not include any special use trailer. [1993 c.696 §3]

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” means a building or subassembly that is relocatable and that has been in whole or in substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. “Prefabricated structure” does not include a manufactured dwelling or recreational vehicle. [1993 c.696 §4]

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 "Rural interstate highway." "Rural interstate highway" means an interstate highway outside an

urbanized area of 50,000 or more population. [1987 c.887 §2]

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]

801.465 "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 a violation, while operating a commercial motor vehicle, of:

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

(2) 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 designated in ORS 811.105 as prima facie evidence of violation of the basic speed rule.

(3) ORS 811.140, reckless driving.

(4) ORS 811.305, driving on the left on a curve or grade or at an intersection or rail crossing.

(5) ORS 811.370, failure to drive within a lane.

(6) ORS 811.410, unsafe passing on the left.
(7) ORS 811.415, unsafe passing on the right.
(8) ORS 811.485, following too closely.
(9) Any law relating to motor vehicle traffic control if the violation is connected to a fatal accident. This subsection does not apply to violations of parking laws or laws regulating vehicle weight or equipment.
(10) A notice issued by any duly authorized representative of the Department of Transportation requiring either a driver or a vehicle to be taken out of service.
(11) Any law of another jurisdiction that corresponds to an Oregon law described in this section. [1991 c.185 §7; 1995 c.733 §81]

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.
(2) "Special use trailer" does not include any travel trailer. [1985 c.16 §26; 1993 c.696 §7]

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. Titles for manufactured structures are issued as provided under ORS 820.500. Salvage titles are issued as provided in ORS 803.140. [1993 c.233 §2; 1995 c.774 §7; 1999 c.977 §15]

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) Manufactured structures.

(6) Pole trailers.

(7) Semitrailers.

(8) Travel trailers.

(9) Truck trailers.

(10) Self-supporting trailers.

(11) Special use trailers. [1983 c.338 §103; 1985 c.16 §28]

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 manufactured dwelling that is eight and one-half feet or less in width and is not being used for commercial or business purposes;

(2) 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

(3) 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]

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. [1983 c.338 §109]

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 motor 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]

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]