

Chapter 818

2009 EDITION

Vehicle Limits

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OREGON VEHICLE CODE

WEIGHT

818.010 Maximum allowable weight.

This section establishes maximum weight limitations for purposes of ORS 818.020. Except as provided in subsections (4) and (5) of this section or where an exemption under ORS 818.030 specifically provides otherwise, a loaded weight that exceeds the maximum allowable weight as determined by any of the following tables exceeds the maximum weight limitations for purposes of ORS 818.020:

(1) A vehicle exceeds the maximum allowable weight if the loaded weight of an axle or tandem axle is in excess of that determined by the formula in the following table:

Table I

The manufacturer's side wall tire rating (but not to exceed 600 pounds) × the sum of the tire widths, in inches, of the wheels of the axle or tandem axles = maximum allowable weight.

For purposes of the table in this subsection tire width is determined by measuring the cross section of the tread of a wheel, the outer face of a track or the runner of a sled except for the following:

(a) For solid tires made of elastic material, tire width is determined by measuring the cross section between the flanges of the circumference of a wheel at the base of the tire as customarily measured and rated by the manufacturers of motor vehicles and tires.

(b) For pneumatic tires made of elastic material, tire width is the diameter of the cross section of the tire as customarily measured and rated by the manufacturers of motor vehicles and tires.

(2) A vehicle or combination of vehicles exceeds the maximum allowable weight if the loaded weight measured at any of the places designated on the following table exceeds the maximum allowable weight established on the table for measurement at that place:

Table II

Place for measurement of weight	Maximum allowable weight in pounds
Any individual wheel	10,000
Any axle	20,000
Any tandem axles	34,000

(3) A vehicle, group of axles or combina-

tion of vehicles exceeds the maximum allowable weight if the loaded weight is in excess of maximum allowable weight as determined by the method in the following table that produces the lower allowable maximum weight:

Table III
(Maximum allowable weight determined by whichever of the following methods produces lower weight:)

Method A

The sum of permissible axle, tandem axles or group of axles weights as determined under Table I or II of this section is the maximum allowable weight.

OR

Method B

Distance in feet between first and last axle in group of axles:	Maximum allowable weight in pounds for number of axles in group of axles:					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 or More Axles
4.....	34,000					
5.....	34,000					
6.....	34,000					
7.....	34,000					
8 and less.....	34,000	34,000				
More than 8.....	38,000	42,000				
9.....	39,000	42,500				
10.....	40,000	43,500				
11.....	40,000	44,000				
12.....	40,000	45,000	50,000			
13.....	40,000	45,500	50,500			
14.....	40,000	46,500	51,500			
15.....	40,000	47,000	52,000			
16.....	40,000	48,000	52,500	58,000		
17.....	40,000	48,500	53,500	58,500		
18.....	40,000	49,500	54,000	59,000		
19.....	40,000	50,000	54,500	60,000		
20.....	40,000	51,000	55,500	60,500	66,000	
21.....	40,000	51,500	56,000	61,000	66,500	
22.....	40,000	52,500	56,500	61,500	67,000	
23.....	40,000	53,000	57,500	62,500	68,000	
24.....	40,000	54,000	58,000	63,000	68,500	74,000
25.....	40,000	54,500	58,500	63,500	69,000	74,500
26.....	40,000	55,500	59,500	64,000	69,500	75,000
27.....	40,000	56,000	60,000	65,000	70,000	75,500
28.....	40,000	57,000	60,500	65,500	71,000	76,500
29.....	40,000	57,500	61,500	66,000	71,500	77,000
30.....	40,000	58,500	62,000	66,500	72,000	77,500
31.....	40,000	59,000	62,500	67,500	72,500	78,000
32.....	40,000	60,000	63,500	68,000	73,000	78,500
33.....	40,000	60,000	64,000	68,500	74,000	79,000
34.....	40,000	60,000	64,500	69,000	74,500	80,000
35.....	40,000	60,000	65,500	70,000	75,000	80,000
36.....	40,000	60,000	66,000	70,500	75,500	80,000
37.....	40,000	60,000	66,500	71,000	76,000	80,000
38.....	40,000	60,000	67,500	71,500	77,000	80,000
39.....	40,000	60,000	68,000	72,500	77,500	80,000
40.....	40,000	60,000	68,500	73,000	78,000	80,000
41.....	40,000	60,000	69,500	73,500	78,500	80,000
42.....	40,000	60,000	70,000	74,000	79,000	80,000
43.....	40,000	60,000	70,500	75,000	80,000	80,000
44.....	40,000	60,000	71,500	75,500	80,000	80,000

45.....	40,000	60,000	72,000	76,000	80,000	80,000
46.....	40,000	60,000	72,500	76,500	80,000	80,000
47.....	40,000	60,000	73,500	77,500	80,000	80,000
48.....	40,000	60,000	74,000	78,000	80,000	80,000
49.....	40,000	60,000	74,500	78,500	80,000	80,000
50.....	40,000	60,000	75,500	79,000	80,000	80,000
51.....	40,000	60,000	76,000	80,000	80,000	80,000
52.....	40,000	60,000	76,500	80,000	80,000	80,000
53.....	40,000	60,000	77,500	80,000	80,000	80,000
54.....	40,000	60,000	78,000	80,000	80,000	80,000
55.....	40,000	60,000	78,500	80,000	80,000	80,000
56.....	40,000	60,000	79,500	80,000	80,000	80,000
57 or over.....	40,000	60,000	80,000	80,000	80,000	80,000

36.....	75,350
37.....	75,900
38.....	76,450
39.....	77,000
40.....	77,550
41.....	78,100
42.....	78,650
43.....	80,000
and over	

For the purpose of the table in this subsection, the distance between axles shall be measured to the nearest foot. When a fractional measurement is exactly one-half foot the next larger whole number shall be used.

(4) Notwithstanding any other provision of this section, a vehicle with farm vehicle registration issued under ORS 805.300 or with out-of-state farm vehicle registration exceeds the maximum allowable weight if the loaded weight of the vehicle or combination of vehicles exceeds the amount shown in the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles:	Maximum allowable weight in pounds for number of axles in group of axles:			
	2 Axles	3 Axles	4 Axles	5 or More Axles
4.....	37,800			
5.....	37,800			
6.....	37,800			
7.....	37,800			
8.....	37,800	42,000		
9.....	37,800	42,400		
10.....	37,800	43,500		
11.....		44,000		
12.....		45,000	50,000	
13.....		56,470	56,470	56,470
14.....		57,940	57,940	57,940
15.....		59,400	59,400	59,400
16.....		60,610	60,610	60,610
17.....		61,820	61,820	61,820
18.....		63,140	63,140	63,140
19.....		64,530	64,530	64,530
20.....		65,450	65,450	65,450
21.....		66,000	66,000	66,330
22.....		66,000	66,000	67,250
23.....		66,000	66,000	67,880
24.....		66,000	66,000	68,510
25.....		66,000	66,000	69,150
26.....		66,000	66,000	69,770
27.....		66,000	66,000	70,400
28.....		66,000	66,000	70,950
29.....		66,000	66,000	71,500
30.....				72,050
31.....				72,600
32.....				73,150
33.....				73,700
34.....				74,250
35.....				74,800

Weights authorized under this subsection are authorized only if the vehicle is transporting field-loaded agricultural products in Malheur County. Weights authorized under this subsection are not authorized for vehicles traveling on Interstate 84 or U.S. Highway 95. A vehicle otherwise described in this subsection that is operating at a weight not listed in this subsection must comply with subsection (1) of this section.

(5) Notwithstanding any other provision of this section, the maximum wheel load for the front axle of the power unit on a vehicle used for curbside solid waste or recycling collection that has tires that are at least 12-1/2 inches wide shall be the load limit established by the tire manufacturer, as molded on at least one sidewall of the tire, up to a maximum of 10,000 pounds, as long as the tire is approved by the Department of Transportation pursuant to ORS 818.012. [1983 c.338 §508; 1985 c.16 §264; 1985 c.172 §6a; 1987 c.66 §1; 1995 c.489 §1; 1999 c.725 §1; 2001 c.335 §1; 2001 c.665 §1]

818.012 Wheel load on certain vehicles; rules. The Department of Transportation may adopt rules approving tires for the use described in ORS 818.010 (5). In adopting the rules, the department shall consider the potential damage to highways caused by use of the tires and may reject a tire that otherwise meets the criteria of ORS 818.010 (5) if the department finds that the use of the tire would cause excessive damage to highways. [2001 c.665 §3]

818.020 Violating maximum weight limits; civil liability; penalties. (1) A person commits the offense of violating maximum weight limits if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceed the weight limits established under ORS 818.010.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles exceeds the weight limits established under ORS 818.010. 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 818.030.

(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, violating maximum weight limits, is:

(a) A Class A traffic violation if, at the time of the offense, an enforcement officer determines the vehicle was eligible for a variance permit under ORS 818.200; and

(b) In circumstances not described in paragraph (a) of this subsection, punishable by penalties established in Schedule I of the schedules of penalties under ORS 818.430. [1983 c.338 §507; 2007 c.380 §1]

818.030 Exemptions from weight limitations. This section establishes exemptions from the maximum weight limitations under ORS 818.010 and 818.020. The exemptions under this section are in addition to any exemptions under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to the penalties in ORS 818.020. Exemptions are partial or complete as described in the following:

(1) The maximum weight limitations do not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547 and 551 or a corporation formed under ORS chapter 554.

(2) The maximum weight limitations do 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.

(3) The maximum weight limitations do 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.

(4) The maximum weight limitations do 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 weight of the vehicles is approved by the road authority for the roads.

(5) Subject to the maximum weight limitations under Tables I and III of ORS

818.010, any vehicle with a single rear axle specially equipped with a self-compactor and used exclusively for garbage or refuse operations may have a loaded weight upon a single axle of not more than 22,000 pounds when laden with garbage or refuse. When unladen or when operating on any highway that is part of the federal interstate highway system such vehicles shall comply with the weight limitations under Table II of ORS 818.010.

(6) Weight limitations are not applicable in any place and to the extent the weight limitations are modified by a road authority under ORS 810.060. The exemption under this subsection is subject to the limitations imposed by the road authority exercising the powers granted under ORS 810.060.

(7) Operations authorized to exceed weight limitations by 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 818.020 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.

(8)(a) Notwithstanding Table III of ORS 818.010, two consecutive sets of tandem axles may have a loaded weight of 34,000 pounds each when operating on interstate highways with a permit and on other highways without a permit, providing the distance between the first and last axles of the two sets of tandem axles is at least 30 feet but less than 36 feet.

(b) Notwithstanding Table III of ORS 818.010, two consecutive sets of tandem axles may have a loaded weight of 34,000 pounds each when operating on any highway if the overall distance between the first and the last axles of the sets of tandem axles is 36 feet or more.

(9) Notwithstanding Table III of ORS 818.010, a group of four axles consisting of a set of tandem axles and two axles spaced nine feet or more apart may have a loaded weight of more than 65,500 pounds and up to 70,000 pounds when operating on interstate highways with a permit and on other highways without a permit, providing the distance between the first and last axles of the group is 35 feet or more.

(10) The maximum weight limitations do not apply to a vehicle equipped with a fully functional idle reduction system designed to reduce fuel use and emissions from engine idling. The vehicle may exceed the weight limitations established under ORS 818.010 by not more than 400 pounds. [1983 c.338 §509; 1985 c.172 §7; 1989 c.723 §19; 1995 c.489 §2; 2007 c.92 §1]

818.040 Violation of posted weight limits; civil liability; penalty. (1) A person commits the offense of violation of posted weight limits if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceed any weight limits imposed on the highway or portion of highway and indicated by appropriate signs giving notice of the limits.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination exceeds any weight limits imposed on the highway or portion of highway and indicated by appropriate signs giving notice of the limits. 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 (5) of this section as a result of the operation.

(2) The authority to establish and change weight limits for purposes of the prohibitions and penalties under this section is under ORS 810.030.

(3) The application of this section is subject to the exemptions from this section established under ORS 818.050.

(4) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(5) The offense described in this section, violation of posted weight limits, is punishable as provided under Schedule III of the penalties under ORS 818.430. The penalties under this subsection are in addition to any suspension of driving privileges under ORS 809.120 or any suspension of vehicle registration under ORS 809.120. [1983 c.338 §510]

818.050 Exemptions from posted weight limits. This section establishes exemptions from the posted weight limits under ORS 818.040. The exemptions under this section are in addition to any exemptions under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.040. Exemptions are partial or complete as described in the following:

(1) Posted weight limits do 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.

(2) Posted weight limits do 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.

(3) Posted weight limits do 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.

(4) Posted weight limits do 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 weight of the vehicles is approved by the road authority for that road.

(5) Operations authorized to exceed weight limits by 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 818.040 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. [1983 c.338 §511]

WEIGHT AND SIZE

818.060 Violation of administratively imposed weight or size limits; civil liability; penalties. (1) A person commits the offense of violation of administratively imposed weight or size limits if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceeds weight or size limits imposed under ORS 810.050 or 810.060.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles exceeds weight or size limits imposed under ORS 810.050 or 810.060. 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 818.070.

(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, violation of administratively imposed weight or size limits, is subject to penalty as follows:

(a) Violation of any size limit is subject to penalty under the schedule of penalties in ORS 818.420.

(b) Violation of any weight limit is subject to penalty under Schedule I of the penalties in ORS 818.430. [1983 c.338 §512; 1987 c.158 §172]

818.070 Exemptions from administratively imposed weight or size limitations.

This section establishes exemptions from ORS 818.060. The exemptions under this section are in addition to any exemptions under ORS 801.026. Exempt, partially or completely as described, are the following:

(1) Any vehicle on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547 and 551 or a corporation formed under ORS chapter 554.

(2) A 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) 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.

(4) Vehicles while being used on the roads of a road authority by a mass transit district for the purposes authorized under ORS 267.010 to 267.390, provided the weight or size is approved by the road authority for its roads.

(5) Operations authorized to exceed weight or size limitations by 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 818.060 if the person so charged produces a variance permit issued under ORS 818.200 that authorized the operation and that was issued prior to and valid at the time of the offense. [1983 c.338 §513]

SIZE

818.080 Maximum size limits. This section establishes maximum size limits for purposes of ORS 818.090. Except where an

exemption under ORS 818.100 specifically provides otherwise, any vehicle or load thereon that exceeds a maximum allowable size as determined by any of the following tables exceeds the maximum size limits for purposes of ORS 818.090:

(1) A vehicle or combination of vehicles, as appropriate, exceeds the maximum allowable size if a dimension of the vehicle, combination of vehicles or load thereon is beyond an applicable maximum size allowable on the following table:

Dimension limited:	Limit applicable to:	Maximum allowable size, in feet, for dimension limited:
(1) Total outside width.....	Any vehicle.....	8½
(2) Height, including load.....	Any vehicle.....	14
(3) Length.....	Any vehicle operating singly.....	40
	Vehicle in combination of vehicles.....	40
	Combination of vehicles, including load.....	60
	Combination of vehicles that includes a stinger-steered pole trailer.....	65
(4) Length of load on vehicle.....	Any vehicle operating singly or as a unit in a combination of vehicles.....	40

The maximum limit on height under the table in this subsection does not relieve the owner or driver of any vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the highways and streets where the vehicle or combination of vehicles is being operated.

(2) A vehicle or combination of vehicles, as appropriate, exceeds the maximum allowable size if a portion of the vehicle, combination of vehicles or load thereon is subject to a limitation under the following table and that portion extends farther than the maximum limit of allowable extension beyond a designated point as determined by the following table:

TABLE II

Designated point:	Limit applicable to:	Maximum limit of allowable extension beyond designated point:
(1) Line of left fenders of vehicle.....	Load on any passenger vehicle.....	No allowable extension beyond designated point.
(2) Line of right fenders of vehicle.....	Load on any passenger vehicle.....	6 inches
(3) Front of vehicle.....	Load on any vehicle or combination of vehicles.....	4 feet
(4) Last axle of vehicle operating singly.....	Any portion of vehicle or any load thereon.....	Three-fourths the length of the wheelbase of the vehicle.
(5) Last axle of combination of vehicles.....	Any portion of combination of vehicles or any load thereon.....	One-third of the length of the wheelbase of the combination of vehicles.

[1983 c.338 §515; 1985 c.16 §265; 1995 c.488 §2; 2001 c.574 §3]

818.090 Violation of maximum size limits; civil liability; penalties. (1) A person commits the offense of violation of maximum size limits if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceeds the size limits established under ORS 818.080.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or

combination of vehicles exceeds the size limits established under ORS 818.080. 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 818.100.

(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, violation of maximum size limits, is punishable according to the schedule of penalties established in ORS 818.420. [1983 c.338 §514]

818.100 Exemptions from size limitations. This section establishes exemptions from the maximum size limitations under ORS 818.080 and 818.090. The exemptions under this section are in addition to any exemptions under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.090. Exemptions are partial or complete as described in the following:

(1) The maximum size limits do 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.

(2) The maximum size limits do 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.

(3) The maximum size limits do 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.

(4) The maximum size limits do 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 size of the vehicles is approved by the road authority for the roads.

(5) Size limits are not applicable in any place and to the extent size limits are modified by a road authority under ORS 810.060. The exemption under this subsection is sub-

ject to the limitations imposed by the road authority exercising the powers granted under ORS 810.060.

(6) Operations authorized to exceed size limits by 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 818.090 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.

(7) Pneumatic tires made of elastic material, flexible mud flaps, flexible fenders, safety accessories such as clearance lights, rub rails and binder chains, and appurtenances such as door handles, door hinges and turning signal brackets may exceed the maximum allowable width described in Table I of ORS 818.080 by a distance not greater than two inches on each side of the vehicle.

(8) Rearview mirrors may exceed the maximum allowable width described in Table I of ORS 818.080 by a distance of not greater than five inches on each side of the vehicle.

(9) Notwithstanding the maximum allowable length of vehicles and loads on vehicles under Table I of ORS 818.080, public utilities, telecommunications utilities, people's utilities districts and cooperative rural electrification districts or common or contract carriers when acting as agent for or on direct orders of such a utility or district, for the purpose of transporting and hauling poles, piling or structures used or to be used in connection with their business, may use and operate upon any highway of this state any combination of vehicles having an overall length including load the total length of which is not in excess of 80 feet unless an emergency exists.

(10) The load on a semitrailer may exceed the maximum length established under ORS 818.080 providing the load does not:

(a) Extend beyond the rear of the semitrailer by more than five feet;

(b) Extend forward of the rear of the cab of the towing vehicle; or

(c) Exceed an overall length permitted by a rule, resolution or ordinance adopted under ORS 810.060.

(11) The load upon a truck tractor and pole trailer may exceed the maximum length established under ORS 818.080 if the overall length does not exceed that authorized by a rule, resolution or ordinance adopted under ORS 810.060.

(12) None of the size limits described under ORS 818.080 except the maximum limit of allowable extension beyond the last axle

of a combination of vehicles under Table II apply to implements of husbandry hauled, towed or moved upon any highway not a part of the Federal Interstate Highway System if the movement is incidental to a farming operation and the owner of the implement of husbandry is engaged in farming or if the owner is hired by or under contract to a farmer to perform agricultural activities.

(13) The rear overhang of a combination of vehicles described in this subsection may extend more than one-third but not more than one-half the length of the wheelbase of the combination of vehicles. This subsection is applicable to any combination of vehicles consisting of a motor vehicle towing any of the following:

(a) A travel trailer.

(b) Any trailer designed to carry a single nonmotorized aircraft.

(14) The rear overhang of a combination consisting of a motor vehicle towing a manufactured structure may exceed one-third, but may not exceed one-half, the length of the wheelbase of the combined vehicle and structure.

(15) A recreational vehicle may exceed the maximum width established under ORS 818.080 if the excess width is attributable to an appurtenance that does not extend beyond the body of the vehicle by more than four inches, or if a passenger-side awning, by more than six inches. As used in this subsection, "appurtenance" means an appendage that is installed by a factory or a vehicle dealer and is intended as an integral part of the recreational vehicle. "Appurtenance" does not include an item temporarily affixed or attached to the exterior of a vehicle for the purpose of transporting the item from one location to another. "Appurtenance" does not include an item that obstructs the driver's rearward vision.

(16)(a) A recreational vehicle may exceed the maximum length established under ORS 818.080 if the vehicle is not more than 45 feet long.

(b) A combination that includes a recreational vehicle that is not more than 45 feet long, when operating on Group 1 or Group 2 highways as designated by the Department of Transportation, may exceed the maximum length for vehicles in a combination established under ORS 818.080 if the combination is not more than 65 feet long.

(17) A motor vehicle transporter may exceed the maximum lengths established in ORS 818.080 for a single vehicle, a vehicle in a combination of vehicles and a load if the length of the single vehicle, vehicle in a combination or load does not exceed 45 feet.

(18) A motor vehicle transporter towing another vehicle, when operating on a Group 1 or Group 2 highway as designated by the department, may exceed the maximum length established in ORS 818.080 for a combination of vehicles if the overall length does not exceed 65 feet.

(19) A school bus or school activity vehicle may exceed the maximum length established under ORS 818.080 if the vehicle is not more than 45 feet long. [1983 c.338 §516; 1985 c.16 §266; 1985 c.172 §8; 1987 c.447 §141; 1989 c.662 §1; 1991 c.754 §1; 1993 c.416 §2; 1993 c.662 §1; 1993 c.696 §9; 1995 c.79 §376; 1995 c.140 §1; 1995 c.488 §3; 1997 c.405 §1; 1999 c.496 §1; 2001 c.172 §4; 2001 c.335 §2a; 2003 c.655 §121; 2009 c.31 §1]

818.105 Request for unrestricted access to specified highway for overlength combination; mandated responses to request. (1) Any person who transports property, or causes property to be transported, by motor vehicle may request that a road authority, other than a city, authorize unrestricted access by truck tractor and semitrailer combinations in lengths in excess of that authorized under ORS 818.080 on a specific highway within the jurisdiction of the road authority.

(2) Within 60 days following receipt of a request, the road authority shall do one of the following:

(a) Grant the request and adopt a rule, resolution or ordinance as provided in ORS 810.060.

(b) Complete an evaluation of the request to determine whether the highway can safely accommodate the proposed operation. The evaluation shall consist of a test run as described in subsection (3) of this section and an examination of information about the highway as described in subsection (4) of this section.

(c) Produce a previous evaluation and determination that applies to the proposed operation.

(3) The following apply to a test run undertaken as part of an evaluation under subsection (2)(b) of this section:

(a) The party requesting the change in access shall provide a truck tractor and semitrailer combination for the test run. The combination must be equal to or greater in length than the truck tractor and semitrailer combinations for which access is requested.

(b) The road authority shall issue a single trip variance permit for the test run.

(c) During the test run, road authority staff shall precede and follow the test run combination to observe vehicle operability and to gather data to be used by the road authority to determine:

(A) Whether the test run combination maintained its lane of travel; and

(B) Whether the test run combination maintained appropriate speed, or there was adequate sight distance for trailing vehicles to pass the combination, or there was enough room for the combination to pull off the roadway to allow trailing vehicles to pass.

(4) In conducting an evaluation under subsection (2)(b) of this section, the road authority shall examine the following information about the highway:

(a) Average daily traffic flow;

(b) Accident rate;

(c) Pavement and shoulder conditions; and

(d) Any information the road authority has regarding proposed improvements or any peculiarities associated with the highway.

(5) All information gathered under subsections (3) and (4) of this section shall be analyzed by the road authority to determine whether the highway can safely accommodate the requested truck tractor and semitrailer length.

(6) The road authority shall give written notification to the person requesting access to the highway of the results of any evaluation done under subsection (2)(b) or (9) of this section.

(7) When an evaluation under subsection (2)(b) of this section results in a determination that the highway can safely accommodate the requested truck tractor and semitrailer length only if conditions are imposed on the operation, the road authority may require that any truck tractor and semitrailer combination of that length operate under a variance permit issued under ORS 818.200 that states the conditions of operation.

(8) When an evaluation under subsection (2)(b) of this section results in a determination that the highway cannot safely accommodate the requested truck tractor and semitrailer length, the requesting person may ask for further evaluation.

(9) When a person requests further evaluation under subsection (8) of this section, the road authority shall conduct a detailed investigation of the proposed operation that may include:

(a) A more detailed analysis of average daily traffic flow, including traffic peak hours and volumes;

(b) Analysis of roadway and shoulder width;

(c) Review of test run data, including any photographs or videotape;

(d) Truck volume compared to total traffic volume;

(e) Overlength truck volume compared to total traffic volume;

(f) Stopping sight distance for legal speed;

(g) Cost of spot improvements and facility improvements;

(h) Accident history for the highway or similar highways; and

(i) Potential risk of collisions between two trucks or a truck and an automobile.

(10) When an evaluation under subsection (9) of this section results in a determination that the highway can safely accommodate the requested truck tractor and semitrailer length only if conditions are imposed on the operation, the road authority may require that any truck tractor and semitrailer combination of that length operate under a variance permit issued under ORS 818.200 that states the conditions of operation.

(11) When an evaluation under subsection (9) of this section results in a determination that the highway cannot safely accommodate the requested truck tractor and semitrailer length, no further evaluation may be conducted unless improvements are made to the highway and a subsequent request is made. [2003 c.185 §2]

Note: 818.105 was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 818 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

VEHICLE COMBINATIONS

818.110 Exceeding maximum number of vehicles in combination; civil liability; penalty. (1) A person commits the offense of exceeding the maximum number of vehicles in combination if the person does any of the following:

(a) Drives or moves on a highway any combination of vehicles that consists of more than two vehicles.

(b) Owns any vehicle and causes or permits the vehicle to be driven or moved on a highway when the vehicle is in a combination of vehicles that consists of more than two vehicles. Operation of any combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicles in the combination caused or permitted the 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 818.120.

(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, exceeding maximum number of vehicles in combination, is a Class D traffic violation. [1983 c.338 §517; 1985 c.393 §28; 1995 c.383 §93]

818.120 Exemptions from limits on number of vehicles in combinations. This section establishes exemptions from ORS 818.110. The exemptions under this section are in addition to any exemptions under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.110. Exemptions are partial or complete as described in the following:

(1) The limit on the number of vehicles that may be operated in combination 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.

(2) The limit on the number of vehicles that may be operated in combination 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.

(3) The limit on the number of vehicles that may be operated in combination does not apply to any vehicles, combination of vehicles, articles, machines 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.

(4) The limit on the number of vehicles that may be operated in combination does not apply to any vehicles while being used on the roads of a road authority by mass transit districts for purposes authorized under ORS 267.010 to 267.390, provided the use of the vehicles is approved by the road authority for its roads.

(5) Operations authorized to exceed the limit on the number of vehicles that may be operated in combination by 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 818.110 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the combination of vehicles issued prior to and valid at the time of the offense.

(6) In drive-away operations, three vehicles may be coupled together by a double saddle-mount method or by a single saddle-

mount and tow bar method or four vehicles by a triple saddle-mount method.

(7) A combination of three implements of husbandry or two implements of husbandry hauled or towed by another vehicle may be operated on a highway without violation of the limits under ORS 818.110.

(8) A truck tractor and semitrailer drawing one trailer or a truck tractor and semitrailer drawing one additional semitrailer mounted on a dolly equipped with a fifth wheel hitch may be operated on a highway without violation of the limits under ORS 818.110.

(9) A truck tractor and semitrailer drawing a balance trailer with a length not in excess of 15 feet and a loaded weight not in excess of 8,000 pounds or drawing a dolly may be operated on a highway without violation of the limits under ORS 818.110. [1983 c.338 §518; 1985 c.16 §267; 1993 c.277 §1; 2007 c.456 §1]

POSTED USE LIMITS

818.130 Violation of posted limits on use; civil liability; penalty. (1) A person commits the offense of violation of posted limits on use of a road if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceeds any use limits, other than weight limits, imposed on the highway or portion of highway and indicated by appropriate signs giving notice of the limits.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination exceeds any use limits, other than weight limits, imposed on the highway or portion of highway and indicated by appropriate signs giving notice of the limits. 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 (5) of this section as a result of the operation.

(2) The authority to establish and change use limits for purposes of the prohibitions and penalties under this section is under ORS 810.030.

(3) The application of this section is subject to the exemptions from this section established under ORS 818.140.

(4) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(5) The offense described in this section, violation of posted limits of use of a road, is a Class D traffic violation. [1983 c.338 §519; 1985 c.16 §268; 1985 c.393 §29; 1995 c.383 §94]

818.140 Exemptions from posted use limits. This section establishes exemptions from ORS 818.130. The exemptions under this section are in addition to any under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.130. Exemptions are partial or complete as described in the following:

(1) Posted use limits do 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.

(2) Posted use limits do 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.

(3) Posted use limits do 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.

(4) Posted use limits do 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 use of the vehicles is approved by the road authority for that road.

(5) Operations authorized by 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 818.130 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. [1983 c.338 §520]

TOWING SAFETY

818.150 Safety requirements for towing. This section establishes safety requirements for towing for purposes of ORS 818.160. Except where an exemption under ORS 818.170 specifically provides otherwise, the safety requirements for towing are violated for purposes of ORS 818.160 if any of the following are violated:

(1) If one vehicle is towing another, the tow bar, coupling device and other connections must be of sufficient strength to

hold the weight of the towed vehicle upon any grade of highway where operated.

(2) If one vehicle is towing another, the connections of the tow bar, coupling device and other connections must be properly mounted without excessive slack but with sufficient play to allow for universal action of the connections and provided with a suitable locking means to prevent accidental separation of the towed and towing vehicles.

(3) If any vehicle is towing another vehicle and the connection between the vehicle is a chain, rope, cable or any flexible material, a red flag or cloth not less than 12 inches square must be displayed upon the connection.

(4) Any vehicle being towed must not whip or swerve from side to side dangerously or unreasonably or fail to follow substantially in the path of the towing vehicle.

(5) Any towed vehicle in a combination of vehicles must be equipped with one or more safety chains or cables that meet all of the following requirements:

(a) The chains or cables must be so connected to the towed and towing vehicle and to the tow bar as to prevent the tow bar from dropping to the ground in the event the tow bar or coupling device fails.

(b) The chains or cables must have a tensile strength equivalent to the loaded weight of the towed vehicle and a means of attachment to the towed and towing vehicle of sufficient strength to control the towed vehicle in event the tow bar or coupling device fails.

(c) The chains or cables must be attached with no more slack than is necessary to permit proper turning.

(6) Any coupling device on any towing vehicle used as a connection for the tow bar on any towed vehicle having a loaded weight in excess of 5,000 pounds shall be firmly attached to the frame or to a solid connection to the frame and not only to the bumper of the towing vehicle.

(7) Vehicle connecting devices for any vehicle with a loaded weight of not more than 10,000 pounds must be constructed or equipped as required under minimum standards adopted by the Department of Transportation for purposes of this subsection. Standards adopted for purposes of this subsection shall conform to the current standards of the Society of Automotive Engineers or other widely accepted standards that are applicable. [1983 c.338 §522; 1985 c.16 §269; 1985 c.20 §1]

818.160 Violating towing safety requirements; civil liability; penalty. (1) A person commits the offense of violating tow-

ing safety requirements if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that are in violation of the safety requirements for towing vehicles established under ORS 818.150.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles is in violation of the safety requirements for towing vehicles established under ORS 818.150. 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 818.170.

(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, violation of towing safety requirements, is a Class B traffic violation. [1983 c.338 §521; 1985 c.393 §30]

818.170 Exemptions from towing safety requirements. This section establishes exemptions from the towing safety requirements under ORS 818.150 and 818.160. Exemptions under this section are in addition to any under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.160. Exemptions are partial or complete as described in the following:

(1) The requirements for mounting and slack of towing connections under ORS 818.150 (2) do not apply where the towed vehicle is temporarily disabled.

(2) The requirements for safety chains or cables under ORS 818.150 (5) do not apply to the following:

(a) A temporarily disabled vehicle that is being towed by another vehicle.

(b) A dolly without a tow bar.

(c) A semitrailer coupled to a towing vehicle with a fifth wheel hitch or any ball and socket type assembly that is positioned above and forward of the rear axle of the towing vehicle. To qualify for the exemption under this subsection, the assembly must be designed so that the upper and lower halves of the assembly may not be separated without being manually released.

(d) A booster axle bolted or pinned to another vehicle that redistributes weight from one or more axles and pivots from side to side at the connection point or has wheels that steer during turning.

(3) Operations exempt from the towing safety requirements by 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 818.160 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) The towing safety requirements do 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.

(5) The towing safety requirements do 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. [1983 c.338 §523; 1999 c.361 §2]

PERMITS

818.200 Authority to issue variance permits; effect of permit; violation of permit. (1) A road authority, or a private contractor authorized by a road authority to do so, may issue a variance permit if it determines the public interests will be served. A variance permit issued under this section may allow any vehicle, combination of vehicles, load article, property, machine or thing to move over any highway or street under the jurisdiction of the road authority without violation of any of the following:

(a) Maximum weight limits under ORS 818.020.

(b) Posted weight limits under ORS 818.040.

(c) Administratively imposed weight or size limits under ORS 818.060.

(d) Maximum size limits under ORS 818.090.

(e) Maximum number of vehicles in combination under ORS 818.110.

(f) Posted limits on use of road under ORS 818.130.

(g) Towing safety requirements under ORS 818.160.

(h) Use of devices without wheels under ORS 815.155.

(i) Use of metal objects on tires under ORS 815.160.

(j) Operation without pneumatic tires under ORS 815.170.

(2) The fee for issuance of a variance permit under this section is the fee established under ORS 818.270. No fee shall be charged for issuance of a permit to the federal government, agencies of the State of Oregon, cities or counties.

(3) A permit issued under this section is subject to all of the provisions under ORS 818.220 and to any limits under ORS 818.210.

(4) Prohibitions and penalties relating to the use of the permit are provided under ORS 818.340 and 818.350.

(5) Violation of the conditions of the permit is subject to civil penalties as provided under ORS 818.410. [1983 c.338 §535; 1995 c.123 §1]

818.205 Continuous operation variance permit; standards; relationship to permit issued under ORS 818.200; fee. (1) The Department of Transportation, in consultation with other road authorities, shall develop and implement a system of issuing continuous operation variance permits. The system shall allow a person to obtain one permit that is valid for every road authority in whose jurisdiction the person will travel.

(2) The department, in consultation with other road authorities, shall develop standards for terms and conditions of continuous operation variance permits. The standards shall be applicable throughout the state and shall honor size and weight restrictions established by any road authority for highways and structures under its jurisdiction.

(3) If requested to do so by another road authority, the department shall contract with that road authority to allow the authority to distribute permits described in this section. The department may contract with private contractors to distribute permits described in this section.

(4) Notwithstanding any other provision of law, a road authority other than the department may not issue a continuous operation variance permit for its roads unless the road authority participates in the system developed under subsection (1) of this section.

(5) For purposes of provisions of Oregon Revised Statutes referring to permits issued under ORS 818.200, a permit issued under this section shall be considered a permit issued under ORS 818.200, unless to so consider the permit contradicts a specific provision of this section.

(6) The fee for a permit issued under this section that is valid for travel in more than one road authority jurisdiction shall be an amount determined by the department by rule, not to exceed \$8, plus an additional

amount to be determined by the department by rule, not to exceed \$8, for each jurisdiction in which travel is authorized by the permit. [1999 c.772 §2]

15	44,000
16	44,800
17	45,600
18	50,000

818.210 Limits on authority to issue variance permit. Except as provided under ORS 818.220, a road authority shall not issue a variance permit under ORS 818.200 for any vehicle or load that can readily or reasonably be dismantled or disassembled. The limit under this section does not apply to the following:

(1) Combinations of vehicles consisting of not more than a motor truck with a registration weight of more than 8,000 pounds and two self-supporting trailers or a truck tractor and semitrailer drawing two self-supporting trailers or semitrailers mounted on dollies equipped with fifth wheels having an overall length not in excess of 105 feet. The self-supporting trailers or semitrailers must be reasonably uniform in length.

(2) Vehicles or combinations of vehicles having a length in excess of that permitted under ORS 818.060 or 818.090.

(3) Any self-loading log truck. In the granting of permits to vehicles described in this subsection, a granting authority shall observe and be governed by the following maximum loaded weights:

(a) The loaded weight of any individual wheel, axle or tandem axles of any vehicle or combination of vehicles shall not exceed the maximum loaded wheel, axle and tandem axle weights set forth in Tables I and II of ORS 818.010.

(b) The loaded weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is 18 feet or less, and the loaded weight of any vehicle when the distance between the first and last axles of all of the axles of the vehicle is 18 feet or less, shall not exceed that set forth in the following table of weights, or the sum of the permissible axle or tandem axle weights, whichever is less:

(c) The loaded weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicle or combination of vehicles is more than 18 feet, shall not exceed that set forth in the following table of weights, or the sum of the permissible axle, tandem axle or group of axles weights, whichever is less:

Distance in feet between the first and last axles of all the axles of a vehicle or combination of vehicles:	Maximum loaded weight, in pounds, of any vehicle or combination of vehicles:	5 axles or more
19	50,000	
20	50,000	
21	50,000	
22	50,000	
23	50,400	
24	51,200	
25	55,250	
26	56,100	
27	56,950	
28	57,800	
29	58,650	
30	59,500	
31	60,350	
32	61,200	
33	62,050	
34	62,900	
35	63,750	
36	64,600	
37	65,450	
38	66,300	
39	68,000	
40	70,000	73,000
41	72,000	73,500
42	73,280	74,500
43	73,280	75,000
44	73,280	75,500
45	73,280	76,000
46	73,280	77,000
47	73,280	77,500
48	73,280	78,000
49	73,280	78,500
50	73,280	79,500
51	73,280	80,000
52	73,600	80,000
53	74,400	80,000
54	75,200	80,000
55 or over	76,000	80,000

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles, or between the first and last axles of all the axles of any vehicle:	Maximum loaded weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle:
6	34,000
7	34,000
8	34,000
9	39,000
10	40,000
11	40,000
12	40,000
13	40,000
14	43,200

(4) Any vehicle, combination of vehicles, load, article, property, machine or thing that:

(a) Is used in the construction, maintenance or repair of public highways; and

(b) Is either not being used by the federal government, State of Oregon or any county or incorporated city or not being used at the immediate location or site.

(5) Combinations of vehicles having a combined loaded weight in excess of that authorized under Table III of ORS 818.010.

(6) A vehicle engaged in the transportation of secondary wood products, which may be issued a permit for an overlength load. As used in this subsection, "secondary wood products" means laminated wood products and wooden I-beams. A vehicle engaged in the transportation of secondary wood products may also transport a divisible load of secondary wood products that otherwise exceeds allowable load length limits if:

(a) The load contains a permitted, nondivisible secondary wood product that exceeds the length allowed in ORS 818.080 or 818.100;

(b) The divisible load does not exceed the length allowed for the nondivisible wood product in the permit; and

(c) Not more than 49 percent of each divisible load item, by length or weight, authorized by this subsection overhangs the vehicle transporting the load.

(7) A vehicle engaged in the transportation of lumber, veneer or plywood, which may be issued a permit for an overwidth load if the width of the divisible load does not exceed nine feet.

(8) A vehicle transporting an overheight marine container to or from a marine port facility.

(9) A vehicle or combination of vehicles engaged in hauling grass seed straw, grass hay or cereal grain straw, which may be issued a permit to allow the load to be up to 14 feet 6 inches high. A permit issued under this subsection shall be valid for one year and shall specify the routes over which the overheight load may be hauled.

(10) A vehicle or combination of vehicles that has a variance permit and that can carry items related to the already permitted load without increasing the size of the vehicle needed to carry the item requiring the variance permit.

(11) A vehicle engaged in hauling poplar logs or the processing residual from the logs, which may be issued an annual overwidth permit for a vehicle and load with a combined width of not more than 12 feet. The annual permit shall allow movement of the vehicle only on Patterson Ferry Road and Frontage Road in Morrow County and only for a distance of 5,000 feet or less.

(12) A vehicle or combination of vehicles engaged in hauling bagged grass seed or mint leaves in sacks, which may be issued a permit to allow the load to be up to nine feet six inches wide. A permit issued under this subsection shall be valid for one year and shall specify the routes over which the overwidth load may be hauled. [1983 c.338 §536; 1985 c.16 §275; 1989 c.431 §1; 1991 c.261 §1; 1991 c.880 §5; 1993 c.416 §1; 1995 c.488 §1; 1997 c.360 §1; 1997 c.466 §1; 1999 c.59 §244; 1999 c.352 §1; 2001 c.335 §3]

818.220 Requirements, conditions and procedures for issuance of variance permit; duration; cancellation; rules. This section establishes requirements, conditions and procedures for issuance of variance permits under ORS 818.200 as follows:

(1) In issuing a permit, the road authority may:

(a) Grant a permit that is valid for a single trip, a number of trips or continuous operation.

(b) Establish seasonal or other time limitations on a permit.

(c) Establish any additional terms, limits or conditions on a permit that are necessary or desirable for the protection of the highways and streets and the public interest.

(d) Require the applicant to furnish public liability and property damage insurance in an amount fixed by the granting authority.

(e) Require the applicant to furnish indemnity insurance or an indemnity bond, in an amount fixed by the granting authority, to:

(A) Indemnify the road authority for any damage to the highways or streets that may be caused under the permit; and

(B) Indemnify the members, officers, employees and agents of the road authority from any claim that might arise out of the granting of the permit and the use of the highways under the permit.

(f) Require a demonstration by the applicant to establish that operation under a permit would:

(A) Stay on the right side of the center line of the traveled way at all times; and

(B) Allow sufficient room in the opposing traffic lane for the safe movement of other vehicles.

(2) A permit shall be in writing and shall specify:

(a) All highways or streets over which the permit is valid.

(b) Any vehicle, combination of vehicles, load, article, property, machine or thing allowed under the permit.

(c) Maximum dimensions and maximum weights allowed under the permit.

(3) A road authority may not issue a permit under this section:

(a) That is valid for longer than one year.

(b) Until any insurance or bond required under this section is filed with and accepted by the granting authority.

(c) Until the granting authority has investigated any representations made in the application for the permit.

(d) If the sole purpose of the permit is to specify highways on which a vehicle or combination of vehicles may not travel.

(4) An application for a permit issued under this section shall be in writing and shall specify:

(a) The vehicle, combination of vehicles, load, article, property, machine or thing for which the permit is requested;

(b) The particular highways and streets for which the permit is sought; and

(c) Whether the permit is sought for a single trip, number of trips or continuous operation.

(5) This section does not authorize:

(a) Except as specified in a permit, any vehicle, combination of vehicles, load, article, property, machine or thing for which the permit is issued to be operated or moved contrary to any provisions of the vehicle code.

(b) Any movement or operation of a vehicle, combination of vehicles, load, article, property, machine or thing until a permit is issued.

(6) The road authority may appoint any of its officers, employees or agents to be present at and during the movement. The presence of any person so appointed and any interference or suggestion made by that person shall not be considered supervision of the movement and shall not relieve the permit holder, or the permit holder's insurers or sureties, from liability for any damage done by the movement. If, in the opinion of the person appointed to be present at and during the movement, any of the terms and conditions of the permit are not being complied with, that person may order the movement to be stopped.

(7) Any permit may be canceled at any time by the road authority upon proof satisfactory to it that:

(a) The permit holder has violated any of the terms of the permit;

(b) The permit was obtained through misrepresentation in the application therefor; or

(c) The public interest requires cancellation.

(8) A road authority may establish a program for issuance of permits that is not subject to any requirements, conditions or procedures described under this section. A program established under this subsection shall be established by rule or resolution, as appropriate. A program established under this subsection may include any of the following:

(a) Provisions and requirements that differ from those otherwise required under this section.

(b) Authority that is not subject to the limitations under ORS 818.210.

(c) Any provisions or requirements the road authority determines may simplify or expedite the process of issuing permits.

(d) Exclusions from the prohibitions and penalties under ORS 818.350 if the person or vehicle complies with the conditions of the permit and the program.

(e) Applicability of the penalties provided under ORS 818.340, 818.350 and 818.410 for violation of the program.

(9) Notwithstanding any other provision of this section, if a road authority other than the state issues a variance permit for a divisible load with a combined weight of more than 80,000 pounds, the variance permit shall be a one-year permit that is valid for continuous operation.

(10) The Department of Transportation may adopt rules to establish uniform requirements and consistent mitigation strategies that a road authority must apply as conditions for operation of a truck tractor and semitrailer combination under an over-length variance permit issued under ORS 818.200. [1983 c.338 §537; 1985 c.16 §276; 1989 c.432 §1; 2003 c.185 §3]

818.225 Road use assessment fee for single-trip nondivisible load permittee; definition of "equivalent single-axle load"; rules. (1)(a) In addition to any fee for a single-trip nondivisible load permit, a person who is issued the permit or who operates a vehicle in a manner that requires the permit is liable for payment of a road use assessment fee of five and seven-tenths cents per equivalent single-axle load mile traveled. As used in this subsection, "equivalent single-axle load" means the relationship between actual or requested weight and an 18,000 pound single-axle load as determined by the American Association of State Highway and Transportation Officials Road Tests reported at the Proceedings Conference of 1962. The Department of Transportation may adopt rules to standardize the determination of equivalent single-axle load computation based on average highway conditions.

(b) If the road use assessment fee is not collected at the time of issuance of the permit, the department shall bill the permittee for the amount due. The account shall be considered delinquent if not paid within 60 days of billing.

(c) The miles of travel authorized by a single-trip nondivisible load permit shall be exempt from taxation under ORS chapter 825.

(2) The department by rule may establish procedures for payment, collection and enforcement of the fees and assessments established by this chapter. [1989 c.992 §15; 1991 c.497 §12; 1995 c.447 §4; 1995 c.733 §91; 2003 c.618 §3]

Note: The amendments to 818.225 by section 51, chapter 865, Oregon Laws 2009, become operative October 1, 2010. See section 54, chapter 865, Oregon Laws 2009. The text that is operative on and after October 1, 2010, is set forth for the user's convenience.

818.225. (1)(a) In addition to any fee for a single-trip nondivisible load permit, a person who is issued the permit or who operates a vehicle in a manner that requires the permit is liable for payment of a road use assessment fee of seven and one-tenths cents per equivalent single-axle load mile traveled. As used in this subsection, "equivalent single-axle load" means the relationship between actual or requested weight and an 18,000 pound single-axle load as determined by the American Association of State Highway and Transportation Officials Road Tests reported at the Proceedings Conference of 1962. The Department of Transportation may adopt rules to standardize the determination of equivalent single-axle load computation based on average highway conditions.

(b) If the road use assessment fee is not collected at the time of issuance of the permit, the department shall bill the permittee for the amount due. The account shall be considered delinquent if not paid within 60 days of billing.

(c) The miles of travel authorized by a single-trip nondivisible load permit shall be exempt from taxation under ORS chapter 825.

(2) The department by rule may establish procedures for payment, collection and enforcement of the fees and assessments established by this chapter.

818.230 Sifting or leaking load permit; duration; fee. A sifting or leaking load permit is a vehicle permit that is issued as evidence of a grant of authority to operate a vehicle loaded or constructed in a manner that, without the permit, would violate ORS 818.300. Each road authority shall grant permits for its own highways. Permits issued under this section shall comply with all of the following:

(1) Permits shall be in writing.

(2) Permits shall be issued only for the following:

(a) Vehicles transporting food processing plant by-products to be used for livestock feed or fertilizer from which there is fluid leakage.

(b) Vehicles transporting agricultural products from which there is fluid leakage, while the vehicles are en route from the place of harvest to a place where the products will be processed, stored or sold.

(3) Permits shall be issued for a maximum period of one year.

(4) Permits are revocable if the issuing road authority finds that the amount or character of the fluid leakage is such that it constitutes a danger to other vehicles.

(5) The fee for issuance of a sifting or leaking load permit is as provided under ORS 818.270.

(6) No fee shall be charged for issuance of a permit to the federal government, agencies of the State of Oregon, counties or cities. [1983 c.338 §538; 1985 c.179 §1]

818.235 Permit for wide load of hay bales. Notwithstanding ORS 818.210, a granting authority may issue a permit under ORS 818.200 for any vehicle or combination of vehicles engaged in the transportation of hay bales with a manufactured width of more than three feet, if the total width of load does not exceed 10 feet and the load is not wider than the part of the vehicle that carries the load. Vehicle width may be temporarily extended in order to qualify for a permit under this section. [1985 c.534 §5]

Note: 818.235 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 818 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

818.240 Dragging permit; fee. A dragging permit is a vehicle permit that is issued as evidence of a grant of authority to drag something upon or over the surface of the highway without violation of ORS 818.320. Except as otherwise provided in this section, each road authority shall grant permits for its own highways. Permits issued under this section shall comply with all of the following:

(1) Permits shall be in writing.

(2) The Department of Transportation has the authority for issuance of permits on city streets over which a state highway is routed pursuant to ORS 373.010.

(3) The fee for issuance of a dragging permit is as provided under ORS 818.270.

(4) No fee shall be charged for issuance of a permit to the federal government, agencies of the State of Oregon, counties or cities. [1983 c.338 §539]

818.250 Permit for fire company warning lights. The governing body of a rural fire protection district or of a municipal fire department may issue written authorization for the use of fire company warning lights on vehicles that are used while driving to a fire station or fire location in response to a fire alarm. Written authorization issued under this section shall comply with all of the following:

(1) Written authorization may be issued only to authorize use of the warning lights on any vehicle, whether publicly or privately owned, if used by:

(a) A fire chief, assistant fire chief or volunteer firefighter selected by the board of

directors of a rural fire protection district organized under ORS chapter 478; or

(b) Any person authorized to serve as fire chief, assistant fire chief or volunteer firefighter by the governing body of any municipal fire department.

(2) Any lights authorized under this section must be and remain the property of the rural fire protection district or municipality involved. [1983 c.338 §540; 1985 c.16 §277]

818.260 Permit for use of bus safety lights on certain buses; rules; fee. (1) Upon receipt of a qualifying application and payment of any fee required, the Department of Transportation shall issue a permit that will allow the use of bus safety lights described in ORS 816.260 on any bus that is operated by a religious organization while the bus is being used to transport children to and from religious services or an activity or function authorized by the religious organization.

(2) The department shall adopt rules necessary to carry out this section. The department:

(a) May establish standards for application for a permit under this section.

(b) May require a fee for issuance of a permit under this section as provided under ORS 818.270.

(c) May provide for the revocation of a permit if the lights are used in circumstances not described in this section.

(d) Shall adopt rules for operation of lights under a permit issued under this section. The standards adopted under this paragraph shall require the lights to be operated in a manner similarly to the manner for operation of the same lights on school buses.

(e) Shall require, before issuance of a permit under this section, that the vehicle be equipped with both alternately flashing amber bus safety lights and alternately flashing red bus safety lights. [1983 c.338 §541]

818.270 Fees for permits. (1) The fee for issuance of a variance permit under ORS 818.200 may be any amount determined by a road authority, not to exceed \$8. If the variance permit is issued by a private contractor, the contractor may charge an additional fee not to exceed \$5.

(2) The fee for issuance of a sifting or leaking load permit under ORS 818.230 is \$8.

(3) The fee for issuance of a dragging permit under ORS 818.240 is \$8.

(4) The fee for issuance of a permit under ORS 818.260 for the use of bus safety lights is a fee established by rule by the Department of Transportation. Any fee established for purposes of this subsection shall not ex-

ceed the actual costs of issuing the permit. [1983 c.338 §542; 1985 c.16 §278; 1985 c.736 §5; 1989 c.992 §13; 1995 c.123 §2; 1997 c.232 §1]

PERMIT OFFENSES

818.300 Operating with sifting or leaking load; civil liability; penalty. (1) A person commits the offense of operating with a sifting or leaking load if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that is so constructed or loaded so as to allow its contents to drop, sift, leak or otherwise escape therefrom.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles is so constructed or loaded so as to allow its contents to drop, sift, leak or otherwise escape therefrom.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.310.

(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, operating with a sifting or leaking load, is a Class B traffic violation. [1983 c.338 §524; 1985 c.393 §31]

818.310 Exemptions from prohibition on sifting and leaking load. This section establishes exemptions from ORS 818.300. 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) ORS 818.300 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.

(2) ORS 818.300 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.

(3) Operations authorized under the terms of a permit issued under ORS 818.230 are subject to the terms of the permit. It is a defense to any charge of violation of ORS 818.300 if the person so charged produces a permit issued under ORS 818.230 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense. [1983 c.338 §525; 1985 c.16 §270; 1987 c.158 §173]

818.320 Dragging objects on highway; civil liability; penalty. (1) A person commits the offense of dragging objects on a highway if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that is dragging upon or over the surface of the highway any logs, poles, piling or other thing.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway while dragging upon or over the surface of the highway any logs, poles, piling or other thing. 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 818.330.

(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, dragging objects on a highway, is a Class D traffic violation. [1983 c.338 §526; 1985 c.393 §32; 1995 c.383 §95]

818.330 Exemptions from prohibition on dragging objects on highway. This section establishes exemptions from ORS 818.320. The exemptions in this section are in addition to any under ORS 801.026. Exemptions are partial or complete as described in the following:

(1) Operations authorized under terms of a permit issued under ORS 818.240 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.320 if the person so charged produces a permit issued under ORS 818.240 authorizing the operation issued prior to and valid at the time of the offense.

(2) ORS 818.320 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.

(3) ORS 818.320 does not apply 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. [1983 c.338 §527; 1987 c.158 §174]

818.340 Operating in violation of variance permit; exception; civil liability; penalties. (1) A person commits the offense of operating in violation of a variance permit if the person has been issued a variance permit under ORS 818.200 that authorized the movement of anything and the person does any of the following:

(a) Drives, moves or operates anything in violation of the terms of the permit.

(b) Owns anything and causes or permits it to be driven, moved or operated in violation of the permit. Operation in violation of this section is prima facie evidence that the owner caused or permitted the operation and the owner shall be liable for any penalties imposed under subsection (5) of this section as a result of the operation.

(2) A person is in violation of the terms of a permit for purposes of this section if the person misrepresents any size or weight required to be specified when applying for the permit.

(3) It shall be a defense to any charge of violation of this section if the person so charged produces a variance permit issued under ORS 818.200 that authorized the operation and that was issued prior to and valid at the time of operation.

(4) A person does not commit the offense described in this section if the person is driving, moving or operating anything under a variance permit issued under ORS 818.200 and:

(a) The permit authorizes the person to exceed the maximum weight limitations;

(b) The person is operating a vehicle with a fully functional idle reduction system designed to reduce fuel use and emissions from engine idling; and

(c) The total weight of the vehicle is not more than 400 pounds greater than the weight authorized by the variance permit.

(5) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(6) The offense described in this section, operating in violation of a variance permit, is punishable according to the following:

(a) Violation of any provision of the permit, other than the violations described in paragraph (b), (c) or (d) of this subsection, is a Class D violation.

(b) Violation of any weight provision by a vehicle that is authorized by permit to exceed axle or tandem axle weights specified in ORS 818.010 (1) or (2) is subject to penalty under Schedule II of the penalties in ORS 818.430.

(c) Violation of any weight provision by a vehicle listed in ORS 818.210 is subject to penalty under Schedule I of the penalties in ORS 818.430.

(d) Violation related to the required number of pilot vehicles or routing in accordance with the terms, limits or conditions established on a permit under ORS 818.220 (1)(c) is a Class A traffic violation. [1983 c.338 §528; 1985 c.16 §272; 1995 c.339 §1; 1997 c.360 §2; 1999 c.352 §2; 2007 c.92 §2; 2007 c.664 §2; 2008 c.10 §1]

818.350 Failure to carry and display variance permit; penalty. (1) The driver of any vehicle or combination of vehicles for which a variance permit or a permit identification card has been issued under ORS 818.200 commits the offense of failure to carry and display a variance permit if the driver does not:

(a) Have the variance permit or permit identification card in the driver's immediate possession at all times when driving the vehicle or combination of vehicles upon a public highway, road or street; and

(b) Display the variance permit or permit identification card upon demand of any police officer, motor carrier enforcement officer, county weighmaster, judicial officer or the director of permits of the Department of Transportation.

(2) Producing a variance permit issued prior to and valid at the time of an offense under this section is not a defense for a charge under this section.

(3) The offense described under this section, failure to carry and display a variance permit, is a Class D traffic violation. [1983 c.338 §529; 1985 c.16 §271; 1985 c.393 §33; 1993 c.741 §100; 1995 c.383 §96]

ENFORCEMENT

818.400 Failure to comply with commercial vehicle enforcement requirements; penalty. (1) A person commits the offense of failure to comply with commercial vehicle enforcement requirements if the person is driving a vehicle or combination of vehicles and the person does not comply with any of the following or if the person is the owner of a vehicle or combination of vehicles and the person causes or permits the vehicle or combination not to comply with any of the following:

(a) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial vehicle weight, size, load, conformation or equipment regulation when directed to do so by an "OPEN" sign displayed at a permanently established truck scale.

(b) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial vehicle weight, size, load, con-

formation or equipment regulation when directed to do so by any sign or signal displayed or given by a police officer, motor carrier enforcement officer or weighmaster acting in accordance with authority granted under ORS 810.490.

(c) A vehicle or combination of vehicles must move into the right lane for purposes of a weight or size check when instructed to do so by a sign indicating the presence of a weigh-in-motion scale.

(d) The directions of any police officer, motor carrier enforcement officer or weighmaster that are given in accordance with authority granted under ORS 810.490 or 810.530 must be complied with.

(2) The requirement of subsection (1)(a) of this section does not apply to:

(a) An empty combination of a log truck and pole trailer if the pole trailer is bunked on the log truck and there is no other load; or

(b) A vehicle or combination of vehicles if:

(A) The normal route of the vehicle or combination of vehicles requires turning off the highway after passing the "OPEN" sign but before reaching the scale; and

(B) The vehicle or combination of vehicles is en route to a terminal or other legitimate business.

(3) Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of such vehicle or combination caused or permitted it to be so operated and the owner shall be liable for any penalties imposed under this section.

(4) The offense described in this section, failure to comply with commercial vehicle enforcement requirements, is a Class B misdemeanor. The penalty provided under this subsection is in addition to any penalty provided for violation of any prohibition relating to vehicle weight, size, load, conformation or equipment. [1983 c.338 §533; 1985 c.393 §35; 1987 c.897 §2; 1993 c.741 §101; 1995 c.27 §1; 1995 c.101 §1; 1997 c.722 §6]

818.410 Civil liability for certain violations. The owner and driver of anything using a state, county or city highway, street or bridge in violation of the sections described in this section are jointly and severally liable to the state, county or city for all damage done as a result of the violation. Liability to the state, county or city depends upon whether it is a state, county or city highway, street or bridge. This section applies to a violation of any of the following:

(1) Maximum weight limits under ORS 818.020.

(2) Posted weight limits under ORS 818.040.

(3) Maximum size limits under ORS 818.090.

(4) Maximum number of vehicles in combination under ORS 818.110.

(5) Posted limits on use of roads under ORS 818.130.

(6) Towing safety requirements under ORS 818.160.

(7) Sifting or leaking load prohibition under ORS 818.300.

(8) Dragging object prohibition under ORS 818.320.

(9) Devices without wheels under ORS 815.155.

(10) Use of prohibited metal objects on tires under ORS 815.160.

(11) Operation without pneumatic tires under ORS 815.170.

(12) Operation in violation of variance permit under ORS 818.340.

(13) Temporarily reduced speeds established by a road authority under ORS 810.180.

(14) Exclusive use lanes established under ORS 810.140. [1983 c.338 §530; 1985 c.16 §273; 2003 c.819 §16]

818.420 Penalties for certain violations. (1) This subsection establishes a schedule of penalties for certain offenses in ORS 818.060 and 818.090. Commission of any of the described offenses relating to height or width limits is punishable according to the following schedule:

(a) Except as otherwise provided in this section, upon a first conviction, an offense is punishable as a Class D traffic violation.

(b) Upon a second conviction within one year after the first conviction, an offense is punishable as a Class C traffic violation.

(c) Upon a third or subsequent conviction within one year after the first conviction, an offense is punishable as a Class B traffic violation.

(2) Any offense that is described in ORS 818.060 or 818.090 and that is not punishable under subsection (1) of this section, is punishable as a Class D traffic violation. [1983 c.338 §531; 1985 c.393 §34; 1987 c.897 §3; 1995 c.383 §121; 2007 c.664 §3]

818.430 Penalties for violation of weight requirements. This section establishes schedules of penalties for violations of maximum weight requirements under the vehicle code. The particular schedule applicable is the schedule designated in the section establishing the offense. Upon conviction, a person is punishable by a fine and other

penalty established in the schedule. Fines are based upon the excess weight by which any loaded weight exceeds the applicable loaded weight authorized in the provision, permit, order or resolution the person violates. The schedules are as follows:

(1) Except as provided in subsection (2) of this section, the penalties under Schedule I are as provided in this subsection. If the excess weight is:

(a) One thousand pounds or less by a fine of \$5.

(b) More than 1,000 pounds, but not in excess of 2,000 pounds, by a fine of not less than \$30.

(c) More than 2,000 pounds, but not in excess of 3,000 pounds, by a fine of not more than three cents per pound for each pound of the excess weight.

(d) More than 3,000 pounds, but not in excess of 5,000 pounds, the fine shall be five cents per pound for each pound of the excess weight.

(e) More than 5,000 pounds, but not in excess of 7,500 pounds, the fine shall be 13 cents per pound for each pound of the excess weight.

(f) More than 7,500 pounds, but not in excess of 10,000 pounds, the fine shall be 15 cents per pound for each pound of the excess weight.

(g) More than 10,000 pounds, but not in excess of 12,500 pounds, the fine shall be 19 cents for each pound of the excess weight.

(h) More than 12,500 pounds over the allowable weight, 24 cents per pound for each pound of excess weight.

(2) The penalties under Schedule I for trucks that are described in this subsection shall be one-half the amount stated in subsection (1) of this section, except that the penalty may not be less than \$5. This subsection applies to trucks that are all of the following:

(a) Registered as farm vehicles under ORS 805.300;

(b) Transporting agricultural products;

(c) Loaded in the field without benefit of a scale; and

(d) Not more than 3,000 pounds over the maximum weight limit.

(3) The penalties under Schedule II are as provided in this subsection. If the excess weight is:

(a) One hundred pounds, but not in excess of 5,000 pounds, the fine shall be \$100 plus 10 cents per pound of the excess weight.

(b) More than 5,000 pounds, but not in excess of 10,000 pounds, the fine shall be

\$250 plus 15 cents per pound of the excess weight.

(c) More than 10,000 pounds, the fine shall be \$500 plus 30 cents per pound of the excess weight.

(4) The per pound penalty in subsection (3) of this section shall be waived by the court and the fine shall be not more than \$100 if a person charged with an offense punishable under Schedule II produces in court a second valid variance permit issued under ORS 818.200 authorizing a loaded weight equal to or greater than the actual loaded weight of the vehicle, combination of vehicles, axle, tandem axles or group of axles upon which the citation was based.

(5) The penalties under Schedule III are as provided in this subsection and are in addition to any suspension of operator's license under ORS 809.120 or any suspension of vehicle registration under ORS 809.120. If the excess weight is:

(a) One hundred pounds, but not in excess of 5,000 pounds, the fine shall be \$100 plus 15 cents per pound for each pound of the excess weight.

(b) More than 5,000 pounds but not in excess of 10,000 pounds, the fine shall be \$250 plus 20 cents per pound for each pound of excess weight.

(c) More than 10,000 pounds, the penalty shall be a fine of \$500 plus 30 cents per pound for each pound of excess weight or imprisonment in the county or municipal jail for not less than 30 days nor more than 60 days, or both. [1983 c.338 §532; 1985 c.16 §274; 1987 c.897 §4; 1993 c.531 §8; 1995 c.79 §377; 1995 c.339 §2; 1999 c.668 §1]

818.440 Penalty for procuring, aiding or abetting violation of this chapter. Any person who knowingly and willfully procures, aids or abets in the violation of a provision of this chapter is subject to the penalty provided for a person who violates the provision. [1987 c.897 §6]

818.450 Civil penalty for violations of chapter. In addition to any penalty provided in a specific statute in this chapter, any person who violates a provision of this chapter is subject to civil penalty as provided in ORS 825.950. [1997 c.722 §3]

OREGON VEHICLE CODE
