Chapter 815

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Vehicle Equipment Generally

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GENERAL PROVISIONS

815.005 Consistent parts and equipment authorized. Nothing in the vehicle code shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of the vehicle code. [1983 c.338 §434]

815.010 Compliance with standards for equipment; federal standards to supersede state. (1) Testing requirements for equipment standards adopted under the vehicle code shall be met by the manufacturer submitting a report from a laboratory approved by the Department of Transportation showing compliance with the current federal regulations or the standards of the Society of Automotive Engineers, the American National Standards Institute or the National Institute of Standards and Technology. This subsection supersedes any provision to the contrary in the vehicle code.

(2) A federal vehicle safety standard that conflicts with an equipment provision of the vehicle code applicable to the same aspect of performance shall supersede that specific provision of the vehicle code with respect to vehicles in compliance with the federal vehicle safety standard that was in effect at the time of sale. [1983 c.338 §435; 1985 c.16 §228; 1989 c.402 §2; 1991 c.67 §221; 2003 c.14 §497; 2003 c.158 §1]

815.015 Department inspection of vehicles for compliance. The Department of Transportation may at any time inspect any vehicle to determine its compliance with the equipment provisions and other provisions of the vehicle code. [1983 c.338 §436]

815.020 Operation of unsafe vehicle; penalty. (1) A person commits the offense of operation of an unsafe vehicle if the person does any of the following:

(a) Drives or moves on any highway any vehicle which is in such unsafe condition as to endanger any person.

(b) Owns a vehicle and causes or knowingly permits the vehicle to be driven or moved on any highway when the vehicle is in such unsafe condition as to endanger any person.

(2) The offense described in this section, operation of an unsafe vehicle, is a Class B traffic violation. [1983 c.338 §437]

815.025 Causing unreasonable noise with vehicle; penalty. (1) A person commits the offense of causing unreasonable noise with a vehicle if the person operates upon any highway any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of the vehicle.

(2) The offense described in this section, causing unreasonable noise with a vehicle, is a Class D traffic violation. [1983 c.338 §438; 1987 c.158 §171; 1995 c.383 §22]

AUTHORITY TO ESTABLISH STANDARDS

815.030 State vehicle equipment standards. (1) The Department of Transportation shall adopt and enforce minimum standards for vehicle performance or vehicle equipment performance consistent with this section.

(2) Standards adopted by the department under this section shall be consistent with any vehicle standards established under federal regulations or under standards of the Society of Automotive Engineers, the American National Standards Institute or the National Institute of Standards and Technology.

(3) As federal regulations concerning vehicle equipment are subsequently amended or repealed the department may consider subsequent federal vehicle safety standards and adopt standards with respect to any vehicle or item of vehicle equipment applicable to the same aspect of performance of such vehicle or item of equipment if the department determines that the subsequent federal standards are practicable, provide an objective standard and meet the need for vehicle safety.

(4) Standards adopted by the department under this section supersede any equipment provision of the vehicle code applicable to the same aspect of performance that conflicts with a specific provision of a standard adopted by the department under this section with respect to compliance with safety standards in effect at the time of sale.

(5) The department shall continue to adopt equipment standards as required under other sections of the vehicle code if there is no standard under this section.

(6) Proof of certification of equipment under this section may be in the form of a symbol or designation prescribed in federal standards or if there is no federal symbol or designation, by a symbol or designation acceptable to the department.

(7) Compliance with any requirements for equipment under this section is subject to ORS 815.010.

(8) Prohibitions and penalties relating to the standards established under this section are provided under ORS 815.075 and 815.100. [1983 c.338 §439; 1985 c.188 §1; 2003 c.158 §2]

815.035 Rules for standards for roadside warning devices. The Department of Transportation shall adopt rules to establish standards for roadside vehicle warning devices for purposes of ORS 811.530 and 815.285. The rules shall include requirements for the placement and use of such warning

devices to provide warning of disabled vehicles. [1985 c.16 §230]

815.040 Standards for window and windshield material. (1) The Department of Transportation shall establish standards for safety glazing material used in vehicle windows and windshields including standards for any glazing material so constructed, treated or combined with other materials as to reduce substantially, in comparison to ordinary sheet or plate glass, the likelihood of injury to persons by broken or cracked glass or by objects from external sources.

(2) The standards established under this section shall conform, insofar as practical, to safety standards and specifications for safety glazing material issued by the federal government.

(3) Prohibitions and penalties relating to the standards established under this section are provided under ORS 815.090 and 815.210.

(4) The standards established under this section may not restrict the installation and use of window tinting material that meets the requirements of ORS 815.221. [1983 c.338 §440; 1989 c.402 §3; 1995 c.263 §5; 2003 c.14 §498; 2003 c.158 §3]

815.045 Rules for use of traction tires, retractable studded tires and chains; signs. (1) The Oregon Transportation Commission shall adopt rules necessary to carry out ORS 815.140. The rules adopted by the commission:

(a) Shall establish the various types of conditions under which vehicle traction tires or chains must be used.

(b) Shall define types of vehicle traction tires or chains that may be used under various road conditions. The commission rules under this paragraph shall comply with the following:

(A) Traction tire shall be defined to include any tire that meets traction standards established by the Department of Transportation.

(B) Retractable studded tires or tires with studs that are permitted under ORS 815.165 shall be allowed as traction tires under the rules.

(C) The department may require that traction tires without studs bear identifying marks, defined by the department, that indicate that the tire was manufactured specifically for adverse weather conditions.

(D) Chains shall be defined to include link chains, cable chains or any other device that attaches to the wheel, vehicle or outside of the tire and that augments the traction of a vehicle.

(E) Retractable studded tires shall be defined to include tires with embedded studs that project beyond the tread surface only when a vehicle operator extends the studs to augment the traction of the vehicle.

(c) Shall establish signs to be posted under conditions that require vehicle traction tires or chains.

(d) May establish types or classes of vehicles that are exempt from requirements to use vehicle traction tires or chains under certain conditions if the commission determines that the operation of the class or type of vehicle would be safe under those conditions.

(2) A road authority shall:

(a) Determine when conditions on a segment of highway require the use of vehicle traction tires or chains as defined by the commission;

(b) Determine which segments of a highway shall be posted as described under this section to require vehicle traction tires or chains; and

(c) Provide for the placement and removal of signs requiring the use of vehicle traction tires or chains. [1983 c.338 §441; 1985 c.16 §231; 1993 c.741 §86; 1997 c.493 §1; 2007 c.406 §1]

815.050 [1983 c.338 §442; 1985 c.16 §232; 1993 c.751 §73; repealed by 1995 c.492 §8]

815.052 Rules establishing standards for protective headgear. The Department of Transportation shall adopt and enforce rules establishing minimum standards and specifications for safe protective headgear to be worn by people operating bicycles, by passengers on bicycles and by people riding on skateboards or scooters or using in-line skates. The rules shall conform, insofar as practicable, to national safety standards and specifications for such headgear. [1993 c.408 §6; 2003 c.106 §2; 2005 c.141 §1]

815.055 Rules establishing standards for safety belts, harnesses and child safety systems. (1) The Department of Transportation shall adopt and enforce rules establishing minimum standards and specifications for the construction and installation of safety belts, safety harnesses or child safety systems and anchors or other devices to which safety belts, safety harnesses or child safety systems may be attached and secured. The rules adopted under this subsection are subject to the following:

(a) The rules that establish minimum standards and specifications for child safety systems required and regulated under this section and ORS 811.210 and 815.080 shall conform to the standards for child safety systems established by the federal government. Child safety systems are required to meet those standards in effect at the date of manufacture.

(b) All rules adopted under this subsection shall conform to the regulations and standards established by the federal government relating to safety belt assemblies that are applicable to motor vehicles at the date of manufacture.

(2) The department may purchase in the market and test or submit to testing laboratories any safety belt, safety harness, child safety system or anchor or other device. The department shall enforce the penalties under ORS 815.080 if it determines that the belt, harness, child safety system or anchor or other device does not conform to the minimum standards established under this section.

(3) Prohibitions and penalties relating to sale and use of equipment subject to this section are provided under ORS 811.210 and 815.080. [1983 c.338 §443; 1985 c.16 §233; 1989 c.402 §4; 1993 c.751 §74; 2001 c.679 §2; 2003 c.158 §9]

815.060 Rules establishing standards for slow-moving vehicle emblems. The Department of Transportation shall adopt rules for slow-moving vehicle emblems for purposes of ORS 815.110 and 815.115. The rules adopted under this section shall:

(1) Require a slow-moving vehicle emblem that is reflectorized or fluorescent and that is of a standard type.

(2) Establish design and mounting requirements that the emblem must meet.

(3) Conform to the nationally accepted standards for slow-moving vehicle emblems. [1983 c.338 §444]

815.065 Rules establishing standards for hydraulic brake fluid. The Department of Transportation shall adopt and enforce rules for the purpose of regulation of hydraulic brake fluid under ORS 815.085. The rules shall establish standards and specifications and labeling requirements for hydraulic brake fluid and other liquid mediums through which force is transmitted to the brakes in the hydraulic brake system of a vehicle. The rules, in so far as practicable, shall conform to safety standards and specifications for brake fluids issued by the federal government and to the current standards and specifications of the Society of Automotive Engineers applicable to such fluid. The department shall publish rules adopted under this section. Penalties and prohibitions relating to the rules are as provided under ORS 815.085. [1983 c.338 §446; 1989 c.402 §5; 2003 c.158 §12]

815.070 Road warning signals for tow vehicles or wreckers. The Oregon Transportation Commission shall prescribe warning signs or signals for placement on roadways by tow vehicles or wreckers under ORS 822.220. [1983 c.338 §449; 1985 c.16 §236; 1987 c.119 §2]

PROVIDING UNLAWFUL EQUIPMENT

815.075 Selling vehicles or equipment that violates rules; exemptions; penalty. (1) A person commits the offense of selling vehicles or equipment that violates state equipment administrative rules if the person sells or offers for sale any vehicle or sells or offers for sale for use upon a vehicle or uses on any vehicle any equipment if the vehicle or equipment:

(a) Does not conform to standards established by the Department of Transportation by rule under ORS 815.030; and

(b) Does not bear thereon proof of certification that it complies with the applicable standards.

(2) Proof of certification required under this section may be made in any manner provided under ORS 815.030.

(3) This section is subject to the following exemptions in addition to any exemptions under ORS 801.026:

(a) Vehicles of special interest that are registered under ORS 805.020 are deemed to comply with this section if:

(A) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating order; or

(B) The vehicles are street rods that conform to ORS 815.107.

(b) Road machinery, road rollers, implements of husbandry, farm trailers and farm tractors are not subject to this section.

(c) Antique vehicles are not subject to this section if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(d) Racing activity vehicles are not subject to this section.

(4) The offense described under this section, selling vehicles or equipment that violates state equipment administrative rules, is a Class D traffic violation. [1983 c.338 §450; 1985 c.16 §237; 1989 c.402 §6; 1995 c.79 §375; 1995 c.383 §23; 1997 c.402 §6; 2007 c.693 §9]

815.080 Providing safety belt, harness or child safety system that does not comply with standards; exemptions; penalty. (1) A person commits the offense of providing a safety belt, harness equipment or a child safety system that does not comply with standards if the person does any of the following:

(a) Sells or offers for sale a new motor vehicle that is not equipped with safety belts, safety harnesses or child safety systems that comply with and are installed in compliance

with the rules adopted by the Department of Transportation under ORS 815.055. This paragraph applies only to motor vehicles that are primarily designed for transportation of individuals and that have seating for one or more passengers side-by-side with the operator. This paragraph requires only that the vehicle be equipped with one seat belt or harness for the operator and one for at least one of the passengers seated beside the operator.

(b) Sells or offers for sale any safety belt, safety harness, child safety system, anchor or other device for attaching or securing safety belts, safety harnesses or child safety system if the belt, harness, child safety system, anchor or device does not comply with the rules adopted by the department under ORS 815.055. This paragraph applies only to belts, harnesses, child safety systems, anchors or devices for use or installation on a vehicle that is primarily designed for transportation of individuals.

(c) Sells or offers for sale any safety belt, safety harness, child safety system, anchor or other device for attaching or securing safety belts, safety harnesses or child safety systems if the belt, harness, child safety system, anchor or device is not marked as required under federal safety standards and if the mark is not legible when the belt, harness, child safety system, anchor or other device is used or installed on a vehicle. This paragraph applies only to belts, harnesses, child safety systems, anchors or devices for use or installation on a vehicle that is primarily designed for transportation of individuals.

(d) Installs any safety belt, safety harness, child safety system, anchor or other device for attaching or securing safety belts, safety harnesses or child safety systems on a vehicle that is primarily designed for the transportation of individuals except in compliance with rules adopted by the department under ORS 815.055.

(2) This section does not apply to school buses or school activity vehicles that are subject to equipment standards adopted by the State Board of Education or the State Board of Higher Education under ORS 820.100.

(3) The offense described in this section, providing a safety belt, harness equipment or a child safety system that does not comply with standards, is a Class C traffic violation. [1983 c.338 §452; 1985 c.16 §238; 1985 c.420 §5; 1987 c.119 §3; 1993 c.751 §113; 1995 c.383 §24; 1999 c.39 §10; 2003 c.158 §11]

815.085 Servicing with or selling unapproved brake fluid; penalty. (1) A person commits the offense of servicing with or selling unapproved brake fluid if the person does any of the following:

(a) Distributes, has for sale, offers for sale or sells any hydraulic brake fluid or any other liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle if the fluid or liquid does not comply with the standards, specifications and labeling established by rule by the Department of Transportation under ORS 815.065.

(b) Services any vehicle with any hydraulic brake fluid or any other liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle if the fluid or liquid does not comply with the standards, specifications and labeling established by rule by the department under ORS 815.065.

(2) The offense described in this section, servicing with or selling unapproved brake fluid, is a Class A misdemeanor. [1983 c.338 §454]

815.090 Replacement of vehicle windows with unapproved material; penalty. (1) A person commits the offense of replacement of vehicle windows with unapproved material if the person makes or procures the replacement of windows or windshields in a motor vehicle and the replacement is made with a material that does not meet the standards established by the Department of Transportation under ORS 815.040.

(2) This section does not apply to vehicles that are exempt under ORS 815.210 from the prohibitions against operating a vehicle without approved materials in the vehicle windows.

(3) The offense described in this section, replacement of vehicle windows with unapproved material, is a Class A misdemeanor. [1983 c.338 §455; 2003 c.158 §4]

815.095 Unlawful sales, installations or representations concerning pollution control systems; penalty. (1) A person commits the offense of making unlawful sales of, installations of or representations concerning vehicle pollution control systems if the person does any of the following:

(a) Sells, displays, advertises or represents as a certified system any motor vehicle pollution control system that is not certified under ORS 468A.365.

(b) Installs or sells for installation upon a motor vehicle any motor vehicle pollution control system for which a certificate of approval has not been issued under ORS 468A.365.

(2) The offense described in this section, making unlawful sales, installations or representations concerning vehicle pollution

control systems, is a Class A misdemeanor but each day of violation does not constitute a separate offense. [1983 c.338 §456; 1985 c.16 §239]

815.097 Providing vehicle with mercury light switch. A person commits the offense of providing a vehicle with a mercury light switch if the person sells or offers for sale in this state a vehicle manufactured after January 1, 2006, that contains a mercury light switch mounted on the hood or trunk. [2001 c.924 §7]

OPERATING WITH UNLAWFUL EQUIPMENT

815.100 Operation of vehicle that violates equipment rules; penalty. (1) A person commits the offense of operation of a vehicle that violates state equipment administrative rules if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a vehicle if the vehicle or any equipment on the vehicle:

(a) Does not conform to standards established by the Department of Transportation by rule under ORS 815.030; and

(b) Does not bear thereon proof of certification that it complies with the applicable standards.

(2) Proof of certification required under this section may be made in any manner provided under ORS 815.030.

(3) This section is subject to the exemptions from this section established under ORS 815.105.

(4) Vehicle equipment standards established by rule under ORS 815.030 supersede any other equipment standards under the vehicle code when so provided by ORS 815.030.

(5) The offense described under this section, operation of vehicle that violates state equipment administrative rules, is a Class C traffic violation. [1983 c.338 §466; 1985 c.16 §244; 1985 c.393 §16]

815.105 Exemptions from equipment requirements. This section establishes exemptions from ORS 815.030 and 815.100. Exemptions under this section are in addition to any exemptions under ORS 801.026. Exemptions under this section are partial or complete as described in the following:

(1) Vehicles of special interest that are registered under ORS 805.020 are deemed to comply with ORS 815.030 and 815.100 if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(2) Road machinery, road rollers, implements of husbandry, farm trailers and farm tractors are exempt from ORS 815.030 and 815.100.

(3) Antique vehicles are exempt from ORS 815.030 and 815.100 if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) Motorized wheelchairs are exempt from ORS 815.030 and 815.100 when used as permitted under ORS 811.440.

(5) Racing activity vehicles are exempt from ORS 815.030 and 815.100. [1983 c.338 §467; 1985 c.16 §245; 1989 c.402 §7; 1991 c.417 §5; 1997 c.402 §7; 2007 c.693 §10]

815.107 Exemption from equipment requirements for street rods. A vehicle of special interest that is a street rod is exempt from vehicle equipment requirements under ORS 815.075, 815.105, 815.120, 815.135, 815.175, 815.190, 815.210, 815.215, 815.230, 815.250, 815.255 and 816.340 if all of the following apply:

(1) The vehicle is equipped with original manufacturer's equipment and accessories, or their equivalent, except that:

(a) The drive train, suspension system or brake system on the original vehicle may be replaced with a drive train, suspension system or brake system that:

(A) Conforms to the requirements of ORS 815.125, if applicable;

(B) Conforms to applicable standards established by the Department of Transportation by rule under ORS 815.030; and

(C) Bears any required proof of certification that the equipment complies with the applicable standards;

(b) The dimensions of the original body of the vehicle may be altered if the altered body conforms to the standards established by the department by rule under ORS 815.030;

(c) The hood, bumpers and fenders of the vehicle may be removed from the vehicle; and

(d) The exhaust system may be modified to discharge exhaust along the side of the vehicle if the exhaust is discharged away from the vehicle and from a location to the rear of the rear edge of the front door of the vehicle.

(2) The vehicle is maintained in safe operating condition. [1997 c.402 §5; 1999 c.59 §243]

815.109 Exemption from equipment requirements for racing activity vehicles. A racing activity vehicle is exempt from vehicle equipment requirements under ORS

815.040, 815.075, 815.250, 815.295 and 815.310 if all of the following apply:

(1) The vehicle is equipped with original manufacturer's equipment and accessories or their equivalent; and

(2) The vehicle is maintained in safe operating condition. [2007 c.693 §3]

SPECIFIC EQUIPMENT

(Slow-Moving Vehicles)

815.110 Requirements for and use of slow-moving vehicle emblem. This section establishes requirements for ORS 815.115. The requirements under this section are in addition to any other requirements for lighting equipment provided by law. Except as specifically provided by an exemption under ORS 815.120, a person violates ORS 815.115 if the person does not comply with any of the following requirements:

(1) The following types of vehicles must display slow-moving vehicle emblems described under ORS 815.060:

(a) Vehicles or combinations of vehicles designed for customary use at speeds of less than 25 miles per hour.

(b) Golf carts or similar vehicles when operated by a person with a disability.

(c) Class I all-terrain vehicles and Class II all-terrain vehicles operated on a highway under ORS 821.191 (1).

(2) Slow-moving vehicle emblems must meet the requirements for such emblems established by the Department of Transportation by rule under ORS 815.060.

(3) Slow-moving vehicle emblems shall be displayed on the rear of the power unit. When a combination of vehicles is being operated in a manner that obscures the emblem mounted on the power unit, an additional emblem shall be displayed on the rear of the rearmost vehicle in the combination. [1983 c.338 §469; 2001 c.529 §5; 2007 c.70 §347; 2007 c.207 §3]

815.115 Violation of emblem requirements; penalty. (1) A person commits the offense of violation of slow-moving vehicle emblem requirements if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a vehicle or combination of vehicles if the vehicle or combination of vehicles:

(a) Is required by ORS 815.110 to be equipped with a slow-moving vehicle emblem and the vehicle is not equipped with an emblem in the manner required by ORS 815.060.

(b) Is displaying a slow-moving vehicle emblem when not required under ORS 815.110 or in a manner not in conformity with ORS 815.060.

(2) This section is subject to exemptions from this section established under ORS 815.120.

(3) The offense described in this section, violation of slow-moving vehicle emblem requirements, is a Class C traffic violation. [1983 c.338 §468; 1985 c.393 §17]

815.120 Exemptions from emblem requirements. This section establishes exemptions from the requirements of ORS 815.110 and 815.115. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) Vehicles of special interest that are registered under ORS 805.020 are deemed to comply with the requirements if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(2) Antique vehicles are not subject to the standards if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) Road machinery, road rollers and farm tractors are not subject to the requirements except as provided in this subsection. Such vehicles or combinations thereof are subject to the requirements if the vehicles are designed for use at speeds less than 25 miles per hour, except when such vehicles are engaged in actual construction or maintenance work and guarded by a flagger or by clear visible warning signs. [1983 c.338 §470; 1985 c.16 §246; 1985 c.69 §8; 1997 c.402 §8]

(Brakes)

815.125 Requirements and standards. This section establishes requirements for ORS 815.130. Except as specifically provided by an exemption under ORS 815.135, a vehicle or combination of vehicles is in violation of ORS 815.130, if the vehicle or combination of vehicles is not equipped with brakes as required under the following or if the brakes do not meet the standards described under the following:

(1) Motorcycles and mopeds shall be provided with at least one brake that may be operated by hand or foot.

(2) Motor vehicles other than mopeds or motorcycles shall be equipped with brakes that include two separate means of applying the brakes. Each of the separate means of applying the brakes shall be effective to ap-

ply the brakes to at least two wheels and, if the separate means of applying the brakes are connected in any way, shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(3) A combination of vehicles that includes a motor vehicle and any other vehicle shall be equipped with a brake system on one or more of the vehicles.

(4) Brakes on any vehicle must be adequate to control movement of and to stop and to hold the vehicle or combination of vehicles.

(5) Brakes on any vehicle must be maintained in good working order.

(6) Every motor vehicle and combination of motor vehicles except mopeds or motorcycles shall at all times be equipped with a parking brake system. A parking brake system required by this subsection must meet all the following requirements:

(a) The system must be adequate to hold the vehicle or combination of motor vehicles on any grade where operated under any condition of loading on a surface free from ice or snow.

(b) The system shall at all times be capable of being applied by either the driver's muscular effort, by spring action or by other energy. This paragraph is violated if the method for applying the system is not sufficient to make the system hold a vehicle as required by this subsection.

(c) If the system is applied by an energy source, the source must be isolated from other uses and used exclusively for the operation of the system.

(d) The method for keeping the brakes applied must be other than by fluid pressure, air pressure or electric energy.

(e) The system shall be designed so that the brakes cannot be released unless they may be immediately reapplied.

(7) Brakes on vehicles of the following described weight must be able to stop the vehicle moving at the described speed within the described distance without leaving a 12-foot wide lane:

(a) Vehicles with a registration weight of less than 8,000 pounds must be able to brake from a speed of 20 miles per hour to a stop within 25 feet.

(b) Vehicles with a registration weight of 8,000 pounds or more and combinations of vehicles must be able to brake from a speed from 20 miles per hour to a stop within 35 feet. [1983 c.338 §472; 1985 c.16 §247]

815.130 Improper brakes; penalty. (1) A person commits the offense of having improper brakes if the person does any of the following:

(a) Drives or moves on any highway a vehicle that is not equipped with brakes that meet requirements under ORS 815.125.

(b) Owns a vehicle and causes or knowingly permits the vehicle to be driven or moved on any highway when the vehicle is not equipped with brakes that meet the requirements under ORS 815.125.

(2) This section is subject to the exemptions from this section established under ORS 815.135.

(3) The offense described in this section, improper brakes, is a Class C traffic violation. [1983 c.338 §471; 1995 c.383 §25]

815.135 Exemptions from brake requirements. This section establishes exemptions from ORS 815.130. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) The following vehicles shall be deemed in compliance with the brake requirements if the vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and maintained in safe operating condition:

(a) Except as provided in subsection (2) of this section, motor vehicles of special interest that are registered under ORS 805.020.

(b) Antique motor vehicles that are registered under ORS 805.010.

(2) Motor vehicles of special interest that are registered under ORS 805.020 and that are street rods, as defined in ORS 801.513, shall be deemed in compliance with the brake requirements if the street rods conform to ORS 815.107.

(3) The following vehicles are exempt from the brake requirements:

(a) Road machinery.

(b) Road rollers.

(c) Farm tractors.

(d) Electric personal assistive mobility devices. [1983 c.338 §473; 1985 c.69 §2; 1997 c.402 §9; 2003 c.341 §15]

(Tires)

815.140 Failure to use vehicle traction tires or chains; penalty. (1) A person commits the offense of failure to use vehicle traction tires or chains if the person drives or moves or owns and causes or knowingly permits to be driven or moved any motor vehicle or trailer on any highway if the highway is posted showing conditions that

require vehicle traction tires or chains and the vehicle is not equipped with vehicle traction tires or chains that are required for the posted conditions.

(2) Traction tires or chains that are referred to in this section are those established by rule under the authority granted under ORS 815.045.

(3) This section does not apply to vehicles exempted from this section under ORS 815.145.

(4) This section only applies to sections of highway on which a road authority requires the use of traction tires or chains and on which signs requiring the use of traction tires or chains have been posted as provided in ORS 815.045.

(5) A court shall not find a person to be in violation of the offense described under this section if the court determines that the conditions of the highway at the time the person was cited did not require posting under rules adopted under ORS 815.045. The defense under this subsection may be affirmatively asserted by any person cited for violation of the offense described in this section.

(6) The offense described in this section, failure to use vehicle traction tires or chains, is a Class C traffic violation. [1983 c.338 §474; 1995 c.383 §119; 1997 c.493 §2]

815.145 Exemptions from traction tire or chains requirement. This section establishes exemptions from ORS 815.140. The following are completely or partially exempt as described:

(1) Police vehicles under any conditions.

(2) Fire vehicles when responding to a fire.

(3) An ambulance when responding to an emergency.

(4) A passenger vehicle or truck is not required to use chains if the vehicle or truck:

(a) Has an unloaded weight of 6,500 pounds or less;

(b) Is equipped and operated to provide power to both front and rear wheels;

(c) Is carrying chains as defined in ORS 815.045;

(d) Is equipped with tires, on all wheels, that are vehicle traction tires as defined in ORS 815.045;

(e) Is not towing another vehicle other than as may be necessary to remove disabled vehicles from the roadway; and

(f) Is not being operated in a manner or under conditions where the vehicle loses traction while stopping, cornering or moving.

(5) Vehicles exempt by rule under ORS 815.045. [1983 c.338 §475; 1997 c.493 §3]

815.150 [1983 c.338 §476; 1985 c.16 §248; 1987 c.145 §1; 1991 c.67 §222; repealed by 1997 c.326 §2 and 1997 c.493 §6]

815.155 Unlawful use of device without wheels; exemptions; civil liability; penalty. (1) A person commits the offense of unlawful use of devices without wheels if the person does any of the following:

(a) Drives or moves on a highway any sled or other device that does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the highway and that has a loaded weight in excess of 500 pounds.

(b) Owns a sled or other device that does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the highway and that has a loaded weight in excess of 500 pounds and causes or permits the sled or device to be driven or moved on a highway. Operation of any sled or device in violation of this section is prima facie evidence that the owner of the sled or device caused or permitted the sled or device to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section.

(2) The application of this section is subject to the following exemptions:

(a) This section does not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(b) This section does not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(c) Operations authorized under the terms of a variance permit issued under ORS 818.200 are subject to the terms of the permit. It is a defense to any charge of violation of this section if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation issued prior to and valid at the time of the offense.

(d) This section does not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the federal government, the State of Oregon, or any county or incorporated city in the construction, maintenance or repair of public highways and at the immediate location or site of such construction, maintenance or repair.

(e) This section does not apply to vehicles while being used on the roads of a road

authority by mass transit districts for the purposes authorized under ORS 267.010 to 267.390, provided the operation is approved by the road authority for that road.

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

(4) The offense described in this section, unlawful use of devices without wheels, is a Class C traffic violation. [1983 c.338 §477; 1985 c.16 §249; 1985 c.393 §18]

815.160 Unlawful use of metal objects on tires; civil liability; penalty. (1) A person commits the offense of unlawful use of metal objects on tires if the person does any of the following:

(a) Drives or moves on a highway any vehicle equipped with any tire having on its periphery any block, stud, cleat, bead, chain or other protuberance of metal or other inflexible material that projects beyond the tread or traction surface of the tire.

(b) Owns a vehicle and causes or permits the vehicle to be driven or moved on a highway when the vehicle is equipped with any tire having on its periphery any block, stud, cleat, bead, chain or other protuberance of metal or other inflexible material that projects beyond the tread or traction surface of the tire. Operation of any vehicle in violation of this section is prima facie evidence that the owner of the vehicle caused or permitted the vehicle to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 815.165.

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

(4) The offense described in this section, unlawful use of metal objects on tires, is a Class C traffic violation. [1983 c.338 §478; 1985 c.393 §19]

815.165 Exemptions from prohibition on tires with metal objects. This section establishes exemptions from ORS 815.160. The exemptions under this section are in addition to any under ORS 801.026. Exemptions are partial or complete as described in the following:

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

(2) Any vehicle on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) Operations approved under a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 815.160 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation issued prior to and valid at the time of the offense.

(4) Vehicles actually engaged at the time in construction or repair of highways in this state.

(5) Traction engines moved upon dirt or unimproved roads.

(6) Vehicles equipped with chains as defined in ORS 815.045.

(7) Between November 1 of any year and April 1 of the following year, vehicles equipped with any tire having on its periphery studs of metal or other material projecting beyond the tread surface of the tire not less than four-hundredths (0.04) inch nor more than six-hundredths (0.06) inch and made of such material that the studs will wear, through use, at the same rate as the tread surface of the tire. When the preservation of the highway surface or the safety of the traveling public so indicates, the Department of Transportation shall have the authority to shorten or lengthen the period for the permissible use of such tires in any area of the state specifically designated by the department.

(8) School buses with a loaded weight of 10,000 pounds or more.

(9) Emergency vehicles and ambulances used in an emergency situation.

(10) Motor vehicles used for regularly scheduled medical transport services.

(11) The owner or lessee of any land adjoining any highway may move across or along the highway any tractor or implement of husbandry for the purpose of planting, cultivating, caring for or harvesting any crop, on condition that the owner or lessee shall be liable to the State of Oregon for the benefit of the State Highway Fund with respect to state highways, or to the proper county for the benefit of the county road fund with respect to county highways, for any damage or injury done to the highway by the movement.

(12) Vehicles equipped with retractable studded tires as defined in ORS 815.045. [1983 c.338 §479; 1985 c.420 §7; 1997 c.493 §4; 2003 c.757 §1; 2007 c.406 §2]

815.167 Prohibition on selling studs other than lightweight studs; exemption. (1) Except as provided in subsection (4) of

this section, a tire dealer may not sell a tire equipped with studs that are not lightweight studs.

(2) A tire dealer may not sell a stud other than a lightweight stud for installation in a tire.

(3) As used in this section:

(a) "Lightweight stud" means a stud that is recommended by the manufacturer of the tire for the type and size of the tire and that:

(A) Weighs no more than 1.5 grams if the stud is size 14 or less;

(B) Weighs no more than 2.3 grams if the stud size is 15 or 16; or

(C) Weighs no more than 3.0 grams if the stud size is 17 or larger.

(b) "Tire dealer" means a person engaged in a business, trade, occupation, activity or enterprise that sells, transfers, exchanges or barters tires or tire related products for consideration.

(4) A tire dealer may sell a tire equipped with studs that are not lightweight studs if the studs are retractable. [1995 c.701 §2; 1997 c.493 §5; 2007 c.406 §3]

815.170 Operation without pneumatic tires; civil liability; penalty. (1) A person commits the offense of operation without pneumatic tires if the person does any of the following:

(a) Drives, operates or moves on a highway any vehicle or combination of vehicles that is not equipped with pneumatic tires made of elastic material.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven, operated or moved on a highway when not equipped with pneumatic tires made of elastic material. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 815.175.

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

(4) The offense described in this section, operation without pneumatic tires, is a Class C traffic violation. [1983 c.338 §480; 1985 c.393 §20]

815.175 Exemptions from pneumatic tire requirement. This section establishes exemptions from ORS 815.170. The exemptions under this section are in addition to any exemptions under ORS 801.026. Exemptions are partial or complete as described in the following:

(1) Vehicles are not subject on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) Vehicles are not subject on any road, thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) Operation authorized under the terms of a variance permit issued under ORS 818.200 is subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 815.170 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense.

(4) ORS 815.170 does not apply to any implement of husbandry that is equipped with any tires made of elastic material other than pneumatic tires or with tires made with any nonelastic material that are not prohibited under ORS 815.160 and that has a loaded weight of not more than 7,000 pounds and a loaded weight as measured at any axle of not more than 3,500 pounds.

(5) Vehicles of special interest that are registered under ORS 805.020 are deemed in compliance if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(6) ORS 815.170 does not apply to road machinery, road rollers or farm tractors.

(7) ORS 815.170 does not apply to antique vehicles if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property. [1983 c.338 §481; 1985 c.16 §250; 1997 c.402 §10]

(Mudguards, Fenders)

815.180 Standards. This section designates fender and mudguard standards for ORS 815.185. Except as specifically provided by an exemption under ORS 815.190, a vehi-

cle is in violation of ORS 815.185 if the vehicle is not equipped with fenders or mudguards as required under ORS 815.185 or if the fenders or mudguards do not meet the standards of this section or are not of the type required by this section. The standards for fenders and mudguards are as follows:

(1) There are three different types of fenders and mudguards. Any vehicle required to have fenders and mudguards may be equipped with any fender, cover, flap or splash apron to comply with the requirements of ORS 815.185 for fenders and mudguards as long as the fenders and mudguards meet all of the following standards:

(a) The width of any fender or mudguard required under this section must be of sufficient size so that the fender or mudguard extends at least to each side of the width of the tire or combined width of the multiple tires when measured against the cross section of the tread of the wheel or the combined cross sections of the treads of the multiple wheels.

(b) Any fender or mudguard required under this section must be of sufficient size and must be so constructed as to be capable at all times of arresting and deflecting any dirt, mud, water or other substance that may be picked up and carried by the wheels.

(2) The following types of fenders or mudguards must cover the wheels of the vehicle in the manner described in paragraphs (a), (b) and (c) of this subsection:

(a) Type I fenders or mudguards must extend in full width from a point on the wheels that is above and forward of the center of the tires over to a point at the rear of the wheels that is not more than 10 inches, or, if attached to the rear of a dump box that elevates for unloading, not more than 13 inches, above the surface of the highway when the vehicle is empty.

(b) Type II fenders or mudguards must extend downward in full width from a point behind the wheels that is not lower than halfway between the center of the wheels and the top of the tires to a point at the rear of the wheels that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(c) Type III fenders or mudguards must extend in full width from a point on the wheels that is above and forward of the center of the tire over a point at the rear of the wheel that is not more than 27 inches above the surface of the highway. [1983 c.338 §483; 1985 c.16 §252; 1993 c.314 §2; 2001 c.335 §9; 2003 c.158 §13]

815.182 Kinds of fenders or mudguards required for specified vehicles; placement. (1) The following types of vehicles must be equipped with the proper type of fenders or mudguards as described in ORS 815.180 (2):

(a) Type I fenders or mudguards shall be within five feet of the tire tread of the tires on the last axle of:

(A) Every motor truck equipped with a body that has a registration weight of 8,000 pounds or more.

(B) Every trailer except one otherwise described in this subsection.

(C) Every commercial bus.

(b) Type II fenders or mudguards shall be within four feet of the tire tread of the tires on the last axle of:

(A) Every motor truck with a registration weight of 8,000 pounds or more that is not equipped with a body.

(B) A pole trailer.

(C) A jeep used in the movement of nondivisible heavy haul loads.

(D) A booster.

(E) A lowboy.

(F) A container chassis. For purposes of this subparagraph, a container chassis is a frame with wheels, attached to a tractor, that is used to transport containers to and from ports, rail hubs and customer locations.

(c) Type III fenders or mudguards shall be on each axle of every motor vehicle not otherwise described in this section.

(2) For purposes of this section, a truck tractor and a semitrailer coupled together shall be considered one vehicle. [1993 c.314 §3; 1997 c.722 §7; 2001 c.335 §8]

815.185 Operation without proper fenders or mudguards; penalty. (1) A person commits the offense of operation without proper fenders or mudguards if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a vehicle without fenders or mudguards as required by ORS 815.182, or if the fenders or mudguards fail to meet the standards for fenders and mudguards established under ORS 815.180.

(2) Exemptions to this section are established under ORS 815.190.

(3) If a person who is cited for violation of the offense under this section submits evidence satisfactory to the court that the fenders or mudguards on the vehicle subject to the citation have been added, repaired or replaced to comply with the requirements of ORS 815.180 and 815.182, the court shall dismiss the charge for violation of the offense without penalty to the person.

(4) The offense described in this section, operation without proper fenders or mudguards, is a Class C traffic violation.

[1983 c.338 §482; 1985 c.16 §251; 1993 c.314 §4; 1995 c.383 §26]

815.190 Exemptions from mudguard and fender requirements. This section establishes exemptions from ORS 815.182 and 815.185. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following:

(1) Vehicles of special interest that are registered under ORS 805.020 are deemed in compliance with the requirements and standards if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(2) Road machinery, road rollers and farm tractors are exempt from the standards and requirements.

(3) Antique motor vehicles are exempt from the standards and requirements if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) A motor truck is exempt from the requirements to be equipped with fenders or mudguards if the vehicle has just a chassis that is not equipped for hauling a load.

(5) Fenders or mudguards are not required on any modified American-made pre-1935 vehicle, or any identifiable vintage or replica thereof that is titled as a later assembled vehicle or replica and is used for show and pleasure use when such vehicle is used and driven only during fair weather on well-maintained, hard-surfaced roads. [1983 c.338 §484; 1985 c.402 §12; 1993 c.314 §5; 1997 c.402 §11; 1999 c.170 §1; 2003 c.655 §120]

(Visible Emissions)

815.195 Requirements and standards. This section establishes requirements for ORS 815.200. Except as specifically provided by an exemption under ORS 815.205, a vehicle is in violation of ORS 815.200 if the vehicle is required to comply with one of the following standards for visible emissions and the vehicle produces visible emissions that exceed those allowable under the described standard, as follows:

(1) A vehicle exceeds Visible Emission Standard I if the vehicle produces any visible emissions that include any gases or particulates, other than uncombined water, which separately or in combination are visible upon release to the outdoor atmosphere.

(2) A vehicle exceeds Visible Emission Standard II if the vehicle is operated at an elevation described under this subsection and the vehicle produces a visible emission in excess of that allowed under this subsection. Visible emissions limited under this subsection include any gases or particulates, other than uncombined water, which separately or in combination are visible upon release to the outdoor atmosphere. The limitations on visible emission under this subsection are limits on the percent of transmitted light that is obscured by the visible emission. A vehicle violates the standards under this subsection if the vehicle does any of the following:

(a) While operated at an elevation of 3,000 feet or less, releases emissions that obscure more than 10 percent of transmitted light. A vehicle is not in violation of this paragraph if the vehicle releases emissions that obscure 40 percent or less of transmitted light for not longer than seven consecutive seconds.

(b) While operated at an elevation of over 3,000 feet, releases emissions that obscure more than 20 percent of transmitted light. A vehicle is not in violation of this paragraph if the vehicle releases emissions that obscure 60 percent or less of transmitted light for not longer than seven consecutive seconds. [1983 c.338 §486; 1985 c.16 §253]

815.200 Violation of visible emission limits; penalty. (1) A person commits the offense of violation of visible emission limits if the person operates, drives and causes or permits to be driven on any highway:

(a) A motor vehicle, other than one described in paragraph (b) of this subsection, that has visible emissions exceeding visible emissions allowed under Visible Emission Standard I under ORS 815.195.

(b) A motor vehicle powered by compression ignition, two cycle or diesel cycle engines or a vehicle excluded by order of the Environmental Quality Commission under ORS 468A.075 and the vehicle has visible emissions exceeding visible emissions allowed under Visible Emission Standard II under ORS 815.195.

(2) The exemptions from this section are established under ORS 815.205.

(3) The offense described in this section, violation of visible emission limits, is a Class D traffic violation. [1983 c.338 §485; 1985 c.393 §21]

815.205 Exemptions from visible emission limits. This section establishes exemptions from ORS 815.195 and 815.200. The exemptions under this section are in addition to any exemptions under ORS 801.026. Exemptions under this section are partial or complete as described in the following:

(1) Motor vehicles registered as farm vehicles under ORS 805.300 are not subject to the limits on visible emissions.

(2) Vehicles of special interest and antique vehicles are not subject to the limits on visible emissions if the vehicles are maintained as a collectors' item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) The visible emission limits apply only in counties having a population over 50,000 according to the 1970 federal decennial census that are located west of the summit of the Cascade Mountains. The summit of the Cascade Mountains is determined for purposes of this subsection by the line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, thence southerly along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon. [1983 c.338 §487]

(Windows)

815.210 Operation of vehicle without approved material in windows; exemptions; penalty. (1) A person commits the offense of operation of a vehicle without approved materials in windows if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle with a windshield or windows that do not conform to the standards established by the Department of Transportation under ORS 815.040.

(2) This section does not apply to the following vehicles:

(a) Any motor vehicle manufactured on or before January 1, 1954, and registered in this state. The exemption under this paragraph does not apply to windshields or windows that have been replaced after January 1, 1954.

(b) Vehicles of special interest that are registered under ORS 805.020 and that are:

(A) Equipped with original manufacturer's equipment and accessories, or their equivalent, that are maintained in safe operating condition; or

(B) Street rods that conform to ORS 815.107.

(c) Road machinery, road rollers or farm tractors.

(d) Antique vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) The vehicle exemptions under this section are also exemptions from the prohibitions under ORS 815.090 against replacing vehicle window or windshield with any unapproved material as provided in that section.

(4) The offense described in this section, operation of a vehicle without approved materials in windows, is a Class C traffic violation. [1983 c.338 §488; 1985 c.16 §254; 1985 c.393 §22; 1997 c.402 §12; 2003 c.158 §6]

815.215 Failure to have windshield wipers; exemptions; penalty. (1) A person commits the offense of failure to have windshield wipers if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle that has a windshield and that is not equipped with windshield wipers that meet the requirements under this section.

(2) Windshield wipers meet the requirements of this section if the windshield wipers are designed for cleaning rain or other moisture from the windshield and so constructed as to be controlled or operated by the driver of the vehicle.

(3) This section does not apply to the following vehicles:

(a) Vehicles of special interest that are registered under ORS 805.020 and that are:

(A) Equipped with original manufacturer's equipment and accessories, or their equivalent, and that are maintained in safe operating condition; or

(B) The vehicles are street rods that conform to ORS 815.107.

(b) Road machinery, road rollers or farm tractors.

(c) Antique vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(d) Motorcycles.

(4) The offense described in this section, failure to have windshield wipers, is a Class C traffic violation. [1983 c.338 §489; 1997 c.402 §13; 2003 c.158 §14]

815.220 Obstruction of vehicle windows; penalty. (1) A person commits the offense of obstruction of vehicle windows if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway any vehicle with windows obstructed in a manner prohibited under this section.

(2) The windows of a vehicle are obstructed in a manner prohibited by this section if any material that prohibits or impairs the ability to see into or out of the vehicle

is upon any vehicle window described in this subsection. This subsection applies to any sign, poster, one-way glass, adhesive film, glaze application or other material if the material prohibits or impairs the ability to see into or out of the vehicle. This subsection only applies to the following windows of the vehicle:

(a) The front windshield.

(b) The side-wings.

(c) The side windows on either side forward of or adjacent to the operator's seat.

(d) The rear window.

(3) Nothing in this section prohibits safety glazing materials of a type that conforms to standards established under ORS 815.040.

(4) Nothing in this section prohibits placement of permits in accordance with the provisions of ORS 803.650 or with rules adopted by the Department of Transportation under ORS 803.650.

(5) Nothing in this section prohibits the application of tinting material to the windows of a motor vehicle in compliance with ORS 815.221.

(6) The offense described in this section, obstruction of vehicle windows, is a Class D traffic violation. [1983 c.338 §490; 1985 c.16 §255; 1987 c.166 §5; 1995 c.263 §4; 1995 c.383 §91; 2003 c.158 §5]

815.221 Tinting; authorized and prohibited materials; certificate. (1) Notwithstanding any other provision of law, a person may apply tinting material to the windows of a motor vehicle in compliance with this section.

(2) Tinting material may be applied to the side and rear windows of a motor vehicle if:

(a) The tinting material has a light transmittance of 50 percent or more;

(b) The tinting material has a light reflectance of 13 percent or less; and

(c) The total light transmittance through the window with the tinting material applied is 35 percent or more.

(3) Tinting material that has a lower light transmittance or produces a lower total light transmittance than permitted in subsection (2)(a) and (c) of this section may be applied to the top six inches of a windshield. Tinting material may not be applied to any other portion of the windshield.

(4) Tinting material that has a lower light transmittance or produces a lower total light transmittance than permitted in subsection (2)(a) and (c) of this section may be applied to all windows of a multipurpose passenger vehicle that are behind the driver. This subsection applies only to vehicles that are equipped with rearview mirrors on each side of the vehicle. The windows as tinted shall meet the requirements for AS-3 glazing material established by federal regulation. For purposes of this subsection, a "multipurpose passenger vehicle" is a motor vehicle with motive power that is designed to carry 10 or fewer persons and is constructed either on a truck chassis or with special features for occasional off-road operation.

(5) Tinting material that has a lower light transmittance or produces a lower total light transmittance than permitted in subsection (2)(a) and (c) of this section may be applied to the side and rear windows of a vehicle registered in the name of a person, or the person's legal guardian, if the person has an affidavit signed by a validly licensed physician or optometrist stating that the person has a physical condition requiring window tinting that produces a lower light transmittance than allowed by this section. The affidavit required by this subsection shall be kept in the vehicle and shall be shown to a police officer who inquires about the tint.

(6) There are no light transmittance requirements for glazing materials applied to AS-3 type windows.

(7) The following types of tinting material are not permitted:

(a) Mirror finish products.

(b) Red, gold, yellow, amber or black material.

(c) Tinting material that is in liquid preapplication form and is brushed or sprayed on.

(8) Each person who installs window tinting material in compliance with this section shall give the person who requested the installation a certificate stating:

(a) The name and address of the person who installed the tint;

(b) The light transmittance of the tinting material;

(c) The light reflectance of the tinting material; and

(d) That the total light transmittance through each window with the tinting material applied is not less than 35 percent.

(9) The certificate issued under subsection (8) of this section shall be kept in the motor vehicle and shall be shown to a police officer who inquires about the tint.

(10) Prohibitions and penalties related to the standards established under this section are provided under ORS 815.222. [1995 c.263 §2; 2003 c.158 §8]

815.222 Illegal window tinting; penalty. (1) A person commits the offense of illegal window tinting if the person applies window tinting material that does not comply with ORS 815.221 or applies window tinting material to a window of a motor vehicle that is not authorized by ORS 815.221 to be equipped with window tinting material.

(2) A person commits the offense of operating a vehicle with illegal window tinting if the person operates a vehicle registered or required to be registered in Oregon that is equipped with window tinting material that is not in compliance with or authorized by ORS 815.221.

(3) Each offense described in this section is a Class B traffic violation. [1995 c.263 §3]

(Horns, Sound Equipment)

815.225 Violation of use limits on sound equipment; exemptions; penalty. (1) A person commits the offense of violation of use limits on sound equipment if the person does any of the following:

(a) Uses upon a vehicle, any bell, siren, compression or exhaust whistle.

(b) Uses a horn otherwise than as a reasonable warning or makes any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(2) Authorized emergency vehicles and ambulances are not subject to this section but are subject to ORS 820.370 and 820.380.

(3) The offense described in this section, violation of use limits on sound equipment, is a Class C traffic violation. [1983 c.338 §491]

815.230 Violation of sound equipment requirements; exemptions; penalty. (1) A person commits the offense of violation of vehicle sound equipment requirements if the person drives or moves on any highway or owns and causes or knowingly permits to be driven on any highway any vehicle that violates any of the following equipment provisions:

(a) A motor vehicle must be equipped with a horn in good working order, capable of emitting sounds audible under normal conditions from a distance of not less than 200 feet.

(b) No vehicle shall be equipped with any bell, siren, compression or exhaust whistle.

(2) This section is subject to the exemptions under this subsection in addition to any exemptions under ORS 801.026. The exemptions under this subsection are partial or complete as described in the following:

(a) Authorized emergency vehicles are subject to sound equipment requirements and limitations as provided in ORS 820.370 and 820.380.

(b) Vehicles of special interest that are registered under ORS 805.020 are not subject to this section if the vehicles are:

(A) Equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(B) Street rods that conform to ORS 815.107.

(c) Bicycles are subject to requirements and limitations on sound equipment as provided under ORS 815.280.

(d) Antique vehicles are not subject to the requirements if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(e) The requirements do not apply to road machinery, road rollers and farm tractors.

(f) Electric personal assistive mobility devices are subject to requirements and limitations on sound equipment as provided under ORS 815.284.

(3) The offense described in this section, violation of vehicle sound equipment requirements, is a Class C traffic violation. [1983 c.338 §492; 1985 c.16 §256; 1997 c.402 §14; 2003 c.341 §16]

(Sound System Amplification)

815.232 Unreasonable sound amplification from a vehicle; penalty. (1) A person commits the offense of causing unreasonable sound amplification from a vehicle if the person operates, or permits the operation of, any sound amplification system which is plainly audible outside of a vehicle from 50 or more feet when the vehicle is on a public highway or on premises open to the public, unless that system is being operated to request assistance or warn of a hazardous situation.

(2) Subsection (1) of this section does not apply to:

(a) Vehicles being operated outside of an urban growth boundary;

(b) Emergency vehicles as defined in ORS 801.260;

(c) Vehicles operated by utilities defined under ORS 757.005, 758.505 or 759.005, or telecommunications carriers as defined in ORS 133.721;

(d) Sound systems of vehicles used for advertising, or in parades, political or other special events, except that the use of sound systems on those vehicles may be prohibited

by a local authority by ordinance or resolution;

(e) Audio alarm systems installed in vehicles; or

(f) Federal Communications Commission licensed two-way radio communications systems.

(3) As used in subsection (1) of this section, "plainly audible" means any sound for which the information content of that sound is unambiguously communicated to the listener including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensible musical rhythms or vocal sounds.

(4) The offense described in this section, causing unreasonable sound amplification from a vehicle, is a Class D traffic violation. [1991 c.601 §3; 1995 c.383 §27; 1999 c.1093 §19]

Note: 815.232 and 815.233 were added to and made a part of the Oregon Vehicle Code by legislative action but were not added to ORS chapter 815 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

815.233 Enhancement of penalty for violation of ORS 815.232. A person otherwise convicted of a violation under ORS 815.232 (4) commits a misdemeanor if:

(1) The person has been convicted of three or more violations of ORS 815.232 (1) within 12 months immediately preceding the commission of the offense; and

(2) The prior convictions are admitted by the defendant or alleged in the accusatory pleading. [1991 c.601 §4; 1999 c.1051 §92]

Note: See note under 815.232.

(Mirrors)

815.235 Operation without rearview mirror; exemptions; penalty. (1) A person commits the offense of operation without a rearview mirror if the person does any of the following:

(a) Drives or moves on any highway any motor vehicle that is not equipped with a rearview mirror or device that meets the requirements under this section.

(b) Owns a motor vehicle and causes or knowingly permits the vehicle to be driven or moved on any highway when the vehicle is not equipped with a rearview mirror or device that meets the requirements under this section.

(2) A rearview mirror or device only meets the requirements of this section if it enables the driver of the vehicle to have such a clear and unobstructed view of the rear at all times and under all conditions of load as will enable the driver to see any other vehicle approaching from not less than 200 feet in the rear on an unobstructed road.

(3) This section does not apply to the following vehicles:

(a) Vehicles of special interest that are registered under ORS 805.020 and that were not equipped with rearview mirrors when originally manufactured.

(b) Road machinery, road rollers or farm tractors.

(c) Antique motor vehicles that are registered under ORS 805.010 and that were not equipped with rearview mirrors when originally manufactured.

(4) The offense described in this section, operation without a rearview mirror, is a Class C traffic violation. [1983 c.338 §493; 1985 c.69 §3]

815.237 Forward crossview mirror; failure to inspect; exemptions; penalty. (1) As used in this section, "forward crossview mirror" means a mirror or device that enables the driver of a motor truck to have a clear and unobstructed view of persons or objects directly in front of the motor truck.

(2) A person commits the offense of failure to inspect if the person operates a motor truck with a combined weight of more than 10,000 pounds used in commercial delivery and the person:

(a) Operates the motor truck without a forward crossview mirror; or

(b) Fails to visually inspect the intended path of the vehicle to verify that the path is free of persons or objects before the person reenters the motor truck.

(3) This section does not apply to:

(a) Commercial buses;

(b) Tow vehicles;

(c) Vehicles owned or operated by the United States or by any governmental jurisdiction within the United States except when owned or operated as a carrier of property for hire;

(d) Vehicles owned or operated by a mass transit district created under ORS chapter 267; or

(e) Vehicles used for solid waste or recycling collection.

(4) The offense described in this section, failure to inspect, is a Class C traffic violation. [2007 c.794 §3]

Note: 815.237 was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 815 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

(Image Display Devices)

815.240 Unlawful use of image display device; exemptions; penalty. (1) As used in this section, "image display device" means equipment capable of displaying to the driver of a motor vehicle:

(a) A broadcast television image; or

(b) A visual image from a digital video disc or video cassette player.

(2) Except as provided in subsection (3) of this section, a person commits the offense of unlawful use of an image display device if the person drives or moves on any highway, or owns and causes or knowingly permits to be driven or moved on any highway, any motor vehicle equipped with any image display device that is displaying a broadcast television image or a visual image from a digital video disc or video cassette player that is visible to the driver while operating the motor vehicle.

(3) Subsection (2) of this section does not apply to:

(a) Emergency vehicles; or

(b) Use of image display devices that are displaying images for navigational purposes.

(4) The offense described in this section, unlawful use of an image display device, is a Class B traffic violation. [1983 c.338 §494; 1985 c.69 §4; 2005 c.572 §1]

(Clearance)

815.245 Violation of minimum clearance requirements for passenger vehicles; penalty. (1) A person commits the offense of violation of minimum clearance requirements for passenger vehicles if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway any passenger motor vehicle that does not have the clearance from the surface of the roadway required by this section.

(2) A vehicle does not have the clearance from the surface of the roadway required by this section if any portion of the vehicle, other than the wheels, has less clearance from the surface of a level roadway than the clearance between the roadway and the lowest portion of any rim of any wheel in contact with the roadway.

(3) The offense described in this section, violation of minimum clearance requirements for passenger vehicles, is a Class B traffic violation. [1983 c.338 §495]

(Exhaust System)

815.250 Operation without proper exhaust system; exemptions; penalty. (1) A person commits the offense of operation without proper exhaust system if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle that is not equipped with an exhaust system that meets the requirements under this section.

(2) An exhaust system only meets the requirements of this section if all of the following apply:

(a) The exhaust system must be in good working order.

(b) The exhaust system must be in constant operation.

(c) The exhaust system must meet noise emission standards determined by the Department of Environmental Quality to be substantially equivalent to the following standards based upon a stationary test conducted at a distance of 25 feet in accordance with procedures established by the Department of Environmental Quality:

	Vehicle type	Maximum level, dBA	Model, Year
I.	Motor vehicles required to establish a registration weight under ORS 803.430 and commercial buses	94	before 1976
		91	1976 and after
II.	Motorcycles and mopeds	94	before 1976
		91	1976
		89	after 1976
III.	Motor vehicles not described under I or II	92	before 1976
		88	1976 and after

(3) This section does not apply to the following vehicles:

(a) Vehicles of special interest that are registered under ORS 805.020 and that are:

(A) Equipped with original manufacturer's equipment and accessories, or their equivalent, and that are maintained in safe operating condition; or

(B) Street rods that conform to ORS 815.107.

(b) Road machinery, road rollers or farm tractors.

(c) Antique motor vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(4) The court in its discretion may dismiss a citation issued for violation of the offense described in this section if evidence is presented that the exhaust system complies with or has been repaired or modified to comply with the requirements under this section.

(5) The offense described in this section, operation without proper exhaust system, is a Class C traffic violation. [1983 c.338 §496; 1985 c.16 §257; 1985 c.393 §23; 1997 c.402 §15]

(Speedometer)

815.255 Operation of vehicle for hire without speedometer; exemptions; penalty. (1) A person commits the offense of operation of a vehicle for hire without a speedometer if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway a motor vehicle used for carrying passengers for hire that is not equipped with a speedometer or other registering device capable of registering accurately the speed at which the vehicle is operated.

(2) This section is subject to the following exemptions in addition to any exemptions under ORS 801.026.

(a) A motor vehicle equipped with a governor or other regulating device to control its speed within the limits specified by law is not required to be equipped as this section specifies.

(b) Vehicles of special interest that are registered under ORS 805.020 are deemed in compliance with the requirements of this section if:

(A) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and maintained in safe operating condition; or

(B) The vehicles are street rods that conform to ORS 815.107.

(c) Antique motor vehicles are exempt from the requirements of this section if the vehicles are maintained as collector's items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) The offense described in this section, operation of vehicle for hire without speedometer, is a Class C traffic violation. [1983 c.338 §497; 1985 c.393 §24; 1997 c.402 §16]

(Disposal System)

815.260 Operation of recreational vehicle with unsealed disposal system; exemption; penalty. (1) A person commits the offense of operation of a recreational vehicle with unsealed disposal system if:

(a) The person has the use, possession or control of any vehicle or structure constructed for movement on highways;

(b) The vehicle or structure is equipped with a plumbing, sink or toilet fixture; and

(c) The disposal system for the vehicle or structure is unsealed or uncapped while the vehicle or structure is in any way or place of whatever nature open to the use of the public.

(2) For purposes of this section, a way or place open to the use of the public includes, but is not limited to, highways, roads, streets, alleys, lanes, trails, beaches, parks and recreational use areas owned or operated by the state, a county or local municipality for use by the general public.

(3) This section does not apply to disposal systems being discharged into or connected with a sewage disposal system approved by the Oregon Health Authority.

(4) The offense described in this section, operation of a recreational vehicle with unsealed disposal system, is a Class C traffic violation. [1983 c.338 §498; 1985 c.16 §258; 1985 c.393 §25; 2009 c.595 §1147]

(Loads)

815.265 [1983 c.338 §499; repealed by 2001 c.335 §5]

815.270 Operating vehicle that is loaded or equipped to obstruct driver; penalty. (1) A person commits the offense of operating a vehicle that is loaded or equipped to obstruct the driver if the person is operating a vehicle that is loaded or equipped or where baggage or an encumbrance does any of the following:

(a) Substantially obstructs the driver's views to the rear, through one or more mirrors and otherwise.

(b) Obstructs the driver's view to the front or sides.

(c) Interferes with control of the driving mechanism.

(d) Prevents the free, unhampered operation of the vehicle by the driver.

(2) The offense described in this section, vehicle loaded or equipped to obstruct driver, is a Class C traffic violation. [1983 c.338 §500; 1985 c.16 §259]

815.275 Failure to mark end of load with light or flag when required; penalty. (1) A person commits the offense of failure to mark the end of a load with a light or flag

when required if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway any vehicle with a load that extends to the rear four feet or more beyond the bed or body of the vehicle and the person fails to:

(a) Place end load lights described under ORS 816.290 at the extreme rear end of the load, in addition to any other rear light required upon every vehicle, at times when limited visibility conditions exist; or

(b) At any other time, display at the extreme rear end of the load a red flag or cloth not less than 12 inches square.

(2) The offense described in this section, failure to mark end of load with light or flag when required, is a Class C traffic violation. [1983 c.338 §501]

(Bicycles)

815.280 Violation of bicycle equipment requirements; penalty. (1) A person commits the offense of violation of bicycle equipment requirements if the person does any of the following:

(a) Operates on any highway a bicycle in violation of the requirements of this section.

(b) Is the parent or guardian of a minor child or ward and authorizes or knowingly permits the child or ward to operate a bicycle on any highway in violation of the requirements of this section.

(2) A bicycle is operated in violation of the requirements of this section if any of the following requirements are violated:

(a) A bicycle must be equipped with a brake that enables the operator of the bicycle to stop the bicycle within 15 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(b) A person shall not install or use any siren or whistle upon a bicycle. This paragraph does not apply to bicycles used by police officers.

(c) At the times described in the following, a bicycle or its rider must be equipped with lighting equipment that meets the described requirements:

(A) The lighting equipment must be used during limited visibility conditions.

(B) The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the bicycle.

(C) The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(3) Nothing contained in this section shall be construed to prohibit the use of additional parts and accessories on any bicycle consistent with this section.

(4) This section does not apply to electric personal assistive mobility devices. Equipment requirements for electric personal assistive mobility devices are provided in ORS 815.284.

(5) The offense described in this section, violation of bicycle equipment requirements, is a Class D traffic violation. [1983 c.338 §502; 1985 c.16 §260; 1985 c.69 §5; 2003 c.158 §15; 2003 c.341 §17; 2007 c.821 §1]

815.281 Selling noncomplying bicycle headgear; renting or leasing bicycle without having approved headgear available; penalties. (1) A person commits the offense of selling noncomplying bicycle equipment if the person sells or offers for sale any bicycle headgear that does not meet the standards established by the Department of Transportation under ORS 815.052.

(2) A person commits the offense of unlawfully renting or leasing a bicycle to another if the person:

(a) Is in the business of renting or leasing bicycles; and

(b) Does not have bicycle headgear approved under ORS 815.052 available for rental for use by persons under 16 years of age.

(3) The offenses described in this section are Class D traffic violations. [1993 c.408 §5; 2003 c.158 §16]

(Motorized Wheelchairs)

815.282 Operating motorized wheelchair on bicycle lane without proper lighting equipment. (1) A person commits the offense of operating a motorized wheelchair on a bicycle lane or path without proper lighting equipment if the person operates a motorized wheelchair on a bicycle lane or path and the person is not equipped with lighting equipment required of bicyclists under ORS 815.280.

(2) This section applies at the times described in ORS 815.280 for application of the lighting requirements of that section to bicyclists.

(3) The offense described in this section, operating a motorized wheelchair on a bicycle lane or path without proper lighting equipment, is a Class D traffic violation. [1991 c.417 §3b]

(Motor Assisted Scooters)

815.283 Violation of motor assisted scooter equipment requirements; penalty. (1) A person commits the offense of violation of motor assisted scooter equipment requirements if the person:

(a) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age and authorizes or knowingly permits the child to operate a motor assisted scooter on any highway in violation of the requirements of this section; or

(b) Operates a motor assisted scooter on any highway during times of limited visibility conditions and the motor assisted scooter is not equipped with, or the person does not use, lighting equipment that meets the following requirements:

(A) If the motor assisted scooter is equipped with lighting equipment:

(i) The lighting equipment must include a white light visible from a distance of at least 300 feet to the front and sides of the motor assisted scooter;

(ii) The lighting equipment must have a red reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 500 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle; and

(iii) The lighting equipment must have a white or yellow reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 200 feet to the front of the motor assisted scooter.

(B) If the motor assisted scooter is not equipped with lighting equipment, the operator of the motor assisted scooter must wear:

(i) A white light mounted to be visible from all distances up to 300 feet to the front and sides of the motor assisted scooter;

(ii) A red reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 500 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle; and

(iii) A white or yellow reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 200 feet to the front of the motor assisted scooter.

(2) Nothing in this section prohibits the use of additional parts and accessories on any motor assisted scooter not inconsistent with this section.

(3) The offense described in this section, violation of motor assisted scooter equipment requirements, is a Class D traffic violation. [2001 c.749 §19]

(Electric Personal Assistive Mobility Devices)

815.284 Violation of electric personal assistive mobility device equipment requirements; penalty. (1) A person commits the offense of violation of electric personal assistive mobility device equipment requirements if the person:

(a) Operates an electric personal assistive mobility device during times of limited visibility conditions and the electric personal assistive mobility device or the operator is not equipped with and using the following:

(A) A white light visible from a distance of at least 500 feet to the front and sides of the electric personal assistive mobility device; and

(B) A red reflector, lighting device or material of such size or characteristic as to be visible from all distances up to 600 feet to the rear when the electric personal assistive mobility device is directly in front of lawful lower beams of headlights on a motor vehicle; or

(b) Installs or uses any siren or whistle upon an electric personal assistive mobility device.

(2) Nothing in this section prohibits the use of additional parts and accessories not inconsistent with this section.

(3) The offense described in this section, violation of electric personal assistive mobility device equipment requirements, is a Class D traffic violation. [2003 c.341 §10]

(Warning Devices)

815.285 Failure to carry roadside vehicle warning devices; exemptions; penalty. (1) A person commits the offense of failure to carry roadside vehicle warning devices if:

(a) The person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway any vehicle subject to the requirements to use roadside vehicle warning devices under ORS 811.530; and

(b) The vehicle does not carry such roadside vehicle warning devices as the Department of Transportation may require under ORS 815.035.

(2) This section does not apply to any of the following:

(a) Vehicles that are not subject to the requirements to use roadside vehicle warning devices under ORS 811.530.

(b) At any time between sunrise and sunset.

(c) To any vehicles operated within a business district or residence district.

(3) The offense described in this section, failure to carry roadside vehicle warning devices, is a Class C traffic violation. [1983 c.338 §503; 1985 c.16 §261; 1985 c.393 §26]

(Implements of Husbandry)

815.290 Exemptions from equipment requirements. (1) In addition to any other specific exemptions provided for implements of husbandry, implements of husbandry are exempt from any requirements under the following:

(a) ORS 815.075 and 815.100, relating to state requirements for vehicle equipment.

(b) ORS 811.515, 811.520, 816.040 to 816.290, 816.320, 816.330, 816.350 and 816.360, relating to requirements for and use of lighting equipment.

(c) ORS 815.125 and 815.130, relating to brake requirements.

(d) ORS 815.180 and 815.185, relating to fender and mudguard requirements and use.

(e) ORS 815.210, relating to material in windshields.

(f) ORS 815.215, relating to requirements for windshield wipers.

(g) ORS 815.230, relating to vehicle sound equipment.

(h) ORS 815.235, relating to rearview mirrors.

(i) ORS 815.240, relating to image display devices in vehicles. Limitations on the use of image display devices in implements of husbandry are provided in ORS 820.400.

(j) ORS 815.250, relating to vehicle exhaust and exhaust equipment.

(2) This section does not exempt implements of husbandry from the requirements for equipment and operation under ORS 820.400. [1983 c.338 §778; 1985 c.16 §375; 1985 c.69 §6; 2005 c.572 §2]

(Pollution Control Equipment)

815.295 Failure to have required pollution control equipment; exemptions; penalty. (1) A person commits the offense of failure to be equipped with required pollution control equipment if the person operates a motor vehicle upon a highway or leaves a motor vehicle standing upon a highway and the vehicle is not equipped with a motor vehicle pollution control system, as defined under ORS 468A.350, that is in compliance with motor vehicle pollutant, noise control and emission standards adopted by the Environmental Quality Commission under ORS 468A.360.

(2) A person shall not be found in violation of this section if proof of compliance has been issued for the vehicle in compliance with ORS 815.310. Whenever proof of compliance is revoked, suspended or restricted because a certified system, as defined in ORS 468A.350, or factory-installed system, as defined in ORS 468A.350, has been found to be unsafe in actual use or is otherwise mechanically defective, the defect must be corrected or the system must be brought into compliance with the rules of the commission within 30 days after such finding.

(3) Exemptions to this section are established under ORS 815.300. In addition to such exemptions, the following exemptions to this section are established:

(a) If the Environmental Quality Commission adopts a rule under ORS 468A.360 requiring certified or factory-installed systems on motor vehicles registered in designated counties, such vehicles are not required to be in compliance with such rules until after the date of registration, reregistration or renewal of the vehicle immediately subsequent to the effective date of the rule.

(b) Implements of husbandry, road machinery, road rollers and farm tractors are exempt from this section.

(c) Antique vehicles maintained as collectors′ items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property, are exempt from this section.

(4) The offense described in this section, failure to be equipped with required pollution control equipment, is a Class C traffic violation. [1983 c.338 §504; 1985 c.16 §262; 1985 c.393 §27; 1989 c.22 §3; 1995 c.383 §28]

815.300 Exemptions from requirement to be equipped with pollution control system. This section establishes exemptions from the requirements under ORS 815.295 to be equipped with a certified pollution control system. Exemptions established by this section are in addition to any exemptions established by ORS 801.026. The exemptions established in this section are also applicable to requirements for certification of pollution control equipment before registration under ORS 803.350 and 803.465. All of the following vehicles are exempt from the requirements under ORS 815.295:

(1) Any vehicle that is not a motor vehicle.

(2) Any vehicle unless the vehicle is registered within:

(a) The boundaries of the metropolitan service district formed under ORS chapter 268 for the metropolitan area, as defined in ORS 268.020, which includes the City of Portland, Oregon.

(b) Boundaries designated by the Environmental Quality Commission under ORS 468A.390.

(3) Any new motor vehicle or new motor vehicle engine when the registration results from the initial retail sale thereof.

(4) Any motor vehicle:

(a) Not registered in areas designated under subsection (2)(a) of this section, including any expansion of such boundary under subsection (2)(b) of this section, with a model year that predates by more than 20 years the year in which registration or renewal of registration is required; or

(b) Registered in areas designated under subsection (2)(a) of this section, including any expansion of such boundary under subsection (2)(b) of this section, with a model year of 1974 or earlier.

(5) Motor vehicles that are registered as farm vehicles under ORS 805.300 or apportioned farm vehicles under ORS 805.300.

(6) Special interest vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses but not used primarily for the transportation of persons or property.

(7) Fixed load vehicles.

(8) Vehicles that are proportionally registered under ORS 826.009 and 826.011 in accordance with agreements established under ORS 826.007.

(9) Electric motor vehicles. This subsection does not exempt hybrid motor vehicles that use electricity and another source of motive power.

(10) First response rescue units operated by political subdivisions of this state that are not used to transport persons who are ill or injured or who have disabilities.

(11) A vehicle that is currently registered in Oregon at the time application for new registration is received by the Department of Transportation if the new registration is a result of a change in the registration or plate type and the application is received at least four months prior to the expiration of the existing registration.

(12) Golf carts.

(13) Any Class I, Class II or Class III all-terrain vehicle.

(14) An original equipment manufacturer vehicle that is engineered, designed, produced and warranted to use natural gas as its only fuel source.

(15) Racing activity vehicles. [1983 c.338 §505; 1985 c.16 §263; 1985 c.222 §5; 1987 c.349 §7; 1989 c.43 §35; 1991 c.15 §6; 1991 c.383 §4; 1993 c.791 §5; 1997 c.418 §1; 2001 c.293 §10; 2007 c.70 §348; 2007 c.693 §7]

815.305 Disconnection or alteration of pollution control equipment; penalty. (1) A person commits the offense of unlawful disconnection or alteration of pollution control equipment if the person does any of the following:

(a) Disconnects or permits to be disconnected a factory installed motor vehicle air pollution control device or a factory-installed system, as defined in ORS 468A.350, or knowingly and willfully permits such device or factory-installed system to become or remain inoperative.

(b) Modifies or alters a certified system or factory-installed system, as defined in ORS 468A.350, in a manner that decreases its efficiency or effectiveness in the control of air pollution.

(2) The following exemptions to this section are established:

(a) This section does not apply when factory-installed motor vehicle air pollution control equipment, systems or devices are disconnected for the purpose of conversion to gaseous fuels including, but not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous form.

(b) This section is not intended to prohibit the use of replacement, conversion, turbocharger or other alternative components in a certified or factory-installed system if the components do not significantly affect the efficiency or effectiveness of the system in controlling air pollution.

(3) The offense described in this section, unlawful disconnection or alteration of pollution control equipment, is a Class A misdemeanor, but each day of violation does not constitute a separate offense. [1983 c.338 §506]

815.310 Proof of compliance with requirements. When proof of compliance with pollution control equipment requirements is required under ORS 803.350, 803.465 and 815.295 the following apply:

(1) The proof may be provided by any means that the Department of Transportation and the Environmental Quality Commission determine by joint rulemaking or by interagency agreement to be satisfactory.

(2) Except as otherwise provided in this section, when a certificate of compliance is used as proof, the certificate must comply with all the following:

(a) It must be signed by a person licensed and qualified under ORS 468A.380.

(b) It must be dated not more than 180 days prior to the motor vehicle registration or renewal of registration.

(c) It must be on a form supplied by the Department of Environmental Quality and must include such information as the department may require.

(3) In order for registration to continue to be valid for a motor vehicle that is registered as a government-owned vehicle under ORS 805.040, a police undercover vehicle under ORS 805.060 or a state-owned vehicle with regular registration plates under ORS 805.045, the vehicle must be certified as frequently as a privately owned vehicle of the same registration type is required to be certified. For purposes of this subsection, the registration type of a privately owned vehicle is determined by the registration period for the vehicle under ORS 803.415. For local government vehicles, the proof of certification may be provided through self-testing facilities provided by local governmental agencies. Local governmental agencies providing self-testing facilities may not be charged a fee in connection with provision of the required proof. However, a reasonable fee covering department expenses in administering such self-testing programs may be charged. [1983 c.338 §215; 1985 c.16 §82; 1987 c.440 §6; 1989 c.22 §4; 1995 c.183 §1; 2003 c.61 §1; 2005 c.51 §1]

815.315 Use of improper certificate for pollution control system; penalty. (1) A person commits the offense of use of improper certificate for pollution control system if the person makes, issues or knowingly uses any imitation or counterfeit of a certificate of compliance described under ORS 815.310.

(2) The offense described in this section, use of improper certificate for pollution control system, is a Class B traffic violation, but each day of violation does not constitute a separate offense. [1983 c.338 §216; 1995 c.383 §92]

815.320 Unlawful certification of compliance with pollution control requirements; penalty. (1) A person commits the offense of unlawful certification of compliance with pollution control requirements if the person does any of the following:

(a) Falsely certifies that a motor vehicle is equipped with a functioning certified system, as defined in ORS 468A.350, or that the motor vehicle complies with the rules and standards adopted by the Environmental Quality Commission under ORS 468A.360.

(b) Falsifies any information on the certificate of compliance described under ORS 815.310.

(c) With a purpose to defraud or with intent, causes registration of a motor vehicle that would not otherwise be eligible for registration because of its failure to comply with rules and standards adopted by the Environmental Quality Commission under ORS 468A.360.

(2) The offense described in this section, unlawful certification of compliance with pollution control requirements, is a Class A misdemeanor, but each day of violation does not constitute a separate offense. [1983 c.338 §217]

815.325 Unlawfully requiring repair for certification of compliance with pollution control requirements; penalty. (1) A person commits the offense of unlawfully requiring repair for certification with pollution control requirements if the person requires as a condition of the issuance of a certification of compliance described under ORS 815.310 any repairs or services unnecessary for compliance with rules or standards adopted under ORS 468A.350, 468A.355, 468A.365 and 468A.385.

(2) The offense described in this section, unlawfully requiring repair for certification of compliance with pollution control requirements, is a Class A misdemeanor, but each day of violation does not constitute a separate offense. [1983 c.338 §218]

815.400 [1985 c.251 §8; 1987 c.119 §4; 1987 c.750 §11; 1989 c.43 §36; 1989 c.148 §17; repealed by 1991 c.873 §53]

(Odometer Offenses)

815.405 Department review of odometer disclosure statements. (1) The Department of Transportation may establish a program of reviewing department records and odometer disclosure statements to determine vehicles that may have incorrect odometer disclosures or on which the odometer may have been altered. The program may include any procedures the department determines appropriate including, but not limited to, the comparison of odometer disclosures for individual vehicles with statistical information on statistically average mileage for vehicles within a certain period of time.

(2) If the department determines under this section that it is likely that a vehicle or vehicles have incorrect odometer disclosures or have odometers that have been illegally altered, the department may do any of the following:

(a) Report the findings of the department to the owners or purchasers of the vehicles.

(b) Report the findings of the department to enforcement officials charged with enforcing laws relating to odometers, including, but not limited to, police officials, district attorneys or the Attorney General's office. [1985 c.251 §9; 1991 c.873 §18]

815.410 Illegal odometer tampering; prohibition; exceptions; civil action; penalty. (1) A person commits the offense of illegal odometer tampering if the person does any of the following:

(a) Advertises for sale, sells, uses or installs on any part of a motor vehicle or on any odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this paragraph the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

(b) With the intent to defraud, operates a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

(c) Replaces, disconnects, turns back or resets the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

(2) This section does not apply to a person who is servicing, repairing or replacing an odometer in compliance with ORS 815.415.

(3) The owner or subsequent purchaser of a vehicle may bring an action in an appropriate court of this state against any person who violates this section and may recover from the person an amount of $1,500 or treble the actual damage caused by the violation. Only a single recovery is permitted under this subsection for any single violation of this section. The court may award reasonable attorney fees to the prevailing party in an action under this subsection.

(4) The offense described in this section, illegal odometer tampering, is a Class C felony. [Formerly 646.860; 1995 c.618 §137]

815.415 Unlawful repair of odometer; rules; civil action; penalty. (1) A person commits the offense of unlawful repair of an odometer if the person services, repairs or replaces the odometer on any vehicle and the person does not comply with all of the following:

(a) Whenever possible, the person shall perform the work on the odometer without changing the mileage reading from that shown on the odometer before the work is performed.

(b) If it is not possible to perform the work without changing the mileage reading, the person must do all of the following:

(A) Adjust the odometer reading to zero.

(B) Place a notice on the left door frame of the vehicle specifying the mileage reading prior to the work and the date the work was performed. A notice required under this subparagraph must be in writing and must be in a form established by the Department of Transportation by rule.

(C) Make an odometer disclosure in a form required by the department by rule and submit the disclosure to the department within 10 days of completing the work.

(2) The owner or any subsequent purchaser of a vehicle may bring an action in an appropriate court of this state against any person who violates this section and may recover from the person an amount of $500 or twice the actual damages caused by the violation, whichever is greater. Only a single recovery is permitted under this subsection for any single violation of this section. The court may award reasonable attorney fees to the prevailing party in an action under this section.

(3) A person is not subject to the requirements for work performed on vehicles that are exempt from odometer disclosure requirements under ORS 803.102.

(4) The offense described in this section, unlawful repair of an odometer, is a Class C misdemeanor. [1985 c.251 §4; 1991 c.873 §19; 1995 c.618 §138]

815.420 Unlawfully removing odometer repair notice; penalty. (1) A person commits the offense of unlawfully removing an odometer repair notice if the person removes any notice showing service, repair or replacement of an odometer with the mileage reading and the date of the work that has been placed on a vehicle in compliance with ORS 815.415.

(2) The offense described in this section, unlawfully removing an odometer repair notice, is a Class C misdemeanor. [1985 c.251 §5]

815.425 Failure to submit odometer disclosure; penalty. (1) A person commits the offense of failure to submit an odometer disclosure if the person is required by ORS 803.102, 803.370, 805.120 or 815.415 to submit an odometer disclosure and the person fails to submit the required odometer disclosure.

(2) The offense described in this section, failure to submit an odometer disclosure, is a Class C misdemeanor. [1985 c.251 §6; 1989 c.148 §18; 1991 c.67 §223; 1991 c.873 §20; 1993 c.751 §108]

815.430 Submitting false odometer disclosure; penalty. (1) A person commits the offense of submitting a false odometer disclosure if the person knowingly makes any false statement or provides any false information on an odometer disclosure form.

(2) The offense described in this section, submitting a false odometer disclosure, is a Class C felony. [1985 c.251 §7; 1991 c.873 §21]

(Traffic Control Signal Operating Devices)

815.440 Unauthorized possession, use or distribution of traffic control signal operating device; exemption; penalty. (1) A person commits the offense of unauthorized possession, use or distribution of a traffic control signal operating device if the person owns, uses, sells or otherwise distributes a device that is designed to control a traffic control light as a person using the device approaches the light.

(2) This section does not apply to persons operating traffic control signal operating devices as authorized by ORS 815.445.

(3) For purposes of ORS 133.555, a traffic control signal operating device is contraband if it is used by a person who is not authorized as provided in ORS 815.445 to use the device.

(4) The offense described in this section, unauthorized possession, use or distribution of a traffic control signal operating device, is a Class C misdemeanor. [1993 c.314 §14; 1993 c.522 §5; 1997 c.507 §1]

815.445 Authority to use traffic control signal operating devices; costs. (1) The owner of a traffic control signal may authorize use of a traffic control signal operating device by the following persons for the following purposes:

(a) An authorized operator in an emergency vehicle, in order to improve the safety and efficiency of emergency response operations.

(b) An authorized operator in a bus, in order to interrupt the cycle of the traffic control signal in such a way as to keep the green light showing for longer than it otherwise would. As used in this paragraph, "bus" has the meaning given that term in ORS 184.675.

(c) An authorized operator in a traffic signal maintenance vehicle, in order to facilitate traffic signal maintenance activities.

(2) The owner of a traffic control signal who authorizes additional uses of a traffic control signal operating device, as authorized by this section, shall allocate the incremental costs, if any, of such additional uses to the additional users.

(3) A traffic control signal operating device used by an authorized person in an emergency vehicle shall preempt and override a device operated by any other person.

(4) A traffic control signal operating device used as authorized under this section must operate in such a way that the device does not continue to control the signal once the vehicle containing the device has arrived at the intersection, regardless of whether the vehicle remains at the intersection. [1997 c.507 §3]