

## Chapter 820 — Special Provisions for Certain Vehicles

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## WORKER TRANSPORT AND OTHER VEHICLES

**820.010 Vehicles subject to safety regulation; Department of Consumer and Business Services jurisdiction; rules.** (1) A motor vehicle is subject to safety regulation under ORS 820.030 to 820.070, if the vehicle is furnished by an employer and is used to transport one or more workers to and from their places of employment. All of the following apply to this subsection:

(a) The employer must be an individual who employs or uses two or more workers.

(b) The workers employed or transported may be any individuals who are employed for any period in any work for which the workers are compensated, whether full- or part-time.

(c) The place of employment to and from which the vehicle is used to transport workers must be a location where one or more workers are actually performing the labor incident to their employment.

(d) Vehicles may include passenger automobiles and station wagons operated by or on behalf of employers.

(2) If vehicles described in this section are worker transport buses, the vehicles may be subject to additional regulation for the use of bus safety lights under ORS 811.520 and 816.300 in addition to safety measures under ORS 811.155.

(3) The Department of Consumer and Business Services has concurrent jurisdiction with the Department of Transportation in the adoption, under ORS 820.030, of rules relating to vehicles described in this section and in the enforcement of those rules under ORS 820.040 and 820.050 as applied to vehicles described in this section.

(4) Vehicles described in this section are in addition to any vehicles subjected to regulation under ORS 820.020. [1983 c.338 §738; 1985 c.16 §355]

**820.020 Vehicles other than worker transport vehicles that are subject to safety regulation.** Vehicles described in this section are subject to safety regulation under ORS 820.030 to 820.070 in addition to worker transport vehicles subjected to such regulation under ORS 820.010. This section applies to every motor vehicle that is exempt from ORS chapter 825 by ORS 825.017 (9). [1983 c.338 §739; 1989 c.992 §23]

**820.030 Safety code; standards; tentative draft; hearings; notice; amendment.** The Department of Transportation shall make and enforce reasonable rules relating to vehicles described under ORS 820.010 and 820.020. Authority for enforcement of the rules is established under ORS 820.040 to 820.070. The rules shall be embodied in a safety code and the safety code is subject to all of the following:

(1) The safety code shall establish minimum standards for all of the following aspects of the safety and operation of vehicles described under ORS 820.010 and 820.020:

(a) For the construction and mechanical equipment of a motor vehicle, including its coupling devices, lighting devices and reflectors, motor exhaust system, rear-vision mirrors, service and parking brakes, steering mechanism, tires, warning and signaling devices and windshield wipers.

(b) For the operation of a motor vehicle, including driving rules, loading and carrying freight and passengers, maximum daily hours of service by drivers, minimum age and skill of drivers, physical condition of drivers, refueling, road warning devices and the transportation of gasoline and explosives.

(c) For the safety of passengers in a motor vehicle, including emergency exits, fire extinguishers, first aid kits, means of ingress and egress, side walls, and a tailgate or other means of retaining freight and passengers within the motor vehicle.

(2) Before formulating a draft of the safety code, the department shall invite the participation of interested state agencies and representative business, farm, labor and safety organizations. These groups may make suggestions relating to the minimum standards to be embodied in the safety code. The department shall consider the suggestions and prepare a tentative draft of the safety code.

(3) The following apply to hearings on a tentative draft under this section:

(a) Upon the fixing of dates and places for hearings to consider the tentative draft, the department:

(A) Shall cause notices of the hearings to be published in one or more daily newspapers of general circulation published and circulated in the City of Portland and in such other newspapers of general circulation in this state as will give wide notices of the hearings; and

(B) Shall cause copies of the tentative draft to be widely distributed among representative business, farm, labor and safety organizations and among interested individuals.

(b) Any individuals or groups may participate in the hearings, and submit their comments and suggestions relating to the minimum standards embodied in the tentative draft.

(4) Notice of the adoption and issuance of the safety code shall be given in the same manner as notices of the hearings.

(5) The department shall cause copies of the safety code and amendments thereto to be widely distributed among interested state agencies, among representative business, farm, labor and safety organizations and among interested individuals.

(6) The department may amend the safety code at any time upon its own motion or upon complaint by any individual or group, in the same manner as the safety code was prepared, adopted and distributed under this section.

(7) No defect or inaccuracy in a notice or in the publication thereof shall invalidate the safety code or any amendment thereto adopted and issued by the department. [1983 c.338 §740; 1985 c.16 §356]

**820.040 Inspection of vehicles.** (1) The Department of Transportation, in enforcing the safety code established under ORS 820.030, may inspect any vehicle that is described under ORS 820.010 or 820.020.

(2) Upon request, the Superintendent of State Police shall assist the department in these inspections. [1983 c.338 §741]

**820.050 Orders regarding noncomplying vehicles or drivers.** (1) Whenever the Department of Transportation finds that a vehicle described under ORS 820.010 or 820.020 violates any provision of the safety code adopted under ORS 820.030 or an amendment thereto, the department shall make, enter and serve upon the owner of the vehicle any order necessary to protect the safety of persons transported in the vehicle.

(2) The department may direct in an order, as a condition to the continued use of the motor vehicle for authorized purposes, that such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished and used as are reasonably required to satisfy the requirements of the safety code, in the manner and within the time specified in the order.

(3) The department may also issue to the owner of the vehicle an order to require that any driver of the motor vehicle satisfy the minimum standards for a driver under the safety code established under ORS 820.030.

(4) Any person aggrieved by an order of the department under this section may appeal under the provisions of ORS 183.480.

(5) Violation of an order issued under this section is subject to penalty as provided under ORS 820.060. [1983 c.338 §742]

**820.060 Safety requirement; owner violation of worker transport vehicle safety code; penalty.** (1) The following vehicles shall be maintained in a safe condition and operated in a safe manner at all times:

(a) Vehicles described in ORS 820.010. This paragraph applies whether or not the vehicle is used upon a public highway.

(b) Vehicles described in ORS 820.020.

(2) A person commits the offense of owner violation of the worker transport vehicle safety code if the person is the owner of a vehicle described under ORS 820.010 or 820.020 and the person does any of the following:

(a) Violates or willfully fails to comply with an order issued under ORS 820.050.

(b) Violates any provision of the safety code established under ORS 820.030, or any amendment thereto.

(3) The offense described in this section, owner violation of worker transport vehicle safety code, is a Class B traffic violation. [1983 c.338 §743; 1985 c.393 §50]

**820.070 Driver violation of worker transport vehicle safety code; penalty.** (1) A person commits the offense of driver violation of worker transport vehicle safety code if the person, at any time, operates a vehicle described under ORS 820.010 or 820.020 in a manner that violates any provision of the safety code established under ORS 820.030 or any amendment thereto.

(2) The offense described in this section, driver violation of worker transport vehicle safety code, is a Class B

traffic violation. [1983 c.338 §744; 1985 c.393 §51]

## SCHOOL VEHICLES

**820.100 Adoption of safety standards for construction and equipment of school vehicles; rules.** (1) The State Board of Education shall adopt and enforce such reasonable standards relating to school bus and school activity vehicle construction and school bus and school activity vehicle equipment as the board deems necessary for safe and economical operation.

(2) The State Board of Higher Education may adopt and enforce separate rules of the type described under this section for school buses and school activity vehicles that are under its jurisdiction.

(3) The State Board of Education shall adopt and enforce standards for school bus stop arms authorized by ORS 820.105.

(4) Rules adopted under this section:

(a) Must be consistent with requirements established by statute or by rule adopted under statutory authority that relate to the same subject.

(b) Shall be consistent with minimum uniform national standards, if such standards exist.

(c) May include different requirements for different classes or types of school buses or school activity vehicles.

(d) May include any exemptions determined appropriate under ORS 820.150. [1983 c.338 §747; 1985 c.16 §358; 1985 c.420 §12; 1987 c.654 §6; 1989 c.491 §71]

**820.105 School bus stop arms.** Notwithstanding any other provision of law, school buses may be equipped with an octagonal shaped mechanical stop arm that indicates when the bus is stopped to load or unload passengers on a roadway. The stop arms authorized by this section shall be equipped with two alternately flashing red bus safety lights showing both to the front and rear of the bus. [1987 c.654 §5]

**Note:** 820.105 was added to and made a part of ORS chapter 820 but was not added to any smaller series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**820.110 Rules for driver qualification and training and accident reports.** (1) The State Board of Education shall adopt and enforce rules to establish requirements of operation, qualifications or special training of drivers and special accident reports for school buses and school activity vehicles.

(2) The State Board of Higher Education may adopt and enforce separate rules of the type described under this section for school buses and school activity vehicles that are under its jurisdiction.

(3) The rules adopted under this section:

(a) Are subject to ORS 820.190 and 820.200 and to any other statute or regulation relating to the operation of vehicles, qualifications of drivers and accident reports.

(b) Must be consistent with requirements established by statute or by rule adopted under statutory authority that relate to the same subject.

(c) May include different requirements for different classes or types of school buses or school activity vehicles.

(d) May include any exemptions determined appropriate under ORS 820.150. [1983 c.338 §748; 1985 c.16 §359; 1985 c.420 §13; 1989 c.491 §72]

**820.120 Rules for school vehicle inspection.** (1) The State Board of Education shall adopt and enforce rules to provide for the inspection of school buses and school activity vehicles to assure that the vehicles are in compliance with requirements under rules established under ORS 820.100 and 820.110, as applicable, and that the vehicles are safe for operation. The rules may include intervals of inspections.

(2) The State Board of Higher Education may adopt and enforce separate rules of the type described under this section for school buses and school activity vehicles that are under its jurisdiction.

(3) The rules adopted under this section:

(a) Are subject to any other statute or regulation relating to the safety of vehicles for operation and the inspection of vehicles.

(b) May include different requirements for different classes or types of school buses or school activity vehicles.

(c) May include any exemptions determined appropriate under ORS 820.150. [1983 c.338 §749; 1985 c.420 §14; 1989 c.491 §73]

**820.130 School bus registration.** The Department of Transportation shall issue registration for a school bus when notified that the vehicle conforms to applicable rules under ORS 820.100 to 820.120 and that the vehicle is safe for operation on the highways. Notification required by this section shall be from:

- (1) The State Board of Education or its authorized representative regarding vehicles under its regulatory authority.
  - (2) The State Board of Higher Education or its authorized representative regarding vehicles under its jurisdiction.
- [1983 c.338 §752; 1985 c.420 §17; 1999 c.39 §11]

**820.140 Revocation of registration.** The Department of Transportation may revoke the registration of any school bus if the department determines that the vehicle:

- (1) Is not maintained and operated in accordance with rules applicable to the vehicle under ORS 820.100 to 820.120; or
- (2) Is not safe for operation over or is not safely operated over the public highways. [1983 c.338 §753; 1985 c.16 §360; 1985 c.420 §18]

**820.150 Rules for exemption of certain vehicles from Oregon Vehicle Code.** (1) The State Board of Education, by rule, may establish classes or types of vehicles that are not considered school buses or school activity vehicles for purposes of the Oregon Vehicle Code or classes of school buses or school activity vehicles that are not subject to regulation under the Oregon Vehicle Code either partially or completely.

(2) The State Board of Higher Education may adopt separate rules of the type described under this section for vehicles that are under its jurisdiction.

(3) Rules adopted under this section are subject to the following:

(a) Any exemption, either partial or total, established under this section may be based upon passenger capacity, on limited use or on any other basis the State Board of Education or the State Board of Higher Education considers appropriate.

(b) No exemption, either partial or total, shall be established under this section for any vehicle that is marked with or displays the words “school bus.”

(c) Any vehicle determined not to be a school bus under this section is not a school bus within the definition established under ORS 801.460. Partial exemptions established for vehicles under this section may include removal of the vehicle from any provisions relating to school buses under the vehicle code.

(d) Any vehicle determined not to be a school activity vehicle under this section is not a school activity vehicle within the definition established under ORS 801.455. Partial exemptions established for vehicles under this section may include removal of the vehicle from any provisions relating to school activity vehicles under the vehicle code.

(e) In considering any rules under this section, the boards shall consider the need to assure student safety. [1985 c.420 §16; 1989 c.491 §74; 1995 c.79 §381; 1999 c.39 §12]

**820.160 Illegal display of school bus markings; penalty.** (1) A person commits the offense of illegal display of school bus markings if the person displays the words “School Bus” on any vehicle unless the vehicle:

- (a) Is used in transporting school children to or from school or an authorized school activity or function; and
- (b) Complies with the applicable requirements under rules established under ORS 820.100 to 820.120.

(2) The offense described in this section, illegal display of school bus markings, is a Class B traffic violation. [1983 c.338 §750; 1985 c.393 §52; 1995 c.383 §98]

**820.170 Improper school bus markings; penalty.** (1) A person commits the offense of improper school bus markings if the person displays the words “School Bus” on a vehicle without such words being marked in the front and in the rear in letters eight inches high or higher and of proportionate width.

(2) The offense described in this section, improper school bus markings, is a Class D traffic violation. [1983 c.338 §751; 1985 c.393 §53; 1995 c.383 §99]

**820.180 Unsafe school vehicle operation; penalty.** (1) A person commits the offense of unsafe school vehicle operation if:

- (a) The person operates or owns and causes or permits to be operated a school bus or school activity vehicle in a manner that is in violation of any rules applicable to the vehicle that are adopted under ORS 820.100 to 820.120; or
- (b) The person owns or leases and causes or permits to be operated for school purposes a school bus or school

activity vehicle containing more passengers than the vehicle is designed to transport.

(2) A person is not in violation of subsection (1)(b) of this section if a bus or vehicle contains more passengers than it is designed to transport due to unforeseen or unusual circumstances.

(3) The offense described in this section, unsafe school vehicle operation, is a Class B traffic violation. [1985 c.420 §4; 1991 c.392 §1; 1995 c.383 §100]

**820.190 Minor operating school vehicle; penalty.** (1) A person commits the offense of being a minor operating a school vehicle if the person is under 18 years of age and the person drives any of the following while it is in use for the transportation of pupils to or from school or an authorized school activity or function:

(a) A school bus.

(b) A school activity vehicle.

(c) A vehicle owned by a public or governmental agency.

(d) A privately owned vehicle that is operated for compensation that is a vehicle other than a vehicle commonly known and used as a private passenger vehicle and not operated for compensation except in the transportation of students to or from school.

(2) The offense described in this section, minor operating a school vehicle, is a Class B traffic violation. [1983 c.338 §754; 1985 c.420 §19]

## MISCELLANEOUS PROVISIONS

**820.200 Minor operating public passenger vehicle; penalty.** (1) A person commits the offense of being a minor operating a public passenger vehicle if the person is under 21 years of age and the person drives a motor vehicle while it is in use as a public passenger-carrying vehicle.

(2) The offense described in this section, minor operating a public passenger vehicle, is a Class B traffic violation. [1983 c.338 §755]

**820.210 Registration exemptions for golf carts and similar vehicles.** (1) Golf carts operated in accordance with an ordinance adopted under ORS 810.070 are exempt from registration requirements under the vehicle code.

(2) Golf carts or substantially similar vehicles that are operated by disabled persons at not more than 15 miles an hour are exempt from registration requirements under the vehicle code.

(3) Notwithstanding any provision of the vehicle code relating to vehicle equipment and condition, upon designation of a portion of a highway becoming effective under an ordinance adopted under ORS 810.070, it shall be lawful to drive golf carts on highways or portions thereof so designated in accordance with the rules and regulations prescribed by the local authority. [1983 c.338 §780]

**820.220 Operation of low-speed vehicle in prohibited area; penalty.** (1) A person commits the offense of operation of a low-speed vehicle in a prohibited area if the person is a disabled person and the person operates a golf cart or substantially similar motor vehicle on any highway with a speed designation greater than 25 miles per hour.

(2) The offense described in this section, operation of low-speed vehicle in prohibited area, is a Class D traffic violation. [1983 c.338 §781]

## AMBULANCES AND EMERGENCY VEHICLES

(Application of Traffic Laws)

**820.300 Exemptions from traffic laws.** (1) Subject to conditions, limitations, prohibitions and penalties established for emergency vehicle and ambulance drivers under ORS 820.320, the driver of an emergency vehicle or ambulance may do any of the following:

(a) Park or stand in disregard of a statute, regulation or ordinance prohibiting that parking or standing.

(b) Proceed past a red signal or stop sign.

(c) Exceed the designated speed limits.

(d) Disregard regulations governing direction of movement or turning in specified directions.

(e) Proceed past the flashing bus safety lights without violating ORS 811.155 if the driver first stops the vehicle and then proceeds only when the driver:

(A) Determines that no passengers of the bus remain on the roadway; and

(B) Proceeds with caution.

(2) The provisions of this section:

(a) Do not relieve the driver of an emergency vehicle or ambulance from the duty to drive with due regard for the safety of all other persons.

(b) Are not a defense to the driver of an emergency vehicle or ambulance in an action brought for criminal negligence or reckless conduct.

(c) Except as specifically provided in this section, do not relieve the driver of an emergency vehicle or ambulance from the duty to comply with ORS 811.155. [1983 c.338 §757; 1985 c.16 §362; 1995 c.209 §5]

**820.310** [1983 c.338 §758; 1985 c.16 §363; 1985 c.278 §2; repealed by 1995 c.209 §7]

**820.320 Illegal operation of emergency vehicle or ambulance; penalty.** (1) A person commits the offense of illegal operation of an emergency vehicle or ambulance if the person is the driver of an emergency vehicle or ambulance and the person violates any of the following:

(a) The driver of an emergency vehicle or ambulance may only exercise privileges granted under ORS 820.300 when responding to an emergency call or when responding to, but not upon returning from, an emergency. The driver of an emergency vehicle may exercise privileges granted under ORS 820.300 when in pursuit of an actual or suspected violator of the law.

(b) The driver of an emergency vehicle or ambulance must use a visual signal with appropriate warning lights when the driver is exercising privileges granted under ORS 820.300.

(c) In addition to any required visual signal, the driver of an emergency vehicle or ambulance must make use of an audible signal meeting the requirements under ORS 820.370 when the driver is proceeding past a stop light or stop sign under privileges granted by ORS 820.300 (1)(b).

(d) A driver of an emergency vehicle or ambulance who is exercising privileges granted under ORS 820.300 by parking or standing an emergency vehicle in disregard of a regulation or ordinance prohibiting that parking, stopping or standing, shall not use the audible signal.

(e) In exercising the privileges under ORS 820.300 (1)(e) relating to buses and bus safety lights, the driver of an emergency vehicle or ambulance must first stop the vehicle and then must:

(A) Determine that no passengers of the bus remain on the roadway; and

(B) Proceed with caution.

(f) In proceeding past any stop light or stop sign under the privileges granted by ORS 820.300, the driver of an emergency vehicle or ambulance must slow down as may be necessary for safe operation.

(g) The driver of an emergency vehicle or ambulance must not exceed any designated speed limit to an extent which endangers persons or property.

(2) The driver of an emergency vehicle that is operated as an emergency police vehicle is not required to use either visual signal or the audible signal as described in this section in order to exercise the privileges granted in ORS 820.300 when it reasonably appears to the driver that the use of either or both would prevent or hamper the apprehension or detection of a violator of a statute, ordinance or regulation.

(3) The offense described in this section, illegal operation of an emergency vehicle or ambulance, is a Class B traffic violation. [1983 c.338 §759; 1985 c.16 §364; 1995 c.209 §1]

(Records)

**820.330 Failure to make, maintain and make available ambulance records; exemption; penalty.** (1) A person commits the offense of failure to make, maintain and make available ambulance records if the person violates any of the following:

(a) When an ambulance is used in an emergency situation the driver of the ambulance, within 24 hours after such use, must cause to be made and must sign a record that complies with ORS 820.340.

(b) The owner of any ambulance must cause any record required by this section to be preserved for not less than seven years.

(c) Upon demand of any district attorney, the custodian of any record required under this section must make the record available to that district attorney for the purpose of investigating any alleged violation of ORS 820.320 by a driver of an ambulance.

(d) Upon demand of an authorized representative of the Department of Human Services, the custodian of any record required under this section shall make the record available to the authorized representative who wishes to inspect the record for purposes of ascertaining identities of emergency medical technicians as defined in ORS 682.025.

(2) This section does not apply to any person or ambulance exempted by ORS 682.035 or 682.285 from regulation by the Department of Human Services.

(3) Authority of political subdivisions to regulate records of ambulances is limited under ORS 682.275.

(4) The offense described in this section, failure to make, maintain and make available ambulance records, is a Class B traffic violation. [1983 c.338 §760; 1985 c.393 §54; 1995 c.209 §6]

**820.340 Contents of ambulance records.** Records required under ORS 820.330 shall contain all of the following:

(1) The time of day and the date when ambulance service was requested.

(2) The name of the ambulance driver and the name of the emergency medical technicians, as defined in ORS 682.025, who provided the service, one of whom may be the driver.

(3) The name and address of any individual to be transported.

(4) Any reason to believe the life of the individual is jeopardized by delay of the ambulance.

(5) The location from which the individual is to be transported.

(6) The name and address of any person who requested the ambulance service.

(7) The time of day when service for the individual is begun and ended. [1983 c.338 §761]

(Equipment)

**820.350 Ambulance warning lights.** (1) Subject to any other law or rule pursuant thereto relating to lighting of a vehicle, the Department of Transportation may prescribe required warning lights for ambulances. The requirements established under this section may include, but are not limited to, numbers required, placement, visibility, rate of flash if applicable and inside indicators.

(2) Enforcement of the requirements established under this section is provided under ORS 820.360. [1983 c.338 §762; 1985 c.79 §1; 1989 c.782 §38]

**820.360 Illegal ambulance lighting equipment; exemption; penalty.** (1) A person commits the offense of illegal ambulance lighting equipment if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway an ambulance that does not contain and is not at all times equipped with warning lights in proper condition and adjustment as required under ORS 820.350.

(2) This section does not apply to any person or ambulance exempted by ORS 682.035 or 682.285 from regulation by the Department of Human Services.

(3) Authority of political subdivisions to regulate warning lights on ambulances is limited under ORS 682.275.

(4) The offense described under this section, illegal ambulance lighting equipment, is a Class C traffic violation. [1983 c.338 §763; 1995 c.383 §30]

**820.370 Ambulance or emergency vehicle sirens.** (1) Subject to any other law or rule pursuant thereto relating to the noise of a vehicle, the Department of Transportation may prescribe required sirens or other audible signals for ambulances and emergency vehicles. The requirements established under this section may include, but are not limited to, numbers required, placement, audibility and inside indicators.

(2) Enforcement of the requirements established under this section is provided under ORS 820.380. [1983 c.338 §764; 1985 c.16 §365; 1985 c.79 §2; 1989 c.782 §39]

**820.380 Illegal ambulance or emergency vehicle sirens; exemption; penalty.** (1) A person commits the offense of illegal ambulance or emergency vehicle sirens if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway an ambulance or emergency vehicle that does not contain and is not at all times equipped with sirens or other audible signals in proper conditions and adjustment as required under 820.370.

(2) This section does not apply to any ambulance or person operating or owning an ambulance if the ambulance or person is exempted by ORS 682.035 or 682.285 from regulation by the Department of Human Services.

(3) Authority of political subdivisions to regulate sirens and other audible signals is limited under ORS 682.275.

(4) The offense described under this section, illegal ambulance or emergency vehicle sirens, is a Class C traffic

violation. [1983 c.338 §765; 1995 c.209 §2; 1995 c.383 §31]

## IMPLEMENTS OF HUSBANDRY

**820.400 Unlawful operation of implement of husbandry; penalty.** (1) A person commits the offense of unlawful operation of an implement of husbandry if the person operates an implement of husbandry in violation of any of the following:

(a) Such vehicle must be driven as closely as is practicable to the right-hand edge of the roadbed, including the shoulders, if any.

(b) Such vehicle, if the movement of the vehicle occurs during the hours of darkness, must be equipped and operating two headlights, clearance lights and reflectors marking the overall width as far as practical and visible from the front, rear and sides and a taillight.

(c) No television viewer, screen or other means of visually receiving a television broadcast shall be operated in an implement of husbandry at any time while the implement of husbandry is being operated on a highway.

(d) Such vehicle must display, when driven, a slow-moving vehicle emblem described in ORS 815.060.

(2) The offense described in this section, unlawful operation of an implement of husbandry, is a Class D traffic violation. [1983 c.338 §779; 1985 c.69 §7; 1985 c.393 §55; 1995 c.383 §101]

## MANUFACTURED STRUCTURES

**820.500 Registration; title; fees; assessment and taxation; records.** Except as provided in this section and ORS 820.510, 820.525 to 820.580 and 820.585 to 820.593, or as otherwise specifically provided by law, manufactured structures are subject to the same provisions concerning registration, titling, salvage title, sale by dealers, transfers, transfers of interest and payment of fees as required for any other vehicle required to be registered under the vehicle code. The following provisions apply to manufactured structures:

(1) The registration of a manufactured structure in this state does not authorize movement of the manufactured structure on the highways. Manufactured structures may only be moved upon the highways:

(a) By vehicle transporters as permitted under ORS 822.310; or

(b) By persons operating under a trip permit under ORS 803.600, 820.560 and 820.570.

(2) In addition to other information required in an application for registration of a manufactured structure, the application shall contain information as to the location of the manufactured structure. The Department of Transportation shall notify the appropriate assessors of the location.

(3) The department shall not issue title or register a new manufactured structure without presentation of information from the manufacturer containing the year of manufacture, the make and the manufacturer's vehicle identification number. The manufacturer of a manufactured structure shall issue with each manufactured structure to be sold in this state, the information required by this subsection in a form determined by the department by rule.

(4) Manufactured structures are registered for ownership registration periods described in ORS 803.400 with new registration made at each transfer of ownership.

(5) Manufactured structures are not subject to inspection under ORS 803.210.

(6) Upon registration of a manufactured structure, one registration plate shall be issued. The registration plate shall be permanent and shall remain with the manufactured structure when the manufactured structure is transferred. The registration plate is subject to display requirements as provided under ORS 820.550.

(7) Manufactured structures registered under ORS 805.040 and 805.100 are subject to the provisions of those sections.

(8) The fees for registration of manufactured structures are as provided under ORS 820.580.

(9) Manufactured structures are subject to assessment and taxation under the ad valorem tax laws of this state whether or not registered under the vehicle code. In addition to any other manufactured structures, this subsection applies to manufactured structures subject to an exemption under ORS 820.510.

(10)(a) Subject to subsection (11) of this section, no title to a manufactured structure that is on the assessment and tax rolls of any county shall be transferred under ORS 803.092, unless the department is satisfied that all property taxes and special assessments for the current tax year and all delinquent property taxes and special assessments are paid.

(b) Notwithstanding paragraph (a) of this subsection, a title to a manufactured structure may be transferred without payment of all delinquent property taxes and special assessments if the ownership transfer was done pursuant to ORS

90.425 or 90.675.

(11) Subsection (10) of this section is subject to the following:

(a) Nothing in subsection (10) of this section applies to or places any limitation on title actions involving the deletion or addition of a coowner or security interest holder.

(b) Subsection (10) of this section is applicable to manufactured structures subject to an exemption under ORS 820.510 as provided by rule of the department adopted under ORS 820.510.

(12) The department shall maintain records on:

(a) Manufactured structures as required under ORS 802.200.

(b) Manufactured structures subject to an exemption under ORS 820.510 as the department determines necessary.

(13) Special use trailers are subject to the registration provisions for special use trailers and are not subject to the provisions for manufactured structures under this section. [1983 c.338 §782; 1985 c.16 §378; 1985 c.416 §7; 1989 c.148 §19; 1991 c.459 §438k; 1991 c.873 §42; 1993 c.233 §66; 1997 c.577 §48; 1999 c.383 §1; 2001 c.675 §14]

**820.510 Exemption from registration and title requirements; effect.** (1) The Department of Transportation shall establish by rule procedures for the owner of a manufactured structure that is located on land in which the owner of the manufactured structure has record title to obtain an exemption from any requirements to register and title the manufactured structure under the vehicle code. Rules adopted by the department shall include the following:

(a) Provisions for surrender of the certificate of title, if issued, and registration of any manufactured structure that is currently registered and titled to the county assessor of the county where the manufactured structure is located for delivery to the department.

(b) Provisions whereby the purchaser of a new manufactured structure that is located on land owned by the purchaser may obtain the exemption under this section without having to register and title the manufactured structure under the vehicle code.

(c) Provisions for registration and titling of a manufactured structure that has been subject to an exemption under this section so that the manufactured structure may be sold separately from the land upon which it is located.

(d) Provisions for notification of the county assessor of the county where a manufactured structure that is subject to an exemption obtained under this section is located so that the assessor may perform the assessor's duties relating to the manufactured structure in a manner consistent with this section.

(e) Provisions for notification of any holders of security interests in manufactured structures for which an exemption is obtained under this section so that the security interest holders may protect the security interest.

(f) Provisions for notification of any holders of a mortgage on land upon which a manufactured structure is located if the manufactured structure is registered with the department after being subject to an exemption under this section.

(g) Any other procedures the department determines necessary to carry out the purposes of this section.

(2) A new manufactured structure or a manufactured structure that has never been titled or registered in Oregon is exempt from requirements for registration and titling if the owner or an attorney acting on behalf of the owner executes and submits to the Department of Transportation a notarized certification stating that:

(a) The same person owns the manufactured structure and the real property on which the manufactured structure is or will be situated;

(b) The manufactured structure is or will be affixed to the real property and subject to taxation by the county in which it is located as an improvement to the real property;

(c) Each person with a security interest in the manufactured structure and each person with a security interest in the real property approves the exemption from registration and titling; and

(d) A duplicate original of the certification is being submitted for recording to the county clerk for the county in which the real property is located.

(3) A certification required by subsection (2) of this section shall contain the following information:

(a) The vehicle identification number, year, make and style of the manufactured structure and any other information prescribed by the department;

(b) The legal description and street address of the real property on which the manufactured structure is or will be located;

(c) The name, date of birth, mailing address and, if available, Oregon driver license number of each owner; and

(d) The name and mailing address of each person with a security interest in the manufactured structure or the real property.

(4) If an exemption is obtained for a manufactured structure under this section, the following apply:

(a) Except as otherwise provided in this section or by the rules of the department, the manufactured structure, upon

obtaining the exemption under this section, shall become subject to the same provisions of law in this state that would apply to any other building, housing or structure on the land.

(b) After obtaining the exemption, the manufactured structure may not be sold separately from the land upon which the manufactured structure is located and may not be moved unless registered and titled under the vehicle code or unless otherwise provided by rule of the department.

(c) Nothing in this section affects any lien or security interest in a manufactured structure that is exempted under this section if the security interest or lien attaches before the exemption is obtained.

(5) This section does not grant authority to change or alter construction standards applicable to manufactured structures. A manufactured structure that is exempted as provided under this section shall be subject to the same construction standards applicable to other manufactured structures.

(6) Every official, officer and employee of this state or any agency of this state shall cooperate with the department as requested by the department to carry out the purposes of this section and shall establish such rules or procedures as are consistent with the authority of the official, officer or employee for purposes of carrying out the intent of this section.

(7) Notwithstanding any other provision of law, the department may take any reasonable amount of time the department determines necessary to implement the procedures required by this section. The department may implement the procedures in stages, may place initial limits on the applicability of the procedures or may take any other administrative steps the department considers convenient for the department in order to provide an orderly and consistent implementation of the procedures developed for purposes of this section. As necessary, the department may delay the implementation of procedures when the department determines that certain procedures may require legislation in order to fully carry out the purposes of this section.

(8) The person who records a certification under subsection (2) of this section shall mail or deliver a copy of the certification and the recording information to the appropriate county tax collector.

(9) The owner of a manufactured structure exempted under subsection (2) of this section, or an attorney acting on behalf of the owner, shall cause to be surrendered to the department the manufacturer's statement of origin for the manufactured structure or, if applicable, the certificate of title from another jurisdiction for the manufactured structure. [1985 c.16 §381; 1993 c.233 §67; 1993 c.696 §10; 1999 c.383 §2]

**820.520 Travel or special use trailer assessed as manufactured structure; effect of ceasing to be used as permanent home.** When a travel trailer or special use trailer ceases to be assessed under the ad valorem tax laws of this state as a manufactured structure under ORS 308.880 or 820.510, it shall be registered and licensed as a travel trailer or special use trailer. [1983 c.338 §783; 1985 c.16 §379; 1993 c.18 §171; 1993 c.696 §11]

**820.525 Recording certification; security interests.** A duplicate original certification described in ORS 820.510 (2) and (3) shall be recorded in the records of the county clerk for the county in which the manufactured structure is situated. Recording constitutes constructive notice of the interests set out in the certification. Any security interest described in the certification but not perfected or recorded before recording of the certification becomes perfected or recorded upon recording of the certification. A security interest perfected or recorded as permitted by law prior to recording of the certification is not impaired by the recording of the certification, whether or not the security interest is described in the certification. [1999 c.383 §4]

**820.530 Violating manufactured structure title requirements; exemptions; penalty.** (1) A person commits the offense of violating manufactured structure title requirements if the person owns any manufactured structure in this state and does not secure a title for the manufactured structure whether or not the manufactured structure is operated on the highways.

(2) The following exemptions, partial or complete as described, apply to this section:

(a) The owner of any manufactured structure that does not have a title because of the operation of the following is not required to procure a title until the time described:

(A) If the manufactured structure does not have a title pursuant to ORS 308.855 or 308.860 (1969 Replacement Part), the owner must procure a title when the ownership of the manufactured structure is changed.

(B) If the manufactured structure does not have a title pursuant to 820.510, the owner must procure a title when required under ORS 820.510.

(b) This section does not apply to United States Government-owned and -operated manufactured structures.

(c) Vehicle dealers issued certificates under ORS 822.020 may use or operate untitled manufactured structures as

provided under ORS 822.040.

(d) Vehicle transporters issued certificates under ORS 822.310 may transport untitled manufactured structures as provided in ORS 822.310.

(e) Untitled manufactured structures may be transported in this state under trip permits issued under ORS 803.600.

(f) A manufactured structure currently registered and titled in any other country, state or territory may be used in this state or operated over the highways subject to all of the conditions contained in ORS 803.305 governing the operation or use of out-of-state titled vehicles.

(3) The offense described in this section, violating manufactured structure title requirements, is a Class D traffic violation. [1983 c.338 §784; 1985 c.16 §382; 1985 c.401 §16; 1993 c.233 §68; 1995 c.383 §102]

**820.540 Failure to register manufactured structure; exemptions; penalty.** (1) A person commits the offense of failure to register a manufactured structure if the person owns a manufactured structure in this state and the manufactured structure is not registered by this state.

(2) Persons are exempt from this section if:

(a) The manufactured structure owned by the person qualifies under one of the exemptions from registration established for other vehicles under ORS 803.305.

(b) The manufactured structure is exempt from registration under ORS 820.510.

(3) The offense described in this section, failure to register manufactured structure, is a Class D traffic violation. [1983 c.338 §785; 1985 c.16 §383; 1995 c.383 §103]

**820.550 Failure to display manufactured structure registration plate; prohibition; penalty.** (1) A person commits the offense of failure to display a manufactured structure registration plate if the person owns a manufactured structure that is registered in this state and the person does not affix the registration plate issued for the manufactured structure by the Department of Transportation to the manufactured structure in plain sight.

(2) The offense described in this section, failure to display manufactured structure registration plate, is a Class D traffic violation. [1983 c.338 §786; 1995 c.383 §104]

**820.560 Manufactured structure trip permits; content.** In addition to the requirements for trip permits under ORS 803.600, trip permits for manufactured structures shall meet the requirements under this section. All of the following apply to trip permits for manufactured structures:

(1) The permit shall be of a color and size of print to be as easily identified as a vehicle registration plate issued under the vehicle code.

(2) Permits shall be prominently displayed on the rear of the manufactured structure being moved.

(3) A copy of the permit shall be sent to the Department of Transportation. The department shall maintain records of trip permits as provided in ORS 802.200 and shall notify the assessor of the county where the manufactured structure had situs prior to the move and the assessor of the county to which the manufactured structure will be moved.

(4) Permits shall be issued to dealers and transporters in bulk prior to the time of movement.

(5) Permits may be completed by the person moving the manufactured structure.

(6) Permits shall be completed prior to movement.

(7) The copy for the department shall be submitted to the department within 10 days after the time of movement.

(8) No trip permit shall be issued for movement of a manufactured structure until payment is made to the county of all property taxes and special assessments as provided in ORS 308.865. The department shall accept a receipt issued under ORS 308.866 as sufficient proof of payment of taxes from a person who applies for a trip permit to move a mobile modular unit.

(9) Permits shall contain such information as required by the department.

(10) Permits shall contain:

(a) The name of the owner of the manufactured structure;

(b) The registration plate number of the manufactured structure or the vehicle identification number of the manufactured structure if a registration plate has not been issued;

(c) The location of the place from which the manufactured structure was moved;

(d) The street address or map and tax lot number of the place to which the manufactured structure is to be moved; and

(e) The number of the applicable building or land use permits required by the local government having jurisdiction over the destination of the manufactured structure, including but not necessarily limited to a storage permit number, an

installation permit number or a development permit number. Information required by this paragraph may be furnished by either the owner of the manufactured structure or the person who is transporting the manufactured structure.

(11) Prior to the completion of a permit or movement of the manufactured structure, the owner must furnish the department a statement from the tax collector in which the manufactured structure has situs that all taxes have been paid. The statement shall be furnished by the tax collector under ORS 308.865.

(12) The requirements of subsection (10)(e) of this section need not be met if:

(a) The person moving the manufactured structure is transporting the manufactured structure from the place of manufacture, from a dealer or from private property to the place of business of a manufactured structure dealer holding a certificate under ORS 822.020; or

(b) The manufactured structure is being moved out of the state. [1983 c.338 §787; 1985 c.16 §384; 1985 c.416 §8; 1989 c.409 §1; 1993 c.551 §4; 1993 c.751 §78; 1999 c.359 §4]

**820.570 Violating trip permit requirements for manufactured structures; penalty.** (1) A person commits the offense of violating trip permit requirements for manufactured structures if the person does any of the following:

(a) Moves a manufactured structure on a highway of this state without a trip permit for the movement. This paragraph does not apply to movements of manufactured structures by vehicle transporters as permitted under ORS 822.310.

(b) Fails to prominently display a trip permit on the rear of a manufactured structure being moved when a trip permit is required for the move under this section.

(c) Moves a manufactured structure when a permit is required under this section without a copy of the permit being sent to the Department of Transportation.

(d) Moves a manufactured structure when a permit is required under this section without the permit being completed prior to the movement.

(e) Moves a manufactured structure when a permit is required under this section without a copy of the permit being remitted to the department within 10 days after the time of movement.

(f) Issues a trip permit for movement of a manufactured structure before payment is made to the county of all property taxes and special assessments as provided in ORS 308.865.

(2) The offense described under this section, violating trip permit requirements for manufactured structures, is a Class B traffic violation. [1983 c.338 §788; 1985 c.16 §385; 1985 c.416 §9]

**820.580 Manufactured structure registration fee.** The registration fee for a manufactured structure is \$10. This fee is payable with each change of registration. [1983 c.338 §789; 1985 c.16 §386]

**820.585 Definitions for ORS 820.585 to 820.593.** As used in ORS 820.585 to 820.593:

(1) "Holder or other person" means the manufactured structure owner or other person having an interest in the structure as indicated in the records of the Department of Transportation.

(2) "Last known address" means:

(a) The address of the intended recipient as set forth in a certificate of title, financing statement or other documentation;

(b) If no address for the intended recipient is shown on a certificate, statement or other document, the address of the intended recipient's principal place of business; or

(c) If no address for the intended recipient is shown on a certificate, statement or other document and the intended recipient does not have a principal place of business, the address of the residence of the intended recipient. [2001 c.675 §1]

**Note:** 820.585 to 820.593 were enacted into law by the Legislative Assembly but were not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**820.587 Exception to requirement to surrender manufacturer's statement of origin or certificate of title; rules.** The requirement to surrender a manufacturer's statement of origin or certificate of title or to furnish a certificate of title or other primary ownership record and any release thereon does not apply if all of the following conditions are met:

(1) The transaction involves the sale of a manufactured structure or the creation or transfer of a security interest in

a manufactured structure and is processed by an escrow agent licensed in this state.

(2) Debt secured by a security interest in the manufactured structure has been or will be paid in full by the escrow agent as part of the agent's processing of the transaction.

(3) The written request, in the form described in ORS 820.589, from the escrow agent for documentation is made at least 30 days prior to the application for issuance of a replacement or original certificate of title or for changes to a certificate of title.

(4) The escrow agent mails a notice to the holder or other person that is responsible for providing or releasing the manufacturer's certificate of origin, certificate of title or other primary ownership record, and to any person who has perfected a security interest under ORS chapter 79 in the inventory of a dealer selling the structure.

(5) The escrow agent provides the Department of Transportation with an appropriate application for title. The application must be signed by the transferee, if any, be in a form approved by department rule and include any information required by the department, including but not limited to the following information:

(a) A description of the manufactured structure, including vehicle identification number.

(b) The name of the transferee, if any.

(c) A recital that the escrow agent did not receive the requested documents and did not receive a written objection from the holder or other person. [2001 c.675 §2]

**Note:** See note under 820.585.

**820.589 Notice provided by escrow agent; contents.** The escrow agent shall send the notice described in ORS 820.587 (4) by certified mail with return receipt requested and by first class mail, both with postage prepaid, to the last known address of the holder or other person responsible for providing or releasing the documents and of any person having a perfected security interest. The notice must:

(1) Contain a description of the manufactured structure, including year of manufacture, make and the manufacturer's vehicle identification number;

(2)(a) State that the debt or other obligation owed to the holder or other person has been paid and satisfied and specify the date and amount of the final payment; or

(b) State that at or prior to the time that the security interest or other interest of the holder or other person in the manufactured structure is terminated, the escrow agent will fully pay and satisfy the debt or other obligation owed to the holder or other person;

(3) State that unless the escrow agent receives the appropriate documents within 30 days after the notice is received by the owner or other person responsible for providing or releasing the documents, an application for issuance of a replacement or original certificate of title or for changes to a certificate of title will be made to the Department of Transportation under this section; and

(4) State that if the escrow agent receives from the holder or other person a written objection to provision or release of the requested documents, the escrow agent will not apply for the issuance, replacement or changing of the certificate of title unless the objection is withdrawn or the escrow agent receives the documents from the holder or other person. [2001 c.675 §3]

**Note:** See note under 820.585.

**820.591 Treatment by Department of Transportation of application for title; issuance or transference of title.**

(1) The Department of Transportation shall treat an application described in ORS 820.587 (5):

(a) As an application for issuance of a replacement or original certificate of title that reflects the sale of the manufactured structure or the creation or transfer of the security interest, or as an application to make other changes to a certificate of title consistent with the transaction;

(b) As satisfactory proof that any previously issued certificate of title for the manufactured structure is not available; and

(c) As a release of any perfected security interest in the manufactured structure by the holder or other person responsible for providing the manufacturer's certificate of origin, certificate of title or other primary ownership record, or a release thereon.

(2) Upon receipt of an application described in ORS 820.587 (5) and the payment of appropriate fees, subject to ORS 820.500 (10), the department may issue a replacement or original certificate of title to the manufactured structure, transfer title to the manufactured structure, exempt title and registration to the manufactured structure, add or delete a

security interest or make any other changes consistent with the transaction.

(3) Issuance of a title under this section does not excuse a violation of ORS 803.094, 803.105 or 803.106. [2001 c.675 §4]

**Note:** See note under 820.585.

**820.593 Prohibition on providing application to Department of Transportation; fee for escrow agent services; action for damages.** (1) An escrow agent may not provide an application to the Department of Transportation under ORS 820.587 (5) if the agent has received a written objection in response to the notice provided under ORS 820.589.

(2) An escrow agent may charge the person having title to the manufactured structure under the replacement certificate a reasonable fee for services provided in compliance with the provisions of ORS 820.587 and 820.589.

(3) In addition to any other remedy provided by law, a person may bring an action against an escrow agent for damages sustained by the person due to the negligence or willful misconduct of the escrow agent in complying with ORS 820.587 or 820.589. [2001 c.675 §5]

**Note:** See note under 820.585.