

TITLE 39

VEHICLES AND SMALL WATERCRAFT

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- 482. Operators' and Chauffeurs' Licenses
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Chapter 481

1955 REPLACEMENT PART

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DEFINITIONS; GENERAL PROVISIONS

481.005 "Body," "bus trailer" and "cab" defined. As used in this chapter, except where the context otherwise requires:

(1) "Body," with respect to vehicle structure, means that part of a vehicle supported by the chassis and used for carrying or retaining the load, not including the spare tire, but including all ordinary equipment or appliances appropriate to the type of body, such as stakes, curtains, hooks, skids, tailboard, chains, sides and roof.

(2) "Bus trailer" means any vehicle which would come within the definition of a "motor bus," in ORS 481.030, except for the fact that it has no motive power but is designed to be drawn by a motor vehicle.

(3) "Cab," with respect to vehicle structure, means the inclosure ahead of the body used as a shelter for the driver, and includes the driver's seat and doors, partly or fully inclosed.

481.010 "Chassis" and "combined weight" defined. As used in this chapter, except where the context otherwise requires:

(1) "Chassis," with respect to vehicle structure, means the frame assembly, power plant and all appurtenances necessary for making a vehicle self-propelled, including front bumper, fenders, windshield, tire carrier and spare wheel, but not the spare tire.

(2) (a) "Combined weight," except as provided in paragraph (b) of this subsection, means the sum of the total weight of the vehicle and the weight of the load resting thereon or sustained thereby.

(b) "Combined weight," in the case of motor busses and bus trailers, means the light weight of the vehicle plus the weight of the passengers to be carried thereon. The weight of the passengers in pounds shall be computed by multiplying the maximum seating capacity of the vehicle, including the seat of the driver, by 150. If a bus or bus trailer has a seating capacity which is not arranged for separate or individual seats, 20 lineal inches shall be deemed the equivalent of a passenger seat.

481.015 "County highway," "dealer," "department" and "farm tractor" defined. As used in this chapter, except where the context otherwise requires:

(1) "County highway" means every highway which is not a state highway.

(2) "Dealer" means any person regu-

larly engaged in the business of having motor vehicles, trailers or semitrailers in his possession for sale or trade, and for use and operation pursuant thereto, except that a manufacturer who sells or trades only the new motor vehicles, trailers and semitrailers that he has manufactured shall not be considered a dealer unless such manufacturer obtains a dealer's license as authorized by ORS 481.312. Dealers shall be considered owners of such vehicles manufactured or dealt in by them, prior to delivery and sale thereof, and of all vehicles in their possession and operated or driven by them or by their employes. The department shall determine whether or not an applicant for registration is a dealer, and such determination shall be final and conclusive.

(3) "Department" means:

(a) Prior to July 1, 1956, the office of the Secretary of State.

(b) On and after July 1, 1956, the Department of Motor Vehicles.

(4) "Farm tractor" means any self-propelled vehicle designed or used for farm purposes only, having no provision for carrying loads on its own structure, except that any such vehicle shall not be considered a farm tractor when its use classifies it as a motor truck under the provisions of ORS 481.035. [Amended by 1955 c.287 §24; 1955 c.697 §1; subsection (3) derived from 1955 c.287 §§24, 33 and 1955 c.697 §1]

Note: The 1955 amendment made by 1955 c.287 §24 to ORS 481.015 takes effect on July 1, 1956. However, ORS 481.015, as compiled above, has been editorially adjusted as authorized by 1955 c.287 §33 and states the law in effect both before and after July 1, 1956.

481.020 "Highway" defined. As used in this chapter, except where the context otherwise requires, "highway" means every public way, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, used or intended for the use of the general public for vehicles.

481.025 "Legal owner," "light weight," "local authorities" and "manufacturer" defined. As used in this chapter, except where the context otherwise requires:

(1) "Legal owner," where the legal title and the right to possession are in different persons, means the holder of the legal title to a vehicle.

(2) (a) "Light weight," when applied to a motor truck, truck tractor, truck trailer

or semitrailer, is determined by taking the combined weight of the chassis, body and cab.

(b) "Light weight," when applied to a motor bus or bus trailer, means the total weight of the vehicle when fully equipped for moving over the highways and when not carrying any load thereon.

(3) "Local authorities" means the representatives of political subdivisions of the state, duly elected or appointed to administer the laws and ordinances.

(4) "Manufacturer" means any person engaged in the manufacture of new motor vehicles, trailers and semitrailers, or any of them, as a regular business. [Amended by 1955 c.697 §2]

481.030 "Motor bus" defined. As used in this chapter, except where the context otherwise requires, "motor bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

(1) Taxicabs.

(2) Vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of students to or from school.

481.035 "Motor truck" defined. As used in this chapter, except where the context otherwise requires, "motor truck":

(1) Means every motor vehicle designed or used for carrying, conveying or moving over the highways of this state any freight, property, article or thing, and having a combined weight of vehicle and maximum load to be carried thereon of more than 6,000 pounds.

(2) Does not include any vehicle designed or used exclusively for carrying passengers, baggage and express.

(3) Includes every farm tractor used, other than for drawing implements of husbandry, upon the highways or streets of this state:

(a) Situated west of the summit of the Cascade Mountains, within a radius of more than five miles of the farm owned or operated by the farmer owning or operating the tractor; or

(b) Situated east of the summit of the Cascade Mountains, within a radius of more than 10 miles of the farm owned and operated by the farmer owning or operating the tractor. [Amended by 1953 c.380 §3]

481.040 "Motor vehicle," "nonresident," "operator," "owner" and "pneumatic tire" defined. As used in this chapter, except where the context otherwise requires:

(1) "Motor vehicle" means every self-propelled vehicle except road rollers, farm tractors, traction engines and police ambulances.

(2) "Nonresident" means a resident of another state, country or territory.

(3) "Operator" means any person other than a chauffeur, driving or operating a motor vehicle upon the highways of this state.

(4) "Owner," where the legal title and the right to possession are in different persons, means the person having the lawful use or control of a vehicle under a contract or lease or otherwise for a period of 10 or more successive days.

(5) "Pneumatic tire" means any hollow tire made of elastic material which is inflated with compressed air.

481.045 "Reconstructed" and "semitrailer" defined. As used in this chapter, except where the context otherwise requires:

(1) "Reconstructed" means a motor vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from other motor vehicles.

(2) "Semitrailer" means every vehicle without motive power (including pole or pipe dollies) which:

(a) Has a combined weight of vehicle and maximum load to be carried thereon of more than 4,500 pounds; and

(b) Is designed for carrying property and for being drawn by a motor vehicle; and

(c) Is so constructed that some part of its weight and the weight of its load rests upon or is carried by another vehicle.

481.050 "State," "state highway" and "taxicab" defined. As used in this chapter, except where the context otherwise requires:

(1) "State" includes the territories and the federal districts of the United States.

(2) "State highway" means any highway designated as such by the State Highway Commission or by law.

(3) "Taxicab" means any motor vehicle that:

(a) Is designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver; and

(b) Is fitted with a taximeter or has

some device, method or system to determine the passenger fare paid for distance traveled; and

(c) Is operated exclusively within the corporate limits of a city of this state and not more than three road miles beyond its limits.

481.055 "Tractor trailer" defined. (1) As used in this chapter, except where the context otherwise requires, the term "tractor trailer" means any vehicle without motive power (except implements of husbandry), designed for carrying property and drawn by a farm tractor.

(2) However, such a vehicle shall not be classified as a tractor trailer, but as a truck trailer or semitrailer, when it is used upon the highways of this state:

(a) Situated west of the summit of the Cascade Mountains, within a radius of more than five miles of the farm owned and operated by the farmer owning and operating the vehicle.

(b) Situated east of the summit of the Cascade Mountains, within a radius of more than 10 miles of the farm owned and operated by the farmer owning and operating the vehicle.

481.060 "Trailer" defined. As used in this chapter, except where the context otherwise requires, and except to the extent a different meaning is required by subsection (2), and paragraphs (d) and (e) of subsection (1) of ORS 481.215, the term "trailer" means any truck trailer or bus trailer. [Amended by 1955 c.212 §1]

481.065 "Truck tractor" and "truck trailer" defined. As used in this chapter, except where the context otherwise requires:

(1) "Truck tractor" means any motor vehicle used or designed for use with a semitrailer for carrying, conveying or moving over the highways any freight, property, article or thing, and having a combined weight of vehicle and maximum load to be carried thereon of more than 4,500 pounds.

(2) "Truck trailer" means every vehicle without motive power (except a tractor trailer) which:

(a) Has a combined weight of vehicle and maximum load to be carried thereon of more than 4,500 pounds; and

(b) Is designed for carrying property and for being drawn by a motor vehicle; and

(c) Is so constructed that no part of its weight rests upon the towing vehicle.

481.070 "Used vehicle" and "vehicle" defined; weights and measures. As used in this chapter, except where the context otherwise requires:

(1) "Used vehicle" means any motor vehicle, trailer or semitrailer which has been sold, bargained, exchanged, given away or has had its title transferred from the person who first took out title to it from the manufacturer or importer or his dealer or agent, and so used to have become what is commonly known as "second handed" within the ordinary meaning thereof.

(2) "Vehicle" means every mechanical device moving by any other power than human power over the highways of the state, except devices that move exclusively on stationary rail tracks, or are operated by electric energy transmitted through trolley poles from stationary trolley wires.

(3) References to weights and measures refer to United States standards thereof.

481.075 Purposes and application of chapter; exclusions. (1) The provisions of ORS 481.005 to 481.090, 481.105 to 481.180, 481.205 to 481.280, 481.305 to 481.340, 481.405 to 481.420, 481.430 to 481.440, and 481.505 to 481.540, are an exercise of the police powers of this state, and the purpose, object and intent of said sections is to provide a comprehensive system for the regulation of all motor and other vehicles in this state.

(2) This chapter does not apply to the registration and licensing of:

(a) United States government-owned and operated motor vehicles and trailers.

(b) Traction engines, farm tractors, tractor trailers, well-drilling machinery, fire wagons, fire engines, invalid chairs and baby buggies.

(c) Road rollers, road graders or road tractors when employed exclusively in the construction, repair or maintenance of state or county roads, highways or city streets.

(3) The provisions of this chapter requiring registration of vehicles do not apply to implements of husbandry temporarily drawn, moved or otherwise propelled upon the public highways.

481.080 Applicability of chapter to foreign consuls. (1) This chapter shall not be construed to require the payment of motor vehicle registration fees by any professional foreign consuls general, consuls and vice consuls, who are nationals of the

foreign state or country appointing them, and who are assigned to foreign consulates in this state, if American professional consular officials who are citizens of the United States and residents of this state, and who exercise their official function in American consulates in such foreign countries, are granted reciprocal exemption.

(2) For the purpose of authorizing the operation over the highways of this state of any motor vehicle owned by a professional foreign consul and not used to carry persons or property for compensation, the department is authorized to furnish without cost to any professional foreign consul applying therefor, a registration card and registration number plates of a distinctive form to be determined by the department.

481.085 Appeal from department's findings or decisions. Any person aggrieved by any finding, order or determination of the department under ORS 481.110, 481.115, 481.150, 481.170, 481.230 to 481.240, 481.280, 481.305, 481.310, 481.315, 481.405 to 481.420 and 481.440, may appeal therefrom to the circuit court of the county in which he resides. Such appeal shall be taken within 60 days from the date of the entry or making of such order, finding or determination and in the manner provided by law for appeals in actions at law.

481.090 Administrative facilities for enforcement of motor vehicle laws. The department shall purchase the necessary stationery, record books, number plates and postage, provide for the printing and all other necessary and incidental expenses, employ the necessary clerical assistance, and lease such real estate and buildings as the department deems necessary to carry out fully the objects and purposes of the motor vehicle laws which it is required to administer. The department is authorized and directed to pay any claims therefor in the manner provided by law out of the money received under the provisions of this chapter and chapter 482. The department may share space in any leased building with any other state officer, department, board or commission, for the conduct of the business of the state.

481.095 Right of motorist to use highways. Subject to a compliance with the motor vehicle law of this state, and the acceptance of the provisions of ORS 15.190 and 15.200, owners and operators of motor

vehicles are granted the privilege of using the highways of this state.

481.100 [Reserved for expansion]

REGISTRATION REQUIREMENTS

481.105 Application for registration.

(1) Every owner of a motor vehicle, trailer or semitrailer, before he operates it upon the highways, shall, for each such vehicle of which he is the owner, cause to be filed by mail or otherwise in the office of the department, on blanks furnished by the department, an application for registration. The application shall be accompanied by the prescribed fee, shall be duly signed by the owner and shall contain:

(a) The true name and actual residence or business address of the owner and legal owner; and

(b) A description of the vehicle, including the name of the make, the serial number, the motor number and any other information required by the department.

(2) In any incorporated city the department may designate, for the convenience of the public, the chief of police or city recorder, or sheriff or clerk of the county, or other persons, to accept applications and fees for the registration of vehicles, during such periods of time as the department may designate. Persons so designated shall promptly transmit such applications to the department and properly account to the department for such fees.

481.110 Certificate of title required; how obtained. (1) No person shall operate a motor vehicle, trailer or semitrailer in this state under a registration number of this state without first securing a certificate of title.

(2) No registration card or number plates for any motor vehicle, trailer or semitrailer, whether original issues or duplicates, shall be issued or furnished by the department or any officer charged with such duty, unless the applicant therefor, at the same time, makes application for and is granted an official certificate of title of such vehicle, or presents satisfactory evidence that a certificate of title covering such vehicle has been previously issued to the applicant. The application shall be upon a blank furnished by the department and shall contain a full description of the vehicle, including the manufacturer's number, the motor number,

and any distinguishing marks, together with a statement of the applicant's title, and any other information required by the department. The department, if satisfied that the applicant is the owner or legal owner of such vehicle or is otherwise entitled to have it registered in his name, shall thereupon issue in the name of the applicant and deliver to the legal owner or mortgagee, if any, otherwise to the applicant, an appropriate certificate of title authenticated by a seal to be procured and used for such purposes.

481.115 Contents and effect of certificate of title; fee; trailer numbers. (1) The certificates mentioned in ORS 481.110 shall be numbered consecutively, beginning with number 1, and shall contain such description and other evidence of identification of the vehicle as the department deems proper, together with the name of the owner and legal owner. The certificate shall be prima facie evidence of the ownership of such vehicle or of an interest therein. A charge of \$2 shall be made for each original certificate of title issued. The certificate is good for the life of the vehicle, so long as it is owned or held by the legal holder of such certificate, and need not be renewed annually, or at any time, except as provided in this chapter.

(2) If a trailer or semitrailer carries no identifying serial number, such a number shall be assigned by the department and stamped on a metal plate which shall be riveted, welded or permanently attached to the vehicle at the right-hand front corner. The plate shall be furnished by the department.

481.120 Registration index. (1) Upon receipt of an application for registration of a motor vehicle, trailer or semitrailer, the department shall file it, and shall keep index files identifying such vehicle by the distinctive number assigned by the department, the name of the registered owner and the motor number of the vehicle.

(2) The index shall be a public record, open to inspection by the public during reasonable office hours. However, the department may charge a reasonable fee for furnishing information concerning a vehicle or its owner.

(3) The department shall maintain in its office a separate book or card index system for the registration of dealers.

481.125 Registration of government-owned vehicles. Motor vehicles, trailers and semitrailers owned and operated by this state, or cities, counties or other political subdivisions thereof, shall be registered initially as required by ORS 481.105, which registration shall be sufficient as long as the vehicles are so owned and operated. Application for registration of such vehicles shall be made in the regular manner and a fee of \$1 shall be forwarded with the application to the department. No other registration fee shall be required. All such vehicles shall display registration number plates provided by the department as required for other vehicles licensed and registered under this chapter.

481.130 Registration of specially constructed or imported vehicles; use of special numbers. (1) If the motor vehicle, trailer or semitrailer to be registered is specially constructed, reconstructed, or imported, that fact shall be stated in the application.

(2) The department may authorize the registration of vehicles by a number other than the motor number. When so registered such number shall be deemed to be included in the motor number wherever the latter term is used in this chapter.

481.135 Periods of registration. (1) All vehicles required by this chapter to be registered, except motor trucks, truck tractors, truck trailers, semitrailers, trailers for hire, motor busses, bus trailers, motor bicycles, motorcycles, electric vehicles, armored cars, wreckers, tow cars, hearses and ambulances, and except vehicles otherwise provided for in this chapter, shall be registered for a period of 12 consecutive calendar months.

(2) There are 12 registration periods, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from date of beginning. The periods shall be designated, in accordance with the ending date, as follows:

- (a) January 31, first period.
- (b) February 28 or 29, second period.
- (c) March 31, third period.
- (d) April 30, fourth period.
- (e) May 31, fifth period.
- (f) June 30, sixth period.
- (g) July 31, seventh period.
- (h) August 31, eighth period.
- (i) September 30, ninth period.
- (j) October 31, tenth period.
- (k) November 30, eleventh period.
- (L) December 31, twelfth period.

(3) A vehicle that has once been registered for any of the above-designated periods shall, upon reregistration, be registered for the period bearing the same number.

(4) The vehicles excepted from subsection (1) of this section shall be registered for a calendar year or, when permitted by ORS 481.205, for a calendar quarter. [Amended by 1955 c.90 §1]

481.140 Commencement date of registration period when vehicle operated for first time. All vehicles required to be registered, other than those excluded by ORS 481.135, which are operated for the first time upon the public highways of this state during any given month are subject to registration and payment of fees for the 12-month period ending one year from the last day of the first month of operation. [Amended by 1955 c.24 §1]

481.145 Powers of department relating to registration period. (1) The department is empowered and authorized to administer ORS 481.135 and 481.140 and to effect and enforce all administrative regulations necessary to accomplish the enforcement of those sections.

(2) The department may initially register a vehicle for less than a 12-month period when in its opinion such fractional registration tends to fulfill the purpose of the monthly series registration system.

(3) In order to place trailers for hire not registered on a calendar year basis, on a calendar year registration basis, the department may register trailers for hire for a fraction of a year at the rate of 85 cents per month commencing on the month of registration. [Subsection (3) enacted as 1955 c.90 §2]

481.150 Denial or cancellation of registration or certificate of title; falsifying in registration application. (1) If the department determines at any time that an applicant for a certificate of title of a motor vehicle, trailer or semitrailer is not entitled thereto, the department may refuse to issue the certificate, or to register the vehicle. For a like reason, and after a hearing upon 10 days' notice thereof, the department may cancel the registration card and certificate of title, and revoke registration already acquired on any outstanding certificate of title. The notice shall be served in person or by registered mail. When service is by registered mail, the service shall be deemed to

be made on the first day after the deposit in the postoffice that the mail leaves the place of deposit for the place of the address.

(2) No applicant for the registration or reregistration of a motor vehicle, trailer or semitrailer shall knowingly make any false statement or representation with respect to any facts required by this chapter to be set forth in the application for such registration, or use a name other than his true name in such application.

481.155 Nonresidents' privileges; registration of foreign vehicles operated for profit; reciprocity. (1) Every nonresident owner of a motor vehicle, trailer or semitrailer currently registered and licensed in any other country, state or territory, may operate such vehicle over the highways of this state so long as the owner satisfactorily shows that he has not and is not engaged in any gainful employment in this state or taken any action to indicate the acquiring of residence in this state during the period of sojourn in this state. However, private passenger motor vehicle owners who are bona fide residents of states adjoining this state shall be permitted to operate such vehicles in this state during but not beyond the current registration year.

(2) Except as provided in subsection (3) of this section and in ORS 481.160 and in ORS 481.162, before any foreign licensed motor vehicle, trailer or semitrailer shall be operated over the highways of this state for compensation or profit, it shall be registered and licensed in this state in the same manner as required of unregistered motor vehicles, trailers and semitrailers.

(3) Any motor vehicle, trailer or semitrailer may be operated in this state for compensation or profit in the transportation of persons or property, if duly registered and licensed under the laws of the state or country of which the owner is a bona fide resident, only to the extent that in the foreign country, state, territory or federal district of his residence like exemptions and privileges are granted vehicles duly registered and licensed under the laws of this state and owned by residents of this state. [Amended by 1955 c.83 §1; 1955 c.487 §3]

481.160 Registration of fleets operating in interstate commerce. When fleets of two or more commercial vehicles are engaged in interstate movement, the department may enter into agreements to apportion the reg-

istration of such fleets between Oregon and the other states, the District of Columbia, territories, or countries into which such fleets enter. The percentage of miles such fleets operate in Oregon as related to the total miles they operate shall be used by the department to determine what percentage of the total number of vehicles in such fleets must be registered in Oregon. The department may require fleet owners subject to this section to submit under oath such information as the department deems necessary for properly carrying out this section. The department's determination of the number of vehicles in fleets subject to this section to be registered in Oregon shall be final. [Amended by 1955 c.48 §1]

481.162 Reciprocal agreements with foreign jurisdictions relating to exemption of vehicles from registration and licensing requirements. (1) As used in this section, "Reciprocity Officer" means:

(a) Prior to July 1, 1956, the Secretary of State.

(b) After June 30, 1956, the Director of the Department of Motor Vehicles.

(2) The Reciprocity Officer shall have the power to enter into agreements or arrangements with duly authorized representatives of other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries granting exemption to owners or persons entitled to the possession of or right to operate motor vehicles, trailers and semitrailers which are properly registered or licensed in such jurisdictions, and upon which evidence of registration is conspicuously displayed, from the payment, wholly or partially, of any vehicle license or registration fees imposed under the laws of this state. Such agreements or arrangements shall contain provisions by which owners or persons entitled to the possession of or right to operate any such motor vehicles, trailers or semitrailers registered or licensed in this state who operate motor vehicles, trailers and semitrailers of the same type upon the highways of such other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries may receive such substantially equivalent exemptions, benefits and privileges, under terms and conditions which, in the judgment of the Reciprocity Officer, are best calculated to promote the interests of this state, as are

extended to such persons or owners of motor vehicles, trailers and semitrailers of the same type from such jurisdictions in this state.

(3) Subject to any applicable limitations specified in ORS 481.160, agreements or arrangements entered into under the authority granted under this section may contain provisions authorizing an owner or owners or persons entitled to the possession of or right to operate motor vehicles, trailers and semitrailers, who are residents of one of the states, district, territories or possession of the United States or foreign states, provinces or countries which is a party thereto to register or license such motor vehicles, trailers or semitrailers in another jurisdiction which is a party thereto. Motor vehicles, trailers and semitrailers registered or licensed in one of such jurisdictions under such provision shall be exempt from registration or licensing requirements in the other jurisdiction or jurisdictions which are parties thereto and shall be entitled to the exemptions, benefits and privileges granted with respect to other motor vehicles, trailers or semitrailers registered or licensed in such jurisdiction.

(4) Agreements or arrangements entered into under the authority granted by this section may contain provisions denying the exemptions, benefits and privileges granted thereunder to any person who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the Reciprocity Officer.

(5) The Reciprocity Officer is authorized to examine the legal requirements of motor vehicle registration and license fee statutes of jurisdictions which grant reciprocal privileges to out-of-state owners or persons but which do not authorize negotiation or execution of agreements by administrative officials and he is authorized to determine, by such examination, and to declare the extent and nature of the reciprocal exemptions, benefits and privileges to which owners of motor vehicles, trailers and semitrailers or other persons from such jurisdictions shall be entitled under the laws of this state.

(6) All agreements, arrangements and declarations and rules and regulations authorized by this section shall be in writing and shall be effective when original copies of such agreements, arrangements and dec-

larations and rules and regulations have been filed in the office of the Reciprocity Officer who shall make copies available to the public upon request.

(7) No agreement or arrangement or declaration shall be made or entered into under the authority of this section which provides for any benefit, exemption or privilege with respect to fuel taxes, use fuel taxes, weight mile taxes or any other fees or taxes levied or assessed against the use of highways or use or ownership of vehicles, except registration and license taxes, fees and requirements. [1955 c.487 §2]

481.165 Law applicable to foreign vehicles; display of foreign licenses; foreign corporations as residents; purchase or use of foreign licensed vehicle by resident. (1) Any foreign licensed motor vehicle, trailer or semitrailer shall be subject to all laws, rules and regulations governing the operation of such vehicles on the highways of this state.

(2) Except as provided in subsection (4) of this section, the registration number plates assigned and furnished to any foreign licensed motor vehicle, trailer or semitrailer for the current registration year by the country, state or territory where it is licensed shall be displayed on such vehicle substantially as provided in this chapter for vehicles registered pursuant to this chapter.

(3) A foreign corporation owning, operating or maintaining a place of business in this state shall, for the purpose of this chapter, be considered a resident of this state and shall make application to the department upon regular blanks provided for such purpose, to license such motor vehicles as may be used by such corporation doing business in this state.

(4) Upon the purchase, by a resident of this state, of a motor vehicle, trailer or semitrailer registered under the laws of another country, state, territory or federal district, the license numbers shall be declared void and shall be removed from such vehicle by the owner, and the owner shall cause such vehicles to be registered in the manner provided in this chapter for vehicles owned by residents of this state. A resident of this state shall not use within this state any such vehicle registered and licensed under the laws of another country, state, territory or federal district, except when the owner of such vehicle is paying fees and has complied

fully with the motor vehicle transportation law of this state.

481.170 Surrender of foreign title certificates and evidences of registration. (1) No certificate of title shall be issued by the department for a motor vehicle, trailer or semitrailer from another state, unless with the application there is surrendered the certificate of title issued by the other state, if such state requires certificates of title, and if such state does not require certificates of title, then upon the surrender of the registration card.

(2) Upon the registration of every imported motor vehicle, trailer or semitrailer which has been registered in any other state or country, the registrant shall surrender to the department all number plates, seals, certificates of registration or other evidences of the former registration in the applicant's possession or control.

481.175 [Repealed by 1955 c.8 §1]

481.180 Permit to move unregistered vehicle in the state. (1) Any owner of a motor vehicle, trailer or semitrailer not currently registered may be authorized by the department to operate such vehicle over the highways in a single continuous trip. For the purpose of authorizing such operation or movement, the department shall issue a permit in such form as the department shall prescribe, to be affixed to the windshield of the motor vehicle. The department shall keep in its office a complete record of all such permits issued.

(2) Except as provided in subsection (3) of this section, the fee for a permit under subsection (1) of this section shall be:

(a) Two dollars for each vehicle with a combined weight of 6,000 pounds or less.

(b) Five dollars for each vehicle with a combined weight of over 6,000 pounds.

(3) For house trailers the fee for a permit under subsection (1) of this section shall be:

(a) Two dollars for a house trailer which has an overall length from the foremost point of the trailer hitch to the rear extremity of the trailer body of not more than 360 inches.

(b) Five dollars for a house trailer which has an overall length from the foremost point of the trailer hitch to the rear extremity of the trailer body of more than 360 inches.

(4) No person shall transport any motor vehicle over the highways of this state under a permit issued pursuant to subsection (1) of this section, if such person is required to be licensed as a motor vehicle transporter under ORS 481.380 to 481.400. [Amended by 1955 c.204 §1; 1955 c.668 §7]

481.185 to 481.200 [Reserved for expansion]

LICENSE FEES; REGISTRATION CARDS AND PLATES

481.205 When fees are payable; fees for motor bicycles, motorcycles and antique vehicles. (1) Except as provided in subsection (2) of this section, the annual license fees prescribed in ORS 481.205 to 481.225 shall be paid to the department upon the registration or upon the annual renewal of a registration of a motor vehicle, trailer or semitrailer.

(2) License fees for motor trucks, truck tractors, truck trailers, semitrailers, motor busses, bus trailers, armored cars, wreckers, tow cars, hearses and ambulances may be paid on an annual registration basis for January 1 to December 31, inclusive, or on a quarterly registration basis for one or more quarters of the year, or any fraction of any quarter thereof, to commence January 1, April 1, July 1 and October 1. For the privilege of making registration on a quarterly basis, an additional fee of \$1 shall be added to the quarterly license payment.

(3) In no case shall any registration fees, or any portion thereof, be less than \$10, except for the registration of motor bicycles and motorcycles, and motor vehicles more than 25 years old used exclusively for exhibition and parade purposes. Fees for these vehicles are as follows:

- (a) Motor bicycles, \$3.
- (b) Motorcycles, \$3.
- (c) Motorcycles with sidecar, \$5.
- (d) Motor vehicles used exclusively for exhibition and parade purposes and more than 25 years old, \$1.

481.210 Fees for electric vehicles, passenger automobiles, taxicabs, motor trucks, truck tractors, truck trailers, semitrailers and fixed load vehicles. (1) Annual license fees for the following vehicles are:

- (a) Electric vehicles used for pleasure, \$25.
- (b) Electric vehicles used for commercial purposes, the same fees paid for motor

trucks, as provided in subsection (2) or (3) of this section or in ORS 481.225, plus 50 percent of such fee additional.

(c) Vehicles not otherwise provided for in ORS 481.205 to 481.225, \$10.

(2) Except as otherwise provided in ORS 481.205 to 481.225, annual license fees for motor trucks, truck tractors, truck trailers and semitrailers are as follows, based upon the light weight of such vehicle:

(a) Not over 3,000 pounds, 50 cents per 100 pounds or fraction thereof.

(b) Over 3,000 pounds and not over 4,500 pounds, 60 cents per 100 pounds or fraction thereof.

(c) Over 4,500 pounds, 70 cents per 100 pounds or fraction thereof.

(3) Annual license fees for vehicles designed or used for carrying, conveying or moving over the highways any freight, property, article or thing and having a combined weight of vehicle and maximum load to be carried thereon of not more than 6,000 pounds, are \$10.

(4) When motor trucks, truck tractors, truck trailers and semitrailers are registered after the expiration of:

(a) The first quarter of the registration year, three-fourths of the annual license fee shall be paid.

(b) The first half of the registration year, one-half of the annual license fee shall be paid.

(c) Three-fourths of the registration year, one-fourth of the annual license fee shall be paid.

(5) Annual license fees for fixed load vehicles are \$25. As used in this subsection, "fixed load vehicles" means vehicles which are not designed or used to carry, convey or move any freight, property, article or thing over the highways except their own weight and the weight of a permanent load in the form of any equipment or appliance constructed as a part of or permanently attached to the body of the vehicle and not designed or used to carry, convey or move any freight, property, article or thing over the highways, but does not include wreckers or tow cars equipped with cranes, hoists or dollies. [Amended by 1953 c.380 §3; 1955 c.736 §1]

481.215 Fees for armored cars, ambulances, hearses, wreckers, tow cars, motor busses, bus trailers, house trailers and small trailers. (1) Annual license fees for the following vehicles are:

(a) Vehicles known as armored cars and used for the safe conveyance of money or other valuables, 50 cents per 100 pounds or fraction thereof.

(b) Hearses and ambulances, and wreckers or tow cars equipped with cranes, hoists or dollies, 50 cents per 100 pounds or fraction thereof.

(c) Motor busses and bus trailers, except as otherwise provided in ORS 481.205 to 481.225, 45 cents per 100 pounds or fraction thereof of combined weight.

(d) Two-wheeled trailers that are for hire and are equipped with pneumatic tires, \$10.

(e) House trailers which have an overall length from the foremost point of the trailer hitch to the rear extremity of the trailer body of not more than 360 inches, \$15, and house trailers which have an overall length from the foremost point of the trailer hitch to the rear extremity of the trailer body of more than 360 inches, \$25.

(2) Except as to trailers for hire, no license fee is required for two-wheeled trailers equipped with pneumatic tires, weighing not more than 750 pounds and carrying a load weighing not more than 1,000 pounds. [Amended by 1955 c.212 §2]

481.220 When certificates of weight and passenger capacity are required; separation of truck tractors and semitrailers. (1) At the time of making application for a license to operate a motor truck, truck tractor, truck trailer or semitrailer, or whenever such a vehicle has been altered or reconstructed, the applicant shall furnish to the department, for the purpose of enabling it to compute the fee to be paid by the applicant, a certificate of the weight of such vehicle, including the body and cab. The certificate is valid only if made with respect to a scale approved by the State Sealer of Weights and Measures or his deputy. In lieu of the certificate the department may take the manufacturer's chassis weight of such vehicle, plus 25 percent.

(2) At the time of making application for a license to operate a motor bus or bus trailer, or whenever such a vehicle has been altered or reconstructed, the applicant shall furnish to the department, for the purpose of enabling it to compute the fee to be paid by the applicant, a certificate of the net weight of such vehicle, including the body, and a certificate indicating the number of passengers, including the driver, to be car-

ried thereon. The certificate regarding the net weight is valid only if made with respect to a scale approved by the State Sealer of Weights and Measures or his deputy.

(3) A truck tractor and semitrailer shall be construed to be two vehicles for the purpose of determining light weight and for the purpose of assignment of registration number plates under this chapter.

481.225 Special license fees for farmers.

(1) Any farmer owning a motor truck, truck tractor, truck trailer or semitrailer used exclusively in connection with the operation of his farm for the purpose of transporting farm implements, farm supplies and products of husbandry, may apply to the department for and receive a license to operate the truck, truck tractor, truck trailer or semitrailer for the full annual license period by paying therefor the following license fees, based upon the light weight of the vehicle:

(a) Not over 3,000 pounds, 30 cents per 100 pounds or fraction thereof.

(b) Over 3,000 pounds and not over 4,500 pounds, 40 cents per 100 pounds or fraction thereof.

(c) Over 4,500 pounds, 50 cents per 100 pounds or fraction thereof.

(2) As used in this section the term "farmer" means a person who makes the major portion of his living from a farm which he himself operates, either as owner or renter, but does not include associations organized under the provisions of ORS chapter 62.

(3) Application for such license shall be made upon forms prepared by the department and shall include:

(a) The name, residence and postoffice address of the applicant.

(b) The number of acres in the farm upon which the truck, truck tractor, truck trailer or semitrailer is to be used.

(c) The principal occupation of the applicant.

(d) A statement and representation that the truck, truck tractor, truck trailer or semitrailer will be used exclusively for agricultural purposes, except as provided in ORS 767.030, and will not, at any time during the season for which the license is issued, be used for any other purpose or for the transportation of any commodities for hire, except as provided in ORS 767.030.

(e) Any other information required by the department.

(f) Additional information required by law or by the department in making an application for a regular annual truck, truck tractor, truck trailer or semitrailer license.

(4) The department is authorized to procure and furnish number plates of a special design, to be used in connection with the farmers' licenses issued upon payment of a reduced fee.

481.230 Issuance of license plates and registration card; fastening of registration card to vehicle. (1) Upon the filing of an application for registration and the payment of the license fee, the department shall, in the absence of just cause for refusing to grant a license to such applicant, assign to the vehicle a distinctive number or other distinctive means of identification and, without expense to the applicant, issue and deliver to the owner two number plates bearing the same number, or two identification plates bearing the same characters, except that:

(a) Only one such plate shall be issued for a motorcycle or for any trailer or semitrailer licensed under this chapter, including, but not limited to, those described in ORS 481.045 and 481.060.

(b) Insert plates as authorized by ORS 481.235, or windshield stickers as authorized by ORS 481.265, may be issued in lieu of new plates upon renewal of registration.

(2) The department shall furnish for each vehicle registered, a registration card, which shall contain upon its face the following data:

(a) The name of the registered owner of the vehicle.

(b) The owner's postoffice address and the name of the county in which he resides or conducts his business.

(c) The make of the vehicle.

(d) The year or model.

(e) The model or letter designated by the manufacturer.

(f) The manufacturer's serial number, if any.

(g) The engine number as denoted by the certificate of title issued for the vehicle.

(h) The number of the certificate of title issued for the vehicle.

(i) The registration or license number and date of issuance of the registration card.

(3) In case of motorcycles the manufacturer's serial number shall be stated in lieu of the engine number in the registration card.

(4) The registration card shall contain a blank space for the signature of the registered owner and shall be signed with ink by such owner immediately upon receipt.

(5) Every owner, upon receipt of a registration card, shall securely fasten it in plain sight within the driver's compartment of the vehicle for which such card was issued, or in the event the vehicle is a motorcycle, trailer or semitrailer, shall fasten the card thereto in plain sight or carry the card in the tool bag or other convenient receptacle attached to the vehicle. [Amended by 1955 c.95 §1]

481.232 Special license plates for amateur radio operators. Upon application accompanied by proof of ownership of such license, and the payment of an additional fee of \$5 by such licensee, the distinctive means of identification referred to in ORS 481.230 for motor vehicles owned by residents of this state who hold valid, unrevoked and unexpired official amateur radio station licenses, other than novice class licenses, issued by the Federal Communication Commission, shall be the official amateur radio call letters of such applicant. Upon the revocation or expiration of such radio licenses the licensee shall return the call letter identification plates to the department and receive in lieu thereof regular identification plates. [1953 c.305 §1]

481.235 When license plates remain with vehicle; transfer and replacement of plates.

(1) Except as otherwise provided in this section and in subsection (3) of ORS 481.265, the number plates or identification plates assigned as provided in ORS 481.230 shall remain with the vehicle for the period of registration mentioned in the application therefor.

(2) The department may select permanent number or identification plates consisting of a main plate and a yearly insert plate bearing the last two numbers of the year for which the license is issued, in which event the main number or identification plate assigned, or the numerals, letters or characters thereon, shall remain with the vehicle as long as the vehicle is required to be licensed in this state, and the yearly insert plate shall remain with the vehicle for the period of registration mentioned in the application therefor.

(3) The department may allow registration plates to be transferred to another

vehicle upon receipt of an application therefor, together with a fee of \$5, this fee to be in addition to the regular registration fee.

(4) In the event of the loss, mutilation or destruction of a number or identification plate, or yearly insert plate, the owner of a registered vehicle may obtain from the department a duplicate thereof upon filing in the office of the department, on forms prepared by it, an application showing the fact and the payment of a fee of \$1 per number or identification plate, or 50 cents per insert plate.

481.240 Transfer of registration from one truck, bus or trailer to another. (1) In the event a duly registered motor truck, truck tractor, trailer, semitrailer or motor bus used in the transportation of passengers or property for which a license in excess of \$10 has been paid, is destroyed or permanently withdrawn from service within this state and replaced in such service by a like vehicle to be similarly used, the registered owner shall be permitted to transfer the number or identification plates from the vehicle destroyed or withdrawn from service to the vehicle replacing it, and a registration card shall be issued therefor without the payment of any further fee, except as provided in subsections (2) and (3) of this section.

(2) To effect such transfer and registration, the owner of the vehicle to be replaced shall pay to the department a registration transfer fee of \$2, file in its office an affidavit showing the fact of destruction or withdrawal, and surrender the registration card therefor.

(3) If the weight of the vehicle being registered under this section exceeds the weight of the vehicle destroyed or withdrawn, there shall be paid to the department for such excess weight, a license fee at the rate prescribed in ORS 481.210 to 481.225.

481.245 When fees will be refunded. (1) Whenever any motor truck, truck tractor, trailer, semitrailer or motor bus licensed under the laws of this state, for which a license fee in excess of \$10 has been paid, is destroyed accidentally so as to be incapable of further operation, the person in whose name such vehicle is registered is entitled to a refund of that portion of the license fee applicable to the then unexpired portion of the registration year. At the time of making application for refund the certificate of title, registration card and regis-

tration number plates of the vehicle shall be surrendered to the department for cancellation.

(2) When any registration or license fee prescribed by this chapter is erroneously paid, wholly or in part, the person making such payment is entitled to have refunded to him the amount erroneously paid, upon satisfactory proof of the facts relating to the payment.

481.250 Filing and payment of claims for refunds. Claims for refunds as provided in ORS 481.245 must be filed with the department within six months from the date of the erroneous payment or accidental destruction. If approved by the department, the claims shall be audited and paid out of the moneys received under the motor vehicle laws.

481.255 Display of license plates required. Except as provided in ORS 481.260, no person shall operate a motor vehicle upon the highways unless it has the number or identification plate or plates assigned to it by the department conspicuously displayed on the rear of such vehicle, if only one plate is required, and on the front and rear of such vehicle, if two plates are required, in plain view and so as to be read easily by the public. No person shall display any number which does not entitle the holder thereof to operate such vehicle upon the highways. [Amended by 1953 c.54 §3; 1953 c.305 §2]

481.260 Issuance and display of temporary permits. (1) Persons designated by the department under ORS 481.105 to accept applications for the registration of motor vehicles are authorized to issue temporary permits for the operation of motor vehicles pending the receipt of permanent license plates from the department. Forms for such temporary permits and applications therefor shall be prescribed and furnished by the department. The temporary permits shall be such as may be affixed to the glass windshield of a motor vehicle and they shall not be valid unless so affixed at the time of issuance.

(2) The temporary permits or windshield stickers shall bear consecutive numbers and be registered in the office of the person who issues the permit. The register shall show the name and address of the applicant, name of maker of motor vehicle, engine number and the date of application. This information shall be forwarded to the department

each day by the person issuing the permit, for the purpose of identification.

(3) Temporary permits or windshield stickers are to remain on and upon the motor vehicle only during the period of such registration and until the receipt of the permanent license plates.

(4) A fee of 25 cents, to be accounted for as are other fees collected by such officers, shall be charged by any chief of police, city recorder, sheriff or county clerk who issues permits under this section, to cover the expense of issuing such permits. These fees, if collected by a county sheriff or county clerk, shall be paid to the county treasurer and credited to the general fund, and if collected by a police officer or city recorder shall be paid to the city treasurer.

481.265 Size, color, design, material and contents of plates; windshield stickers authorized. (1) The department shall select number or identification plates with a marked contrast between the color of the plates and that of the numerals, letters or characters thereon. If identification plates are issued, means shall be provided for identifying the vehicle from the front and rear by means of characters or numerals.

(2) The number or identification plates shall be made in such size, form and arrangement and of such materials as shall be determined by the department. They shall contain the distinctive number or characters assigned to the vehicle, the letters "O R E" and the year for which the license is issued, or, if the department issues permanent number or identification plates with a yearly insert plate bearing the last two numbers of the year for which the license is issued, the permanent number or identification plates shall be made in such form and of such materials and of such color contrasts as the department shall determine.

(3) The department may designate number or identification plates for any year as the proper means of identifying the vehicle for a subsequent year or years. These plates shall be validated by a windshield sticker of such size, color and design and displayed as the department shall direct. The sticker shall bear a distinctive number and the registration period for which it is issued. After this period it shall be unlawful to further display it on the vehicle.

481.270 Registration fees as substitute for taxes on vehicles; house trailers excepted; listing of unregistered vehicles for tax-

ation. (1) The registration and license fees imposed by this chapter upon vehicles, and upon the owners thereof by reason of such ownership, are in lieu of all other taxes and licenses, except municipal license fees under regulatory ordinances, to which such vehicles, or the owners thereof by reason of such ownership, may be subject; provided, that commencing with the 1954 assessment year, house trailers having a situs in this state on January 1 and used primarily for residential or business purposes shall be subject to taxation.

(2) Old or new vehicles not registered and licensed under this chapter on January 1 of any year, which are being held in stock by the owner or dealer for sale or exchange, shall be reported to the county assessor by the owner and listed for ad valorem taxation but the assessor shall cancel such listing with respect to all such vehicles, upon being furnished prior to June 6 of such year with documentary proof that the vehicles so assessed have been registered in this state and the license fees have been paid thereon not later than March 31 of the same year. [Amended by 1953 c.607 §2]

481.275 Procedure when check given to pay registration fee is uncollectible; taxation of vehicles affected. Whenever any bank check, issued in payment of any motor vehicle license or registration fee or other fee required by this chapter, is returned to the department as uncollectible, the department shall charge the person presenting the check a fee of \$3, plus all protest fees, to cover the cost of collection. If the fee and the charge for collecting it are not then paid, the department may suspend the registration or license in payment of which the check was presented, and may delegate authority to any department employe or police officer to seize and recover the registration plates and other evidences of registration or license and thereafter any vehicles affected by such registration and having had a situs in the State of Oregon on January 1 of that year shall be subject to assessment and taxation as personal property for such year. The department shall furnish the names and addresses of the registered owners on such suspended registrations to the assessor of the appropriate county. [Amended by 1953 c.607 §2]

481.280 Replacing lost title certificate or registration card. When proof satisfactory to the department, of the loss, mutilation or

destruction of a certificate of title or registration card is presented to the department upon forms furnished by the department, duplicates may be issued for a charge of \$1 each.

481.285 to 481.300 [Reserved for expansion]

DEALER'S BUSINESS AND VEHICLE LICENSES; WRECKER'S LICENSES

481.305 Procedure for obtaining a license to carry on business of buying and selling vehicles. (1) Except as provided in ORS 481.312, no person shall carry on or conduct in this state the business of buying, selling or dealing in new or used motor vehicles, trailers or semitrailers unless he has a license from the department authorizing him to carry on or conduct such business. Such license shall be furnished annually by the department, and shall run from January 1 of each year.

(2) Except as provided in ORS 481.312, any person desiring to carry on the business of buying, selling or dealing in new or used motor vehicles, trailers or semitrailers shall apply for a license therefor upon a form to be prescribed and furnished by the department. The application shall be verified by the applicant, and shall contain:

(a) A full statement of the names of the persons applying, with their residence and business addresses.

(b) If the applicant is a firm or partnership, the name of the firm or partnership, with the names and places of residence of all members thereof.

(c) If the applicant is a corporation, the names of the principal officers and their residences, the name of the state under whose laws the corporation is organized, and the location of the places at which such business is to be carried on and conducted.

(d) Other relevant information required by the department.

(3) With such application, the applicant shall:

(a) Pay to the department a license fee of \$5, if application is made before July 2; otherwise a license fee of \$3.

(b) Deliver to the department a recommendation signed by two freeholders of the county in which the applicant desires to carry on his principal place of business, certifying that they are acquainted with the applicant, and that they believe the appli-

cant to be honest, truthful and of good moral character.

(c) Deliver to the department a bond complying with ORS 481.310. [Amended by 1955 c.245 §1; 1955 c.697 §3]

481.310 Dealer's bond. (1) The bond mentioned in paragraph (c) of subsection (3) of ORS 481.305 shall have two or more sufficient personal sureties having the qualifications set forth in ORS 140.120, who shall justify as required by ORS 140.130; or shall have a corporate surety licensed to do business within this state. The bond shall be executed to the State of Oregon in the sum of \$15,000, unless the applicant desires to engage in the business of buying, selling or dealing exclusively in motorcycles or motor bicycles, in which case the sum shall be \$2,000. It shall be approved as to form by the Attorney General, and be conditioned that the applicant, if a license is issued to him, shall conduct his business as a dealer without fraud or fraudulent representation and without violating any of the provisions of this chapter.

(2) If any person suffers any loss or damage by reason of the fraud, fraudulent representations or violation of any of the provisions of this chapter by a licensed dealer, he has a right of action against such dealer and a right of action in his own name against the surety upon the bond.

(3) All bonds given under the provisions of paragraph (c) of subsection (3) of ORS 481.305 shall be filed and held in the office of the department. If the bond is canceled by legal notice, the license of the dealer shall be canceled immediately by the department. If the license of a dealer is not renewed or is voluntarily, or involuntarily canceled, the sureties on the bond shall be relieved from liability accruing subsequent to such cancellation by the department. [Amended by 1955 c.217 §1]

481.312 Dealer's license and bond not required of manufacturer of new vehicles. A manufacturer may sell or trade the new motor vehicles, trailers and semitrailers that he has manufactured without obtaining the license and procuring the bond required by ORS 481.305 and 481.310. However, a manufacturer may obtain a dealer's license by complying with the provisions of ORS 481.305 to 481.340 relating to the issuance of dealers' licenses. [1955 c.697 §6]

481.315 Issuance of dealer's license; supplemental licenses and records required of used vehicle dealers. (1) A license certificate shall be issued by the department in accordance with an application, if it is regular in form and complies with ORS 481.305 and 481.310. The department has power to make suitable rules and regulations for the issuance of such licenses to expire on December 31 of the year for which the license is issued.

(2) Any person conducting the business of buying, selling or dealing in used vehicles shall, before removing any of his places of business, or opening any additional places of business, apply to the department and obtain a supplemental license, for which no fee shall be charged.

(3) Every such licensee shall keep a record or book in which he shall keep a record of the purchase, sale, or exchange or receipt for the purpose of sale of any second-hand vehicle, including a description of such vehicle, together with the name and address of the seller, the purchaser and the alleged owner or other person from whom such vehicle was purchased or received, or to whom it was sold or delivered, as the case may be. Such description, in the case of motor vehicles, shall include the engine number, if any, the maker's number, if any, chassis number, if any, and such other numbers or identification marks as may be thereon, and a statement that a number has been obliterated, defaced or changed, if such is a fact. In the case of a trailer or semitrailer, the record shall include the manufacturer's number, and such other numbers or identification marks as may be thereon. A licensee dealing in used vehicles shall also have in his possession a duly assigned certificate of title from the owner of the motor vehicle, trailer or semitrailer from the time when the vehicle is delivered to him until it has been disposed of by him.

481.320 Registration of dealers and dealers' vehicles. (1) Every dealer shall be registered with the department as such. The application for a dealer's registration, accompanied by the proper fee as prescribed in ORS 481.325, shall be forwarded to the department. It shall be on blanks furnished by the department and must show:

(a) Name under which business is conducted.

(b) Location of business (state, city and county).

(c) Name and address of all owners or persons having an interest in the business; in the case of a corporation, the name and address of the two principal officers will be sufficient.

(d) Name and make of all vehicles handled.

(e) Whether or not used vehicles are handled.

(f) A certificate to the effect that the applicant is a bona fide dealer in motor vehicles, trailers or semitrailers, with an established motor vehicle, trailer or semitrailer business at the location given.

(g) Other information required by the department to efficiently administer this chapter.

(2) The certificate required by paragraph (f) of subsection (1) of this section shall be signed by the chief of police or marshal of the city, or by the sheriff or deputy sheriff of the county, within which the applicant has his place of business.

(3) Upon receipt of the application the department shall examine it, and may make an individual investigation relative to statements contained in the application.

(4) Upon being satisfied that the dealer is entitled to registration and that the proper fees therefor have been paid, the department shall assign to such dealer a distinctive registration number and shall file his application and index it alphabetically under the name designated in the application, and also numerically.

(5) Upon the assignment of a registration number to a dealer, he is to be considered as registered. Registration shall be renewed annually by each dealer on or before December 31.

481.325 Dealer's fees, certificates and plates. (1) Each dealer shall pay to the department an annual registration fee of \$25, except that the fee for a motorcycle dealer shall be only \$12.50. When a dealer is registered, the department shall forward to such dealer a registration certificate stating thereon the registration number of the dealer, and authorizing the use and operation over and along the highways of this state of all motor vehicles, trailers and semitrailers actually owned or controlled by such dealer and in actual use by him, the members of his firm or any salesman thereof who

devotes all his time to the sale of motor vehicles, trailers or semitrailers for such dealer.

(2) No motor vehicle, trailer or semitrailer operated under a dealer's license shall be loaned or rented with or without driver for hire or direct compensation.

(3) The department shall furnish to each dealer who is registered, one dealer's license plate, each with a number corresponding to the number of the certificate of registration, together with such other distinguishing marks as the department deems necessary. The dealer may obtain as many duplicate number plates as may be desired upon the filing of formal application therefor with the department and the payment of \$5 for each duplicate, except that motorcycle dealers shall pay only \$1 for each duplicate.

(4) Such number plates shall be displayed in the manner provided in this chapter upon each motor vehicle, trailer and semitrailer owned or controlled by the dealer when in operation over and along the highways of this state. [Amended by 1953 c.54 §3]

481.330 Use of dealer's plates in other branches or on unauthorized vehicles. The dealer's certificate of registration, license plates and duplicate sets of license plates do not apply to dealer branches or agencies located in other cities. No dealer or employe of such dealer shall cause or permit the display or use of any number plate or certificate of registration which was furnished to such dealer under the general distinguishing number or symbol, except upon motor vehicles, trailers and semitrailers owned or controlled by such dealer.

481.335 Use of windshield permits to move vehicles. (1) When it becomes necessary for a registered dealer to move any motor vehicle, trailer or semitrailer owned or consigned to him, or otherwise controlled by him, but not registered under any of the provisions of this chapter, he may operate such vehicle over such public highways as are necessary for the purpose without first registering the vehicle or affixing thereto any registration number plates. However, in such event he shall first obtain for each such vehicle a written permit, for windshield application, from the sheriff of the county, or the chief of police or marshal of the incorporated city, in which such vehicle is then located, or from the department. A

fee of 50 cents shall be paid for each permit, to the issuing official. The form of such windshield permits and applications therefor shall be prescribed and prepared by the department.

(2) Such permit is for identification and shall be carried in plain view on the windshield of the motor vehicle, or if issued for a trailer or semitrailer, it shall be placed in plain view on the windshield of the motor vehicle towing said trailer or semitrailer during the operation thereof. It shall expire five days after the date of issuance.

481.340 Revocation of dealer's certificate of registration. If the department determines at any time for due cause that any registered dealer to whom a general distinguishing number has been assigned has failed to comply with the requirements of this chapter with reference to notices or reports of transfer of vehicles, or has caused or suffered or is permitting the unlawful use of the certificate or registration plates, the department may revoke the registration and recall and demand the return of the certificate of registration and general distinguishing number or symbol. The dealer, after notice of such action on the part of the department, shall without further demand return to the department the certificate of registration and all number plates that have been furnished to him under the revoked certificate.

481.345 Wrecker's license required; how applied for. (1) No person shall carry on or conduct in this state the business of wrecking, dismantling, permanently disassembling or substantially altering the form of any motor vehicle, unless he has a license from the department authorizing him to carry on or conduct said business. The license shall be furnished annually by the department and shall run from January 1 of each year.

(2) Application for the license mentioned in subsection (1) of this section shall be upon a form prescribed and furnished by the department, verified by the applicant, and containing:

(a) A full statement of the name of the person applying therefor, with his residence and business addresses.

(b) If the applicant is a firm or partnership, the name of the firm or partnership, with the names and places of residence of all its members.

(c) If the applicant is a corporation, the

names of the principal officers and their residences, the name of the state under whose laws the corporation is organized, and the location of the place or places at which such business is to be carried on and conducted.

(d) Other relevant information required by the department.

481.350 Wrecker's fee and bond. (1) With the application mentioned in subsection (2) of ORS 481.345 the applicant shall:

(a) Pay to the department an annual license fee of \$10 if application is made before July 2; otherwise a license fee of \$5.

(b) Deliver to the department a written recommendation executed by the city council, if the business is or will be carried on within an incorporated city of less than 100,000 population, or by the county court or board of county commissioners if the business is or will be carried on outside of any incorporated city.

(c) Deliver to the department a bond with two or more personal sureties having the qualifications set forth in ORS 140.120, who shall justify as required by ORS 140.130; or with a corporate surety licensed to transact business within this state. The bond shall be executed to the State of Oregon in the sum of \$2,000, be approved as to form by the Attorney General, and be conditioned that the applicant, if a license is issued to him, shall conduct his business without violating ORS 481.345, 481.355, 481.430 or 481.435.

(2) Any person suffering any loss or damage by reason of the violation of ORS 481.345, 481.355, 481.430 or 481.435 by a licensed wrecker, shall have a right of action against such wrecker and the surety upon his bond. [Amended by 1955 c.217 §2]

481.355 Issuance of wrecker's license; duties of wrecker who deals in used vehicles.

(1) A license certificate shall be issued by the department in accordance with the application provided for in ORS 481.345 if the application is regular in form and complies with the provisions of ORS 481.345 and 481.350. The certificate shall be permanently exhibited at the place of business of the applicant at all times while the license is in force. The department shall issue, without charge, such duplicate licenses as may be necessary to enable the wrecker to exhibit one in each place of business conducted by him.

(2) Any person licensed under ORS 481.345 to 481.355, who engages in the business of buying and selling used motor vehicles, shall obtain a license and otherwise conform to the requirements of ORS 481.305, 481.310 and 481.315. [Amended by 1955 c.245 §2]

481.360 Wrecker to keep book or record. Every person licensed under ORS 481.355 shall keep a book or record in which he shall keep a record and description of every motor vehicle wrecked, dismantled, permanently disassembled or substantially altered by him, together with the name and address of the person from whom the vehicle was acquired by him. The description shall include the engine number, if any, the maker's number, if any, the chassis number, if any, and such other numbers or identification marks as may be thereon.

481.365 Effect of cancelation or revocation of wrecker's bond. If the bond given under ORS 481.350 is canceled by legal notice, the license of the wrecker shall be canceled or suspended immediately by the department. If the license of a dealer is revoked or if he desires to retire from business the bond shall be returned to him six months after the date of notice, if no claim has been made against the bond.

481.370 Confining wrecking business to a building or fenced enclosure. All persons conducting the business of wrecking, dismantling, permanently disassembling or substantially altering the form of motor vehicles in this state shall confine such business within a building or within a solid inclosure at least six feet in height. Excepting parts used in a reasonable display of merchandise, no motor vehicle parts belonging to or under control of the wrecker shall be placed on the outside or near any fence or building in which the business is conducted. The wrecker shall at all times keep the premises on the outside of the establishment clear and clean. [Amended by 1953 c.33 §2]

481.375 [Reserved for expansion.]

TRANSPORTER'S PERMITS

481.380 Definitions. As used in ORS 481.380 to 481.400:

(1) Department means:

(a) Prior to July 1, 1956, the office of the Secretary of State.

(b) On and after July 1, 1956, the Department of Motor Vehicles.

(2) "Motor vehicle" means any vehicle subject to registration under this chapter, but does not include motor vehicles lawfully operated with dealer's number plates furnished under ORS 481.325 or with dealer's windshield permits issued under ORS 481.335.

(3) "Motor vehicle transporter" means any person regularly engaged in the business of transporting motor vehicles over the highways of this state.

(4) "Transport" means to drive or tow over the highways of this state a motor vehicle on its own wheels from outside this state or from manufacturers or dealers within this state to a prospective purchaser, manufacturer or dealer, or agent of a purchaser, prospective purchaser, manufacturer or dealer, in this or any other state, territory or foreign country. [1955 c.668 §2; subsection (1) derived in part from 1955 c.287 §§33, 34]

481.385 Motor vehicle transporter's permit and transit plates; when required. (1) No person shall transport any motor vehicle over the highways of this state without being the holder of a valid permit issued under ORS 481.390.

(2) No person shall transport any motor vehicle over the highways of this state without displaying conspicuously the plates or devices referred to in ORS 481.395 on the front and rear of each motor vehicle being transported. [1955 c.668 §3]

481.390 Issuance of permit. (1) Every motor vehicle transporter shall annually make application for a motor vehicle transporter's permit to the department.

(2) Upon payment of a fee of \$25, the department shall issue to the applicant an annual motor vehicle transporter's permit. A motor vehicle transporter's permit expires on December 31 of the year in which it was issued. [1955 c.668 §4]

481.395 Issuance of transit plates or devices. (1) The holder of a valid motor vehicle transporter's permit may also apply to the department for issuance of a sufficient number of distinctive transit plates or devices. These transit plates or devices shall be issued two to a set. Each set shall bear the holder's permit number and any other designation or mark necessary to distinguish one

set from another or otherwise deemed necessary by the department.

(2) The plates or devices issued under subsection (1) of this section may be used on any motor vehicle being transported under the control of the permit holder. These plates shall not be loaned to or used by any person other than the holder of the permit or his employees.

(3) The department shall collect an annual fee of \$5 for each set of transit plates or devices applied for and issued. [1955 c.668 §5]

481.400 Fees under ORS 481.390 and 481.395 are in addition to other fees. The fees provided in ORS 481.390 and 481.395 are in addition to any fees now payable by motor carriers under ORS chapter 767. [1955 c.668 §6]

TRANSFER AND ALTERATION OF VEHICLES

481.405 Transfer of ownership in registered vehicles; purchase and sale by dealer.

(1) In the event of the transfer in this state of the ownership (other than a transfer of the interest of the legal owner or mortgagee), of a motor vehicle, trailer or semi-trailer for which a certificate of title has been issued under ORS 481.110, the owner shall indorse on the back of such certificate an assignment thereof, with warranty of title in a form printed thereon and a statement of all encumbrances on the vehicle. Except as provided in subsection (2) of this section, the purchaser shall sign the certificate in a space provided thereon, and the transferee and the holder of the certificate of title shall, within 10 days after the transfer, present the certificate to the department, accompanied by a fee of \$2, whereupon a new registration card shall be issued and delivered to the assignee, and a new certificate of title shall be issued to the assignee, and delivered to the legal owner or mortgagee, if there is a legal owner or mortgagee, otherwise to the assignee.

(2) If the purchaser is a licensed dealer, the transferor shall merely indorse the certificate of title, and the dealer shall not be required to present such registration card and certificate of title to the department until he sells the vehicle. However, the dealer immediately shall notify the department that the vehicle has been transferred to him. Upon the sale of the vehicle by the dealer, he shall deliver to the transferee the as-

signed certificate of title received by him. The transferee shall sign the certificate and forward it to the department, together with the fee of \$2, whereupon the department shall issue a new registration card and deliver it to the purchaser, and shall issue a new certificate of title in the name of the purchaser and deliver it to the legal owner or mortgagee, if there is a legal owner or mortgagee, otherwise to the purchaser.

481.410 Placing or removing an encumbrance on a vehicle. (1) If, after a certificate of title is issued, a mortgage is placed on the vehicle described in the certificate, the legal owner or mortgagee shall, within 10 days thereof, present the certificate to the department, with the statement of the name of the legal owner or mortgagee. The department shall, upon payment of a fee of \$2, issue a new certificate of title, note such change upon its records and mail the certificate to the mortgagee.

(2) Upon full payment of a contract or mortgage on a vehicle for which a certificate of title has been issued, the legal owner or mortgagee shall sign a cancellation on the certificate of title showing the contract or mortgage paid in full, and deliver it to the owner. Within 10 days after such delivery the owner shall present the certificate of title to the department, together with a fee of \$2, and the department thereupon shall issue a new certificate of title to the person entitled thereto.

481.415 Transfers by operation of law. (1) In the event of the transfer by operation of law of the title or interest of an owner or legal owner in and to a vehicle registered under the provisions of this chapter, the certificate of title shall be signed upon the reverse thereof by the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose title or interest is so transferred, in lieu of such person. Every such representative or successor shall file with the department a notice of any transfer of any such vehicle by him, together with evidence satisfactory to the department of all facts entitling such representative or successor to make such transfer. Upon the receipt of satisfactory evidence of such facts, and a fee of \$2, the department shall issue a new certificate of title and registration card. If a motor vehicle is repossessed, satisfactory evidence must be presented to the department that the legal owner or mortgagee has

given at least 10 days' notice to the owner of the vehicle, by registered mail at his last-known postoffice address, of his intention to apply for certificate of title.

(2) As used in subsection (1) of this section, a transfer by operation of law includes inheritance, devise, bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or any transfers effected other than by the voluntary act of the person whose interest or title is transferred.

481.420 Transfer of unregistered vehicle by a dealer or manufacturer. Upon the transfer, by a dealer or manufacturer, of a motor vehicle, trailer or semitrailer which is not registered and licensed as provided in this chapter, the dealer or manufacturer shall immediately file with the department, upon a blank to be furnished by the department, a notice, statement or report containing the date of the transfer, a description of the vehicle, the name and postoffice address of the purchaser, lessee or other transferee, and other information respecting the vehicle required by the department. Upon such sale or transfer by a dealer or manufacturer, his distinguishing number plates shall immediately be removed from the vehicle. [Amended by 1955 c.697 §4]

481.425 Effect of tax lien on transfer of vehicle. If the ownership of a motor vehicle (as defined in ORS 319.520) subject to the lien provided for by ORS 319.700 is transferred, whether by operation of law or otherwise, no registration card or certificate of title with respect to such motor vehicle shall be issued by the department to the transferee or person otherwise entitled thereto until the department has determined that such lien has been removed.

481.430 Notice of wrecking of vehicles and transfer of engines. (1) Before any person shall wreck, dismantle or disassemble any motor vehicle, or substantially alter its form, he shall give notice in writing, upon forms to be furnished by the department, of the intention so to do to the chief of police or marshal of the city in which such work is to be done, or if it is not to be done within an incorporated city, to the sheriff of the county in which the work is to be done.

(2) Upon the transfer of an automobile engine or motor, except a new engine or motor, transferred with intent that it be in-

stalled in a new automobile, and whether such transfer be made by a manufacturer or dealer or otherwise, the transferor shall, within three days after the transfer, file with the department, upon a blank to be furnished by the department, a notice or report containing the date of the transfer, a description of the engine or motor including the maker's number, and the name and postoffice address of the purchaser, lessee or other transferee.

481.435 When certificate of title record is to be destroyed. (1) When any person wrecks, dismantles or disassembles the frame of any vehicle registered under this chapter, or substantially alters its form, he shall, within three days thereafter, deliver or mail to the department the registration card and certificate of title of such vehicle and the license plates. If satisfied as to the facts, the department shall cancel and retire such registration card and certificate of title.

(2) Upon the destruction of the certificate of title record of any vehicle, the department shall maintain a file disclosing the last registered and legal owner of such vehicle as shown by the destroyed certificate of title record, and the make, year, model and motor number thereof. [Amended by 1953 c.224 §4]

481.440 Procedure when person possesses vehicle with altered or defaced serial or identification numbers. Any person who knowingly has in his possession any motor vehicle, tractor, trailer or semitrailer or parts thereof from which the manufacturer's serial or identification number or mark has been removed, defaced, obliterated or changed, shall forthwith file with the department a sworn statement describing such vehicle or parts and showing the source of his title and, if known, the reason for such removal, defacement, obliteration or change. If satisfied as to the facts, the department shall assign to such vehicle a distinguishing number which shall be cut, stamped or carved into the engine or motor of such vehicle or into the frame of a trailer or semitrailer. Immediately thereafter such vehicle shall be presented for inspection by authorities designated by the department, and a report of such inspection shall be submitted to the department.

481.445 to 481.500 [Reserved for expansion]

ARRESTS, PROSECUTIONS AND ACTIONS; DISPOSAL OF FUNDS

481.505 Arrest of persons violating chapter; release from custody before hearing. (1) Any police officer, marshal, deputy marshal or watchman of any incorporated city, any sheriff or deputy sheriff of any county, or any constable of any district, has full power and authority within the limits of his jurisdiction to arrest any person known personally to such officer to have violated any provision of this chapter for which a penalty is provided in subsection (1), (5), (6), (7) or (8) of ORS 481.990, and to immediately bring such offender before any magistrate having jurisdiction. Persons so arrested shall have the right to an immediate trial and all other rights given to any person arrested for having committed a misdemeanor.

(2) If a hearing cannot then be had, the arrested person shall be released from custody on giving his personal undertaking to appear in answer to such violation at such time and place as shall then be indicated, secured by:

(a) The deposit of such sum, not less than \$25 nor more than \$400, as may be required by the magistrate; or

(b) The deposit of his unexpired card of membership in a lawfully organized automobile association qualified under the laws of this state as provided in ORS 481.510, where the same is acceptable as bail for the offense committed; or

(c) Leaving with the magistrate the vehicle being operated by such person.

(3) If a magistrate is not accessible, the arrested person shall be released from custody upon giving his name and address to the officer making such arrest and:

(a) Depositing with such officer such sum, not less than \$25 nor more than \$400, as may be required by the officer; or

(b) Depositing with the officer his unexpired card of membership in a lawfully organized automobile association qualified under the laws of this state as provided in ORS 481.510, where the same is acceptable as bail for the offense committed; or

(c) Leaving with the officer the vehicle being operated by such person.

(4) The officer making such arrest shall give a receipt in writing for any sum or vehicle deposited with him and notify the arrested person to appear before the most

accessible magistrate, naming him, on that or the following day, specifying the place and hour. If security is deposited, it shall be returned to the arrested person forthwith when he is admitted to bail.

481.507 Issuance of citation to person arrested for violating motor vehicle or traffic laws. In addition to the procedure set forth in ORS 481.505 and 483.618, any officer authorized to make an arrest for the violation of any of the provisions of the motor vehicle or traffic laws who desires not to take a person arrested forthwith before a magistrate or into custody immediately, may issue a citation to the person arrested directing him to appear at a time certain before a designated magistrate, to answer to a complaint to be filed charging such arrested person with a violation of the provisions of the motor vehicle or traffic laws, which violation shall be noted on the citation. The citation shall be dated and signed by the officer making the arrest. [1953 c.162 §1]

481.510 When automobile association membership card is acceptable as bail. (1) Any automobile association incorporated under the laws of this state may deposit with the State Treasurer \$1,000 in cash, or in bonds approved by the State Treasurer. Upon such deposit being made and maintained, the unexpired membership card of any member of the association shall be accepted by any magistrate or officer of this state authorized to take bail, when tendered as bail by any member of such association arrested for the violation of any motor vehicle law of this state, or traffic ordinance of any city in this state, if the bail does not exceed \$25.

(2) If any such member depositing his membership card as bail fails or neglects to appear in court at the time and place required, the magistrate or other officer before whom the case is brought, upon declaring a forfeiture of the bail, shall at once notify the association of the forfeiture, and the amount thereof, by mail. The association shall, within five days after the receipt of such notice, remit the amount of the bail so forfeited to the magistrate or other officer. If the association fails or refuses to remit the bail within that period, the magistrate, district attorney or other officer having the matter in charge shall notify the State Treasurer, who shall thereupon pay the amount of the bail to the officer or magistrate lawfully entitled to receive it, deduct

that amount from the amount of deposit with him by such association, and immediately notify such association and require it to deposit a like sum with him. If the association fails or neglects for a period of 10 days so to do, the membership cards of such association shall not thereafter be accepted as bail while the default continues. Upon the payment of the bail by the association, the membership card so deposited shall be immediately returned to such association by the officer who accepted it as bail.

481.515 Proof, in court, of ownership or right to possession of vehicle. In all actions, suits or criminal proceedings when the title to, or right of possession of, any motor vehicle, trailer or semitrailer is involved, the record of registration and license, as it appears in the files and records of the department, is prima facie evidence of ownership or right to possession of such vehicle. Such proof of the ownership or right to possession shall be made by means of a copy, certified by the department, of the record of the vehicle, as it appears in the files and records of the department, or by the original certificate of title issued by the department.

481.520 Jurisdiction of violations. All police judges or recorders of any city, justices of the peace or district judges of the county, and circuit courts, shall have concurrent jurisdiction of all violations of this chapter for which a penalty is provided by subsection (1), (5), (6), (7) or (8) of ORS 481.990, committed within their respective city, county or district.

481.525 Disposal of fines and bail forfeitures, generally. (1) All fines and penalties collected for any violation of this chapter and all money deposited as bail on account of arrests under the provisions of this chapter and adjudged to be forfeited, shall be paid by the court or judicial officer collecting the money to the city treasurer of the city, if the violator is convicted in the municipal, police or recorder's court of an incorporated city, and to the county treasurer of the county, if the violator is convicted in a justice, district or circuit court. Except as provided in ORS 481.530, the city or county treasurer receiving the fine shall credit the amount received to the road fund of the county or street fund of the city, as the case may be.

(2) No magistrate or officer of this state, or of a city or county thereof, shall

pay any part of a fine collected for violation of this chapter to the person making the arrest resulting in such collection.

481.530 Disposal of fines or penalties when arrest or conviction results from efforts of state officers. (1) Except when the arrest or complaint is made and the amount of the fine, penalty or forfeiture is imposed or collected pursuant to an ordinance of an incorporated city, fines or penalties resulting from prosecutions initiated by or from arrests or complaints made by any state officer or member of the State Police, deputy inspector, or any member, deputy, assistant or employe of the State Highway Commission, and forfeitures of money deposited as bail resulting from such arrests, prosecutions or complaints, shall, after first paying therefrom the court costs in such proceedings at the rate prescribed by law, be paid by the court or judicial officer collecting such money, not later than the tenth day of the month next following the month in which received, as follows:

(a) One-half to the city treasurer of an incorporated city when such trial or proceeding is had in the police court thereof, or to the county treasurer of the county wherein the offense occurred if the offender is convicted in a justice, district or circuit court.

(b) The remaining half to the State Treasurer, who shall place the money to the credit of the State Highway Fund to be used and expended as are other state highway funds.

(2) If subsection (1) of this section is applicable, and if the fine or penalty imposed is remitted, suspended, or stayed, or the offender against whom the fine or penalty was levied or imposed serves time in jail in lieu of paying the fine or penalty or a part thereof, the committing magistrate or judicial officer shall certify the facts thereof in writing to the State Treasurer not later than the tenth day of the month next following the month in which the fine was remitted or penalty suspended. If any part of the fine or penalty thereafter is paid to a sheriff or other officer, he shall pay the amounts received to the magistrate or judicial officer who imposed the fine or penalty, who shall distribute them in accordance with subsection (1) of this section.

481.535 Delinquency in paying over fines or penalties. If any of the money collected under ORS 481.525 or 481.530 is not

paid over as provided in those sections by the tenth day of the second calendar month next following the month in which it is received, the person withholding it shall be deemed delinquent in the payment thereof and, in addition to the penalties prescribed by law, shall personally be liable therefor to the public bodies to which the money is payable, with interest at the legal rate from the delinquency date until paid. An action may be maintained in the name of the state for the recovery of the unpaid amounts with interest.

481.540 Disposition of revenues from license, certificate and registration fees. All moneys received by the department under the provisions of this chapter shall be deposited in the State Treasury, along with the moneys received under ORS chapter 482, as provided in ORS 482.330. After paying, out of the money so deposited from both sources, the necessary expenses incurred by the department in administering this chapter and ORS chapter 482, the money remaining shall, on or before the fifteenth of each month, be transferred to the State Highway Fund, except the sum of \$10,000, which sum, or so much thereof as may be necessary, shall be and hereby is made available to the department for use in administering this chapter. However, upon receiving a certificate from the secretary of the State Highway Commission, certifying as to the amount of principal or interest of highway bonds due on any particular date, the department may turn over and make available for the payment of such interest or principal, such sum or sums as may be necessary to the extent of the funds on hand, regardless of the dates above specified.

481.545 Revolving fund for making cash advances and taking up dishonored remittances. The revolving fund which was established by section 1, chapter 89, Oregon Laws 1931, shall be used by the department in taking up dishonored remittances returned by banks or the State Treasurer, and for emergency cash advances to be reimbursed subsequently. It shall be used only as a revolving fund and the department shall at all times be accountable for the amount of the fund, either in cash or unreimbursed items and advances. [Amended by 1955 c.287 §25]

Note: The 1955 amendment to ORS 481.545 takes effect on July 1, 1956. Until July 1, 1956, ORS 481.545 as compiled in the 1953 edition will remain in effect.

481.550 Deposit of fund; records; payment of warrants by State Treasurer. The department shall keep the fund referred to in ORS 481.545 on deposit with the State Treasurer, and shall maintain a separate and comprehensive record of all transactions affecting it. The State Treasurer is authorized to honor and pay all properly signed and indorsed checks or warrants drawn against the fund referred to in ORS 481.545. [Amended by 1955 c.287 §26]

Note: The 1955 amendment to ORS 481.550 takes effect on July 1, 1956. Until July 1, 1956, ORS 481.550 as compiled in the 1953 edition will remain in effect.

481.555 to 481.600 [Reserved for expansion]

481.605 [Repealed by 1953 c.270 §2]

481.610 [Repealed by 1953 c.270 §2]

481.615 [Repealed by 1953 c.270 §2]

481.620 to 481.900 [Reserved for expansion]

DEPARTMENT OF MOTOR VEHICLES

481.905 Definitions. As used in ORS 481.905 to 481.940:

(1) "Department" means the Department of Motor Vehicles.

(2) "Director" means the Director of the Department of Motor Vehicles. [1955 c.287 §1]

Note: ORS 481.905 to 481.940 take effect on July 1, 1956. See 1955 c.287 §34.

481.910 Department of Motor Vehicles established; organization of department; administrative divisions. (1) The Department of Motor Vehicles hereby is established.

(2) For the purpose of administration, the Director of the Department of Motor Vehicles, with the approval of the Governor, shall organize and reorganize as necessary the department in the manner that he considers necessary to conduct properly the work of the department.

(3) The functions of the department may be divided into administrative divisions for administrative purposes. Each administrative division shall be in charge of a person appointed by the director, with the approval of the Governor, to serve at the pleasure of the director and not be subject to the State Civil Service Law. Each such person shall be well qualified by technical

training and experience in the functions to be performed. [1955 c.287 §2]

Note: See note for ORS 481.905.

481.915 Duties and functions transferred to department. Subject to ORS 481.920 and section 34, chapter 287, Oregon Laws 1955, there hereby are transferred to the Department of Motor Vehicles all the duties, functions and powers of the Secretary of State with respect to:

(1) The administration of the laws relating to the motor vehicle fuel license tax, aircraft fuel license tax and use fuel excise tax, including ORS chapter 319.

(2) The administration of the laws relating to motor vehicle registration and licensing, dealers' business and vehicle licenses and wreckers' licenses, including but not limited to the administration of ORS chapter 481; and the references in the statutes to the Secretary of State in connection with his administration of ORS chapter 481, including but not limited to the references in ORS 585.050, are intended to and shall be deemed to refer to the Department of Motor Vehicles.

(3) The administration of the laws relating to operators' and chauffeurs' licenses and permits, including but not limited to the administration of ORS chapter 482.

(4) The administration of ORS chapter 483.

(5) The administration of ORS chapter 485.

(6) The administration of the Motor Vehicle Safety Responsibility Act, including but not limited to ORS chapter 486. [1955 c.287 §7]

Note: See note for ORS 481.905.

481.920 Certain functions not transferred. Nothing in ORS 481.915 shall be construed to transfer from the Secretary of State any function, duty or power with respect to his auditing of claims and drawing warrants upon the State Treasurer. [1955 c.287 §9]

Note: See note for ORS 481.905.

481.925 Seal of department. The department shall have an official seal, with the words "Department of Motor Vehicles of Oregon" engraved thereon. The seal shall be used to authenticate all papers requiring authentication. [1955 c.287 §3]

Note: See note for ORS 481.905.

481.930 Director of department. (1) The department shall be under the super-

vision and control of a director who is responsible for the performance of the duties imposed upon the department. The Governor shall appoint the director by and with the consent of the Senate. It shall require a two-thirds vote of the Senate to approve the Governor's choice of a director. In case the Governor's choice is disapproved, the Governor shall make another appointment. If an appointment to the office of director is made in the interim between legislative sessions, the Senate shall act through the Committee on Executive Appointments provided by ORS 351.030 in the manner provided in that section, and the director so appointed shall be subject to the approval of the Senate when it next convenes. The director shall hold his office at the pleasure of the Governor. The person appointed as director shall be a person who, by training and experience, is well qualified to perform the duties of the office.

(2) The director shall receive such salary as may be provided by law or, if not so provided, as may be fixed by the Governor. In addition to his salary, the director shall, subject to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily incurred by him in the performance of his official duties. Before entering upon the duties of his office the director shall give to the state a fidelity bond with one or more corporate sureties authorized to do business in this state in the penal sum fixed by the Governor. The premium for the bond shall be paid by the department. [1955 c.287 §4]

Note: See note for ORS 481.905.

481.935 Powers of director; designating deputy; appointing officers and employes; requiring bonds. The director, in addition to his other powers, shall have the following powers:

(1) To designate a deputy, to serve at his pleasure, with full authority to act for him, but subject to his control. The designation of a deputy shall be by written order, filed with the Secretary of State.

(2) Except as provided in subsection (3) of ORS 481.910, and subject to the applicable provisions of the State Civil Service Law, to appoint all subordinate officers and employes of the department and to prescribe their duties and fix their compensation.

(3) To require a fidelity bond of any officer or employe of the department who has charge of, handles or has access to any

state money or property, and who is not otherwise required by law to give a bond. The amounts of the bond shall be fixed by the director, except as otherwise provided by law, and the sureties shall be approved by him. The department shall pay the premium on the bonds. [1955 c.287 §5]

Note: See note for ORS 481.905.

481.940 Rules and regulations. (1) The director may make the rules and regulations necessary for the administration and enforcement of the laws which the department is charged with administering.

(2) Notwithstanding the transfer of duties, functions and powers by chapter 287, Oregon Laws 1955, the lawfully adopted rules and regulations of the Secretary of State in effect on June 30, 1956, and relating to the duties, functions and powers transferred by chapter 287, Oregon Laws 1955, shall continue in force and effect and be applicable until superseded by, or repealed by, rules and regulations legally adopted by the director. Any references in such rules and regulations of the Secretary of State to the Secretary of State shall be considered to be references to the Department of Motor Vehicles. [1955 c.287 §6]

Note: See note for ORS 481.905.

481.945 to 481.980 [Reserved for expansion]

PENALTIES

481.990 Penalties. (1) Excepting violations of ORS 481.095, 481.425, 481.545 and 481.550, and excepting violations for which other subsections of this section expressly provide penalties, any violation of the provisions of this chapter, including the failure to obtain the proper permit or license required by this chapter, is punishable, upon conviction, by a fine of not more than \$400, or by imprisonment in the county jail for not more than one year, or both.

(2) Any violation of ORS 481.345 to 481.370, 481.430 or 481.435, including the engaging in business without a license, is punishable, upon conviction, by a fine of not more than \$200 or by imprisonment in the county jail for not more than 60 days, or both.

(3) Any person who alters or forges or causes to be altered or forged any certificate of title or certificate of registration issued by the department under this chapter (in-

cluding a certificate of title for a tractor), or any assignment thereof, or who holds or uses any such certificate or assignment knowing that it has been altered or forged, shall be deemed guilty of a felony and shall be punished, upon conviction, by a fine of not more than \$1,000, or imprisonment in the penitentiary for not more than 10 years, or both.

(4) Any person who knowingly makes any false statement of a material fact, either in his application for a certificate of title under this chapter (including a certificate of title for a tractor), or in any assignment thereof, or who, with intent to prosecute or pass title to a motor vehicle which he knows or has reason to believe has been stolen, receives or transfers possession of such vehicle from or to another, or who has in his possession any motor vehicle which he knows, or has reason to believe, has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment in the penitentiary for not more than 10 years, or both.

(5) Any person who knowingly buys, sells, receives, disposes, conceals or has in his possession any motor vehicle whose manufacturer's serial number or other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the vehicle, shall be punished, upon conviction, by a fine

of not more than \$200 or by imprisonment for not more than six months, or both.

(6) Any transferee or holder of a certificate of title who is required by ORS 481.405 to forward such certificate to the department, or any legal owner or mortgagee who is required by ORS 481.410 to forward a certificate of title to the department, shall, upon conviction of a failure to comply with those provisions within the time specified, be punished by a fine of not more than \$50.

(7) Any violation of ORS 481.305, 481.310 or 481.315 is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment for not less than 30 days nor more than six months, or both.

(8) Violation of subsection (1) of ORS 481.115 is a misdemeanor.

(9) Any person who sells a motor vehicle without complying with the requirements of ORS 481.110 and 481.115 shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment in the penitentiary for not more than 10 years, or both.

(10) Any person who knowingly makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by this chapter to be sworn or affirmed to, is guilty of perjury and, upon conviction, shall be punished as provided in ORS 162.120.

(11) Violation of subsection (4) of ORS 481.180 or of ORS 481.385 is a misdemeanor. [Amended by 1953 c.270 §2; 1955 c.36 §1; subsection (11) enacted as 1955 c.668 §8]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

