Chapter 483

1957 REPLACEMENT PART

Motor Vehicle Traffic, Equipment and Construction

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DEFINITIONS; GENERAL PROVISIONS

483.002 "Authorized emergency vehicle," "axle," "business district" and "bus trailer" defined. As used in this chapter, except where the context otherwise requires:

(1) "Authorized emergency vehicle" means vehicles of the fire department or fire patrol, police vehicles, emergency vehicles of municipal departments or public service corporations and ambulances while being used for emergency purposes and displaying the required lights and sounding a siren or other audible warning.

(2) "Axle" means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two vertical parallel transverse planes 40 inches apart.

(3) "Business district" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business.

(4) "Bus trailer" means any trailer designed or used for carrying human beings.

483.004 "Chauffeur" defined. (1) As used in ORS 483.006 to 483.462, 483.538 to 483.626, and 483.630 to 483.992, except where the context otherwise requires, the term "chauffeur":

(a) Means every person who is employed by another for the principal purpose of driving a motor vehicle, and every person who drives a motor vehicle carrying persons or property for compensation; but

(b) Does not include students operating vehicles commonly known and used as private passenger vehicles, which are not operated for compensation except in the transportation of students to or from school.

(2) As used in ORS 483.502 to 483.536, 483.628, and 483.994 to 483.998, except where the context otherwise requires, the term "chauffeur" means any person who is employed by another for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle while in use as a public or common carrier of persons or property for a consideration other than the sharing of expenses.

483.006 "Combination of vehicles," "combined weight," "commission" and "crosswalk" defined. As used in this chapter, except where the context otherwise requires:

(1) "Combination of vehicles" means two or more vehicles coupled together.

(2) "Combined weight" means the sum of the weight of the vehicle and the weight of the load resting thereon or sustained thereby.

(3) "Commission" means the State Highway Commission.

(4) "Crosswalk" means:

(a) Except as provided in paragraph (b) of this subsection, that portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway to the property lines; or the prolongation of the lateral lines of a sidewalk, to the sidewalk on the opposite side of the street, if the prolongation would meet such sidewalk; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface of such roadway, conforming in design to standards prescribed by the commission. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection.

483.008 "Department of Motor Vehicles," "driver" or "operator," "farm tractor" and "gross weight" defined. As used in this chapter, except where the context otherwise requires:

(1) "Department of Motor Vehicles" means the Department of Motor Vehicles established by ORS 481.910.

(2) "Driver" or "operator" means any person, other than a chauffeur, who is in actual physical control of a vehicle upon the highways or streets of this state.

(3) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.

(4) "Gross weight" means the weight of a vehicle or combination of vehicles, or wheel, or axle, or tandem axles or group of axles, without load plus the weight of any load thereon. [Amended by 1955 c.287 §29]

483.010 "Group of axles," "highway," "road" and "street" defined. As used in this chapter, except where the context otherwise requires:

(1) "Group of axles" means any two or more axles in sequence of one vehicle, or one or more axles of one vehicle and one or more axles of another vehicle in sequence in a combination of vehicles, so spaced longitudinally that the centers of the first and last axles of the group of axles are six feet or more apart.

(2) "Highway," "road" or "street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic, except that as used in ORS 483.502 to 483.536 and 483.994 to 483.998 the terms do not include any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency, or both. [Amended by 1953 c.691 §12; 1957 c.188 §1]

483.012 "Implement of husbandry," "intersection," "local authorities" and "metal tires" defined. As used in this chapter, except where the context otherwise requires:

(1) "Implement of husbandry" means any vehicle which is designed for agricultural purposes and not as a vehicle for general use upon the highways and exclusively used by the owner thereof in the conduct of his agricultural operations.

(2) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other.

(3) "Local authorities" means every county, municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this state.

(4) "Metal tire" means any tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material, except that as used in ORS 483.502 to 483.536 and 483.994 to 483.998, the term means any tire made of nonelastic material. [Amended by 1953 c.691 §12]

483.014 "Motor bus," "motorcycle," "motor truck" and "motor vehicle" defined. As used in this chapter, except where the context otherwise requires:

(1) "Motor bus":

(a) Means every motor vehicle designed or used for carrying passengers and their personal baggage for compensation; but

(b) Does not include taxicabs designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method or system to indicate and determine the passenger fare paid for distance traveled.

(2) "Motorcycle" means every motor vehicle, except tractors, designed to travel on not more than three wheels in contact with the ground.

(3) "Motor truck" means every motor vehicle designed, used or maintained primarily for the transportation of property and having a gross weight in excess of 6,000 pounds.

(4) "Motor vehicle" means any vehicle which is self-propelled. [Amended by 1955 c.240 §1]

483.016 "Official traffic signs and signals" and "owner" defined. As used in this chapter, except where the context otherwise requires:

(1) "Official traffic signs and signals" means all signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

(2) "Owner" means a person who holds legal title to a vehicle, except that:

(a) If there is a mortgagor who is entitled to possession of the vehicle, or a conditional vendee or lessee with an immediate right of possession under an agreement for the conditional sale or lease of the vehicle, and with the right of purchase upon performance of the conditions stated in the agreement, the mortgagor or conditional vendee or lessee shall be deemed the owner.

(b) As used in ORS 483.502 to 483.536 and 483.994 to 483.998, the term means any person having the lawful use or control of any vehicle as holder of the legal title of the vehicle or under contract or lease or otherwise.

483.018 "Pneumatic tire," "pole or pipe dolly or pole trailer," "pole trailer" and "private road or driveway" defined. As used in this chapter, except where the context otherwise requires:

(1) "Pneumatic tire" means any tire

made of elastic material which is inflated with compressed air.

(2) "Pole or pipe dolly or pole trailer" or "pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregular-shaped loads such as logs, poles, pipes or structural members capable, generally, of sustaining themselves as beams between the towing vehicle and such pole or pipe dolly or pole trailer.

(3) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from him, but not used by other persons.

483.020 "Residence district," "right of way," "road tractor," "roadway" and "safety zone" defined. As used in this chapter, except where the context otherwise requires:

(1) "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings used for business.

(2) "Right of way" means the privilege of the immediate use of the highway.

(3) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(4) "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel.

(5) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

483.022 "School bus" and "semitrailer" defined. As used in this chapter, except where the context otherwise requires:

(1) "School bus":

(a) Means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to and from school or privately owned and operated for compensation for the transportation of children to or from school; but

(b) Does not include vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of children to or from school.

(2) "Semitrailer" means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

483.024 "Sidewalk," "sled," "solid rubber tire," "solid tire," "solid-tired vehicle," "streetcar" and "tandem axles" defined. As used in this chapter, except where the context otherwise requires:

(1) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(2) "Sled" means every vehicle moving over the highways of this state, except vehicles that move exclusively on revolving wheels or rotating tracks in contact with the surface of the road.

(3) "Solid rubber tire" or "solid tire" means every tire made of elastic material other than a pneumatic tire.

(4) "Solid-tired vehicle" means any vehicle having two or more solid or metal tires.

(5) "Streetcar" means every device traveling exclusively upon rails when upon or crossing a street, other than cars or trains propelled or moved by steam.

(6) "Tandem axles" means any two or more axles so spaced longitudinally that their centers may be included between two vertical parallel transverse planes less than six feet apart and more than 40 inches apart.

483.026 "Tire," "tire width" and "total tire width" defined. As used in this chapter, except where the context otherwise requires:

(1) "Tire" means the band of material used on the circumference of a wheel, on the outer face of a track or on a runner of a sled, which forms the tread that comes in contact with the surface of the road; if no band is used, it means the tread or runner of a sled.

(2) "Tire width" means:

(a) Except as provided in paragraphs (b) and (c) of this subsection, the measure taken on the cross section of the tread of a wheel, the outer face of a track, or the runner of a sled.

(b) When applied to solid tires of a motor vehicle, the measure taken on the cross section between the flanges of the circumference of a wheel at the base of the tire as customarily measured and rated by the manufacturers of motor vehicles and tires.

(c) When applied to a pneumatic tire, the diameter of the cross section of such tire as customarily measured and rated by the manufacturers of motor vehicles and tires.

(3) "Total tire width" means the sum of the tire widths of all wheels of a vehicle.

483.028 "Traffic," "traffic control signal" and "trailer" defined. As used in this chapter, except where the context otherwise requires:

(1) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trolley and motor busses and other conveyances, either singly or together, using any street or highway for purposes of travel.

(2) "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is directed.

(3) "Trailer" means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

483.030 "Tread," "trolley bus," "truck tractor" and "vehicle" defined. As used in this chapter, except where the context otherwise requires:

(1) "Tread" means that part of the outer circumference of a wheel or tire or outer face of a track that comes in contact with the surface of the road or, if a sled, that part of the runner that comes in contact with the surface of the road.

(2) "Trolley bus" means every vehicle propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(3) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle or load, or both, as drawn.

(4) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

483.032 Applicability of chapter to government vehicles and persons, vehicles working on a street or highway, and farm vehicles. (1) The provisions of ORS 483.002 to 483.054, 483.102 to 483.140, 483.202 to 483.230, 483.302 to 483.338, 483.402 to 483.456, 483.538, 483.540, 483.602 to 483.612, 483.616 to 483.620, 483.990 and 483.992 that are applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in the motor vehicle laws of this state with reference to authorized emergency vehicles.

(2) The provisions of the sections above enumerated do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work above, below or upon a street or highway, but shall apply to such persons and vehicles when traveling to or from such work.

(3) The provisions of this chapter with respect to equipment on vehicles do not apply to instruments of husbandry, road machinery, road rollers or farm tractors, except where expressly made applicable.

483.034 Application of chapter to bicyclists and to persons riding, driving or leading animal. Every person riding a bicycle or an animal upon a roadway and every person driving or leading any animal is subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

483.036 Provisions of chapter to be applicable, uniform and controlling throughout state, including ocean shore. (1) The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this chapter.

(2) The laws of this state relative to the rules of the road and the regulation of motor vehicles using the public highways of the state shall apply to all portions of the shore of the ocean which have been or may hereafter be declared to be a public highway. Law enforcing agencies vested with author-

ity to enforce such laws shall likewise be vested with authority to enforce the provisions of ORS 483.124.

483.038 Effect of chapter on permissive use of private roadway. Nothing in this chapter shall prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use, or from requiring different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.

483.040 Authority of State Highway Commission to mark highways and control traffic. (1) The commission is authorized to classify, designate and mark both intrastate and interstate highways lying within the boundaries of this state and to provide a uniform system of marking and signing such highways under the jurisdiction of this state. Such system of marking and signing shall correlate with and so far as possible conform to the system adopted in other states.

(2) The commission is authorized to determine the character or type of traffic control signals to be used, and to place or erect them upon state highways, at places where the commission deems necessary for the safe and expeditious control of traffic. So far as practicable, all such traffic control signals shall be uniform as to type and location. No traffic control signals shall be erected or maintained upon any state highway by any authority other than the commission, except with its written approval.

483.042 Powers of local authorities in controlling traffic. (1) Local authorities, except as specifically authorized in this chapter, shall have no power or authority to alter any of the regulations declared in this chapter, or to enact or enforce any rule or regulation contrary to the provisions of this chapter.

(2) Local authorities shall have power to provide by ordinance for the regulation of traffic by means of traffic officers, semaphores or other signal devices on any portion of the highway where traffic is heavy or continuous, may prohibit other than one-way traffic upon certain highways, and may regulate the use of the highways by processions or assemblages. Where one-way traffic is provided for, such authorities shall erect and maintain suitable signs at reasonable intervals upon the highway informing the public of such fact. All such signs shall be so placed as to be visible to the driver of an approaching vehicle.

(3) Local authorities may regulate the speed of vehicles in public parks and shall erect at all entrances to such parks adequate signs giving notice of any special speed regulations.

(4) It is a valid defense in any prosecution for a violation of this section that the highway was not signed as required in this section.

483.043 Authority of municipalities to designate one-way streets, roads and highways. The municipal authorities of any incorporated city or town may designate any street, road or highway within the corporate limits of an incorporated city or town under their jurisdiction as a one-way street, road or highway upon which vehicular traffic is permitted to move in one direction only, but shall not designate as a one-way street, road or highway any street, road or highway under the jurisdiction of the State Highway Commission or any county, without the written consent of the highway commission or the county court or board of county commissioners, as the case may be. [1953 c.186 §1]

483.044 Erection of signs by local authorities; control by State Highway Commission. (1) Subject to the authority vested in the State Highway Commission, local authorities in their respective jurisdictions shall erect and maintain appropriate signs designating business and residence districts, and steam or interurban railway grade crossings; such other signs, markings and traffic control signals as are deemed necessary to direct and regulate traffic and to carry out the provisions of this chapter; and such additional signs as may be appropriate to give notice of local parking and other special regulations.

(2) The erection and maintenance of such signs, markers and signals by the commission or local authorities shall be deemed an administrative act to be performed under general authority by the commission or local authorities. In the case of local authorities, the erection and maintenance of such signs, markers and signals shall be performed by the agency of such authority charged with traffic engineering or traffic law enforcement.

(3) Except in cities of over 50,000 inhabitants, the commission shall have general

supervision with respect to the erection by local authorities of official traffic signs and signals, for the purpose of obtaining, so far as practicable, uniformity as to type and location of such signs and signals throughout the state, and no local authority shall place or erect any traffic signs, signals or markings unless of a type conforming to specifications and at locations approved by the commission.

483.046 Permitting vehicle to be unlawfully operated. No owner, lessor or lessee of a motor vehicle or any person employing or otherwise directing the driver of a motor vehicle shall knowingly permit or require the operation of the motor vehicle upon a public highway when the vehicle is equipped otherwise than as required or permitted by law or is in excess of a weight permitted by law, or the operation of any vehicle in any manner contrary to law.

483.048 Duty to obey traffic officers; uniform or badge required. (1) No person shall refuse or fail to comply with any lawful order, signal or direction of any traffic or police officer displaying his star or badge and invested by law with authority to direct, control or regulate traffic.

(2) Every officer seeking to enforce the speed laws of this state shall be in uniform or have conspicuously displayed upon his person a conspicuous badge indicating his official authority.

483.050 Unlawful to drive defectively or unlawfully equipped vehicle. (1) No person shall drive or move and no owner shall cause or knowingly permit to be driven or moved on any street or highway, any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter.

(2) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

483.052 Department of Motor Vehicles to assist schools in promoting highway safety. The Department of Motor Vehicles shall assist accredited schools and educational institutions of this state in the promotion of highway safety and shall carry on with other activities under the laws providing for the registration of motor vehicles and motor vehicle operators and chauffeurs, other projects having for their purpose the prevention of motor vehicle accidents.

483.054 Inspection of vehicles. The Department of Motor Vehicles may at any time inspect any vehicle to determine its compliance with the equipment and other provisions of this chapter. [Amended by 1955 c.287 §30]

483.056 to 483.100 [Reserved for expansion]

SPEED REGULATIONS AND TRAFFIC SIGNALS

483.102 Basic speed rule. (1) No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections and any other conditions then existing.

(2) No person shall drive at a speed which is greater than will permit the driver to exercise proper control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and with the duty of drivers and other persons using the highway to exercise due care.

(3) Subsection (2) of this section does not change the rules of pleading and evidence relating to negligence and contributory negligence.

483.104 Maximum speeds, exceeding which is prima facie evidence of violation. Any speed in excess of the speeds designated in this section or under ORS 483.106 or 483.108 shall be prima facie evidence of violation of ORS 483.102. The speeds designated in this section are:

(1) Twenty miles per hour:

(a) When passing a school building, or the grounds thereof, or a school crossing, during school recess or while children are going to or leaving school during opening or closing hours, if the presence of such building, grounds or crossing is indicated plainly by signs or signals conforming to ORS 483.044.

(b) When approaching within 100 feet of a grade crossing of a steam, electric or street

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railway where the driver's view of the crossing or of any traffic on such railway within a distance of 400 feet in either direction is obstructed.

(c) In any business district.

(d) Upon approaching within 50 feet and in traversing an intersection of highways where the driver's view in either direction along any intersecting highway within a distance of 200 feet is obstructed, except that when traveling upon a through street or at traffic-controlled intersections the district speed applies.

(2) Twenty-five miles per hour:

(a) In any residence district.

(b) In public parks within cities, unless a different speed is designated by local authorities and duly posted.

(3) Fifty-five miles per hour in other locations. [Amended by 1953 c.38 §2; 1955 c.38 §1]

483.106 Special speed limits set by highway commission. Whenever the commission determines, upon the basis of an engineering and traffic investigation, that any speed designated in ORS 483.104 is greater or less than is reasonable or safe under the conditions found to exist upon any state highway, or section thereof, not within the corporate limits of any city, the commission may designate a different speed thereupon, which shall be effective when appropriate signs giving notice thereof are erected upon such highway.

483.108 Speed limits set by State Speed Control Board. (1) There hereby is created the State Speed Control Board, consisting of the Director of the Department of Motor Vehicles, the Superintendent of the Department of State Police, the chairman of the State Highway Commission and one additional member appointed by the Governor as provided in subsection (2) of this section for a term of two years. The Director of the Department of Motor Vehicles, the Superintendent of the Department of State Police and the chairman of the State Highway Commission may each designate a representative to serve in his place.

(2) In appointing the one additional member of the State Speed Control Board, the Governor shall choose a representative of the interests of cities. The League of Oregon Cities may nominate five persons for appointment as the board member representing interests of cities. The Governor shall appoint one of the persons so nominated or some other person as the board member to represent the interests of cities. A vacancy in the office of the additional member shall be filled by appointment by the Governor as provided in this subsection for a two-year term.

(3) The board member appointed under subsection (2) of this section shall receive a per diem of $10 for every day in actual attendance at, or in traveling to and from, the meetings or hearings of the board or in the execution of his duties as a member of the board. He shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of his duties.

(4) The board has authority to make or cause to be made, and, if requested by any county court or board of county commissioners of any county, or municipal authority of any city, shall make or cause to be made an engineering and traffic investigation with respect to the designated speeds provided for in ORS 483.104 applicable to any county road or city street, or section thereof. If upon such investigation the board finds that the designated speed is greater than is reasonable or safe or less than is reasonable under the conditions found to exist thereon, the board after due notice and opportunity for hearing to the county commissioners or municipal authority affected thereby shall give written notice to such county court or board of county commissioners or city or town of any proposed deviation from such designated speeds. Such county court or board of county commissioners or city or town shall, within 30 days after receipt of such written notice, file with such speed control board a written statement of objections to such proposed deviation and may request a hearing thereon. No such deviation shall be ordered until such written objections have been considered by the board or such requested hearing has been held on not less than five days' notice. The board thereupon may designate different speeds, which shall be effective when appropriate signs giving notice thereof are erected upon such road or street. [Amended by 1953 c.187 §2; 1957 c.357 §1]

483.110 Payment of expenses of board and of expenses in establishing special speed limits. The per diem, travel and other expenses of the additional member of the State Speed Control Board authorized to be paid

by ORS 483.108 and the expense of any engineering and traffic investigation made pursuant to ORS 483.106 or 483.108 shall be borne by the commission and paid for from the State Highway Fund. The expense of erecting any signs pursuant to such sections shall be borne by the agency having jurisdiction over the street or highway. All such signs shall comply with ORS 483.044. [Amended by 1957 c.357 §2]

483.112 Designation of speed in complaint; speed trap evidence not admissible; use of radar; arrest without warrant in radar cases. (1) In every charge of violation of the law as to speed, consisting of or including a violation of ORS 483.102, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven, and the speed designated for the district or location. If a charge also is made of violation of any other provision of this chapter, the complaint and the summons or notice to appear also shall specify such other offense alleged to have been committed.

(2) No evidence as to the speed of a vehicle operated on a highway by any person arrested for violation of any law regulating the speed of vehicles shall be admitted in any court at the consequent trial of such person, when such evidence relates to or is based upon the maintenance or use of a speed trap.

(3) A speed trap, within the meaning of this section, is a particular section of, or distance on, any highway the length of which has been or is measured for distance and marked off or otherwise designated or determined, and the limits of which are within the vision of an officer who calculates the speed of a vehicle by using the elapsed time during which the vehicle travels between the entrance and exit of such measured and marked area.

(4) The use of radiomicro waves or other electrical device shall not be deemed to be a speed trap within the meaning of this section. When the speed of a vehicle has been checked by radiomicro waves or other electrical device, the driver of the vehicle may be arrested without a warrant if the arresting officer is in uniform and has either:

(a) Observed the recording of the speed of the vehicle by the radiomicro waves or other electrical device; or

(b) Received, from the officer who has observed the speed of the vehicle recorded by the radiomicro waves or other electrical device, a radio message giving the license number of the vehicle and the recorded speed, dispatched immediately after the speed of the vehicle was recorded.

(5) Any municipality which uses radiomicro waves or other electrical devices for law enforcement purposes shall erect and maintain appropriate signs giving notice of such use at a conspicuous place at or near the corporate limits of the municipality upon each state highway and arterial thoroughfare entering the municipality, and at such other places as may be deemed necessary by the municipal authorities for the information of the traveling public. If the Department of State Police uses radiomicro waves or other electrical devices for law enforcement purposes, the State Highway Commission shall erect and maintain appropriate signs giving notice of such use at a conspicuous place at or near the boundary line of this state upon each state highway which leads to the boundary line, and at such other places as may be deemed necessary by the commission for the information of the traveling public. [Amended by 1955 c.462 §1]

483.114 Minimum speed regulation. It shall be unlawful for a person to drive a motor vehicle, or combination of motor vehicles, upon an arterial highway at such a slow speed as to impede or block the normal and reasonable movement of traffic, except:

(1) When a reduced speed is necessary for safe operation, having due regard to the traffic, surface and width of the highway, condition of the motor vehicle, or combination of motor vehicles, the hazard at intersections, and any other conditions then existing; or

(2) When the motor vehicle, or combination of motor vehicles, necessarily, or in compliance with law, must proceed at a reduced speed; or

(3) When a reduced speed is in compliance with police direction. [Amended by 1957 c.394 §1]

483.116 Speed of motor trucks, busses and vehicles equipped with solid or metal tires. (1) No vehicle, when equipped with solid tires, shall be operated or moved over or upon the public highways, roads or streets of this state at any greater rate of speed than specified in the following classification and schedule:

Total tire width	Miles per hour
Not over 14 inches	25
Over 14 inches and not over 16 inches	20
Over 16 inches and not over 22 inches	18
Over 22 inches and not over 30 inches	16
Over 30 inches	12

(2) No vehicle, when equipped with metal tires, shall be operated or moved over or upon the public highways, roads or streets of this state at any greater rate of speed than specified in the following classification and schedule:

Combined weight	Miles per hour
2,500 pounds or less	10
Over 2,500 pounds and not over 5,000 pounds	8
Over 5,000 pounds and not over 7,000 pounds	6
Over 7,000 pounds prohibited except by permission granted by the commission, with respect to state highways, or the county court or board of county commissioners with respect to highways under their jurisdiction.	

(3) Motor trucks, when equipped with pneumatic tires, shall be subject to the provisions of ORS 483.102; but the maximum speed for such trucks on any street or highway shall be 50 miles per hour, except that the maximum speed for a motor truck shall be 45 miles per hour if such truck is being used to transport logs, poles or piling.

(4) Motor busses and trolley busses shall be subject to the provisions of ORS 483.102; but the maximum speed for such busses on any street or highway shall be 55 miles per hour, except that the maximum speed for school busses, as defined in ORS 485.010, shall be 45 miles per hour. [Amended by 1955 c.38 §2; 1957 c.145 §1]

483.118 Speed on public bridge, causeway or viaduct. (1) The commission upon request from any local authorities shall, or upon its own initiative may, conduct an investigation of any public bridge, causeway or viaduct. If it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a suitable distance before each end of such structure. The findings and determination of the commission shall be conclusive evidence of the maximum speed which can with safety to any structure be maintained thereon.

(2) No person shall drive any vehicle upon any public bridge, causeway or viaduct at a rate of speed greater than that established under subsection (1) of this section and evidenced by signs posted in accordance with that subsection.

483.120 Application of speed regulations and traffic signs and signals to emergency vehicles. (1) The speeds designated in or pursuant to ORS 483.102 to 483.118 and the provisions of ORS 483.128, 483.130 and 483.136 shall not apply to authorized emergency vehicles when operated in emergencies and the drivers thereof sound audible signal by bell, siren or exhaust whistle.

(2) No person shall drive an authorized emergency vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections and any other conditions then existing. [Amended by 1955 c.598 §1]

483.122 Speed races prohibited on public ways; publishing or advertising results. (1) No race or contest for speed shall be held upon any road, street or highway in this state.

(2) No manufacturer, dealer, distributor or other person shall publish or advertise, offer for publication or advertisement or consent or be a party to the publication or advertisement of the time consumed or speed attained by a motor vehicle between fixed points or over given or designated distances upon the public highways of this state. where such time or speed would indicate or show a violation of the speeds designated in or pursuant to ORS 483.102 to 483.118.

483.124 Maximum speed on ocean shore. (1) Notwithstanding any other provision of law by which the speed of motor vehicles using the public highways is fixed and determined, the maximum speed of any vehicle or conveyance on any part of the ocean shore is 25 miles per hour.

(2) Whenever the commission determines upon the basis of an engineering and traffic investigation that the speed of 25 miles an hour is greater than is reasonable or safe under the conditions found to exist with respect to any part of the ocean shore,

the commission may establish a maximum speed of less than 25 miles per hour on any specified section of such shore.

483.126 Signals for starting, stopping or turning on highway. (1) The driver of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety. If any pedestrian may be affected by such movement the driver shall give a clearly audible signal by sounding the horn. Whenever the operation of any other vehicle may be affected by such movement he shall give a proper signal which is plainly visible to the driver of such other vehicle of the intention to make such movement.

(2) The signal required by subsection (1) of this section shall be given either by means of the hand and arm or by an approved mechanical or electrical signal device. However, a vehicle or combination of vehicles shall be equipped with, and the required signals shall be given by, a mechanical or electrical signal device of a type approved by the Department of Motor Vehicles when:

(a) A vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear; or

(b) The distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the vehicle or combination of vehicles exceeds 24 inches; or

(c) The distance from the center of the top of the steering post to the rear limit of the body or load of any vehicle or combination of vehicles exceeds 14 feet.

(3) Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to:

(a) Turn to the left by extending his hand and arm horizontally from and beyond the left side of the vehicle.

(b) Turn to the right by extending his hand and arm upward and beyond the left side of the vehicle.

(c) Stop or suddenly decrease speed by extending his hand and arm downward from and beyond the left side of the vehicle.

(4) The signal required to be given before turning to the right or left shall be given continuously during the last 50 feet traveled by the vehicle before turning.

(5) Except when being drawn during the times mentioned in ORS 483.402, trailers, semitrailers, and pole trailers of 3,000 pounds gross weight or less are not required to be equipped with signal devices unless such vehicle is so constructed or loaded as to prevent a hand and arm signal from the motor vehicle drawing such trailer, semitrailer or pole trailer from being visible from the rear. [Amended by 1955 c.143 §1; 1957 c.691 §1]

483.128 Duty to obey traffic signs and signals. No driver of any vehicle or motorman of any streetcar shall disobey the instructions of any official traffic sign or signal placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer.

483.130 Effect of "Go," "Caution" and "Stop" signals. Whenever traffic is controlled by traffic control signals exhibiting the words "Go," "Caution" or "Stop" or exhibiting different colored lights successively one at a time, or with arrows, said lights, arrows and terms shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone or "Go." Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn, but vehicular traffic shall yield the right of way to pedestrians and other vehicles lawfully within a crosswalk or the intersection at the time such signal is exhibited. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk unless prohibited from doing so by other signs or signals.

(2) Yellow alone or "Caution" when shown following the green or "Go" signal. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at such other point as may be designated by the proper traffic authority. However, if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. No pedestrian facing such signal shall enter the roadway.

(3) Red alone or "Stop." Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be designated by the proper traffic authority. Except as provided in ORS 483.132, such traffic shall remain standing until green or "Go" is shown alone. No pedestrian facing such signal shall enter the roadway.

(4) Red with green arrow. Vehicular traffic facing such signal may cautiously enter the intersection only to make the

movement indicated by such arrow, but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk. No pedestrian facing such signal shall enter the roadway.

(5) Green arrow alone. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk. Pedestrians facing such signal may proceed across the roadway within any marked or unmarked crosswalk unless prohibited from doing so by other signs or signals. [Amended by 1953 c.17 §2]

483.132 Turning vehicles at intersections when signal is "Go" or "Stop." The driver of a vehicle or the motorman of a streetcar or trolley bus intending to turn to the right or left at an intersection where traffic is controlled by traffic control signals or by a police officer, unless otherwise directed by a police officer or by official traffic signs or special signals:

(1) Upon the green or "Go" signal alone, shall proceed to make either turn with proper care to avoid accident.

(2) Upon the red or "Stop" signal alone, may, after stopping, cautiously proceed to make a right turn into a two-way street, or either a right or left turn into a one-way street in the direction of traffic upon the one-way street, with proper care to avoid accident.

483.134 Effect of "Walk" and "Wait" signals. Pedestrian control signals exhibiting the words "Walk" or "Wait" shall indicate as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) "Wait." No pedestrian shall start to cross the roadway in the direction of such signal. Any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety island while the "Wait" signal is showing.

483.136 Effect of flashing signals. Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(1) When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at such other point as may be designated by the proper traffic authority. The right to proceed is subject to the rules applicable after making a stop at a stop sign.

(2) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

483.138 Certain signs prohibited along highways. (1) No person shall place, maintain or display upon or in view of any street or highway, any unofficial sign, signal or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which bears the words "Stop," "Go Slow," "Caution," "Danger," "Warning" or similar words, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic sign or signal.

(2) No person shall erect or maintain upon any street or highway any traffic or highway sign or signal bearing thereon any commercial advertising.

(3) This section does not prohibit the erection or maintenance of signs, markers or signals bearing thereon the name of an organization authorized to erect the same by the appropriate public authority.

(4) Every prohibited sign, signal or device is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway may remove it, or cause it to be removed, without notice.

483.140 Damaging or removing sign or signal. No person shall deface, injure, knock down or remove any official traffic sign or signal placed or erected as provided in this chapter.

483.142 to 483.200 [Reserved for expansion]

RIGHT OF WAY; PEDESTRIANS; GRADE CROSSINGS

483.202 Right of way at intersections. (1) Drivers, when approaching highway intersections, shall look out for and give right of way to vehicles on the right, simultaneously approaching a given point, whether such vehicle first enters and reaches the intersection or not. This subsection does not apply at any intersection where and when traffic is controlled by traffic control sig-

nals or police officers. Any driver entering an intersection at an unlawful speed shall forfeit any right of way he would otherwise have under this subsection.

(2) The driver of any vehicle who has stopped as required by law at the entrance to a through highway shall yield to the other vehicles within the intersection or approaching so closely on the through highway as to constitute an immediate hazard. Having so yielded, such driver may proceed, and other vehicles approaching the intersection on the through highway shall yield to the vehicle so proceeding into or across the through highway.

(3) The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. Having so yielded and having given a signal when and as required by law, the driver may make such left turn, and other vehicles approaching the intersection from the opposite direction shall yield to him.

483.204 Stop signs or markers at entrances to main or through highways or at intersections. (1) The commission with reference to state highways, and local authorities with reference to highways under their jurisdiction, may designate main traveled or through highways by placing at the entrances thereto from intersecting highways signs or markers notifying drivers of vehicles to stop before entering or crossing such designated highways, or may designate particular intersections and place such stop signs or markers at one or more entrances thereto.

(2) Whenever any such signs have been so placed, the driver of any vehicle shall stop in obedience thereto, except where directed to proceed by an officer or traffic control signal.

(3) Every such sign or marker shall conform to specifications approved by the commission, and shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights. [Amended by 1957 c.8 §1]

483.206 Vehicles entering highway from private road. The driver of a vehicle entering a public highway from a private road or drive shall stop and yield the right of way to all vehicles approaching on such public highway, except where traffic control signals or other traffic control devices required and installed by the commission, or pursuant to the order of the Public Utility Commissioner, indicate that the driver may proceed without stopping.

483.208 Stopping to permit emergency vehicle to pass. (1) Upon the approach of any authorized emergency vehicle giving audible signal by bell, siren or exhaust whistle, the driver of every other vehicle shall yield the right of way and immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police officer until the authorized emergency vehicle has passed.

(2) The motorman of every street car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(3) This section does not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right of way.

483.210 Rights of pedestrian when no traffic signals. (1) When traffic control signals, if any, are not in operation, a driver of a vehicle shall stop and yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, if the pedestrian is on the half of the roadway on and along which the vehicle is traveling or is approaching such half from the other half of the roadway so closely as to be in danger; but in proceeding to cross, or in crossing, the roadway the pedestrian shall not leave a curb or other place of safety suddenly and move into the path of a vehicle which is so close that it is impossible for the driver to yield.

(2) Any pedestrian crossing a roadway at any point where a pedestrian tunnel or overhead crossing is available for use shall yield the right of way to all vehicles upon the roadway.

(3) Whenever any vehicle has stopped in compliance with this section at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to

cross the roadway, the driver of any other vehicle approaching from the rear shall not cause or allow the front end of his vehicle to pass beyond the front end of the stopped vehicle.

(4) Every pedestrian crossing a roadway at any place other than within a marked or unmarked crosswalk shall yield the right of way to vehicles upon the roadway. Local authorities in their respective jurisdictions may by ordinance prohibit any pedestrian from crossing any street or highway at any place other than within a marked or unmarked crosswalk.

(5) This section does not relieve the driver of a vehicle or a pedestrian from the duty to exercise due care.

(6) The commission and local authorities in their respective jurisdictions may establish marked crosswalks and designate them upon the street or highway area by proper marking signs or signals, or both, and may close any marked or unmarked crosswalk and prohibit pedestrians from crossing the roadway at such closed crosswalk by erecting proper signs or signals, or both. [Amended by 1953 c.18 §2]

483.212 Pedestrian's rights when there are traffic officers. (1) At intersections where traffic is controlled by police officers, drivers of vehicles, including those making turns, shall yield the right of way to pedestrians crossing or those who have started to cross the roadway on a "Go" signal; and pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a "Go" signal.

(2) Local authorities in their respective jurisdictions may by ordinance require that at intersections where traffic is controlled by police officers, pedestrians shall not cross a roadway against a "Stop" signal, provided that where signal changes are augmented by a ringing of a bell, pedestrians shall be permitted to proceed across the roadway upon the ringing of the first bell.

483.214 Rights of blind pedestrian with white cane; use of white canes restricted. (1) Any driver of a vehicle or streetcar approaching a pedestrian who is wholly or partially blind and is carrying a cane or walking stick white in color or white with red, shall immediately come to a full stop and take such precaution before proceeding as may be necessary to avoid accident or injury to such pedestrian.

(2) No person other than one wholly or partially blind or otherwise seriously handicapped shall carry or use on the streets, highways and public places of this state any cane or walking stick which is white in color or white with a red end on the bottom. Such canes or walking sticks may be used on the streets and other public places of the state by persons fully or partially blind or otherwise seriously handicapped as a means of protecting them and for purposes of identification to drivers of vehicles or street cars, and other pedestrians with whom they may come in contact.

483.216 Crossing on right half of crosswalk. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

483.218 Standing in roadway to solicit ride. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

483.220 Pedestrians to use left-hand side of rural highway. Pedestrians, when using any highway outside of incorporated cities, shall use the left-hand side of such highway so as to leave the right-hand side free for vehicles passing in the same direction and for safety in meeting vehicles proceeding in the opposite direction.

483.222 Stopping before driving onto sidewalk from alley, driveway or building. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

483.224 Stopping at railroad crossings upon signal of approach of train. Whenever any person driving a vehicle approaches a highway and interurban or steam railway grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car, the driver of the vehicle shall stop the vehicle before traversing such grade crossing.

483.226 Stop signs at dangerous railroad crossings. The commission with reference to state highways and local authorities with reference to highways under their jurisdiction may designate particularly dangerous grade crossings of steam or interurban railways by highways and erect signs thereat notifying drivers of vehicles upon any such highway to come to a complete stop before crossing the railway tracks.

Whenever such signs are erected at a crossing, every driver of a vehicle shall stop not less than 10 nor more than 50 feet from the railway tracks before traversing such crossing.

483.228 Busses, and trucks carrying inflammables or explosives, required to stop at railroad crossings. (1) Except as provided in subsections (2) and (3) of this section, the driver of any motor bus designed for, or carrying passengers for hire, or any motor truck carrying explosive substances or inflammable liquids as a cargo or part of a cargo, before crossing at grade any tracks of a steam or interurban electric railway, shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of such track, and while so stopped shall look and listen in both directions along such track for approaching trains or cars.

(2) This section does not apply:

(a) At the crossing of a street or highway and street railway tracks;

(b) To interurban electric tracks where traffic control signals are in operation and give indication to approaching vehicular traffic to proceed;

(c) To any railway tracks upon which operation has been abandoned;

(d) To industry track crossings across which train operations are required by law to be conducted under flag protection; or

(e) To industry track crossings within districts in which the indicated speed of vehicles is 20 miles per hour.

(3) Unless a train is approaching, motor vehicles carrying passengers for hire are not required to stop at crossings where the commission has determined and plainly marked that no stop need be made.

483.230 Moving heavy equipment over railroad tracks. Any person operating any caterpillar tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of four or less miles per hour or a vertical load or body clearance of less than nine inches above the level surface of a roadway shall, before crossing at grade any tracks of a steam or interurban electric railway, notify a responsible officer of such railway in time for protection to be afforded before crossing such tracks. In crossing such railway tracks he shall first stop such vehicle or equipment not less than 10 nor more than 50 feet from the nearest rail, and while so stopped shall look and listen in both directions along such track for approaching trains or cars. He shall not in any event traverse such crossing when warned by any means of the immediate approach of a railway train or car.

483.232 [Repealed by 1955 c.294 §3]

483.234 [Repealed by 1955 c.294 §3]

483.236 Stopping vehicles carrying logs, poles or piling at railroad crossings. (1) Upon petition of any railroad or of any interested person, municipal corporation, association, or public agency of this state the Public Utility Commissioner may by order require, after January 1, 1956, motor vehicles transporting logs, poles or piling to stop at railroad crossings at a designated number of feet from the center of the track before proceeding across the same. Such orders may include any or all crossings mentioned in the petition, and may be general, partially general or specific. Such order shall be entered after hearing and if the commissioner finds that public safety or the safety of operation of trains require the same. The provisions of this section shall not apply to any railroad crossing at which automatic crossing protection signals activated by train movements are in operation. Hearings may be held under this section at any time after August 3, 1955.

(2) After any such order is entered by the commissioner, any railroad or any interested person, municipal corporation or public agency may by petition allege that since the entry of the order conditions at such crossing have changed and that public safety and the safe operation of railroad trains no longer require the stopping of such motor vehicles at such crossings. Thereupon the commissioner shall again investigate and conduct a hearing upon the facts as to the crossing or crossings designated in the petition. If upon such investigation and hearing the commissioner finds that public safety and the safety of operation of railroad trains do not require the stoppage of such motor vehicles at any crossing or crossings he shall enter an order to that effect. [1955 c.294 §1]

483.238 to 483.300 [Reserved for expansion]

PROPER POSITION ON HIGHWAY; MISCELLANEOUS RULES OF ROAD; ABANDONED VEHICLES

483.302 Duty to drive on right half of the highway. (1) Upon all highways of sufficient width, other than one-way highways, the driver of a vehicle shall drive on the right half of the highway except when:

(a) The right half is out of repair and for that reason is impassable; or

(b) Overtaking and passing another vehicle in accordance with ORS 483.308.

(2) In driving upon the right half of a highway the driver shall drive as close as practicable to the right-hand edge or curb of the highway except when:

(a) Overtaking or passing another vehicle;

(b) Placing a vehicle in position to make a left turn; or

(c) There are two or more clearly marked lanes allocated exclusively to traffic moving in the direction the vehicle is proceeding. [Amended by 1955 c.249 §1]

483.304 Normal position of vehicles when highway divided into lanes. Whenever any street or highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:

(1) A vehicle shall normally be driven in the lane nearest the right-hand edge or curb of the highway when that lane is available for travel except when:

(a) Overtaking another vehicle;

(b) In preparation for a left turn; or

(c) There are two or more clearly marked lanes allocated exclusively to traffic moving in the direction the vehicle is proceeding.

(2) A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(3) Upon a highway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle or in preparation for a left turn, or unless such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is clearly marked to give notice of such allocation. [Amended by 1955 c.249 §2]

483.306 Passing vehicles proceeding in opposite direction. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

483.308 When passing is permitted. (1) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without impeding the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(2) The driver of a vehicle shall not in any event drive to the left side of the center line of a highway:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet; or

(b) Upon any highway of sufficient width for four or more lanes of moving traffic unless more than two of such four lanes are at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(3) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any steam or electric railway grade crossing or at any intersection of highways, unless such movement can be made in safety.

483.310 Method of passing. (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

(2) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on suitable and audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the driver of a vehicle may overtake and pass another vehicle on the right thereof, when such other vehicle is:

(a) Making, or about to make, a left turn upon a street or highway having space for two or more lanes of traffic moving in the direction such vehicles are proceeding; or

(b) Being driven in the left lane upon a street or highway having two or more clearly marked lanes allocated exclusively to traffic moving in the direction such vehicles are proceeding. [Amended by 1955 c.249 §3]

483.312 Proper distance when following other vehicles. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

(2) The driver of any motor truck or motor bus when traveling upon a highway outside of a business or residence district shall not follow another motor truck or motor bus within 300 feet, but this shall not be construed to prevent one motor truck or motor bus from overtaking and passing another. [Amended by 1953 c.598 §2]

483.314 Passing horses or other animals. (1) The operator of a motor vehicle shall, when a person riding, leading or driving a horse or other animal:

(a) In the opposite direction signals by raising his hand, bring such motor vehicle immediately to a stop, and remain stationary so long as may be reasonable to allow such animal to pass.

(b) Is traveling in the same direction, use reasonable caution in passing such animal.

(2) If such animal appears badly frightened or the person operating the motor vehicle is signaled so to do, he shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others.

483.316 Turns at intersections. (1) The driver of a vehicle intending to turn at an intersection shall observe the following rules:

(a) The approach for a right turn shall be made in the lane for traffic nearest to the right-hand side of the highway and the right turn shall be made as close as practicable to the right-hand curb or edge of the highway.

(b) Except as provided in paragraphs (c), (d) and (e) of this subsection, the approach for a left turn shall be made in the lane for traffic to the right of and nearest to the center line of the highway, and the left turn shall be made by passing to the right of such center line where it enters the intersection, and upon leaving the intersection by passing to the right of the center line of the highway then entered. This paragraph does not apply to passenger vehicles actually engaged in loading or unloading passengers at an intersection prior to making a left turn.

(c) The approach for a left turn from a two-way street into a one-way street shall be made in the lane for traffic to the right of and nearest to the center line of the highway and by passing to the right of the center line where it enters the intersection. Upon leaving the intersection, entry into the one-way street shall be made as close as practicable to the left-hand curb of the street being entered.

(d) The approach for a left turn from a one-way street into a two-way street shall be made in the lane for traffic nearest to the left-hand curb. The turn shall be made by passing to the right of the center line of the street being entered and by driving into the lane for traffic to the right of and nearest to the center line.

(e) The approach for a left turn from a one-way street into a one-way street shall be made in the lane for traffic nearest to the left-hand curb or edge of the highway and the left turn shall be made as close as practicable to the left-hand curb or edge of the highway.

(2) Local authorities in their respective jurisdictions may, by placing markers, buttons or signs within intersections, require and direct that a course be traveled by vehicles turning left different from that specified in subsection (1) of this section. The driver of a vehicle shall not make a left turn otherwise than as directed and required by such markers, buttons or signs.

(3) The commission or local authorities in their respective jurisdictions may, by placing markers, buttons or signs at an intersection, prohibit a left or right turn, or both, at such intersection.

483.318 U-turns prohibited. The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction:

(1) Upon any curve or upon the approach to or near the crest of a grade;

(2) Upon any street or highway within

any incorporated city of this state, between intersections;

(3) Where by the placing of markers, buttons or signs reverse turns have been prohibited by authority of the commission or local authorities in their respective jurisdictions; or

(4) At any place upon a highway where the view of such vehicle is obstructed within a distance of 500 feet along the highway in either direction.

483.320 Parking vehicle on highway outside of business or residential district. (1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved, improved or main traveled portion of any highway, outside a business or residence district, when it is practicable to park or leave such vehicle standing off such portion of the highway; and in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than 16 feet upon the main traveled portion of the highway opposite such standing vehicle is left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon the highway.

(2) Whenever any police officer finds a vehicle standing upon a highway in violation of this section, he may move such vehicle or require the driver or person in charge of such vehicle to move it to a position permitted under this section.

(3) This section does not apply to the driver of any vehicle which is disabled while on the paved, improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position, or to emergency cars or vehicles of the police, traffic or sheriff's office, or the fire department, or ambulances, where such vehicles at the time are actually used in an emergency which necessitates a violation of this section.

(4) Whenever the operator of a wrecker or tow car engaged in the salvaging of another vehicle finds it necessary to stop his vehicle so as to obstruct the roadway, he shall place at a suitable distance in each direction upon such roadway suitable signs or signals warning the drivers of oncoming vehicles of his operations. The signs or signals shall be of a design approved by the commission.

483.322 Specific places where parking prohibited. No driver of a vehicle shall stop, stand or park it, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control signal, in any of the following places:

(1) Within an intersection.

(2) On a crosswalk.

(3) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless local or traffic authorities indicate a different length by signs or markings.

(4) Within 25 feet from the intersection of curb lines, or, if none, within 15 feet of the intersection of property lines at an intersection within a business or residence district, except at alleys.

(5) Within 30 feet upon the approach to any official flashing beacon, stop sign or traffic control signal located at the side of the roadway.

(6) Within 15 feet of the driveway entrance to any fire station.

(7) Within 10 feet of a fire hydrant.

(8) In front of a private driveway.

(9) On a sidewalk.

(10) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a highway.

(12) At any place where official traffic signs have been erected prohibiting standing and parking.

(13) Within a 25 foot radius of the intersection of the center lines of a highway and a steam or interurban railway crossing.

483.324 Precautions when vehicle allowed to stand on highway or grade. No person having control or charge of a motor vehicle shall allow it to stand on any highway unattended without first effectively setting its brakes and stopping its motor, and when standing upon any perceptible grade, without turning the front wheels of such vehicle to the curb or side of the highway.

483.326 Stopping for streetcars and busses. (1) Except on one-way streets or on streets where the tracks are so located as to prevent compliance, the driver of a vehicle shall not overtake and pass upon the left

any streetcar proceeding in the same direction, whether actually in motion or temporarily at rest.

(2) The driver of a vehicle overtaking any streetcar, trolley bus or motor bus stopped or about to stop for the purpose of receiving or discharging any passenger, shall stop such vehicle to the rear of the nearest running board or door of such streetcar or bus and keep it stationary until all passengers have boarded or alighted therefrom and reached a place of safety. However, where a safety zone has been established in the street area, or the trolley bus or motor bus has stopped at the curb, a vehicle need not be stopped before passing such streetcar or bus, but may proceed past it at a speed not greater than is reasonable and proper, and with due caution for the safety of pedestrians. This subsection does not apply to passing upon the left any streetcar, trolley bus or motor bus on a one-way street.

483.328 Driving or crossing in front of streetcars. (1) No driver of any vehicle proceeding upon any streetcar track in front of a streetcar upon a street shall fail to remove such vehicle from the track as soon as practicable after signal from the operator of the streetcar.

(2) When a streetcar has started to cross an intersection, no driver of a vehicle shall drive upon or cross the car tracks, within the intersection in front of the streetcar.

483.330 Following fire apparatus or parking in vicinity of fire. No driver of any vehicle other than one on official business shall follow closer than 500 feet any fire apparatus traveling in response to a fire alarm, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, or within three blocks of a point where a fire is in progress.

483.332 Driving vehicle or streetcar over fire hose. No streetcar or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or streetcar track, for use at any fire or alarm of fire, without the consent of the fire department in command.

483.334 Driving through or over safety zones. The driver of a vehicle shall not at any time drive through or over a safety zone.

483.336 Coasting upon down grade. The driver of a motor vehicle when traveling upon a down grade upon any highway shall not coast with the gears of such vehicle in neutral, nor shall the driver of a motor truck coast with the clutch of such vehicle disengaged.

483.338 Driving through defiles, canyons, or mountain highways. The driver of a motor vehicle traversing defiles, canyons or mountain highways shall hold such vehicle under control and as near the right-hand side of the highway as reasonably possible, and upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway shall give audible warning with a horn or other warning device.

483.340 [Repealed by 1953 c.124 §2]

483.342 [Repealed by 1953 c.124 §2]

483.344 [Repealed by 1953 c.124 §2]

483.346 Authority of highway commission to control parking on state highways. The State Highway Commission shall have exclusive authority to regulate, control or prohibit the parking of motor vehicles upon the right of way of any state highway outside the corporate limits of incorporated cities and towns, and upon the right of way of any section of any state highway within the corporate limits of any incorporated city or town, if access to or from said section of highway and real property abutting thereon was restricted, controlled or prohibited by the highway commission before said section of highway was included within the corporate limits of an incorporated city or town, and if said section of highway was included within the corporate limits of an incorporated city or town by incorporation, annexation or extension of corporate limits occurring after July 21, 1953. [1953 c.587 §1]

483.348 Entry of commission's parking regulations in official records; erecting appropriate signs; regulations as having force of law. (1) All regulations, restrictions or prohibitions imposed by the State Highway Commission under authority of ORS 483.346 shall be by resolution or order entered in official records of the State Highway Commission.

(2) The commission shall place and maintain appropriate signs or markings giving notice of all such regulations, restrictions or prohibitions at such places as may be necessary to inform the public, and such regulations, restrictions or prohibitions shall be effective and shall have the force of law

when the signs or markings giving notice thereof have been placed. [1953 c.587 §3]

483.350 Authority of municipalities to control parking on state highways. Except as provided in ORS 483.346, the municipal authorities of incorporated cities and towns shall have exclusive authority to regulate, control or prohibit the parking of motor vehicles upon the right of way of any state highway within the corporate limits of an incorporated city or town, and upon any city street selected and designated as the route of a state highway pursuant to the provisions of ORS 373.010, but shall not authorize or require angle or diagonal parking upon any such street or highway without the written consent of the State Highway Commission when a competent traffic survey made by either the State Highway Commission or the city discloses that such street or highway is too narrow to permit angle or diagonal parking and the safe and expeditious movement of traffic. [1953 c.587 §2]

483.352 to 483.380 [Reserved for expansion]

483.382 Taking into custody vehicles parked or left standing upon county road or state highway rights of way or state property. No vehicle shall be parked or left standing upon the right of way of any county road or state highway outside the corporate limits of incorporated cities or towns or upon any state property, for a period in excess of five days. Any vehicle so parked or left standing may be taken into custody by the Department of State Police if the same is upon the right of way of a state highway or state property, or by the sheriff of the county if the vehicle is upon the right of way of a county road, and held at the expense of the owner or person entitled to possession thereof. The Department of State Police or sheriff may utilize its or his own personnel, equipment and facilities for the removal and preservation of such vehicles, or may hire other personnel, equipment and facilities for that purpose. [1955 c.411 §1]

483.384 Notice to owner. The Department of State Police or sheriff, as the case may be, shall make reasonable efforts to ascertain the name and address of the owner or person entitled to possession of any vehicle taken into custody under ORS 483.382. If the name and address of such owner or person entitled to possession can be ascertained, the Department of State Police or sheriff, as the case may be, shall notify him of the location of the vehicle. If the vehicle is registered in the office of the Department of Motor Vehicles of this state, notice is deemed given when a registered letter addressed to the registered owner of the vehicle at his latest address shown by the records in the office of the Department of Motor Vehicles, return receipt requested and postage prepaid thereon, is mailed at least 30 days before the vehicle is sold under ORS 483.388. [1955 c.411 §2]

483.386 Owner reclaiming vehicle. The owner or person entitled to possession of a vehicle taken into custody and held by the Department of State Police or sheriff under ORS 483.382, may reclaim the vehicle at any time after it is taken into custody and before the same is sold under ORS 483.388, upon presentation of satisfactory proof of ownership or right to possession and upon payment of the costs and expenses incurred in the removal, preservation and custody of the vehicle; provided, however, that the owner or person entitled to possession of the vehicle shall not be liable for nor required to pay storage charges for a period in excess of 90 days. [1955 c.411 §3]

483.388 Sale of vehicle if not reclaimed; right of former owner to vehicle. If a vehicle is not reclaimed under ORS 483.386 within 90 days after it is taken into custody, the sheriff of the county in which the vehicle was located at the time it was taken into custody under ORS 483.382, (at the request of the Department of State Police if the vehicle was taken into custody by the Department of State Police,) shall sell the vehicle at public auction in the manner provided in ORS 23.450 to 23.480. After any vehicle has been sold under this section, the former owner or person entitled to possession has no further right, title, claim or interest in or to the vehicle itself. [1955 c.411 §4]

483.390 Certificate of sale; issuing certificate of title and registration card for vehicles. When any vehicle is sold under ORS 483.388, the sheriff, at the time of the payment of the purchase price, shall execute a certificate of sale in duplicate. The original certificate of sale shall be delivered to the purchaser and the copy shall be retained by the sheriff if the vehicle was first taken into custody by the sheriff, or filed

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with the Department of State Police if the vehicle was first taken into custody by the Department of State Police. The certificate of sale shall contain the name and address of the purchaser, the date of sale, the consideration paid, a description of the vehicle and a stipulation that no warranty is made as to the condition or title of the vehicle. The purchaser, upon presentation of the certificate of sale to the Department of Motor Vehicles and payment of the fees required by law, is entitled to be issued a certificate of title and a registration card for the vehicle. [1955 c.411 §5]

483.392 Transmitting return of sale and balance of proceeds to Secretary of State. (1) When any vehicle is sold under ORS 483.388, the sheriff selling the vehicle shall transmit to the Secretary of State, in duplicate, a return of sale setting forth a description of the vehicle, the purchase price, the name and address of the purchaser, the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the vehicle.

(2) The sheriff shall transmit to the Secretary of State, with the return of sale, the balance of the proceeds of the sale after deducting the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the vehicle. Upon receipt of the return of sale and such proceeds, the Secretary of State shall deposit such proceeds in the General Fund in the State Treasury to the credit of an account to be known as the Abandoned Vehicle Account. Such account hereby is continuously appropriated only for the purposes of ORS 483.382 to 483.394.

(3) The Secretary of State shall forward to the sheriff duplicate receipts for proceeds received by the Secretary of State under subsection (2) of this section. The sheriff shall file one of such receipts with the county auditor of his county, or if there is no county auditor, with the county clerk. [1955 c.411 §6]

483.394 Claim by former owner to balance of proceeds. At any time within two years after the sale of a vehicle under ORS 483.388, the former owner of the vehicle may recover, out of the Abandoned Vehicle Account, the proceeds transmitted by the sheriff to the Secretary of State under ORS 483.392, by filing a claim with the Secretary of State. The claim shall be governed by ORS 291.466 to 291.470. [1955 c.411 §7]

483.396 to 483.400 [Reserved for expansion]

LIGHTS AND OTHER EQUIPMENT ON VEHICLES

483.402 When lights are required to be on; application of visibility and height provisions. (1) Every vehicle upon a highway within this state at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible on such highway at a distance of 500 feet ahead, shall display lighted lamps and illuminating devices as specified in ORS 483.402 to 483.442, subject to the specific exceptions with respect to parked vehicles.

(2) Whenever ORS 483.402 to 483.442 specify:

(a) The distance from which lamps and devices shall render objects visible or within which lamps or devices shall be visible, such provisions shall apply during the times stated in subsection (1) of this section upon a straight, level unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(b) The mounted height of lamps or devices, they mean from the center of such lamp or device to the level ground upon which the vehicle stands. [Amended by 1957 c.165 §3]

483.403 Driving with parking lights lighted prohibited when head lights required. (1) No vehicle shall be driven upon a highway with the parking lights lighted during the period when the display of lighted lamps and illuminating devices is required under ORS 483.402 except when:

(a) Such lights are being used as turn signal lights; or

(b) The head lamps are also lighted at the same time.

(2) As used in this section, the term "parking lights":

(a) Includes the white parking lamps required by ORS 483.420, and any other lights mounted on the front of a vehicle, designed to be displayed primarily when the vehicle is parked.

(b) Does not include the clearance and marker lamps required or authorized under ORS 483.410 or 483.442. [1957 c.165 §2]

483.404 Head lights required; lighting equipment on bicycles. (1) Every motor vehicle other than a motorcycle shall be

equipped with at least two head lamps, at least one on each side of the front of the vehicle.

(2) Every motorcycle shall be equipped with at least one and not more than two head lamps.

(3) Every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front of such bicycle, and a red reflector on the rear, of such size or characteristics and so mounted as to be visible at night from all distances within 300 feet to 50 feet from the rear of such bicycle. A red light visible from a distance of 500 feet to the rear may be used in addition to the rear reflector. [Amended by 1957 c.266 §1]

483.406 Tail lights required. (1) Every motor vehicle, trailer, semitrailer, and pole trailer or other vehicle being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear which when lighted emits a red light plainly visible from a distance of 500 feet to the rear. In the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be visible from the distance specified.

(2) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear.

(3) Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be wired so as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(4) Except when being drawn during the times mentioned in ORS 483.402, trailers, semitrailers, and pole trailers of 3,000 pounds gross weight or less are not required to be equipped with a tail lamp. [Amended by 1957 c.691 §2]

483.408 Rear reflectors required. Every new motor vehicle, other than a truck tractor, sold after January 1, 1940, and operated upon a highway, shall carry on the rear, either as parts of the tail lamps or separate, two red reflectors, mounted one on either side of the rear of the vehicle, except that vehicles of the types mentioned in ORS 483.410 shall be equipped with reflectors as required in that section. Every such reflector shall be mounted on a motor vehicle at a height not less than 24 inches nor more than 60 inches above the ground on which the vehicle stands and shall be of such size or characteristics and so mounted as to be visible at night from all distances within 300 feet to 50 feet from such vehicle, except where visibility from a greater distance is required in ORS 483.410 to 483.442 of reflectors on certain types of vehicles.

483.410 Reflectors, clearance and marker lamps, and stop lights on various vehicles. In addition to other equipment required by this chapter, the following vehicles when operated upon a highway shall be equipped as follows:

(1) Every motor bus or motor truck, except as provided in subsection (10) of this section:

(a) On each side, one reflector at or near the rear.

(b) On the rear, two reflectors, one at each side and one stop light.

(2) In addition to the requirements of subsection (1) of this section, every motor bus or motor truck 80 inches or more in overall width and less than 30 feet in overall length:

(a) On the front, two clearance lamps, one at each side.

(b) On the rear, two clearance lamps, one at each side.

(3) In addition to the requirements of subsections (1) and (2) of this section, every motor bus or motor truck 30 feet or more in overall length, regardless of its width, except as provided in subsection (10) of this section:

(a) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(b) On each side, one reflector at or near the front.

(4) Every truck tractor, the cab of which is as wide as or wider than any vehicle being drawn by it:

(a) On the front, two clearance lamps, one at each side.

(b) On each side, one side marker lamp at or near the front.

(5) Every trailer or semitrailer having a gross weight in excess of 3,000 pounds, and wider than the cab of the truck or truck tractor drawing it:

(a) On the front, two clearance lamps, one on each side.

(b) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(c) On each side, two reflectors, one at or near the front and one at or near the rear.

(d) On the rear, two clearance lamps, one at each side, and two reflectors, one at each side, and one stop light.

(6) Every trailer or semitrailer having a gross weight in excess of 3,000 pounds, and of the same width or less than the truck or cab of the truck tractor drawing it:

(a) On each side, one side marker lamp near the rear.

(b) On each side, two reflectors, one at or near the rear.

(c) On the rear, two clearance lamps, one at each side.

(d) On the rear, two reflectors, one at each side and one stop light.

(7) Every pole trailer in excess of 3,000 pounds gross weight:

(a) On each side, one side marker lamp and one clearance lamp, which may be in combination, to show to the front, side and rear, and may be unmounted or detached during daylight hours.

(b) On the rear of the pole trailer or load two reflectors, one at each side.

(8) Every trailer, semitrailer and pole trailer of 3,000 pounds gross weight or less, on the rear, two reflectors, one at each side.

(9) Any trailer, semitrailer or pole trailer which is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, on the rear, one stop light.

(10) Subsections (1) and (3) of this section do not apply to motor busses being operated wholly within the limits of incorporated cities and along fixed routes as specified by the terms of a definite franchise with the city in which the busses are operated.

483.412 Color of lamps and reflectors; when certain lamps need not be lighted. (1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker or reflector lamps and reflectors mounted on the rear or side near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color except:

(a) The stop light or other signal device may be red, amber or yellow; and

(b) The light used only to illuminate the license plate shall be white.

(4) Clearance and side marker lamps need not be lighted on a vehicle when operated within a municipality where there is sufficient light to render persons and vehicles clearly discernible on the highway at a distance of 500 feet.

483.414 Mounting reflectors and clearance lamps. (1) Reflectors shall be mounted at a height not less than 24 inches and not more than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches, the reflector at such point shall be mounted as high as the permanent structure will permit.

(2) The rear reflectors on pole trailers may be mounted on each side of the bolster or load.

(3) Any required red reflector on the rear of a vehicle may be incorporated with the tail light, but such reflector shall meet all the other reflector requirements of ORS 483.402 to 483.422.

(4) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination, if illumination is given as required with reference to both.

(5) The light and reflector devices required in ORS 483.410 shall be mounted, so far as practicable, in such manner as to reduce the hazard of being obscured by mud or dust thrown by the wheels.

483.416 Visibility of reflectors, clearance and marker lamps, and stop lights. (1) Every reflector shall be of such size and characteristics and so maintained as to be readily visible at night from a distance within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps, and side marker lamps, shall be capable of being seen and distinguished under normal atmospheric conditions, at the times lights are required, at a distance of 500 feet from:

(a) The front of the vehicle, in the case of front clearance lamps.

(b) The rear of the vehicle, in the case of rear clearance lamps.

(c) The side of the vehicle, in the case of side marker lamps.

(3) Stop lights shall be actuated upon application of the service brake and shall be capable of being seen and distinguished from a distance of 100 feet to the rear of the vehicle in normal daylight, but shall not project a glaring or dazzling light. A stop light may be incorporated with a tail lamp.

483.418 Lighting required for a combination of vehicles. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except the tail lamp, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination, need not be lighted; but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps nor the requirement that all lights on the rear of the rearmost vehicle of any combination be lighted.

483.420 Lights required on parked vehicles. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the times mentioned in ORS 483.402, it shall be equipped with one or more lamps which shall exhibit a white light on the roadway side of the vehicle visible from a distance of 500 feet to the front of such vehicle and a red light visible from a distance of 500 feet to the rear of such vehicle. However, local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a street or highway, where there is sufficient light to render clearly discernible any person or object within a distance of 500 feet upon such street or highway. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

483.422 Lights required on miscellaneous vehicles. All vehicles, including animal-drawn vehicles and vehicles referred to in subsection (3) of ORS 483.032, not specifically required by ORS 483.402 to ORS 483.420 to be equipped with lamps, shall at the times specified in ORS 483.402 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear of such vehicle.

483.423 Warning lights. (1) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing and, when so equipped, may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night. Such warning lamps shall not be used in lieu of flares as required by ORS 483.456.

(2) Any vehicle in active service transporting United States mail may display two simultaneously flashing lights to be used for the purpose of warning other vehicle operators of its presence and to exercise caution in approaching, overtaking or passing. Such lights may be flashed continuously or actuated by application of the service brake while the vehicle is either in motion or parked. Such lamps shall have the following specifications and shall meet the following requirements:

(a) Lamps shall be Class A in size (at least 12 square inches of effective illuminated surface).

(b) Lamps shall be of double-face or two-way type.

(c) Lamps shall project an amber color to the front and a red color to the rear.

(d) Lights shall be visible from a distance of not less than 100 feet to the front and rear in normal sunlight.

(e) Lamps shall be mounted on the highest part of the top of the vehicles in such a position that the illumination from the lights is visible both to the front and rear for the required distance. Lamps shall be spaced laterally as far apart as body construction will permit. Between the lamps there shall be mounted a 22-inch by 7-inch sign with

the wording "U. S. MAIL" in four-inch letters in black on a white background. This sign and lamps shall be installed so that the sign can be easily lowered and the lamps turned off when the vehicle is not actually engaged in United States mail service.

(f) The lamps, sign, wiring, switches and mounting devices shall all be of a type which has been approved by the Department of Motor Vehicles. [1957 c.463 §3]

483.424 Intensity and distribution requirements for head lamps. Except as otherwise provided in ORS 483.430, the head lamps or the auxiliary driving or passing lamps or combinations thereof on motor vehicles other than motorcycles, shall be so arranged on any motor vehicle that the driver may select at will, or so that the selection can automatically be made, between distributions of light projected to different elevations, subject to the following requirements and limitations:

(1) There shall be an uppermost distribution of light or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead of such vehicle for all conditions of loading.

(2) There shall be a lowermost distribution of light or composite beam, so aimed and of such intensity as to reveal a person or vehicle on a street or highway at a distance of at least 100 feet ahead of the vehicle.

(3) The distribution of light or composite beam shall be aimed so that on a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver. [Amended by 1955 c.124 §1]

483.426 Light indicator visible to driver. Every new motor vehicle registered in this state after January 1, 1940, which has multiple-beam road lighting equipment, shall be equipped with a beam indicator which shall be lighted when, and only when, the uppermost distribution of light from the head lamps is in use. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

483.428 Distribution and intensity of head lights when on road and when meeting vehicle. Whenever a motor vehicle is being operated on a street or highway during the times specified in subsection (1) of ORS 483.402, the driver shall use a distribution of light or composite beam directed sufficiently high and of such intensity so as to reveal persons and vehicles on such street or highway at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(2) The lowermost distribution of light specified in subsection (2) of ORS 483.424 shall be deemed to avoid glare at all times regardless of road contour and loading of the vehicle.

(3) Except when in the act of overtaking or passing, a driver of a vehicle following another vehicle within 350 feet to the rear shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in subsection (1) of ORS 483.424. [Amended by 1955 c.124 §2]

483.430 Requirements when single distribution used. Head lamps arranged to provide a single distribution of light, not supplemented by auxiliary driving lamps, shall be permitted on a motor vehicle in lieu of multiple-beam road lighting equipment if the single distribution of light complies with the following requirements and limitations:

(1) Head lamps shall be so aimed that when the vehicle is not loaded, none of the high intensity portion of the light shall, at a distance of 25 feet ahead of the vehicle, project higher than five inches below the level of the center of the lamp from which it comes, or higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead of such vehicle.

(2) The intensity of the light of single-beam head lamps shall be sufficient to reveal persons and vehicles upon a street or highway at a distance of at least 200 feet ahead of the vehicle to which they are attached.

483.432 Limitations on lights at front of vehicles. (1) Whenever a motor vehicle equipped with head lamps as required in ORS 483.404 is also equipped with any auxiliary lamps or spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of four of any such

lamps shall be lighted at any one time when upon a street or highway.

(2) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary driving lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than 300 candlepower, shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(3) No person shall drive or move any vehicle or equipment upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(4) Except as provided in ORS 483.423 and in subsection (5) of this section, flashing lights are prohibited on all motor vehicles on any street or highway except as a means for indicating a right or left turn.

(5) Subsection (3) of this section does not apply to, and subsection (4) does not prohibit the display of flashing red lights on, authorized emergency vehicles, school busses, vehicles used by a public utility in making repairs to public utility facilities, and vehicles authorized by police authorities in their respective jurisdictions to escort funeral processions. [Amended by 1953 c.374 §2; 1957 c.463 §1]

483.434 Spot, auxiliary driving, stop, signal, fender, running board and back-up lamps permitted. Any motor vehicle may be equipped with:

(1) Not to exceed one spot lamp. Every lighted spot lamp shall be so aimed and used, upon approaching another vehicle, that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle upon which it is mounted, more than 100 feet ahead of such vehicle.

(2) Not to exceed three auxiliary driving lamps mounted on the front at a height not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. Every such auxiliary lamp shall meet the requirements and limitations set forth in ORS 483.402 to 483.442.

(3) A stop signal, lamp or device which is so constructed and located on a vehicle as to give a signal of intention to stop in a red or yellow color visible from the rear for a distance of 100 feet.

(4) And when required by law shall be equipped with a device so constructed and located on the vehicle as to give a signal of intention to turn to the right or left. This signal shall be plainly visible and understandable in normal sunlight and at night from a distance of 100 feet to the front and rear but shall not project a glaring or dazzling light. All mechanical signal devices shall be self-illuminated when in use at the times mentioned in subsection (1) of ORS 483.402.

(5) Not more than two cowl or fender lamps which shall emit an amber or white light without glare.

(6) Not more than one running board lamp on each side thereof which shall emit a white or amber light without glare.

(7) A back-up lamp either separately or in combination with another lamp. A back-up lamp shall not be lighted when the motor vehicle is in forward motion.

483.436 Approval of lamps by Department of Motor Vehicles. (1) No person shall sell or offer for sale for use upon or as part of the equipment of a motor vehicle, trailer, semitrailer or pole trailer, or shall use upon any such vehicle, any head lamp, auxiliary lamp, spot lamp, fog lamp, tail lamp, signal lamp or reflector required by this chapter, or any part for such a lamp or reflector which tends to change the original design or performance, unless it is of a type which has been approved by the Department of Motor Vehicles.

(2) No person shall sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer or pole trailer, any lamp or device mentioned in this section which has been approved by the Department of Motor Vehicles unless such lamp or device bears thereon the trademark or name and serial number under which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer, semitrailer or pole trailer any lamps mentioned in this section unless they are mounted, adjusted and aimed in accordance with the instructions of the Department of Motor Vehicles. [Amended by 1955 c.124 §3]

483.438 Procedure before and after lamps are approved. The Department of Motor Vehicles shall:

(1) Approve or disapprove and issue and enforce regulations establishing standards and specifications for the approval of, any lamp, reflector or signal device of a type on which approval is required by ORS 483.436, including their installation, adjustment and aiming and their adjustment when in use on motor vehicles.

(2) Set up the procedure which shall be followed when any application covering such lamp, reflector or device is submitted for approval.

(3) Approve or disapprove any lighting device of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.

(4) Correlate and, so far as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers applicable to such equipment.

(5) Upon approving any such lamp, reflector or device, issue to the applicant a certificate of approval, together with any instructions regarding its use that the Department of Motor Vehicles deems necessary to insure compliance with the requirements of this chapter.

(6) Publish lists of all lamps, reflectors or devices by name and type which have been approved by the Department of Motor Vehicles, and distribute the lists to the manufacturers, wholesalers and retailers of all such lamps and devices and to the law enforcement agencies and courts of this state. [Amended by 1953 c.629 §2; 1955 c.124 §4]

483.440 Suspension and renewal of certificates approving lamps. When the Department of Motor Vehicles has reason to believe that any device, as it is being sold commercially, does not comply with the requirements under which it was approved pursuant to ORS 483.438, the department shall suspend the approval issued therefor until such device is retested by a recognized testing laboratory and is found to meet the requirements of this chapter. The Department of Motor Vehicles may require that all such devices sold prior to such suspension be replaced with devices which do comply with this chapter. The Department of Motor Vehicles may at any time purchase in the open market and submit to the testing laboratory one or more sets of any such approved device, and if the device upon retest fails to meet the requirements of this chapter, the department may refuse to renew a certificate of approval of such device.

483.442 Specifications for lamps for vehicles of public utilities. With respect to vehicles operated under the jurisdiction of the Public Utility Commissioner of Oregon, such commissioner may adopt standard specifications at variance with those established by ORS 483.402 to 483.484, whenever standard specifications adopted by the Interstate Commerce Commission of the United States are different from those established by those sections. The standard specifications so adopted by the Public Utility Commissioner shall conform to standard specifications adopted by the Interstate Commerce Commission for vehicles operating in interstate commerce..

483.444 Brakes required. (1) Every motor vehicle other than a motorcycle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2) Any combination of motor vehicle, trailer, semitrailer or other vehicle shall be equipped with brakes upon one or more of such vehicles adequate to stop such combination of vehicles within the distance specified for motor vehicles under the regulations set forth in subsection (5) of this section.

(3) Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be provided with at least one brake, which may be operated by hand or foot.

(4) All brakes shall be maintained in good working order and shall conform to the regulations set forth in subsection (5) of this section.

(5) The brakes of a motor vehicle or combination of vehicles shall be deemed adequate when, on a dry, hard, approximately level stretch of highway, free from loose material, such brakes are capable of stopping the motor vehicle or combination of vehicles, when operating at speeds set forth in the following table, within the distances set opposite such speeds:

Miles per Hour	Stopping Distance
10	9.3 feet
15	20.8 feet
20	37.0 feet
25	58.0 feet
30	83.3 feet

(6) The test to be used in determining that vehicles meet the performance requirements set forth in subsection (5) of this section shall be conducted as prescribed by the Department of Motor Vehicles. The test may be conducted by the use of instruments suitable for the purpose approved by the United States Bureau of Standards. No vehicle may be tested for brake efficiency at a speed higher than that permitted by law for such vehicle.

483.446 Horns and other sound equipment. (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order, capable of emitting sounds audible under normal conditions from a distance of not less than 200 feet.

(2) Except as otherwise provided in subsection (4) of this section, no vehicle shall be equipped with, and no person shall use upon a vehicle, any bell, siren, compression or exhaust whistle.

(3) No person shall, at any time, use a horn otherwise than as a reasonable warning or make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(4) Every authorized emergency vehicle used for emergency calls shall be equipped with a bell, siren or exhaust whistle of a type approved by the Department of Motor Vehicles.

(5) No person shall install or use any siren or whistle upon a bicycle.

483.448 Mufflers; unnecessary noise prohibited. (1) No person shall drive a motor vehicle on a highway unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(2) No person shall equip any motor vehicle with a "muffler cut-out."

(3) No person shall operate, and no owner of any motor vehicle shall permit to be operated upon any public road, street or highway, any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.

483.450 Rearview mirror. Every motor vehicle shall be so equipped with a mirror or other device as to enable the driver thereof to have such a clear and unobstructed view of the rear at all times and under all conditions of load as will enable him to see any other vehicle approaching from not less than 200 feet in the rear on an unobstructed road.

483.452 Obstruction of windows prohibited; windshield wiper required. (1) No person shall drive any vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, side-wings, side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law.

(2) Every windshield on a motor vehicle shall be equipped with a device for cleaning rain or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

483.454 Light or flag at end of load. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in subsection (1) of ORS 483.402, a lighted red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of the load a red flag or cloth not less than 12 inches square.

483.456 Flares and similar warnings for trucks and busses. (1) No person shall operate any motor truck, motor bus or truck trailer upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there is carried in such vehicle a sufficient number of flares, electric lanterns or other signals, capable of continuously producing three warning lights, each visible from a distance of at least 500 feet, for a period of at least 12 hours. However, a motor vehicle transporting flammables shall carry red electric lanterns in place of the other signals above mentioned, and a motor

vehicle transporting explosives as cargo shall carry flares, electric lanterns or other signals otherwise conforming to this subsection and capable of producing a red light.

(2) Whenever any motor truck, motor bus or truck trailer and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such vehicle cannot immediately be removed from the main-traveled portion of a highway outside of a business or residence district, the driver or other person in charge of the vehicle shall cause such flares, lanterns or other signals to be lighted and placed upon the highway where they are clearly visible to the drivers of approaching vehicles for a distance of 500 feet, one at a distance of not less than 100 feet or more than 300 feet in advance of such vehicle, one at a distance of not less than 100 feet or more than 300 feet to the rear of the vehicle, and the third upon the roadway side of vehicle. However, every such vehicle transporting inflammable liquid in bulk, whether loaded or empty, and every such vehicle transporting compressed inflammable gases, shall place three red electric lanterns in lieu of such other signals, and no open burning flare shall be placed adjacent to any such vehicle.

(3) During such time as lights are not required red flags not less than 12 inches square shall be used in place of flares or electric lanterns, except that no flag shall be required to be placed at the side of the vehicle. However, if such disablement continues into the period when lights are required, flares or red electric lanterns shall be placed as above set forth.

(4) In lieu of the lanterns or other signals required by this section, red emergency reflectors may be used if they are of a type approved by the Department of Motor Vehicles and meet the minimum requirements of the Interstate Commerce Commission.

483.458 Fenders or covers on motor vehicles. No person shall operate or move, and no owner shall permit to be operated or moved, any motor vehicle, motor truck, motor bus, semitrailer or truck trailer, as defined in ORS 481.030 to 481.065, or bus trailer, as defined in ORS 483.002, except a motor truck chassis not equipped for hauling a load or a semitrailer equipped with bunks, upon or over any public highway, without having such vehicle equipped with fenders or covers, which may include flaps or splash aprons, over and to the rear of wheels, as follows:

(1) On the rear wheels of every motor truck equipped with a body, motor bus, bus trailer, semitrailer or trailer, such fenders or covers shall extend in full width from a point above and forward of the center of the tires over and to the rear of the wheels to a point that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(2) Behind the rear wheels of every motor truck not equipped with a body the fenders or covers shall extend downward in full width from a point not lower than halfway between the center of the wheels and the top of the tires on such wheels to a point that is not more than 10 inches above the surface of the highway when such vehicle is empty.

(3) Behind all wheels of every motor vehicle other than motor trucks, motor busses, bus trailers, semitrailers or trailers, the fenders or covers shall extend in full width from a point above and forward of the center of the tire over and to the rear of the wheel to a point that is not more than 20 inches above the surface of the highway.

483.460 Construction of vehicle fenders. Fenders or covers, as used in ORS 483.458, shall be deemed to be of sufficient size and construction to comply with the requirements thereof, if constructed as follows:

(1) When measured on the cross section of the tread of the wheel or on the combined cross sections of the treads of multiple wheels, such fender or cover extends at least to each side of the width of the tire or of the combined width of the multiple tires; and

(2) Such fender or cover is so constructed as to be capable at all times of arresting and deflecting such dirt, mud, water or other substance as may be picked up and carried by the wheels.

483.462 Speedometers required on vehicles carrying passengers for hire. Every motor vehicle used for carrying passengers for hire, when operated upon the highways or streets of this state, shall be equipped with a speedometer or other registering device capable of registering accurately the speed at which such vehicle is operated. However, a motor vehicle equipped with a governor or other regulating device to control its speed within the limits specified by law is not required to be so equipped.

483.464 "Safety glazing material" defined for ORS 483.464 to 483.468. As used in

ORS 483.464 to 483.468, unless the context requires otherwise, "safety glazing material" means glazing material so constructed, treated or combined with other materials as to reduce substantially, in comparison to ordinary sheet or plate glass, the likelihood of injury to persons by broken or cracked glass or by objects from external sources. [1953 c.344 §1]

483.466 Approved safety glazing materials required in windows and windshields. (1) On and after January 1, 1954, no motor vehicle, manufactured after January 1, 1954, and registered in this state, shall be operated on the highways of this state unless the windshield and windows of such motor vehicle are equipped with safety glazing materials on the approved list of the Department of Motor Vehicles.

(2) On and after January 1, 1954, no person shall make or procure the replacement of windows and windshields in a motor vehicle unless such replacement is made with a safety glazing material on the approved list of the department. [1953 c.344 §§2, 3]

483.468 Approval of safety glazing materials by Department of Motor Vehicles. (1) The Department of Motor Vehicles shall establish standards for safety glazing materials which standards shall conform to the standards approved by the American Standards Association in the American Standard Safety Code for Safety Glazing Materials of Motor Vehicles Operating on Land Highways. The Department of Motor Vehicles shall publish a list of approved safety glazing materials.

(2) The manufacturer of any glazing material upon which approval for use in motor vehicles is desired shall submit to the Department of Motor Vehicles a test report from the National Bureau of Standards if available, or if not, any other nationally recognized testing laboratories as authorized by the department. If the Department of Motor Vehicles finds that the glazing material so tested conforms with the standards of this state the department shall place such material on the approved list. [1953 c.344 §4; 1957 c.361 §1]

483.470 Limitations on use of television viewers in motor vehicles. No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast, which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle. [1953 c.151 §1]

483.472 Binders on log loads. (1) When a load of five or more logs is transported by vehicle on a public highway, the owner of the vehicle transporting the logs shall cause the logs to be secured as follows:

(a) If the logs are 16 feet or more in length, by at least four evenly spaced binders around the load, one of which may be used as a "gut wrapper."

(b) If the logs are less than 16 feet in length, by at least two binders around the load.

(2) The binders referred to in subsection (1) of this section shall have a breaking strength of not less than 15,000 pounds.

(3) When a log less than 16 feet in length is loaded upon two or more logs it shall be secured to the two or more logs by at least two of the binders required by subsection (1) of this section.

(4) Subsections (1) and (3) of this section are not intended to reduce the number of binders required by any order, rule or regulation made pursuant to ORS 654.035 to 654.080.

(5) This section shall be enforced by the Oregon State Police and by county and city police officers. [1955 c.539 §2]

483.474 to 483.500. [Reserved for expansion]

RESTRICTIONS ON USE OF HIGHWAYS; WEIGHTS AND SIZES OF VEHICLES

483.502 Application of size and weight provisions; violators liable for damages. (1) No person shall drive or move and no owner shall cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles of a size or weight exceeding the limitations set forth in ORS 483.502 to 483.536, or any vehicle or combination of vehicles which are not constructed or equipped as required in those sections, or under the rules and regulations of the State Highway Commission, county courts or boards of county commissioners, or city councils, adopted pursuant thereto.

(2) All permits issued pursuant to the provisions or under authority of ORS 483.502 to 483.536 for the operation of any vehicle upon any highway within the state

shall be free of charge, and it is unlawful for the authority granting any such permit to require any payment therefor, either as a fee or as reimbursement for the cost of issuing such permit.

(3) The provisions of ORS 483.502 to 483.536 governing size and weight do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the Federal Government, the State of Oregon, or any county or incorporated city in the construction, maintenance or repair of public highways, and at the immediate location or site of such construction, maintenance or repair.

(4) Any owner and driver or chauffeur of any vehicle or combination of vehicles using the highways, streets or bridges of this state in violation of ORS 483.502 to 483.536 shall be jointly and severally liable to the state, county or city (depending upon whether it is a state, county or city highway, street or bridge), for all damage done to the highway, street or bridge as a result of the violation.

(5) The operation of any vehicle or combination of vehicles in violation of ORS 483.502 to 483.528 or ORS 483.532 is prima facie evidence that the owner of such vehicle or combination caused or permitted it to be so operated. [Amended by 1953 c.691 §12]

483.504 Restrictions on width, height and length of vehicles. Except as authorized by the terms of permits issued or resolutions adopted pursuant to ORS 483.520 to 483.525 and 483.528:

(1) No vehicle, including any load thereon, shall exceed a total outside width of eight feet, except that:

(a) Pneumatic tires, rubber or leather mud flaps, safety accessories such as clearance lights, rub rails and binder chains, and appurtenances such as door handles, door hinges and turning signal brackets may exceed such width by a distance not greater than two inches on each side of the vehicle.

(b) Rearview mirrors may exceed such width by a distance not greater than five inches on each side of the vehicle.

(c) The width of a farm tractor and of a trolley bus in operation prior to June 1, 1947, and operated exclusively within the limits of an incorporated city, may exceed such width but shall not exceed nine feet.

(d) Trolley busses or trolley busses converted to motor busses operated exclusively within the limits of an incorporated city, and first placed in operation within the limits of an incorporated city on or after June 1, 1947, and prior to January 1, 1955, may exceed such width but shall not exceed 102 inches.

(2) No passenger vehicle shall carry any load extending beyond the line of its left fenders, or extending more than six inches beyond the line of its right fenders.

(3) No vehicle, including any load thereon, shall exceed a height of twelve and one-half feet. This subsection does not relieve the owner or driver of any vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the highways and streets where the vehicle or combination of vehicles is being operated.

(4) No vehicle operating singly or as a unit in a combination of vehicles shall exceed a length of 35 feet, inclusive of front and rear bumpers, and no combination of vehicles, including any load thereon, shall exceed a total length of 50 feet, except that:

(a) A trolley bus operated exclusively within the limits of an incorporated city and first placed in operation in the city on or after June 1, 1947, may exceed a length of 35 feet but shall not exceed a length of 38 feet.

(b) Public utilities, people's utilities districts and cooperative rural electrification districts or common or contract carriers when acting as agent for or on direct orders of such a utility or district, for the purpose of transporting and hauling poles, piling or structures used or to be used in connection with their business, may use and operate upon any highway of this state any vehicle or combination of vehicles having a load the total length of which is not in excess of 75 feet unless an emergency exists.

(c) When operating on State Highway Route Number 86 and State Highway Number 242, a combination of vehicles consisting of a truck tractor and semitrailer drawing one trailer, or a truck tractor and semitrailer drawing one additional semitrailer mounted on a dolly equipped with a fifth wheel or a motor truck and a trailer other than a house trailer may exceed a total length of 50 feet but shall not exceed a total length of 60 feet.

(d) When operating over the Pacific Highway, the Sherman Highway, The Dalles-California Highway from its junction with the Sherman Highway to the Oregon-California state line, the Willamette Highway, the Columbia River Highway from its junc-

tion with the Pacific Highway at Portland to the Oregon-Washington state line, the Old Oregon Trail from its junction with the Columbia River Highway near Boardman to the Oregon-Idaho state line near Nyssa, including the Ontario spur, the Mt. Hood Highway from its junction with the Pacific Highway at Portland to the junction of the Warm Springs Highway near Government Camp, the Warm Springs Highway, the Madras-Prineville Highway, the Ochoco Highway from Prineville to the junction with the John Day Highway near Dayville, the John Day Highway from its junction with the Ochoco Highway to Vale, or the Central Oregon Highway from Vale to its junction with the Old Oregon Trail at Cairo, a combination of vehicles consisting of a truck tractor and semitrailer other than a house trailer may exceed 50 feet but shall not exceed a total length of 60 feet.

(e) Any semitrailer operated over the highways named or described in paragraph (d) of this subsection, may exceed a length of 35 feet but shall not exceed a length of 40 feet; but semitrailers over 35 feet in length shall not exceed 32 feet from the center of the turning axis (kingpin) to the center of the rearmost axle, and no portion of such semitrailer or its body or load forward of the turning axis shall project to a greater distance than a 60-inch radius from the center of said turning axis.

(5) No load upon any vehicle or combination of vehicles shall exceed 40 feet in length, except poles, piling or structures used or to be used in connection with the business of a public utility, people's utilities district or cooperative rural electrification district, upon a vehicle or combination of vehicles operated by such utility or district or by a common or contract carrier acting as agent for or on direct orders of such a utility or district.

(6) No vehicle or combination of vehicles shall carry any load extending more than three feet beyond the front thereof.

(7) No portion of any single vehicle or any load thereon shall extend beyond the last axle of the vehicle for a distance greater than five-eighths of the length of the wheelbase of the vehicle, except that:

(a) No portion of any single vehicle or any load being transported on any single vehicle first placed in operation after December 31, 1951, shall extend beyond the last axle of the vehicle for a distance greater than one-half the length of the wheelbase of the vehicle, unless at least 20 percent of the gross weight of the vehicle, including any load thereon, is exerted upon the highway or street through the wheels of the front axle of the vehicle.

(b) Any load being transported by any single vehicle may extend to the rear of the last axle of the vehicle for a distance greater than five-eighths, but not greater than three-fourths, of the length of the wheelbase of the vehicle, if at least 25 percent of the gross weight of the vehicle, including any load thereon, is exerted upon the highway or street through the wheels of the front axle of the vehicle.

(8) The provisions of subsections (1) to (7) of this section shall not apply to implements of husbandry moved upon any highway during daylight hours for a distance not greater than 50 miles, if the movement is incidental to the farming operations of the owner of the implement of husbandry. With respect to implements of husbandry, the same shall be driven as closely as is practicable to the right-hand edge of the roadbed including the shoulders, if any.

(9) No portion of any combination of vehicles or any load thereon shall extend beyond the last axle of the combination of vehicles for a distance greater than one-third of the length of the wheelbase of the combination of vehicles; except that in any combination of vehicles consisting of a motor vehicle towing a trailer house, the rear overhang may extend more than one-third but not more than one-half of the length of the wheelbase of the combination. [Amended by 1953 c.691 §12; 1955 c.272 §1; 1957 c.277 §1; 1957 c.621 §1]

483.506 Maximum axle, wheel and gross weights for vehicles. Except as authorized by the terms of permits issued pursuant to ORS 483.520 to 483.528:

(1) Subject to the maximum gross axle weight set forth in subsection (3) of this section, the gross axle weight of any axle of a vehicle shall not exceed 550 pounds per inch of the total tire width of the wheels of the axle.

(2) With respect to any combination of vehicles consisting of a truck tractor and a pole trailer, and used in the transportation of logs, poles and piling, the gross weight of any group of axles consisting of the rear single axle of the truck tractor and the

single axle of the pole trailer shall not exceed 37,000 pounds; the gross weight of any group of axles consisting of the rear single axle of the truck tractor and the tandem axles of the pole trailer shall not exceed 55,000 pounds before October 1, 1954, and shall not exceed 50,000 pounds on and after October 1, 1954; and the gross weight of any group of axles consisting of the rear tandem axles of the truck tractor and the tandem axles of the pole trailer shall not exceed 66,000 pounds. Subject to the above maximum gross weight of groups of axles, no combination of vehicles consisting of a truck tractor and a pole trailer and used in the transportation of logs, poles or piling shall have any gross individual wheel weight in excess of 9,500 pounds, or any gross axle weight in excess of 19,000 pounds or any gross tandem axles weight in excess of 34,000 pounds, except that, with respect to a combination of vehicles consisting of a truck tractor with a single rear axle and a pole trailer with tandem axles, the gross weight of the tandem axles of the pole trailer may exceed 34,000 pounds but shall not exceed 36,000 pounds before October 1, 1954, and shall not exceed 34,000 pounds on and after October 1, 1954. Nothing contained in this subsection shall be deemed to authorize operation, without a permit issued pursuant to ORS 483.520 to 483.528, of any vehicle or combination of vehicles having any gross weight in excess of that authorized in subsection (3) of this section.

(3) No vehicle or combination of vehicles, including any load thereon, shall, except as set forth in subsection (2) of this section, have:

(a) Any gross individual wheel weight in excess of 9,000 pounds;

(b) Any gross axle weight in excess of 18,000 pounds;

(c) Any gross tandem axle weight in excess of 32,000 pounds;

(d) Any gross weight of any group of axles in excess of that set forth in the tables of weights in subsection (3) of ORS 483.524; or

(e) Any gross vehicle or combination of vehicles weight in excess of 60,000 pounds, or in excess of the weights set forth in the tables in subsections (3) and (4) of ORS 483.524, whichever is less. [Amended by 1953 c.691 §12]

483.508 Restrictions on number of vehicles in a combination; coupling devices. (1) No combination of vehicles coupled together shall consist of more than two vehicles, except as authorized by paragraph (c) of subsection (4) of ORS 483.504 or by permits issued pursuant to ORS 483.520 or 483.528, and except that in drive-away operations as many as three vehicles may be coupled together by a double saddle-mount method or by a single saddle-mount and drawbar method.

(2) When one vehicle is towing another, the drawbar, coupling device and other connections shall be of sufficient strength to hold the weight of the towed vehicle upon any grade of any highway where operated, and unless the towed vehicle is temporarily disabled, such connections shall be properly mounted without excessive slack but with sufficient play to allow for universal action of the connections and provided with a suitable locking means to prevent accidental separation of the towed and towing vehicles.

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

(4) No person shall operate a combination of vehicles when any trailer, semitrailer, pole trailer or other vehicle being towed whips or swerves from side to side dangerously or unreasonably, or fails to follow substantially in the path of the towing vehicle.

(5) Any towed vehicle in a combination of vehicles, except a temporarily disabled vehicle being towed by another vehicle and except a semitrailer coupled to a towing vehicle with a fifth wheel and kingpin assembly so designed that the upper and lower halves may not be separated without being manually released, shall, in addition to an efficient and adequate coupling device, be equipped with safety chains or cables permanently attached to either the towed or towing vehicle. The safety chains or cables shall be carried through a ring on the drawbar of the trailer or on the reach of a pole trailer. The safety chains or cables and their means of attachment to both the towed and towing vehicles shall be of sufficient strength to control the towed vehicle in the event of failure of the coupling device.

(6) Any coupling device on any towing vehicle used as a connection for the drawbar

on any towed vehicle having a gross weight in excess of 5,000 pounds shall be firmly attached to the frame or to a solid connection to the frame and not only to the bumper of the towing vehicle.

(7) The State Industrial Accident Commission is authorized to determine the adequacy of any coupling device. [Amended by 1953 c.691 §12; 1957 c.621 §2]

483.510 Sifting or leaking loads. No vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

483.512 Sleds prohibited except with permit. No person shall move any sled or other device that does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the highway, having a gross weight, including load, in excess of 500 pounds, upon any highway without first obtaining permission for the movement as provided in ORS 483.528.

483.514 Dragging object on highway prohibited. No logs, poles, piling or other thing shall be dragged upon or over the surface of any highway without the written permission of the State Highway Commission, if a state highway, the county court or board of county commissioners, if a county highway, or the city council, if a city street over which no state highway is routed pursuant to ORS 373.010.

483.516 Pneumatic tires, when required. No vehicle shall be operated on any highway unless equipped with pneumatic tires, except:

(1) Any implement of husbandry equipped with solid tires, or metal tires not prohibited in ORS 483.518, and having a gross vehicle weight not in excess of 7,000 pounds and a gross axle weight of any axle not in excess of 3,500 pounds.

(2) That vehicles operated exclusively within the corporate limits of any city may be equipped with solid tires that, subject to the maximum gross axle weight authorized in subsection (1) of ORS 483.506, will at all times maintain a cushion of elastic material between the surface of the highway and any metal part of any wheel of the axle or track of the vehicle, of a thickness not less than:

(a) When the gross axle weight is 6,500 pounds or less, one inch.

(b) When the gross axle weight is more than 6,500 pounds but not in excess of 11,000 pounds, one and one-quarter inches.

(c) When the gross axle weight is more than 11,000 pounds, one and one-half inches.

483.518 Metal objects on tires prohibited. (1) Any vehicle equipped with any tire having on its periphery any block, stud, cleat, bead, chain or other protuberance of metal that projects beyond the tread or traction surface of the tire shall not be operated upon any highway, except:

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

(b) Traction engines moved upon dirt or unimproved roads; and

(c) Vehicles equipped with skid chains of reasonable proportions required for safe operation because of snow, ice or other inclement weather conditions.

(2) Notwithstanding the provisions of subsection (1) of this section, the owner or lessee of any land adjoining any highway may without permit move across or along the highway any tractor or implement of husbandry for the purpose of planting, cultivating, caring for or harvesting any crop, on condition that he shall be liable to the State of Oregon for the benefit of the State Highway Fund with respect to state highways, or to the proper county for the benefit of the county road fund with respect to county highways, for any damage or injury done to the highway by the movement.

483.520 Authority to issue permits for continued operation of vehicles exceeding length, weight or width limits, or for special combinations of vehicles. (1) The State Highway Commission, county courts or boards of county commissioners and city councils may, in their sole discretion, grant written permits for the operation over state and county highways and city streets, or sections thereof, under their respective jurisdictions, of any vehicle or combinations of vehicles, including any load thereon, having a length or height in excess of that authorized in subsections (3) to (5) of ORS 483.504, and a gross vehicle or combination of vehicles weight in excess of that authorized in subsection (3) of ORS 483.506.

(2) The granting authorities named in subsection (1) of this section may, in their sole discretion, grant written permits for the operation over state and county highways and city streets, or sections thereof, under their

respective jurisdictions, of any single vehicle, engaged in the transportation of peeler bolts, blocks, cores, railroad ties, logs or poles loaded crosswise of the vehicle, having an overall width of load thereon in excess of that authorized in subsection (1) of ORS 483.504, but not in excess of eight and one-half feet, if it is determined by a trial load that the vehicle with load thereon, moving in a normal manner, can stay on the right side of the center line of the traveled way at all times and that there is sufficient room in the opposing traffic lane for the safe movement of other vehicles.

(3) Such authorities may issue permits for the operation of combinations of vehicles consisting of a truck tractor and semitrailer drawing one trailer or a truck tractor and semitrailer drawing one additional semitrailer mounted on a dolly equipped with a fifth wheel, and the State Highway Commission may authorize the operation of such combinations of vehicles upon designated highways pursuant to ORS 483.525.

(4) The granting authorities named in subsection (1) of this section may grant written revocable permits for the operation for a period not exceeding one year over highways or streets under their respective jurisdictions, of any vehicle or combination of vehicles of a height not exceeding thirteen and one-half feet, unless such vehicle or combination of vehicles is engaged in transporting lumber, baled hay or any other load which in the opinion of the granting authority would be hazardous, and provided, that any such permit shall be granted only when, in the opinion of the granting authority, the traveling public and highways or highway structures will not be endangered thereby. The provisions of this subsection do not relieve the owner or driver of any vehicle or combination of vehicles operating under a permit from the exercise of due care in determining that sufficient vertical clearance is provided upon the highways and streets where the vehicle or combination of vehicles is being operated. [Amended by 1953 c.691 §12]

483.522 General provisions of permits; cancelation. (1) No permit issued under ORS 483.520 shall be valid:

(a) For operation over any highway or street, or section thereof, not specified in the permit;

(b) For the operation of any vehicle or combination of vehicles not specified in the permit; or

(c) For the operation of any vehicle or combination of vehicles, including any load thereon, having an overall width or length or gross weight in excess of the maximum width, length or gross weight specified in the permit.

(2) The granting authority shall make and set forth in the permit such regulations as are necessary to prevent damaging the highways and streets and overstressing highway and street facilities, and to protect the public welfare.

(3) Any permit issued under ORS 483.520 may be canceled at any time by the granting authority upon proof satisfactory to it that the permittee has violated any of the terms of the permit, or when in the judgment of the granting authority the public interest requires cancelation.

483.524 Conditions of permits for excess length or weight; axle group and gross weight limits. In the granting of permits under ORS 483.520 the granting authority shall observe and be governed by the following controls on maximum lengths and gross weights:

(1) Any vehicle or combination of vehicles, including any load thereon, having an overall length of not more than 60 feet may be permitted to operate over state or county highways or city streets if it is determined by a trial load that the vehicle or combination of vehicles, including any load thereon, moving in a normal manner, can stay on the right side of the center line of the traveled way at all times and that there is sufficient room in the opposing traffic lane for the safe movement of other vehicles. However, the granting authority may permit the operation over state or county highways or city streets, under its jurisdiction, of combinations of vehicles having an overall length, including any load thereon, in excess of 60 feet, for the transportation of logs, poles, piling or structural timbers. If the movement of combinations of vehicles transporting logs, poles, piling or structural timbers cannot be confined to the right side of the highway and satisfactory flagging and traffic controls can be set up to protect and not unreasonably delay the traveling public, the granting authority may permit limited movements only for the transportation of logs, poles, piling or structural timbers which may restrict the passing of other vehicles. In the issuance of permits under this subsection for the transportation of logs, poles, piling or structural timbers in excess of 60 feet overall length, the granting authority may, in its discretion, require the

applicant to furnish public liability and property damage insurance and indemnity insurance or an indemnity bond in such adequate sums as may be fixed by the granting authority, in the same manner and for the same purposes as provided in subsections (1) and (2) of ORS 483.528.

(2) The gross weight of any individual wheel, axle, or tandem axles of any vehicle or combination of vehicles shall not exceed the maximum gross wheel, axle and tandem axle weights set forth in ORS 483.506.

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

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles, or between the first and last axles of all the axles of any vehicle:	Maximum gross weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle:
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(4) Except as provided in subsection (5) of this section, the gross weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicle or combination of vehicles is more than 18 feet, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of all the axles of a vehicle or combination of vehicles:	Maximum gross weight, in pounds, of any vehicle or combination of vehicles.
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	67,150
40	68,000
41	68,000
42	68,000
43	68,000
44	68,000
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800
52	73,600
53	74,400
54	75,200
55 or over	76,000

(5) The maximum gross weight of any combination of vehicles consisting of a truck tractor with a tandem rear axle and a pole trailer with a tandem axle and having an overall wheelbase length, measured from the first axle to the last axle of the combination of vehicles, of more than 40 feet, when used in the transportation of logs, poles or piling, may be equal to but shall not exceed the maximum gross weight set forth in the table of weights in subsection (4) of this section for a combination of vehicles having an overall wheelbase three feet greater in length.

(6) The distance between axles shall be measured to the nearest foot. When a fractional measurement is exactly one-half foot the next larger whole number shall be used. [Amended by 1953 c.691 §12]

483.525 Authority of highway commission to permit operation of vehicles of excess weight or length over certain highways. When in the judgment of the State Highway Commission any state highway or section thereof is capable of carrying any combination of vehicles having a gross weight in excess of that authorized in subsection (3) of ORS 483.506, or an overall length in excess of that authorized in subsection (4) of

ORS 483.504, the commission may by resolution so declare, and fix the maximum gross weight and length and types and classes of combinations of vehicles which may be operated thereon. After such resolution is filed with the Secretary of State as provided by ORS 183.020, no permit shall be required for the operation upon such highway or section thereof of any combination of vehicles not exceeding the maximum gross weight and length fixed for combinations of vehicles of that type and class. In fixing such maximum gross weights and lengths the commission shall be governed by the provisions of ORS 483.524. The provisions of any resolution adopted by the commission pursuant to this section may by resolution be changed or rescinded at any time, and shall be subject to any order of the commission made pursuant to ORS 483.532. [1953 c.691 §12]

483.526 Permit to operate old trolley busses with excess axle weight. (1) The State Highway Commission, the county court or board of county commissioners, or the governing body of the city, jointly or severally, whichever has jurisdiction of the highway or street affected, may grant written permits for the continuous operation exclusively within the corporate limits of any city having a population in excess of 100,000 persons according to the last census, on the highways designated in the permit, of trolley busses with any axle having a gross weight of not more than 20,000 pounds, provided that the trolley busses were purchased and operated prior to January 1, 1941, by the applicant for the permit.

(2) No permit shall be granted until the granting authority has made an inspection of the highway over which it is proposed to operate the trolley bus and has found that the proposed operation will not be detrimental to the highway nor contrary to the welfare of the general public. Any permit issued under this section, if not limited by its terms, or terminated as provided in this section, shall expire with the expiration of the franchise granted by the city for the operation of the trolley bus covered by the permit.

(3) Any permit issued under the provisions of this section may be canceled by the granting authority upon proof satisfactory to the granting authority that the permittee has violated any of the provisions or conditions of the permit, or when in the judgment of the granting authority the protection of the public welfare requires the cancelation. Notice of cancelation shall be delivered to the permittee in writing upon cancelation of the permit.

483.528 Permit for special movement of noncomplying vehicle or article; permit for operation of noncomplying vehicle used for highway construction. (1) Upon receipt of an application for permission to move over any highway or street any vehicle, combination of vehicles, article, property or thing having any gross weight in excess of that permitted under ORS 483.502 to 483.526, or of a size or description not permitted under ORS 483.502 to 483.526, the State Highway Commission or the county court or board of county commissioners or the city council, as the case may be, shall investigate the representations made in the application, and if in the judgment of the public authority having jurisdiction over the highway or street the interests of the public will be served by the proposed movement, such authority may grant a written permit for the movement over any highway or street under its jurisdiction.

(2) The permit shall include such terms and conditions as the granting authority deems necessary or desirable for protection of the highways and streets and the public interests. The granting authority may require the applicant to furnish public liability and property damage insurance in a sum fixed by the granting authority, and indemnity insurance or an indemnity bond in a sum fixed by the granting authority, indemnifying such authority for any damage to the highways or streets that may be caused by the movement, and indemnifying the members, officers, employes and agents of such authority from any claim that might arise on account of the granting of the permit and the use of the highways in any movement permitted under the provisions of this section.

(3) No movement of any vehicle, combination of vehicles, article, property or thing under the provisions of this section shall begin until a written permit has been granted and the required public liability and property damage insurance and indemnity insurance or indemnity bond have been filed with and accepted by the granting authority.

(4) The granting authority may appoint any of its officers, employes or agents to be present at and during the movement, but the presence of any officer, employe or agent

and any interference or suggestion made by him shall not be considered supervision of the movement and shall not relieve the person to whom the permit has been granted, or his insurers or sureties, from liability for any damage done by the movement. If, in the opinion of the officer, employe or agent, any of the terms and conditions of the permit are not being complied with, he may order the movement to be stopped.

(5) No permit issued under this section shall be valid for operation over any highway or street or section thereof not specified in the permit, or for the operation of any vehicle or combination of vehicles, including any load thereon, or any article, property or thing having any dimension or any gross weight in excess of the maximum dimensions and maximum gross weights specified in the permit.

(6) The State Highway Commission, county courts or boards of county commissioners and city authorities, with respect to highways, roads and streets under their respective jurisdictions, may issue permits, subject to the provisions of this section, for continuing operation of vehicles or combinations of vehicles having any gross weight in excess of that permitted under ORS 483.502 to 483.526, or a size or description not permitted under ORS 483.502 to 483.526, when such vehicles or combinations of vehicles will be used exslusively in the construction, maintenance or repair of a public highway, road or street pursuant to a contract with the Federal Government, the State of Oregon or any county or city. [Amended by 1953 c.691 §12; 1957 c.10 §1]

483.530 Carrying permit in vehicle. The driver or chauffeur of any vehicle or combination of vehicles having any gross weight in excess of that permitted under the provisions of subsection (3) of ORS 483.506, or of a size or description in excess of that permitted under the provisions of ORS 483.504, shall have either a permit or a permit identification card authorizing operation of the vehicle or combination of vehicles issued pursuant to the provisions of ORS 483.520 to 483.524 or 483.528 in his immediate possession at all times when driving the vehicle or combination of vehicles upon a public highway or street, and shall display the same upon demand of any peace officer, commission weighmaster, judicial officer, or the Director of Permits of the commission, unless operation of the vehicle or combination of vehicles is authorized by a resolution adopted by the State Highway Commission pursuant to the provisions of ORS 483.525. It shall be a defense to any charge under this section if the person so charged produces in court a permit authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of his arrest. [Amended by 1953 c.691 §12]

483.532 Public bodies authorized to restrict use of highways. (1) The State Highway Commission, the county court or board of county commissioners and the city council, with respect to highways or streets under their respective jurisdictions, may:

(a) Prohibit the operation thereon of any or all vehicles or any class or kind of vehicles.

(b) Impose limits as to any gross weight or any dimension of any vehicle or combination of vehicles.

(c) Reduce speeds of vehicles.

(d) Impose any other restrictions that in their judgment are necessary to protect any highway or section thereof from being unduly damaged.

(2) Any restrictions or limitations imposed under this section shall be imposed by a proper order. A sign giving notice of the restrictions or limitations contained in the order shall be maintained in a conspicuous manner and place at each end of the highway or section of highway affected thereby, and at such other places as may be necessary to inform the public. Such restrictions or limitations shall be effective when the signs giving notice thereof are erected, and no person shall operate any vehicle or combination of vehicles in violation thereof. [Amended by 1953 c.691 §12]

483.534 Weighing of vehicles on highway; detention of vehicle until its load complies with statutes or permit; tolerances. (1) Any peace officer or any person duly authorized by the commission as a weighmaster may stop, measure and weigh any vehicle or combination of vehicles by means of either portable or stationary measures and scales, and having reason to believe that any vehicle or combination of vehicles, including any load thereon, is unlawful, may require that such vehicle or combination of vehicles be driven to the nearest scales, in the event such scales are within five miles. Where it is necessary for the vehicle or combination of vehicles to reverse direction in

order to proceed to the scales, the peace officer or weighmaster shall assist the driver of the vehicle or combination of vehicles so that the turning movement can be made in safety. If he finds that the vehicle or combination of vehicles, including any load thereon, is of any dimension or has any gross weight not authorized by ORS 483.502 to 483.536 or not authorized by the terms of any permit issued pursuant to ORS 483.520 to 483.528, he shall require the driver or chauffeur to stop the vehicle or combination of vehicles in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce any dimension and any gross weight to the limits authorized by the statute or permit.

(2) The driver or chauffeur of any vehicle shall stop and submit the vehicle or combination of vehicles to measurement and weighing, and shall comply with the directions of any peace officer or weighmaster given pursuant to this section. All material or goods removed from the load shall be removed and cared for by the driver, chauffeur or owner of the vehicle or combination of vehicles at his risk.

(3) Except as to vehicles operating under permits issued pursuant to ORS 483.528, the peace officer or weighmaster may, within his discretion, permit the driver to proceed without removing the excess dimensions or weights if the amount of excess gross weight does not exceed the following:

Individual wheel	500 pounds
Axle	1,000 pounds
Tandem axles	2,000 pounds
Group of axles	3,000 pounds
Vehicle or combination of vehicles	4,000 pounds.

(4) Discretionary action by the peace officer or weighmaster under subsection (3) of this section does not relieve the driver or chauffeur and owner of the vehicle or combination of vehicles of any criminal or other liability or responsibility. [Amended by 1953 c.691 §12; 1957 c.539 §1]

483.536 Methods of determining gross weights. (1) For the purpose of determining any gross weight, actual scale weights shall govern. In the absence of information as to scale weights or of convenient facilities for ascertaining scale weights, the weights furnished by dealers, manufacturers or their agents, as to the weights of vehicles and parts of vehicles, and bills of lading or cargo manifests as to weights of loads, may be accepted as the weights thereof, but such weights shall be subject at all times to verification by actual weights subsequently ascertained.

(2) For any of the purposes of ORS 483.502 to 483.536, any gross weight may be measured and determined as follows:

(a) The gross weight of any wheel may be ascertained by placing a loadometer or other portable weighing device underneath the wheel and raising it off the surface of the ground, or by placing any wheel on a platform scale in a position so that the other wheels of the vehicle do not bear upon the platform of the scale.

(b) The gross axle weight of any axle may be ascertained by placing a loadometer or other portable weighing device underneath the outer wheels at both ends of the axle and raising all the wheels of the axle off the surface of the ground so as to weigh the entire axle at one time, or otherwise in the usual manner of the use of weighing devices, or may be ascertained by placing all the wheels of any axle on a platform scale in a position so that the other wheels of the vehicle do not bear upon the platform of the scale.

(c) The gross weight of any tandem axles and the gross weight of any group of axles shall be the sum of the gross axle weights of all the axles comprising the tandem axles or the group of axles, or may be ascertained by placing all the wheels of the tandem axles or the group of axles on a platform scale in a position so that the other wheels of the vehicle or combination of vehicles do not bear upon the platform of the scale. If it is not practical to place only the wheels of the tandem axles or group of axles in a position so that other wheels of the vehicle or combination of vehicles do not bear upon the platform of the scale, other wheels of the vehicle or combination of vehicles may be placed on the platform of the scale and the gross weight of the tandem axles or the gross weight of the group of axles shall be determined by subtracting from the gross weight of all the wheels upon the platform of the scale the gross weight of the wheels not comprising the tandem axles or the group of axles.

(d) The gross weight of any vehicle or combination of vehicles shall be the sum of the gross axle weights of all the axles of the vehicle or combination of vehicles, or may

be ascertained by placing all the wheels of a vehicle or combination of vehicles on a platform scale. [Amended by 1953 c.691 §12]

483.538 Crowding of front seat; passenger interfering with driver. (1) No driver shall operate a vehicle:

(a) Which is so loaded as to obstruct his view to the front or sides or to interfere with his control or with the driving mechanism of the vehicle.

(b) When he has in his lap or in his embrace another person, baggage or encumbrance which prevents the free and unhampered operation of such motor vehicle.

(2) No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver's or operator's view ahead or to the sides, or to interfere with the driver's or operator's control of the driving mechanism of the vehicle or streetcar.

(3) No driver of a vehicle shall permit more than three persons over the age of 12 years to occupy the front or driver's seat of any motor vehicle while it is in motion on the highway. As used in this subsection, "occupying" includes the holding of one person upon the lap of another.

483.540 Carrying dog or child on external part of motor vehicle. (1) No person shall carry a dog upon a public street or highway upon the hood, fender, running board or other external part of any automobile or truck unless the dog is protected by framework, carrier or other device sufficient to keep it from falling from the vehicle.

(2) No person shall carry any child upon a public street or highway upon the hood, fender, running board or other external part of any motor vehicle.

483.542 Designation of streets, roads or highways as truck routes. The State Highway Commission, with respect to state highways outside the corporate limits of incorporated cities or towns, and the county courts or boards of county commissioners, with respect to county roads outside the corporate limits of incorporated cities or towns, and the municipal authorities of any incorporated city or town, with respect to streets, roads or highways within the limits of an incorporated city or town, may designate any street, road or highway or section thereof as a truck route and may prohibit the operation of trucks, machinery or any other large or heavy vehicles upon any street, road or highway which serves the same route or area served by the said truck route. The municipal authorities of an incorporated city or town shall not designate as a truck route, or prohibit the operation of any vehicle upon, any street, road or highway under the jurisdiction of the State Highway Commission or any county, without the written consent of the highway commission or the county court or board of county commissioners, as the case may be. [1953 c.257 §1]

483.544 Truck route designation to be by order, resolution or ordinance; erecting appropriate signs; when prohibitions are effective; violation prohibited. The State Highway Commission, any county court or board of county commissioners or any city council making any designation, or prohibiting any operation, as authorized by ORS 483.542, shall do so by a proper order, resolution or ordinance, and shall erect and maintain a sign giving notice of the order, resolution or ordinance, in a conspicuous manner and place at each end of the highway or section of highway affected thereby, and at such other places as may be necessary to inform the public, and the designation or prohibitions shall be effective when the signs giving notice thereof are erected, and no person shall operate any vehicle or combination of vehicles in violation thereof. [1953 c.257 §2]

483.546 to 483.600 [Reserved for expansion]

ACCIDENTS; ENFORCEMENT OF TRAFFIC LAWS

483.602 Duties of drivers and witnesses at accidents. (1) The driver of any vehicle involved in an accident which results in injury or death to any person or causes damage to a vehicle which is driven or attended by any person, immediately shall stop such vehicle at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until he has fulfilled the requirements of subsection (2) of this section. Every such stop shall be made without obstructing traffic more than is necessary.

(2) The drivers of any vehicles involved in any accident resulting in injury or death to any person or damage to any such vehicles shall:

(a) Give to the other driver or surviving passenger, or any person not a passenger injured as a result of such accident, his name, address and the registration number of the vehicle which he is driving, and the name and address of any other occupants of such vehicle.

(b) Upon request and if available, exhibit and give the number of his operator's or chauffeur's license to the persons injured, or to the occupant of or person attending any vehicle damaged.

(c) Render to any person injured in such accident reasonable assistance, including the conveying or the making of arrangements for the conveying of such person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such conveying is requested by any injured person.

(3) Any witness to the accident shall furnish to the driver or occupant of such vehicles, or injured person, his true name and address. [Amended by 1953 c.7 §3]

483.604 Driver's duties when he collides with unattended vehicle or other property. (1) The driver of any vehicle which collides with any vehicle which is unattended immediately shall stop and:

(a) Locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle; or

(b) Leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

(2) The driver of any vehicle involved in an accident resulting only in damage to fixtures or property legally upon or adjacent to a highway shall:

(a) Take reasonable steps to notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving.

(b) Upon request and if available, exhibit his operator's or chauffeur's license.

(c) Make report of such accident as required in ORS 483.606 to 483.610.

483.606 Accident reports required. (1) The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall, within 24 hours, forward a complete written report of such accident to the sheriff of the county, or to the chief of police of the city in which such accident occurs, or to such other agency as the Department of Motor Vehicles may establish for the purpose of receiving such accident reports. Every sheriff, chief of police or other designated agency shall forward every report so filed, or a copy of the same, to the Department of Motor Vehicles upon forms furnished by the department not later than the first of the month following the date of filing.

(2) Whenever the original report is insufficient in the opinion of the Department of Motor Vehicles, the department may require drivers involved in accidents to file supplemental reports of accidents, and may also require witnesses of accidents to render reports to the department.

(3) Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause the report to be made.

483.608 Form of report; sending death certificate to Department of Motor Vehicles. (1) The Department of Motor Vehicles shall prepare and upon request supply to police departments, sheriffs and other suitable agencies or individuals, forms for accident reports required in ORS 483.606. The report shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved. Every required accident report shall be made on a form approved by the Department of Motor Vehicles.

(2) The State Health Officer shall on or before the fifteenth day of each month forward to the Department of Motor Vehicles a copy of the death certificate covering the death, resulting from a motor vehicle accident, of any persons within his jurisdiction during the preceding calendar month.

483.610 Confidential nature of report; publication of statistics; city authorized to require accident report. (1) All accident reports made to the Department of Motor Vehicles or to any sheriff, chief of police or other authorized agent shall be without prejudice to the individual so reporting and shall be for the confidential use of state

administrative and enforcement agencies.

(2) The Department of Motor Vehicles, upon written request, shall, if available, disclose the following information to any party involved in the accident, or, in the event of his death, to any member of his family, or his personal representatives:

(a) The identity of the owner, driver, occupants and the license number of a motor vehicle involved in an accident;

(b) The names of any companies insuring said owner or driver; and

(c) The identity of any witnesses to said accident.

(3) No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident. The Department of Motor Vehicles shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department of Motor Vehicles, solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

(4) The Department of Motor Vehicles shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

(5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident file with a designated city department a report of such accident or a copy of any report required to be filed under ORS 483.606. All such reports shall be for the confidential use of the city department but subject to the provisions of subsections (1) and (2) of this section. [Amended by 1957 c.560 §1]

483.612 Report of vehicles brought to garage or repair shop showing accident or bullet contact. (1) The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office within 24 hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.

(2) An additional report need not be made under this section when the owner of the vehicle is also the owner of the garage or repair shop and he has made a report under ORS 483.606 which incudes the information required by this section.

483.614 Driver's duty to help animals. Any person operating a motor vehicle or motorcycle which strikes and injures any domestic animal shall stop and give such animal reasonable attention.

483.616 Jurisdiction to try offenses under this chapter. (1) Unless otherwise stipulated in this chapter, all circuit courts, police judges or recorders of any city, and justices of the peace or district judges of any county, have concurrent jurisdiction of all violations of this chapter for which a penalty is provided in subsection (1), (2), (3) or (6) of ORS 483.990, or in subsection (1) of ORS 483.992, or in ORS 483.994 to 483.998, and of all violations of ORS 164.650, 164.660, 166.630 or 649.080, committed within their territorial jurisdiction.

(2) For the purpose of enforcing the provisions of paragraph (a) of subsection (2) of ORS 483.992, justices of the peace and district courts have concurrent jurisdiction with the circuit court.

(3) All police judges or recorders of any city or town or justices of the peace or district judges of any county shall have concurrent jurisdiction of all violations of the provisions of ORS 483.346 committed within their respective city, town, county or district.

(4) All police judges or recorders of any city or town or justices of the peace or district judges of any county, or circuit courts, shall have concurrent jurisdiction of all violations of the provisions of ORS 483.542, 483.544 or subsection (9) of 483.990 committed within their respective city, town, county or district. [Subsections (3) and (4) enacted as 1953 c.587 §5 and 1953 c.257 §4]

483.618 Arrest of violators; release from custody before hearing. (1) Any traffic officer, or police officer, marshal, deputy marshal or watchman of any incorporated city, or 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 him to have violated any provision of this chapter for which a penalty is provided in subsection (1), (2) or (3) of ORS 483.990, or in subsection (1) or paragraph (a) of subsection (2) of ORS 483.992, or in ORS 483.994 to 483.998, and

immediately to bring such offender before any magistrate having jurisdiction. Any person 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 such hearing cannot then be had, he shall be released from custody on giving his personal undertaking to appear in answer to the 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;

(b) Depositing his unexpired card of membership in a lawfully organized automobile association, duly qualified under the laws of this state, where the same is acceptable as bail for the offense committed, as provided in ORS 483.620; or

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

(3) If no magistrate is accessible, the arrested person shall be released from custody upon:

(a) Giving his name and address to the officer making such arrest and depositing with the officer such sum, not less than $25 nor more than $400, as may be required by the officer;

(b) Depositing his unexpired card of membership in a lawfully organized automobile association, duly qualified under the laws of this state, where the same is acceptable as bail for the offense committed, as provided in ORS 483.620; or

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

(4) The officer making such arrest shall give a receipt in writing for any sum or vehicle deposited with him, and notify such person to appear before the most accessible magistrate, naming him, on that or the following day, specifying the place and hour. In case security is deposited, as in this section provided, it shall be returned to the person forthwith on his being admitted to bail.

(5) This section also applies to persons violating ORS 164.650, 164.660, 166.630 or 649.080.

483.620 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 the sum of $2,000 in cash, or in bonds approved by the State Treasurer. When such deposit is 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 the 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 in any individual case does not exceed $50.

(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 such association fails or refuses to remit the bail within that period, the magistrate or other officer having the matter in charge, or the district attorney, 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.

483.622 Weighmaster's authority to arrest. Any person duly authorized as a weighmaster by the State Highway Commission is authorized to arrest at any place within this state any person who violates in his presence any provision of ORS 483.502 to 483.536, and thereafter to proceed with such arrested person as provided in ORS 483.618 and 483.620.

483.624 Magistrates' and court clerks' duty to forward trial reports to Department of Motor Vehicles. (1) Magistrates or other judicial officers, including all local and municipal judicial officers in this state, shall

keep a full report of every case in which a person is charged with violation of any provision of this chapter for which a penalty is provided in subsection (1), (2), (3) or (10) of ORS 483.990, or in subsection (1) or paragraph (a) of subsection (2) of ORS 483.992, or in ORS 483.994 to 483.998. If such person is convicted or his bail is forfeited, an abstract of such report shall be sent forthwith to the Department of Motor Vehicles.

(2) Abstracts required by this section shall be made upon forms prepared by the Department of Motor Vehicles and shall include all necessary information as to the party to the case, the address of the defendant and the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, and the amount of the fine or forfeiture. Every such abstract shall be certified by the proper officer as a true abstract of the record of the court.

(3) Each clerk of any court of record of this state shall also, within 10 days after any final judgment of conviction of any violation referred to in subsection (1) of this section, send to the Department of Motor Vehicles a certified copy of such judgment of conviction. Certified copies of the judgment shall also be forwarded to the Department of Motor Vehicles upon conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. The department shall keep such records in its office, and they shall be open to the inspection of any person during reasonable business hours.

(4) This section also applies to charges, convictions and forfeitures of bail with respect to violations of ORS 164.650, 164.660, 166.630 or 649.080.

483.626 Disposition of fines, penalties and forfeitures. All fines and penalties collected for violation of any provision of this chapter for which a penalty is provided in subsection (1), (2), (3) or (10) of ORS 483.990, or in subsection (1) or paragraph (a) of subsection (2) of ORS 483.992, or in ORS 483.994 to 483.998, or for violation of ORS 164.650, 164.660, 166.630 or 649.080, and all sums of money which may be deposited as bail on account of arrest for any such violation and adjudged to be forfeited, shall be paid over and disposed of the same as provided in ORS 481.525 to 481.535, which sections shall in all respects be applicable.

483.628 Driver or chauffeur may be exonerated from overloading violation if in good faith. (1) In any prosecution for any violation punishable under ORS 483.995 or 483.996, of any driver or chauffeur who is employed, by the owner of the vehicle or combination of vehicles involved in the violation, to operate such vehicle or combination, the court or judicial officer shall, upon request of the driver or chauffeur, take appropriate proceedings to make the owner of the vehicle a codefendant.

(2) If it is found that the driver or chauffeur had reasonable grounds to believe that the vehicle or combination of vehicles operated by him as such employe did not violate any provision punishable under ORS 483.995 or 483.996, and if the owner is found guilty of violating any such provision, the court or judicial officer may dismiss the charges against the driver or chauffeur. [Amended by 1953 c.691 §12]

483.630 Use of sobriety tests. (1) If any person is arrested while operating a motor vehicle and is charged with then being under the influence of intoxicating liquor, the officer or person making the arrest may, upon written consent of the arrested person, cause a chemical analysis to be made of the blood, breath, urine or other bodily substance of the arrested person, in order to determine the amount of alcohol then in such person's blood.

(2) In order to cause a chemical analysis of the blood to be made under subsection (1) of this section, only a duly licensed physician or a person acting for such physician, at the request of the officer or person making the arrest, may withdraw blood. The limitation of this subsection does not apply to the taking of a breath, urine or saliva test.

(3) Upon any subsequent trial of the arrested person, and upon the request of either party, the court may admit evidence of the amount of alcohol in the defendant's blood at the time of the arrest as shown by the chemical analysis of the blood, breath, urine or other bodily substance of the arrested person.

(4) The refusal of the arrested person to permit a chemical analysis to be made of his blood, breath, urine or other bodily substance at the time of his arrest shall not be admissible in evidence against him upon his trial.

(5) For the purposes of this section:

(a) Evidence that there was, at the time, .05 percent or less by weight of alcohol in the defendant's blood is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

(b) Evidence that there was, at the time, more than .05 percent but less than .15 percent by weight of alcohol in the defendant's blood is relevant evidence, but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor.

(c) Evidence that there was, at the time, .15 percent or more by weight of alcohol in the defendant's blood is prima facie evidence that the defendant was under the influence of intoxicating liquor.

(6) Nothing in this section is intended to limit the introduction of any competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor. [Amended by 1955 c.297 §1]

483.632 to 483.988 [Reserved for expansion]

PENALTIES

483.990 Penalties generally. (1) Unless another penalty is provided by law for such violation, any violation of the provisions of, or failure or neglect to comply with any rule or regulation declared in, ORS 483.032 to 483.050, 483.054, 483.104 to 483.140, 483.202 to 483.212, 483.216 to 483.230, 483.302 to 483.338, 483.402 to 483.456, 483.538, 483.540, 483.602 to 483.612, 483.618, 483.620, 483.624 or 483.626, is punishable:

(a) Upon conviction, by a fine of not more than $100 or by imprisonment in the county or municipal jail for not more than 10 days.

(b) Upon a second such conviction within one year after the first conviction, by a fine of not more than $200 or by imprisonment in the county or municipal jail for not more than 20 days, or both.

(c) Upon a third or subsequent conviction within one year after the first conviction, by a fine of not more than $500 or by imprisonment in the county or municipal jail for not more than six months, or both.

(2) Any violation of ORS 483.102, unless such violation occurs under the conditions of subsection (3) of this section, is punishable, upon conviction, by a fine of not more than $25, or by imprisonment for not more than five days, or both.

(3) Any person who drives a vehicle upon a highway at a speed in excess of that designated for the particular district or location by ORS 483.104 or by the State Highway Commission or the State Speed Control Board pursuant to ORS 483.106 or 483.108, and who, while so driving, violates the basic rule set forth in ORS 483.102 or any provision of ORS 483.126, 483.202 to 483.212, 483.216 to 483.230, 483.302 to 483.318, 483.326, 483.328 or 483.334, shall, upon conviction, be punished by a fine of not more than $100 or by imprisonment for not more than 10 days, or both.

(4) Any person who violates any regulation, restriction or prohibition imposed under ORS 483.346 is guilty of an offense and shall be punished by a fine not exceeding $10.

(5) Violation of ORS 483.458 or 483.460 is punishable, upon conviction, by a fine of not less than $5 nor more than $100, or by imprisonment in the county jail for not more than 30 days, or both.

(6) Violation of ORS 483.462 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.

(7) Violation of ORS 483.466 or 483.470 is a misdemeanor.

(8) Any driver or chauffeur of any vehicle or combination of vehicles who fails or refuses to stop and submit the vehicle or combination of vehicles to measurement or weighing when ordered or directed to do so by any peace officer or weighmaster pursuant to the provisions of ORS 483.534 or 483.536, shall be punished, in addition to the penalties provided in ORS 483.994 to 483.998, by a fine of not less than $100.

(9) Any person violating any rule, regulation or order made or adopted pursuant to authority of ORS 483.542 and 483.544 is guilty of an offense, and shall be punished by a fine not exceeding $25; provided, however, that in any action against any person for operating a truck or other vehicle upon a street, road or highway upon which operation of such truck or vehicle has been prohibited under ORS 483.542 and 483.544, it shall be a defense if said person can establish that he could not reach his destination without traveling upon said street, road or highway.

(10) Failure to comply with ORS 483.602 after an accident which results in injury or

death to any person is punishable, upon conviction, by a fine of not less than $100 nor more than $5,000, or imprisonment in the county or municipal jail for not less than 30 days nor more than one year, or in the penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment.

(11) Violation of ORS 483.614 is a misdemeanor.

(12) Any person who violates any order of the commissioner under ORS 483.236 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $50.

(13) Violation of ORS 483.472 is a misdemeanor. [Amended by 1953 c.124 §2; 1953 c.691 §12; subsection (4) enacted as 1953 c.587 §4; subsection (7) enacted as 1953 c.151 §2 and 1953 c.344 §5; subsection (9) enacted as 1953 c.257 §3; subsection (12) enacted as 1955 c.294 §4; subsection (13) enacted as 1955 c.539 §3]

483.992 Penalty for driving recklessly or while under the influence of liquor or drugs. (1) Any person who drives any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any other person or property of another, is guilty of reckless driving and shall be punished:

(a) Upon conviction, by imprisonment in the county or municipal jail for not less than five days nor more than 90 days, or by a fine of not less than $25 nor more than $500, or both.

(b) Upon a second or subsequent conviction, by imprisonment for not less than 10 days nor more than six months, or by a fine of not less than $50 nor more than $2,000, or both.

(2) (a) Any person who, while being under the influence of intoxicating liquor, barbiturates or narcotic drugs, drives any vehicle upon any highway, street or thoroughfare within this state, shall be punished, upon conviction, by imprisonment in the county or municipal jail for not more than one year, or by fine of not more than $1,000, or both.

(b) If the death of any human being is proximately caused by the grossly negligent operation of any vehicle contrary to subsection (1) of this section or any of the sections listed in subsections (1), (2) and (3) of ORS 483.990, by any person while under the influence of intoxicating liquor, barbiturates or narcotic drugs, the operator of such vehicle shall be deemed guilty of manslaughter and, upon conviction, shall be punished as provided by the law relating to manslaughter. [Amended by 1957 c.652 §1]

483.994 Penalty for operating illegally shaped or equipped vehicle. (1) Violation by any driver, chauffeur or owner of any vehicle or combination of vehicles of any of the provisions, except weight provisions, of ORS 483.502 to 483.530, 483.534 or 483.536, or of any permit issued pursuant to ORS 483.520 to 483.524 or 483.528, or of any resolution adopted by the State Highway Commission pursuant to ORS 483.525, is punishable, upon conviction, by a fine of not less than $10 nor more than $25, or by imprisonment in the county or municipal jail for not less than five days nor more than 10 days.

(2) A second conviction of a driver or chauffeur of any vehicle or combination of vehicles for the violation of any provision punishable under subsection (1) of this section, within one year after the first conviction, is punishable by a fine of not less than $25 nor more than $100, or by imprisonment in the county or municipal jail for not less than 10 days nor more than 20 days, or both. A third or subsequent conviction of such person for the violation of any provision punishable under subsection (1) of this section, within one year after the first conviction, is punishable by a fine of not less than $50 nor more than $200, or by imprisonment in the county or municipal jail for not less than 15 days nor more than 30 days, or both.

(3) A second conviction of any owner of a vehicle or combination of vehicles for violation of any provision punishable under subsection (1) of this section, within one year after the first conviction, is punishable by a fine of not less than $50 nor more than $200, or by imprisonment in the county or municipal jail for not less than 15 days nor more than 30 days, or both. A third or subsequent conviction of such person for the violation of any provision punishable under subsection (1) of this section, within one year after the first conviction, is punishable by a fine of not less than $100 nor more than $300, or by imprisonment in the county or municipal jail for not less than

30 days nor more than 60 days, or both. [Amended by 1953 c.691 §12]

483.995 Penalties for overloading vehicles other than those used in the transportation of logs, poles or piling. Any driver, chauffeur or owner of any vehicle or combination of vehicles not being used in the transportation of logs, poles or piling who violates any of the weight provisions of ORS 483.506, 483.512 or 483.516 or of any permit issued pursuant to ORS 483.520 to 483.526 or of any resolution adopted pursuant to ORS 483.525 shall be punished, upon conviction, by imprisonment or by a fine based upon the excess weight by which any gross weight exceeds the applicable gross weight authorized in such provisions, permit or resolution, as follows. If the excess weight is:

(1) One thousand pounds or any fraction thereof, by a fine of not less than $15.

(2) More than 1,000 pounds but not in excess of 2,000 pounds, by a fine of not less than two cents per pound for each pound of the excess weight.

(3) More than 2,000 pounds but not in excess of 5,000 pounds, by a fine of not less than three cents per pound for each pound of the excess weight.

(4) More than 5,000 pounds, by a fine of not less than five cents per pound for each pound of the excess weight, or by imprisonment in the county or municipal jail for not less than 30 days nor more than 90 days, or both. [1953 c.691 §12]

483.996 Penalties for overloading vehicles used in the transportation of logs, poles or piling; penalty for violating weight provisions of special movement permits. (1) Violation by any driver, chauffeur or owner of any vehicle or combination of vehicles being used in the transportation of logs, poles or piling, of the weight provisions of ORS 483.506, 483.512 or 483.516, or of any permit issued pursuant to ORS 483.520 to 483.524, or of any resolution adopted pursuant to ORS 483.525, is punishable, upon conviction, by imprisonment or by a fine based upon the excess weight by which any gross weight exceeds the applicable gross weight authorized in such provisions, or authorized by such permit, as follows. If the excess weight is:

(a) One thousand pounds or any fraction thereof, by a fine of not less than $25.

(b) More than 1,000 pounds but not in excess of 2,000 pounds, by a fine of not less than three cents per pound for each pound of the excess weight.

(c) More than 2,000 pounds but not in excess of 5,000 pounds, by a fine of not less than four cents per pound for each pound of the excess weight.

(d) More than 5,000 pounds, by a fine of not less than five cents per pound for each pound of the excess weight, or by imprisonment in the county or municipal jail for not less than 30 days nor more than 90 days, or both.

(2) Violation by any driver, chauffeur or owner of any vehicle or combination of vehicles of the weight provisions of any permit issued pursuant to ORS 483.528 is punishable, upon conviction, by a fine of not less than $100 plus 10 cents per pound for every pound by which any gross weight exceeds the applicable gross weight authorized by the permit, or by imprisonment in the county or municipal jail for not less than 15 days nor more than 90 days, or both. [Amended by 1953 c.691 §12]

483.998 Violation of ORS 483.532 or orders issued pursuant thereto. (1) Violation, by any driver, chauffeur or owner of any vehicle or combination of vehicles, of any provision of ORS 483.532 or any provision of any order made pursuant to ORS 483.532, except provisions limiting or reducing any gross weight, is punishable by a fine of not less than $50 nor more than $500, or by imprisonment in the county or municipal jail for not less than 15 days nor more than 90 days, or both.

(2) Violation, by any driver, chauffeur or owner of any vehicle or combination of vehicles, of any provision of ORS 483.532 or any provision of any order made pursuant to ORS 483.532, limiting or reducing any gross weight, is punishable by imprisonment or by a fine based upon the excess weight by which any gross weight exceeds the gross weight as limited or reduced by the provisions of any order made pursuant to ORS 483.532, as follows:

(a) If the excess weight is 1,000 pounds or any fraction thereof, by a fine of not less than $50.

(b) If the excess weight is more than 1,000 pounds but not in excess of 2,000 pounds, by a fine of six cents per pound for each pound of the excess weight.

(c) If the excess weight is more than

2,000 pounds but not in excess of 5,000 pounds, by a fine of not less than eight cents per pound for each pound of the excess weight, or by imprisonment in the county or municipal jail for not less than 30 days nor more than 60 days, or both.

(d) If the excess weight is more than 5,000 pounds, by a fine of not less than 10 cents per pound for each pound of the excess weight, or by imprisonment in the county or municipal jail for not less than 60 days nor more than six months, or both. In addition, the court before which the conviction is had may recommend to the Department of Motor Vehicles the suspension of the driver's or chauffeur's license of the driver or chauffeur, or the suspension of the registration plates for the vehicle or for the vehicles in a combination of vehicles of the owner, for not to exceed 90 days. The Department of Motor Vehicles shall suspend the driver's or chauffeur's license, or vehicle registration plates, in accordance with the recommendation.

(3) If any driver, chauffeur or owner is convicted of a second or subsequent violation punishable under subsection (2) of this section within one year after the first conviction, the court before which the conviction is had, in addition to imposing the punishments provided in that subsection, shall suspend the driver's or chauffeur's license of the driver or chauffeur, or the registration plates for the vehicle or for the vehicles in a combination of vehicles of the owner, for not less than 30 days nor more than 90 days. The court shall secure the driver's or chauffeur's license or the vehicle registration plates, and immediately forward them to the Department of Motor Vehicles with information concerning the suspension. [Amended by 1953 c.691 §12]

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 December 2, 1957.

Sam R. Haley
Legislative Counsel

CHAPTER 484

[Reserved for expansion]