

Chapter 485

1959 REPLACEMENT PART

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SCHOOL BUSES

485.010 Definitions for ORS 485.010 to 485.030. (1) As used in ORS 485.010 to 485.030:

(a) "School children" means any students going to or from any school or authorized school activity or function.

(b) "School bus" means any vehicle having seating accommodations for eight passengers or more while exclusively engaged in transporting school children, and having displayed in a conspicuous place on the front and rear thereof the words "School Bus" in letters not less than eight inches in height and of proportionate width.

(c) "Public highway" means every street, alley, road, highway and thoroughfare in this state used by the public and dedicated or appropriated to public use.

(2) As used in ORS 485.040 to 485.060, "department" means the Department of Motor Vehicles. [Amended by 1955 c.287 §31]

485.020 Duty to stop when meeting or overtaking school bus receiving or discharging children. (1) Except when meeting such bus on a highway having more than two lanes, any person operating a motor vehicle upon any public highway, upon meeting or overtaking a school bus which has stopped on the highway or the shoulder thereof for the purpose of receiving or discharging any school children, shall completely stop the vehicle before reaching the point in the highway described in subsection (2) of this section, and shall not proceed with the vehicle if and so long as any school children are leaving the school bus or crossing the highway.

(2) The point mentioned in subsection (1) of this section is, in the case of:

(a) Meeting a school bus on a public highway having not more than two lanes, the front of the bus, or any point in the highway extended from the front of the bus across and at right angles to the center line of the highway.

(b) Overtaking a school bus, the rear of the bus, or any point in the highway extended from the rear of the bus across and at right angles to the center line of the highway.

485.030 School bus markings; stopping at railroad crossings. (1) The driver of any school bus shall see that there is displayed in a conspicuous place on the front and rear of the bus the words "School Bus" in letters not

less than eight inches in height and of proportionate width.

(2) The driver of any school bus shall completely stop the bus at a distance of not less than 10 nor more than 50 feet from any railroad grade crossing before crossing it.

485.040 Registration and approval of school busses. No motor vehicle which has seating accommodations for more than seven passengers and is engaged exclusively in transporting students or their instructors to or from school or authorized school activities or functions shall be operated for such purpose without first having been registered with and approved by the department as being safe for operation upon the public highways.

485.050 Regulations for school busses. The department shall adopt such reasonable standards relating to school bus construction and equipment, consistent with minimum uniform national standards, as the department deems necessary for safe and economical operation. The department shall also adopt and enforce such rules and regulations relating to the safety of operation, qualifications and training of drivers, accident reports and intervals of inspection, as the department deems proper and necessary.

485.060 School bus license plates. The department shall issue license plates for a motor vehicle engaged in transporting students or their instructors to or from school or authorized school activities or functions when satisfied the vehicle conforms to the rules and regulations adopted by the department and is safe for operation upon the public highways. Any failure to continue to maintain and operate a motor vehicle used for this purpose in accordance with such rules and regulations or any failure to operate the vehicle safely upon the public highways is sufficient cause for the revocation of the license plates.

485.070 to 485.300 [Reserved for expansion]

VEHICLES USED TO TRANSPORT WORKERS

485.310 Definitions for ORS 485.310 to 485.420. As used in ORS 485.310 to 485.420 and subsections (2) and (3) of ORS 485.990, unless the context requires otherwise:

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

(2) "Employer" means an individual who employs or uses two or more workers.

(3) "Motor vehicle" means any vehicle which is self-propelled.

(4) "Owner" means any person having the lawful use or control of a motor vehicle as holder of the legal title of the motor vehicle or under contract or lease or otherwise.

(5) "Place of employment" means that location where one or more workers are actually performing the labor incident to their employment.

(6) "Safety code" means the compilation of rules embodying the minimum standards adopted under ORS 485.340.

(7) "Worker" means an individual employed for any period in any work for which he is compensated, whether full or part time. [1959 c.304 §1]

485.320 Safe operation and maintenance required. Every motor vehicle furnished by an employer and used to transport one or more workers to and from their places of employment shall be maintained in a safe condition and operated in a safe manner at all times, whether or not used upon a public highway, including passenger automobiles and station wagons operated by or on behalf of employers. [1959 c.304 §2]

485.330 Exempt vehicles. ORS 485.310 to 485.420 do not apply to motor carriers under ORS chapter 767 or to motor vehicles when owned and operated by the United States, the State of Oregon, any county, city, town or municipality in this state, or any department of any of them, except when owned or operated as a carrier for hire. [1959 c.304 §12]

485.340 Safety code; minimum standards. The Department of Motor Vehicles shall make and enforce reasonable rules relating to motor vehicles used to transport workers to and from their places of employment. These rules shall be embodied in a safety code, and shall establish minimum standards:

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

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

(3) For the safety of passengers in a motor vehicle, including emergency exits, fire extinguishers, first aid kits, means of ingress and egress, side walls, and a tail gate or other means of retaining freight and passengers within the motor vehicle. [1959 c.304 §3]

485.350 Preparing and distributing tentative draft of safety code; consultation; notice of hearings. (1) Before formulating a draft of the safety code, the department shall invite the participation of interested state agencies and representative business, farm, labor and safety organizations. These groups may make suggestions relating to the minimum standards to be embodied in the safety code. The department shall consider the suggestions and prepare a tentative draft of the safety code.

(2) Upon the fixing of dates and places for hearings to consider the tentative draft, the department shall cause notices of the hearings to be published in one or more daily newspapers of general circulation published and circulated in the City of Portland and in such other newspapers of general circulation in this state as will give wide notices of the hearings and in addition shall cause copies of the tentative draft to be widely distributed among representative business, farm, labor and safety organizations and among interested individuals. Any individuals or groups may participate in the hearings, and submit their comments and suggestions relating to the minimum standards embodied in the tentative draft. [1959 c.304 §4]

485.360 Adoption of safety code; notice; distribution. (1) Notice of the adoption and issuance of the safety code shall be given in the same manner as notices of the hearings.

(2) The department shall cause copies of the safety code and amendments thereto to be widely distributed among interested state agencies, among representative business, farm, labor and safety organizations and among interested individuals. [1959 c.304 §5]

485.370 Amending safety code. The department may amend the safety code at any time upon its own motion or upon complaint by any individual or group, in the same manner as the safety code was prepared, adopted and distributed under ORS 485.350 and 485.360. [1959 c.304 §6]

485.380 Effect of erroneous notice. No defect or inaccuracy in a notice or in the publication thereof shall invalidate the safety code or any amendment thereto adopted and issued by the department. [1959 c.304 §7]

485.390 Inspection of vehicles. The department may, in enforcing the safety code, inspect any motor vehicle used to transport workers to and from their places of employment. Upon request, the Superintendent of State Police shall assist the department in these inspections. [1959 c.304 §8]

485.400 Orders regarding noncomplying vehicles or drivers. Whenever the department finds that a motor vehicle used to transport workers to and from their places of employment violates any provision of the safety code or an amendment thereto, the department shall make, enter and serve upon the owner of the motor vehicle such order as may be necessary to protect the safety of workers transported in the motor vehicle. The department may direct in the order, as a condition to the continued use of the motor vehicle for transporting workers to and from their places of employment, that such additions, repairs, improvements or changes be made and such safety devices and safeguards

be furnished and used as are reasonably required to satisfy the requirements of the safety code, in the manner and within the time specified in the order. The order may also require that any driver of the motor vehicle satisfy the minimum standards for a driver under the safety code. [1959 c.304 §9]

485.410 Judicial review of orders. Any person aggrieved by an order of the department under ORS 485.400 may appeal under the provisions of ORS 183.480. [1959 c.304 §11]

485.420 Enforcement. The department and the State Industrial Accident Commission shall have concurrent jurisdiction in the enforcement of safety codes promulgated by ORS 485.310 to 485.420 relating to motor vehicles used to transport workers to and from their place of employment. [1959 c.304 §10]

485.430 to 485.980 [Reserved for expansion]

PENALTIES

485.990 Penalties. (1) Violation of ORS 485.020 or 485.030 is punishable upon conviction by a fine of not more than \$100.

(2) Violation by the owner of a motor vehicle of any order issued by the department under ORS 485.400, or wilful failure to comply with such an order, is a misdemeanor.

(3) Violation of any provision of the safety code or an amendment thereto is a misdemeanor. [Subsections (2) and (3) enacted as 1959 c.304 §13]

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 November 1, 1959.

Sam R. Haley
Legislative Counsel