Chapter 486

1961 REPLACEMENT PART

Financial Responsibility Law

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DEFINITIONS; GENERAL PROVISIONS

486.005 [Amended by 1955 c.287 §32; repealed by 1955 c.429 §51]

486.010 [Repealed by 1955 c.429 §51]

486.011 Definitions. As used in this chapter, except when the context clearly indicates a different meaning:

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

(2) "Driver" means every person, including a nonresident, who drives or is in actual physical control of a vehicle.

(3) "Judgment" means any judgment which has become final by expiration, without appeal, of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, operation, maintenance or use of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(4) "Highway" means every public way, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, used or intended for the use of the general public for vehicles.

(5) "License" means any operator's or chauffeur's license or any other license or permit to operate a motor vehicle issued under the laws of this state including:

(a) Any temporary license or instruction permit.

(b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license.

(c) Any nonresident's operating privilege.

(6) "Owner" means a person including a nonresident who holds the legal title to a vehicle, except that:

(a) A mortgagor is deemed to be the owner of a vehicle if he is entitled to its possession.

(b) A conditional vendee or lessee is deemed to be the owner of a vehicle that is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in him.

(7) "Future responsibility" means the ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof thereof arising out of the ownership, operation, maintenance or use of a vehicle in the amount of:

(a) $5,000 because of bodily injury to or death of one person in any one accident;

(b) Subject to that limit for one person, $10,000 because of bodily injury to or death of two or more persons in any one accident; and

(c) $5,000 because of injury to or destruction of the property of others in any one accident.

(8) "Registration" means the registration certificate and plates issued under the laws of this state pertaining to the registration of vehicles.

(9) "Security deposit" means lawful money of the United States of America.

(10) "Vehicle" means every trailer or semitrailer, and every device which is self-propelled or propelled by electric power from overhead trolley wires, but not operated upon rails.

[1955 c.429 §2]

486.015 [Repealed by 1955 c.429 §51]

486.020 [Repealed by 1955 c.429 §51]

486.021 Security deposit and proof of future responsibility required following accident. Within 60 days following notice to the department of an accident originating from the operation of a vehicle upon any highway within this state which has resulted in damage to property or injury or death to person, the driver and owner of such vehicle shall except as hereinafter provided:

(1) Pay and deliver to the department a security deposit when ordered to do so in such sum of money which is sufficient in the opinion of the department to satisfy any judgments for damages resulting from such accident as may be recovered from such driver or owner, but in no case less than $100; and

(2) File with the department and thereafter maintain for a period of five years proof of future responsibility.

[1955 c.429 §6; 1959 c.439 §1]

486.025 [Repealed by 1955 c.429 §51]

486.030 [Repealed by 1955 c.429 §51]

486.031 Exemption from security deposit requirements. Exemption from the security deposit requirements of this chapter shall be made and shall be granted in the following cases where proof of the right to exemption is submitted to the department in such form and in such detail as it shall require:

(1) Exemption shall be granted to both the driver and to the owner if:

(a) The driver at the time of the accident was operating a vehicle owned by or leased by and operated under the direction of the United States, this state, or any municipality or political subdivision of this state.

(b) No injury or damage was caused in the accident to the person or to property of anyone other than such driver or his employer;

(c) His vehicle at the time of the accident was parked, unless it was parked at a place where such parking was prohibited;

(d) Such liability as may arise from the driver's operation of the vehicle involved in the accident was covered by some form of liability insurance or bond which complies with the requirements of this chapter; or

(e) The owner of the vehicle involved in the accident was a self-insurer.

(2) Exemption shall be granted to a person if:

(a) At the time of the accident his vehicle was being operated or had been parked by a bailee for hire or by a person not his agent, employe or a member of his family.

(b) At the time of the accident his vehicle was being operated without his permission, expressed or implied, or was parked by a person who had been operating such vehicle without his permission.

(c) He is released from liability by all other persons injured or damaged in the accident. The department may accept for the purposes of this chapter evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of a minor without the approval of any court or judge.

(d) There has been a final adjudication of nonliability in respect to such person as to all claims arising out of the accident.

(e) Payment for damage and injuries has been made to such person by or in behalf of the other party to the accident.

(f) At the time of the accident he was operating the vehicle under a permit issued by the Public Utility Commissioner of Oregon.

(g) He files with the department evidence establishing that he is a party to a duly acknowledged settlement agreement with respect to all damages or injuries arising out of the accident.

[1955 c.429 §13; 1957 c.257 §1; 1959 c.439 §2]

486.035 [Repealed by 1955 c.429 §51]

486.040 [Repealed by 1955 c.429 §51]

486.041 Exemption from giving proof of future responsibility. Both the driver and the owner are exempt from the requirement of this chapter that proof of future responsibility be given if the person claiming exemption furnishes to the department proof that:

(1) At the time of the accident the driver was operating a vehicle owned by or leased to and operated under the direction of the United States of America, this state or any municipality or subdivision thereof;

(2) At the time of the accident the vehicle was lawfully parked;

(3) Such liability as may arise from the driver's operation of the vehicle involved in the accident was covered by some form of liability insurance or bond which complies with the requirements of this chapter;

(4) The owner of the vehicle involved in the accident was a self-insurer under the provisions of this chapter; or

(5) The vehicle involved in the accident was being operated under a permit issued by the Public Utility Commissioner of Oregon.

[1955 c.429 §18]

486.045 [Repealed by 1955 c.429 §51]

486.046 When security and suspension provisions apply to employer rather than driver. If the driver at the time of an accident was driving, with the permission of his employer, a vehicle owned, operated or leased by his employer, the security deposit, proof of future responsibility and suspension provisions of this chapter shall apply to the employer and to the vehicles owned by him or registered under his name, and shall not apply to such driver.

[1955 c.429 §12]

486.050 [Repealed by 1955 c.429 §51]

486.051 Powers and duties of department generally. The department shall:

(1) Administer and enforce the provisions of this chapter and shall make rules

and regulations necessary to carry out the purpose and intent hereof; and

(2) Prescribe and provide suitable forms for the administration and enforcement of this chapter.

[1955 c.429 §47]

486.055 [Repealed by 1955 c.429 §51]

486.056 Operating record of drivers available to public. The department shall upon request furnish any person a certified abstract of the operating record of any person subject to this chapter. The abstract shall include enumeration of any vehicle accidents in which such person has been involved and reference to any convictions of such person for violation of the motor vehicle laws as reported to the department during the five years immediately preceding. The department shall collect for each abstract the sum of $1.

[1955 c.429 §48; 1959 c.439 §3]

486.060 [Repealed by 1955 c.429 §51]

486.061 Admissibility of accident report and department's findings. The report required following an accident, the action taken by the department under this chapter, the findings, if any, of the department upon which such action is based, and the deposit of security shall not be referred to in any way or admitted into evidence or be any evidence of the negligence or due care of any party at the trial of any action at law to recover damages.

[1955 c.429 §49]

486.065 [Repealed by 1955 c.429 §51]

486.066 Reviews and other actions not affected. Nothing in this chapter is intended to prevent a review or other action permitted by the Constitution and laws of this state by a court of competent jurisdiction with reference to any order or action of the department under this chapter.

[1955 c.429 §50]

486.068 Jurisdiction of courts. All circuit courts, police judges or recorders of any city or town or justices of the peace or district judges of the county shall have concurrent jurisdiction of all violations of this chapter committed within their respective city, town, county or district.

[1959 c.439 §10]

Note: ORS 486.068 was not added to and made a part of ORS chapter 486. The Legislative Counsel has made no substitution pursuant to ORS 173.160 for the words "this chapter" as they appeared in 1959 c.439 §10.

486.070 [Repealed by 1955 c.429 §51]

486.071 Repealer; interrelation with former responsibility Acts. Chapter 486 of the 1953 edition of the Oregon Revised Statutes is repealed, except with respect to accidents or judgment arising therefrom or any violation of the motor vehicle laws of this state occurring prior to August 3, 1955. All deposits, policies of insurance and certificates therefor and other proof of financial responsibility or future responsibility held by the department or by the State Treasurer, and all cancelations, revocations and suspensions made by the department pursuant to chapter 434, Oregon Laws 1935, as amended, or pursuant to the provisions of ORS 486.005 to 486.990 [1953 edition] shall remain in full force and effect, subject to the provisions of this chapter.

[1955 c.429 §51]

486.075 to 486.100 [Reserved for expansion]

ACCIDENT REPORTS; SECURITY DEPOSITS

486.105 [Repealed by 1955 c.429 §51]

486.106 Accident report required. The driver of a vehicle which is in any manner involved in an accident upon any highway within this state, which has resulted in damage to the property or in bodily injury to or death of any person, shall, within 24 hours after such accident, report it to the department on a form furnished by it.

[1955 c.429 §3; 1959 c.439 §4]

486.110 [Repealed by 1955 c.429 §51]

486.111 Owner's duty to report accident. If any driver not the owner of the vehicle involved in the accident does not make the report required under ORS 486.106, the owner shall, as soon as he learns of the accident, make the report.

[1955 c.429 §4]

486.115 [Repealed by 1955 c.429 §51]

486.116 Additional reports. The driver and the owner shall make such other and additional reports as the department may require.

[1955 c.429 §5]

486.120 [Repealed by 1955 c.429 §51]

486.125 [Repealed by 1955 c.429 §51]

486.130 [Repealed by 1955 c.429 §51]

486.131 Determination of amount of security deposit. Within 50 days following the report to the department of an accident, the

department shall require a security deposit from any owner or driver not exempt hereunder, in such an amount as may be necessary to cover damage to personal property and injuries to persons. For said purpose, the department shall require information of such damages to be furnished to it on its printed forms.
[1955 c.429 §7]

486.135 [Repealed by 1955 c.429 §51]

486.136 Amount of deposit required. The security deposit required under this chapter shall be in amounts of not more than:

(1) $5,000 because of bodily injury to or death of one person in any one accident;

(2) Subject to that limit for one person, $10,000 because of bodily injury to or death of two or more persons in any one accident; and

(3) $5,000 because of injury to or destruction of the property of others in any one accident.
[1955 c.429 §8; 1959 c.439 §5]

486.140 [Repealed by 1955 c.429 §51]

486.141 Reducing or increasing security. The department may reduce the amount of security deposit ordered in any case if in its judgment the amount ordered is excessive. When the security deposit originally determined has been deposited, the excess on deposit over the reduced amount shall be returned to the depositor or his personal representative forthwith. The department shall not be required to increase the amount of any deposit after it has been determined and ordered.
[1955 c.429 §9]

486.145 [Repealed by 1955 c.429 §51]

486.146 Payment of judgment or settlement out of deposit. (1) The security deposit shall be available:

(a) For the payment of final judgments rendered against the driver or owner in whose behalf the deposit was made, for damages arising out of the accident, in an action at law begun not later than two years after the date of such accident, or within one year after the date of making of any security deposit following failure to make payments under an agreement to pay; or

(b) For the payment of any settlement agreement covering any claim arising out of the accident, upon instruction of the person who made the deposit.

(2) Every distribution of funds from the security deposit shall be subject to the limits of the department's evaluation on behalf of a claimant but not in excess of the maximum amounts provided in ORS 486.136 for bodily injury and property damage.
[1955 c.429 §10; 1959 c.439 §6]

486.150 [Repealed by 1955 c.429 §51]

486.155 [Repealed by 1955 c.429 §51]

486.156 Deposit to be held by State Treasurer; return of deposit to depositor. The security deposit paid to the department shall be transferred by it to the State Treasurer. The security deposit shall be returned to the depositor if he at any time establishes exemption from security under this chapter. After the expiration of two years from the date of the accident, any security deposit remaining shall be returned to the depositor or to his personal representative, except that the department shall not make such return if it has received notice that an action for damages arising out of the accident has been filed against the driver or owner in whose behalf the security deposit was made and the department is satisfied that such action is then pending; or that there is a judgment rendered in any such action against the driver or owner in whose behalf the security deposit was made and the department is satisfied that such judgment remains unpaid.
[1955 c.429 §11; 1957 c.257 §2]

486.160 to 486.200 [Reserved for expansion]

REVOCATION OF LICENSES AND REGISTRATION

486.205 [Repealed by 1955 c.429 §51]

486.210 [Repealed by 1955 c.429 §51]

486.211 Causes for revocation or suspension of license and vehicle registration. The department shall revoke or suspend the license and the vehicle registration for all vehicles of any person who:

(1) Fails to make the reports to the department as required of him by this chapter.

(2) Fails to pay to the department the amount of security deposit required of him under this chapter within 10 days after notice to do so.

(3) Fails to file with the department proof of future responsibility when such proof is required of him by this chapter.

(4) Has been convicted in any municipal, justice, county, district or circuit court of

this state, or by a court of competent jurisdiction of any state, of one of the following offenses or has forfeited bail on account of one of such offenses:

(a) Manslaughter or negligent homicide resulting from the operation of a vehicle.

(b) Perjury or the making of a false affidavit to the department under any law of this state requiring the registration of vehicles or regulating their operation on highways.

(c) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a vehicle is used.

(d) Three charges of reckless driving all within the preceding 12 months.

(e) Failing to stop and disclose his identity at the scene of an accident resulting in the death of or injury to another person.

(f) Driving any vehicle upon any highway, while being an habitual user of narcotics or while intoxicated or while under the influence of narcotics, drugs or intoxicating liquor.

(g) Taking a motor vehicle without the owner's consent.

(5) Fails to satisfy a judgment rendered against him within 60 days after its entry.
[1955 c.429 §37; 1957 c.417 §2; 1959 c.439 §7; 1961 c.184 §1]

486.215 [Repealed by 1955 c.429 §51]

486.216 Application to nonresidents; reciprocity. (1) As used in this section, "state" includes any state, territory or possession of the United States and the District of Columbia.

(2) When the license of a nonresident is revoked or suspended under the provisions of this chapter, the department shall transmit a copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided in this section, as follows: The department shall suspend or revoke the license of any resident of this state and the registration of any vehicle owned by him upon receiving notice from another state that such person's license and driving privilege in that state have been suspended or revoked.

(3) The revocation or suspension under subsection (2) of this section shall continue until such resident of this state furnishes evidence:

(a) Of his compliance with the law of such other state and the restoration of his license and driving privilege in that state and furnishes proof of future responsibility with the department; or

(b) That the revocation or suspension in the other state was not under circumstances which would require the department to suspend or revoke the license and registration of such resident under the provisions of this chapter.
[1955 c.429 §40; 1959 c.439 §8]

486.220 [Repealed by 1955 c.429 §51]

486.225 [Repealed by 1955 c.429 §51]

486.230 [Repealed by 1955 c.429 §51]

486.235 [Repealed by 1955 c.429 §51]

486.240 [Repealed by 1955 c.429 §51]

486.245 [Repealed by 1955 c.429 §51]

486.250 [Repealed by 1955 c.429 §51]

486.251 Suspension of license and registration following judgment. Whenever any person fails within 60 days to satisfy a judgment rendered in a court of this state, the clerk of the court, or the judge if the court has no clerk, shall, immediately upon the written request of the judgment creditor or his attorney, forward to the department a certified copy of the judgment, and the department shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered.
[1955 c.429 §43]

486.255 [Repealed by 1955 c.429 §51]

486.256 Return of license or registration to the department. Any person whose license or registration has been suspended, or whose policy of insurance or bond required under this chapter has been canceled or terminated, or who neglects to furnish other proof upon request of the department, shall immediately return his license and registration to the department. If any person fails to return to the department the license or registration, the department shall forthwith direct any peace officer to secure possession thereof and return it to the department.
[1955 c.429 §41]

486.260 [Repealed by 1955 c.429 §51]

486.261 Transfer of registration or vehicle during suspension. When an owner's registration has been suspended, such registration shall not be transferred nor shall the

vehicle for which it was issued be registered in any other name until the department is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter. Nothing in this section shall affect the rights of any conditional vendor, chattel mortgagee or lessor of a vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.
[1955 c.429 §42]

Note: ORS 486.261 was amended by section 417 of chapter 726, Oregon Laws 1961 (Uniform Commercial Code), effective September 1, 1963. Until then, ORS 486.261 (1961 Replacement Part) remains in effect, unless otherwise provided by legislative action after 1961.

486.265 [Repealed by 1955 c.429 §51]

486.266 Notification of resident state when nonresident is judgment debtor. If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident.
[1955 c.429 §44]

486.270 [Repealed by 1955 c.429 §51]

486.275 [Repealed by 1955 c.429 §51]

486.276 Effect of discharge in bankruptcy. A discharge in bankruptcy following the rendering of any judgment shall not relieve the judgment debtor from any of the requirements of this chapter.
[1955 c.429 §45]

486.280 [Repealed by 1955 c.429 §51]

486.281 When judgment deemed satisfied. (1) Every judgment shall for the purpose of this chapter be deemed satisfied:

(a) When $5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident.

(b) When, subject to the limit of $5,000 as to one person, the sum of $10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.

(c) When $2,000 has been credited upon any judgment or judgments rendered in excess of that amount for damage to or destruction of property of others as the result of any one accident.

(d) When the judgment creditor and the judgment debtor have mutually agreed upon a compromise settlement of the judgment.

(2) Payments made in settlement of any claims because of bodily injury, death or property damage arising from the accident shall be credited in reduction of the amounts provided for in subsection (1) of this section.
[1955 c.429 §46]

486.285 [Repealed by 1955 c.429 §51]

486.290 [Repealed by 1955 c.429 §51]

486.291 Restoration of license and registration. If not otherwise prohibited by the motor vehicle laws of this state, the privilege of operating a vehicle and the license evidencing such privilege and the registration of all vehicles which has been revoked or suspended pursuant to the provisions of this chapter shall be restored to the driver or to the owner if he:

(1) Makes the reports required by this chapter; and

(2) Files with the department and for a period of five years thereafter maintains proof of future responsibility with respect to all vehicles registered in his name as owner, or, if no vehicles are registered to him, then with respect to all vehicles operated by him; and

(3) Pays or deposits with the department the amount of security deposit ordered by it or gives to the department an affidavit that two years have elapsed following the date of such accident and that no action at law for damages arising out of such accident has been instituted and is pending; and

(4) With respect to a judgment rendered against him,

(a) Satisfied such judgment, or

(b) Has an insurer which has been found by the department to be obligated to pay such judgment; provided that there has been no final adjudication by a court of law or in equity that such insurer has no such obligation, or

(c) Gives evidence to the department that a period of five years has elapsed since the entry of such judgment; or

(d) Furnishes to the department the written consent of the judgment creditor on such forms as the department may prescribe that his license and registration may be restored for the period of time permitted by such consent, or

(e) Receives from the court which rendered such judgment an order permitting the payment thereof in instalments.
[1955 c.429 §38; 1957 c.257 §3]

486.295 [Repealed by 1955 c.429 §51]

486.300 [Repealed by 1955 c.429 §51]

486.301 [1955 c.429 §39; repealed by 1959 c.506 §3]

486.305 to 486.400 [Reserved for expansion]

PROOF OF FUTURE RESPONSIBILITY GENERALLY

486.405 [Repealed by 1955 c.429 §51]

486.410 [Repealed by 1955 c.429 §51]

486.411 Methods of proving future responsibility. Proof of future responsibility may be given by filing with the department for the benefit of the person required to furnish such proof:

(1) A certificate of insurance issued by an insurance carrier doing business in this state, showing that the insured has procured and that there is in effect a motor vehicle liability policy for the limits of future responsibility either (a) a designating by explicit description or by appropriate reference all motor vehicles with respect to which coverage is granted thereby and insuring such person and all other persons using any such motor vehicle or motor vehicles with his consent against loss from the liabilities imposed by law for damages arising out of the ownership, operation, use or maintenance of said motor vehicle or motor vehicles, or (b) insuring such person against such loss arising out of the use by him of any motor vehicle not owned by him; or

(2) A bond conditioned for the paying in behalf of the principal, the limits of future responsibility; or

(3) A certificate of the State Treasurer that such person has deposited with him the sum of $15,000 in cash or in securities such as may legally be purchased by fiduciaries or for trust funds of a market value of $15,000; or

(4) Evidence that such person holds a valid certificate of self-insurance issued by the department.
[1955 c.429 §14]

486.415 [Repealed by 1955 c.429 §51]

486.416 Proof furnished for employe or relative. The owner of a motor vehicle may give proof of future responsibility on behalf of his employe or a member of his immediate family or household in lieu of the furnishing of proof by such person. The furnishing of such proof permits such person to operate only a motor vehicle covered by the proof, and the department shall indorse appropriate restrictions on the face of his license.
[1955 c.429 §15]

486.420 [Repealed by 1955 c.429 §51]

486.421 Substituting proof. At the request of a person who has filed proof of future responsibility, it shall be returned to him upon his substituting other adequate proof of future responsibility.
[1955 c.429 §16]

468.425 [Repealed by 1955 c.429 §51]

486.426 Furnishing new proof when proof is inadequate. Whenever any proof of future responsibility no longer meets the requirements of this chapter, the department shall require the furnishing of other proof meeting such requirements. If such proof is not so furnished the department shall suspend the license and registration or the nonresident's operating privilege of the person required to furnish it.
[1955 c.429 §17]

486.430 [Repealed by 1955 c.429 §51]

486.431 When filing of proof is waived. (1) Proof of future responsibility shall be returned to the person entitled thereto and the requirement of the filing thereof shall be waived:

(a) In the event of the death of the person on whose behalf such proof was filed;

(b) In the event the person surrenders his license and registration to the department; or

(c) At any time after five years from the date such proof was required when, during the one-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or registration of the person by or for whom such proof was furnished.

(2) The department shall not release or waive such proof if any action for damages which may result in a judgment is then pending, nor in the event any judgment is outstanding and unsatisfied. An affidavit of the applicant of the nonexistence of such facts is sufficient evidence thereof in the

absence of evidence to the contrary in the records of the department.

(3) If the department has released or waived any proof upon behalf of a person who has surrendered his license and registration and such person thereafter applies for a license or registration, the application shall be refused unless the applicant reestablishes such proof for the remainder of such five-year period.

[1955 c.429 §19; 1961 c.222 §1]

486.435 [Repealed by 1955 c.429 §51]

486.440 [Repealed by 1955 c.429 §51]

486.445 to 486.500 [Reserved for expansion]

INSURANCE AS EVIDENCE OF RESPONSIBILITY

486.505 [Repealed by 1955 c.429 §51]

486.506 Contents of certificate of insurance; termination of insurance by subsequent filing. (1) Every certificate of insurance shall:

(a) Be dated as of the date of the motor vehicle policy for which it is given.

(b) Contain the policy number.

(c) Describe all vehicles covered by the policy, unless such policy is issued with respect to all vehicles operated by the assured.

(2) The policy of insurance for which the certificate is given shall not be canceled or terminated except upon the giving of 10 days' prior written notice to the department.

(3) Notwithstanding the provisions of this section relating to notice of cancellation or termination, an insurance policy subsequently procured and certified to the department shall, on the date the certificate is filed with the department, terminate the insurance previously certified with respect to any operator or vehicle designated in both certificates.

[1955 c.429 §21; 1959 c.439 §9; 1961 c.544 §1]

486.510 [Repealed by 1955 c.429 §51]

486.511 Vehicle coverage required in certificate. The department shall not accept any certificate or certificates unless all vehicles are covered that are registered in the name of or operated by the person furnishing such proof, except vehicles in storage, the current license plates and registration cards for which have been surrendered to the department.

[1955 c.429 §22; 1957 c.257 §4]

486.515 [Repealed by 1955 c.429 §51]

486.520 [Repealed by 1955 c.429 §51]

486.521 When certificate of carrier not authorized to do business in this state is acceptable. (1) When furnished with respect to a nonresident motorist, the bond or certificate of insurance of a surety company or an insurance company which is not authorized to do business in Oregon shall not be accepted as proof of future responsibility unless such company:

(a) Executes and delivers to the department a power of attorney authorizing it to accept service on its behalf of service of process in any action arising out of a vehicle accident in this state involving its principal or insured; and

(b) Executes and delivers to the department an agreement in writing that such bond or policy shall be deemed to conform to the laws of this state relating to such bond or insurance policy.

(2) If any insurance company or surety company not authorized to transact business in this state which has qualified to furnish proof of future responsibility, defaults in any of its undertakings or agreements, the department shall not thereafter accept as proof any certificate of such carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

[1955 c.429 §20; 1961 c.28 §1]

486.525 [Repealed by 1955 c.429 §51]

486.530 [Repealed by 1955 c.429 §51]

486.535 [Repealed by 1955 c.429 §51]

486.540 [Repealed by 1955 c.429 §51]

486.541 Contents of vehicle liability policy. Every vehicle liability policy for which a certificate of insurance is given to prove future responsibility shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement or indorsement which provides that the insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

[1955 c.429 §23]

486.545 [Repealed by 1955 c.429 §51]

486.546 Liabilities which need not be covered. The vehicle liability policy need not insure any liability under any workmen's compensation law; nor any liability on account of bodily injury to or death of an employe of the insured while engaged in the

employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of a vehicle; nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.
[1955 c.429 §24]

486.550 [Repealed by 1955 c.429 §51]

486.551 When insurer's liability accrues; nonforfeiture provisions. The liability of an insurance carrier with respect to the insurance policy required by this chapter to prove future responsibility shall become absolute whenever injury or damage covered by the vehicle liability policy occurs. The policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on his behalf and in violation of the policy shall defeat or void the policy. The provisions of this section are not applicable to policies of vehicle liability insurance other than those required in connection with proof of future responsibility.
[1955 c.429 §28]

486.555 [Repealed by 1955 c.429 §51]

486.556 General provisions governing liability policies. Every vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) The policy, the written application therefor, if any, and any rider or indorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(2) The satisfaction by the insured of a judgment for injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(3) Any binder issued pending the issuance of a vehicle liability policy shall be deemed to fulfill the requirements for such a policy.
[1955 c.429 §25]

486.560 [Repealed by 1955 c.429 §51]

486.561 Insurer's right to provide for reimbursement and proration. Any vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter and it may further provide for the prorating of the insurance thereunder with other valid and collectible insurance.
[1955 c.429 §26]

486.564 Insurer's right to settle claims. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in respect to a vehicle liability policy.
[1955 c.429 §27]

486.565 [Repealed by 1955 c.429 §51]

486.566 Excess coverage permitted; combining policies to meet requirements. Any policy which grants the coverage required for a vehicle liability policy may also grant any lawful coverage in excess of or in addition to the required coverage, and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "vehicle liability policy" shall apply only to that part of the coverage which is required by this chapter. The requirements for a vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.
[1955 c.429 §29]

486.570 Self-insurance as proof of future responsibility. (1) The department shall issue a certificate of self-insurance upon the application of any person in whose name more than 25 vehicles are registered when:

(a) The department believes that the applicant is possessed and will continue to be possessed of the ability to pay and discharge judgments which might be obtained against him; or

(b) A person is duly qualified under the laws of the State of Oregon or under an ordinance of a city of this state to act as a self-insurer and is acting as such and files an application for a certificate of self-insurance.

(2) As a part of his application, each applicant must agree to pay the same amounts with respect to accident occurring while the certificate is in force that an insurer would be obligated to pay under the vehicle liability policy for which the certificate of insurance provided by this chapter may be given.
[1955 c.429 §34]

486.575 Cancelation of self-insurance. Upon not less than five days' notice and a hearing held pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after it has become final shall constitute a reasonable ground for such cancelation.
[1955 c.429 §35]

486.580 to 486.600 [Reserved for expansion]

BOND OR STATE TREASURER'S CERTIFICATE AS PROOF

486.605 [Repealed by 1955 c.429 §51]

486.606 Bond as proof of future responsibility. The bond by which proof of future responsibility may be made must be approved by a judge of a court of record in this state and must contain a provision that it cannot be canceled except upon the giving of 10 days' prior written notice to the department. The surety thereon must be either a surety company or at least two persons who are residents of Oregon and who each own real property therein having together equities at least of the value of $15,000.
[1955 c.429 §30]

486.610 [Repealed by 1955 c.429 §51]

486.611 Lien on land of sureties. Every bond given by personal sureties shall contain a schedule of the real property owned by each of said sureties. The State of Oregon shall have a lien upon the real property so scheduled, and such lien shall be perfected by the filing by the department of notice of such lien with the county clerk of the counties in which such real property is located. Such lien shall exist in favor of any holder of a judgment against the person who is principal on such bond, resulting from a cause of action which accrued after such bond was filed.
[1955 c.429 §31]

486.615 [Repealed by 1955 c.429 §51]

486.616 Action on bond. If a judgment covered by the conditions of a bond is rendered against the principal on the bond and is not satisfied within 60 days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the state against any surety on the bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a surety.
[1955 c.429 §32]

486.620 [Repealed by 1955 c.429 §51]

486.621 Treasurer's certificate as proof of future responsibility. The State Treasurer shall give to the person who has deposited with him $15,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of $15,000 a certificate of deposit. The State Treasurer shall not issue a certificate and the department shall not accept such certificate unless the deposit is accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where he resides.
[1955 c.429 §33]

486.625 [Repealed by 1955 c.429 §51]

486.626 Action against deposit. A deposit of money or securities shall be held by the State Treasurer to satisfy, in accordance with this chapter, any execution on a judgment issued against the person making the deposit, resulting from a cause of action which accrued after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution arises out of a cause of action coming within the scope of this chapter.
[1955 c.429 §36]

486.630 to 486.985 [Reserved for expansion]

PENALTIES

486.990 [Repealed by 1955 c.429 §51]

486.991 Penalties. (1) Violation of any provision of this chapter for which no penalty is otherwise provided is punishable, upon conviction, by a fine of not more than $500 or imprisonment in the county jail for not more than 90 days, or both.

(2) Violation of requirement of this chapter to make reports following an accident is punishable, upon conviction, by a fine not exceeding $100.

(3) Any person who gives information to any report required by this chapter, knowing or having reason to believe that such information is false, or who forges, or, without authority, signs any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than $1,000 or imprisoned in the county jail for not more than one year, or both.

(4) Any person wilfully failing to return the license or registration as required shall be fined not more than $500 or imprisoned in the county jail not to exceed 30 days, or both.

[1955 c.429 §52]

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 1, 1961.

Sam R. Haley
Legislative Counsel