

Chapter 485

1971 REPLACEMENT PART

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BUSSES GENERALLY

485.010 Definitions for ORS 485.010 to 485.050. As used in ORS 485.010 to 485.050:

(1) "Bus" means a school bus or worker transport bus.

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

(3) "School children" means any students going to or from any school or authorized school activity or function or activities or functions under the sponsorship of the State Board of Higher Education.

(4) "School bus" means any motor vehicle that:

(a) Has a seating capacity of 12 or more passengers;

(b) Is marked in the front and in the rear, in letters eight inches high or higher and of proportionate width, with the words "School Bus";

(c) Is transporting school children, with or without their instructors, to or from school or an authorized school activity or function or activities or functions under the sponsorship of the State Board of Higher Education; and

(d) Is not subject to ORS chapter 767 or regulated by a city under ORS 221.420.

(5) "Worker transport bus" means a motor vehicle that:

(a) Is equipped with a flashing red warning light;

(b) Is furnished by an employer as defined in subsection (2) of ORS 485.310;

(c) Has a seating capacity of 12 or more passengers;

(d) Is transporting one or more workers, as defined in subsection (7) of ORS 485.310, to and from their places of employment, as defined in subsection (5) of ORS 485.310; and

(e) Is subject to the provisions of ORS 485.310 to 485.420.

[Amended by 1955 c.287 §31; 1961 c.546 §2; 1965 c.458 §3; 1971 c.607 §5]

485.020 Duty to stop when bus loading or unloading. (1) (a) Except as provided in subsection (2) of this section, when a driver of a motor vehicle meets or overtakes a bus which is stopped on a public highway or a shoulder thereof and on which is operating a flashing red warning light that is visible to the driver, the driver shall stop the vehicle before reaching the point described in para-

graph (b) of this subsection and shall remain stopped so long as the flashing red warning light is operating.

(b) The point mentioned in paragraph (a) of this subsection is, in the case of:

(A) Meeting a bus while proceeding in a direction opposite to that of the bus, 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 bus while proceeding in the same direction as that of the 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.

(2) The requirements of subsection (1) of this section do not apply to a driver who meets a bus while proceeding in a direction opposite to that of the bus on a highway that has two or more lanes for each direction.

(3) It shall be unlawful for the driver of a bus to operate the flashing red warning lights except when the bus is stopping or stopped for the purpose of loading or unloading either school children or any worker as defined in subsection (7) of ORS 485.310.

[1959 c.304 §2; 1961 c.546 §3; 1971 c.607 §6]

SCHOOL BUSES

485.030 School bus markings. (1) The driver of any vehicle that is a bus except for being marked as described in ORS 485.010 shall see that there is displayed in a conspicuous place on the front and rear of the bus in letters not less than eight inches in height and of proportionate width if the bus is a school bus, the words "School Bus."

(2) No person shall display the words "School Bus" on a vehicle that is not a school bus.

[Amended by 1961 c.546 §4; 1971 c.607 §7]

485.040 [Repealed by 1961 c.546 §10]

485.050 Regulations governing school busses and drivers. Subject to any other statute or regulation pursuant thereto relating to construction or equipment of vehicles, the Department of Education shall adopt such reasonable standards relating to school bus construction and school bus equipment, consistent with minimum uniform national standards, as the department deems necessary for safe and economical operation. Subject to ORS 482.630 or any other statute

or regulation pursuant thereto relating to safety of operation, qualifications or training of drivers, accident reports and intervals of inspection, the department shall also adopt and enforce such rules and regulations relating to the safety of operation, special qualifications and special training of drivers, special accident reports and intervals of inspection, as the department deems proper and necessary, for all vehicles used in transporting school children, with or without their instructors, to or from school or authorized school activities or functions.
[Amended by 1961 c.546 §1]

485.060 School bus license plates; revocation. The Motor Vehicles Division shall issue license plates for a motor vehicle used in transporting students, with or without their instructors, to or from school or authorized school activities or functions or activities or functions under the sponsorship of the State Board of Higher Education when notified by the Department of Education or its authorized representatives that the vehicle conforms to the rules and regulations adopted by the Department of Education 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.
[Amended by 1961 c.546 §5; 1965 c.458 §1]

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) "Division" means the Motor Vehicles Division of the Department of Transportation.

(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 the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security

agreement, or a lease for a term of 10 or more successive days.

(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; 1965 c.343 §18]

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 Motor Vehicles Division 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]

Note: The functions of the Motor Vehicles Division under ORS 485.340 were transferred to and vested in the Department of Commerce. See 1971 c.753 §70.

485.350 Preparing and distributing tentative draft of safety code; consultation; notice of hearings. (1) Before formulating a draft of the safety code, the division 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 division 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 division 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 division 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 division may amend the safety code at any time upon its own motion or upon complaint by any individual or group, in the same man-

ner 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 division.

[1959 c.304 §7]

485.390 Inspection of vehicles. The division 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 division in these inspections.

[1959 c.304 §8]

485.400 Orders regarding noncomplying vehicles or drivers. Whenever the division 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 division 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 division 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 division under ORS 485.400 may appeal under the provisions of ORS 183.480.

[1959 c.304 §11]

485.420 Enforcement. The Motor Vehicles Division and the State Accident Insurance Fund 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]

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 division

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, Robert W. Lundy, 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, 1971.

Robert W. Lundy
Legislative Counsel

