

# TITLE 59

## OREGON VEHICLE CODE

Chapter	801.	General Provisions and Definitions for Oregon Vehicle Code
	802.	Administrative Provisions
	803.	Vehicle Title and Registration
	805.	Special Registration Provisions
	806.	Financial Responsibility Law
	807.	Driving Privileges, Licenses and Permits
	809.	Refusal, Suspension, Cancellation and Revocation of Registration and Driving Privileges; Habitual Offenders; Vehicle Impoundment
	810.	Road Authorities; Courts; Police; Other Enforcement Officials
	811.	Rules of the Road for Drivers
	813.	Driving Under the Influence of Intoxicants
	814.	Pedestrians, Passengers, Livestock, Motorcycles, Mopeds, Bicycles
	815.	Vehicle Equipment Generally
	816.	Vehicle Equipment: Lights
	818.	Vehicle Limits
	819.	Destroyed, Abandoned and Stolen Vehicles; Vehicle Identification Numbers
	820.	Special Provisions for Certain Vehicles
	821.	Off-road Vehicles; Snowmobiles; All-terrain Vehicles
	822.	Regulation of Vehicle Related Businesses
	823.	Ambulances and Emergency Medical Personnel

### Chapter 801

#### 1985 REPLACEMENT PART

### General Provisions and Definitions for Oregon Vehicle Code

		801.105	"Administrator"
	<b>GENERAL PROVISIONS</b>	801.110	"Alley"
801.010	Short title	801.115	"Ambulance"
801.015	Effect of naming offenses	801.120	"Ambulatory disability"
801.020	Statements of policy and purpose; applicability of vehicle code	801.125	"Antique vehicle"
801.025	General exemptions; exceptions	801.130	"Assembled vehicle"
801.030	Exemptions from amendments to vehicle code	801.135	"Axle"
801.035	Relationship to regulation by Public Utility Commissioner	801.140	"Balance trailer"
801.040	Authority of local governments	801.145	"Bail"
801.045	Permissive use of private roadway	801.150	"Bicycle"
801.050	Privilege of motorist to use highways	801.155	"Bicycle lane"
801.055	Weight standards; Department of Transportation responsibility for weight determination	801.160	"Bicycle path"
		801.165	"Bus trailer"
		801.170	"Business district"
		801.175	"Canceled"
		801.180	"Camper"
	<b>DEFINITIONS</b>	801.185	"Certificate of title"
801.100	Definitions generally	801.190	"Class I all-terrain vehicle"

## OREGON VEHICLE CODE

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801.195	“Combination of vehicles”	801.425	“Replica”
801.200	“Commercial bus”	801.430	“Residence district”
801.205	“Commercial bus trailer”	801.435	“Revoked”
801.210	“Commercial vehicle”	801.440	“Right of way”
801.215	“Commission”	801.445	“Road authority”
801.220	“Crosswalk”	801.450	“Roadway”
801.225	“Department”	801.455	“School activity vehicle”
801.230	“Director”	801.460	“School bus”
801.235	“Disabled person”	801.465	“Security interest”
801.240	“Division”	801.470	“Self-supporting trailer”
801.245	“Driver license”	801.475	“Semitrailer”
801.250	“Driver permit”	801.480	“Shoulder”
801.255	“Driving privilege”	801.485	“Sidewalk”
801.260	“Emergency vehicle”	801.490	“Snowmobile”
801.265	“Farm tractor”	801.500	“Special use trailer”
801.270	“Farm trailer”	801.505	“Stand” or “standing”
801.275	“Fifth wheel hitch”	801.510	“Stop”
801.280	“Financial responsibility requirements”	801.515	“Suspend”
801.285	“Fixed load vehicle”	801.520	“Tandem axles”
801.290	“Future responsibility filing”	801.525	“Tire”
801.295	“Golf cart”	801.530	“Tow vehicle”
801.300	“Group of axles”	801.535	“Throughway”
801.305	“Highway”	801.540	“Traffic control device”
801.310	“Implement of husbandry”	801.545	“Traffic crime”
801.315	“Indorsement”	801.550	“Traffic infraction”
801.320	“Intersection”	801.555	“Traffic offense”
801.325	“Limited visibility condition”	801.560	“Trailer”
801.330	“Loaded weight”	801.565	“Travel trailer”
801.335	“Manufacturer”	801.570	“Trolley”
801.340	“Mobile home”	801.575	“Truck tractor”
801.345	“Moped”	801.580	“Truck trailer”
801.350	“Motor home”	801.585	“Unloaded weight”
801.355	“Motor truck”	801.590	“Vehicle”
801.360	“Motor vehicle”	801.595	“Vehicle code”
801.365	“Motorcycle”	801.600	“Vehicle identification number”
801.370	“Operation”	801.605	“Vehicle of special interest”
801.375	“Owner”	801.610	“Worker transport bus”
801.380	“Park” or “parking”		
801.385	“Pedestrian”		
801.390	“Pole trailer”		
801.395	“Police officer”		
801.400	“Premises open to the public”		
801.405	“Reconstructed vehicle”		
801.410	“Registration” or “register”		
801.415	“Registration plate”		
801.420	“Registration weight”		

### CROSS REFERENCES

Authority for roads and traffic signals, 801.010 to 810.250  
Multistate Highway Transportation Agreement, 802 560

#### 801.010

City designation of truck route, procedure, 227.400

#### 801.040

Ambulances and emergency medical technicians, regulation  
by local government, authority and restrictions, 823.220

City designation of truck route, procedure, 227.400

## GENERAL PROVISIONS

**801.010 Short title.** (1) ORS chapters 801 to 822 may be cited as the Oregon Vehicle Code.

(2) ORS 809.600 to 809.660 may be cited as the Habitual Traffic Offenders Act.

(3) ORS 813.100, 813.140, 813.150, 813.310, 813.320 and 813.410 to 813.440 may be cited as the Motorist Implied Consent Law. [1983 c.338 §1; 1985 c 16 §2]

### **801.015 Effect of naming offenses.**

The names given offenses in the vehicle code do not establish or limit the elements of the offense described but are merely for the convenience of the readers of the vehicle code and of the persons administering and enforcing the vehicle code. [1983 c 338 §2]

**801.020 Statements of policy and purpose; applicability of vehicle code.** This section contains statements of purpose or intent that are applicable to portions of the vehicle code as described in the following:

(1) The provisions of the vehicle code and other statutory provisions described in this subsection are an exercise of the police powers of this state, and the purpose, object and intent of the sections is to provide a comprehensive system for the regulation of all motor and other vehicles in this state. This subsection is applicable to the following:

(a) Those portions of ORS 308.865 relating to the duties of the division.

(b) Those provisions of the vehicle code relating to the administration of the division.

(c) Those provisions of the vehicle code relating to the registration and titling of vehicles.

(d) Those provisions of the vehicle code relating to the regulation of the businesses of vehicle dealers, wreckers, vehicle transporters, driver training schools and instructors and the towing and recovery of vehicles.

(e) Those provisions relating to the transfer and alteration of vehicles.

(2) It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of motor vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories and countries with respect to vehicles registered in this and such other states, provinces, territories and countries, thus contributing to the economic and social development and growth of this state.

(3) The provisions described in this subsection shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and on the ocean shore which has been or may hereafter be declared a state recreation area. This subsection applies to provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles.

(4) The provisions of the vehicle code applicable to 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 this state, subject to such specific exceptions as are set forth in the vehicle code.

(5) Except as provided otherwise by federal law, the provisions of the vehicle code shall be applicable and uniform on federal lands within this state.

(6) Except as provided otherwise by federal law, traffic rules and regulations which are promulgated by a federal authority having jurisdiction over federal lands within this state and which vary from the provisions of the vehicle code shall be the law of the local authority within whose boundaries the federal land is located, and enforceable as such, if:

(a) Local authorities are authorized to vary in the same manner under the provisions of the vehicle code; and

(b) Prior approval for the variance has been obtained by the federal authority from the governing body of the local authority within whose boundaries the federal land is located.

(7) The vehicle code shall govern the construction of and punishment for any vehicle code offense committed after June 27, 1975, the construction and application of any defense to a prosecution for such an offense and any administrative proceedings authorized or affected by the vehicle code.

(8) When all or part of a vehicle code statute is amended or repealed, the statute or part thereof so amended or repealed remains in force for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person who violated the statute or part thereof before the effective date of the amending or repealing Act.

(9) The provisions of the vehicle code described in this subsection relating to the operation of vehicles refer exclusively to operation of

vehicles upon highways and the ocean shore which has been or may hereafter be declared to be a state recreation area, except where the vehicle code specifically provides otherwise. This subsection applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles.

(10) All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles, in force and effect on August 22, 1969, shall continue in force and effect until specifically amended or revoked as provided by law or by such arrangements or agreements.

(11) It is hereby declared to be the policy of this state:

(a) To provide maximum safety for all persons who travel or otherwise use the public highways of this state;

(b) To deny the privilege of operating motor vehicles on the public highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of her courts and the statutorily required acts of her administrative agencies; and

(c) To discourage repetition of criminal acts by individuals against the peace and dignity of the state and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws.

(12) If any of the provisions under ORS 818.200 relating to variance permits are found to contravene section 127 of title 23, United States Code, it shall not serve to render inoperative any remaining of such provisions that may be held not to conflict with that federal law. [1983 c.338 §4; 1985 c 16 §4]

**801.025 General exemptions; exceptions.** Except as otherwise specifically provided in the vehicle code, the provisions of the vehicle code do not apply to the exemptions described in this section. This section exempts all of the following partially or completely as described:

(1) Persons, motor vehicles and other equipment employed by the United States, this state, any county, city, district or other political subdivision or a public utility are exempt from the vehicle code while on a highway and working or being used to service, construct, maintain or repair the facilities of the utility, or to persons, motor vehicles and other equipment while oper-

ated within the immediate construction project as described in the governmental agency contract if there is a contract, in the construction or reconstruction of a street or highway when the work is being done in an area that is signed in accordance with the manual adopted under ORS 810.200. This subsection does not provide an exemption under the following circumstances:

(a) For provisions relating to serious traffic offenses.

(b) To the persons and vehicles when traveling to or from the facilities or construction project.

(2) Devices moved exclusively on stationary rail tracks are exempt from the vehicle code.

(3) Devices that are powered exclusively by human power are not subject to those provisions of the vehicle code that relate to vehicles. Notwithstanding this subsection, bicycles are generally subject to the vehicle code as provided under ORS 814.400. [1983 c 338 §5; 1985 c 16 §5]

**801.030 Exemptions from amendments to vehicle code.** This section describes exemptions from specific changes to the vehicle code. The exemptions allow some practice or right to continue after the change is made. The exemptions are as follows:

(1) Nothing contained in ORS 810.150 shall require the redesign, modification or replacement of street drains installed prior to September 13, 1975.

(2) Sections 2 to 169 of chapter 451, Oregon Laws 1975, shall not apply to or govern the construction of or punishment for any vehicle code offense committed before June 27, 1975, or the construction and application of any defense to a prosecution for such an offense and do not impair or render ineffectual any court or administrative proceedings or procedural matters which occurred before June 27, 1975. [1983 c 338 §6; 1985 c.171 §1]

**801.035 Relationship to regulation by Public Utility Commissioner.** This section provides for interrelationship between regulation under the vehicle code and regulation under ORS chapter 767. This section shall not be construed as the only section of the vehicle code defining the interrelationship between the vehicle code and ORS chapter 767. This section applies as described in the following:

(1) The Motor Vehicles Division and the Public Utility Commissioner of Oregon shall cooperate and establish, by rule, procedures by which a person who is required both to be insured or maintain proof of financial responsibility

under the vehicle code and to be insured under ORS chapter 767 may meet filing requirements for both with a single filing. Filing procedures established by rule under this subsection are sufficient to meet requirements for filing proof of financial responsibility and a certified statement of insurance under both the vehicle code and ORS chapter 767.

(2) The fees described in this subsection are in addition to any fees now payable by motor carriers under ORS chapter 767. This subsection applies to fees provided for trip permits under ORS 803.645 and fees provided for operation of a towing or transporter business under ORS 822.700.

(3) The issuance of a certificate for towing businesses under ORS 822.205 does not limit any authority of the Public Utility Commissioner of Oregon to regulate motor carriers under ORS chapter 767 including those carriers issued certificates under ORS 822.205. The issuance of certificates issued under ORS 822.205 and the regulation of persons engaged in the towing business is in addition to any permits or authority required or rules imposed under ORS 767.110 or any other provision of ORS chapter 767.

(4) Proportional registration and proportional fleet registration do not affect the authority of the Public Utility Commissioner except as specifically provided under ORS 802.510, 805.140 and 805.150. [1983 c.338 §7; 1985 c.16 §6; 1985 c.400 §1]

**801.040 Authority of local governments.** This section describes circumstances where special provisions are made concerning the authority of cities, counties or other political subdivisions in relation to some portion of the vehicle code. This section is not the only section of the vehicle code that applies to such authority and shall not be interpreted to affect the vehicle code except as specifically provided in this section. The following limits are partial or complete as described:

(1) No county, municipal or other local body with authority to adopt and administer local police regulations under the Constitution and laws of this state shall enact or enforce any rule or regulation in conflict with the provisions of the vehicle code described in this subsection except as specifically authorized in the vehicle code. This subsection applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles.

(2) The provisions of the vehicle code regulating towing businesses are exclusive and no

city, county or other political subdivisions shall regulate or require or issue any registration, licenses, permits or surety bonds or charge any fee for the regulatory or surety registration of any person required to obtain a certificate from the division under ORS 822.205. This subsection does not:

(a) Limit any authority of a city or county to license and collect a general and non-discriminatory license fee levied upon all businesses or to levy a tax based upon business conducted by any person within the city or county.

(b) Limit the authority of any city or county to impose any requirements or conditions as part of any contract to perform towing or recovering services for the city or county.

(3) No city, county or other political subdivision of this state, nor any state agency, may adopt a regulation or ordinance that imposes a special fee for the use of public lands or waters by snowmobiles or Class I all-terrain vehicles, or for the use of any access thereto that is owned by or under the jurisdiction of either the United States, this state or any such city, county or other political subdivision. The registration fees provided by ORS 821.320 are in lieu of any personal property or excise tax imposed on snowmobiles and Class I all-terrain vehicles by this state or any political subdivision. No city, county or other municipality, and no state agency shall impose any other registration or license fee on any snowmobile or Class I all-terrain vehicles in this state. This subsection does not prohibit any city, county or other political subdivision, or any state agency from regulating the operation of snowmobiles or Class I all-terrain vehicles on public lands, waters and other properties under its jurisdiction and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body if such regulations are not inconsistent with ORS 821.150 to 821.290.

(4) The provisions of ORS 819.100 to 819.130, 819.150, 819.160 and 819.210 to 819.260 relating to removal of vehicles that are abandoned establish minimum requirements subject to the following:

(a) Notwithstanding paragraph (b) of this subsection, a county or incorporated city may supersede such provisions by ordinance or charter provision.

(b) Any road authority described under ORS 810.010 may adopt rules or procedures that do not conflict with such provisions to provide for additional protection for the owner or person with an interest in a vehicle subject to such provisions or

that more quickly accomplish the procedures established under such provisions.

(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 copy of any report required to be filed under ORS 811.725. All such reports shall be for the confidential use of the city department but subject to the same requirements for release of such reports as provided for the release of such reports by the division under ORS 802.220 and 802.240. [1983 c.338 §8; 1985 c.16 §7; 1985 c.171 §2; 1985 c.459 §2a]

**801.045 Permissive use of private roadway.** Nothing in the provisions of the vehicle code described in this section 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 or from otherwise regulating such use as may seem best to such owner. This section applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles. [1983 c.338 §9]

**801.050 Privilege of motorist to use highways.** Subject to compliance with the motor vehicle law of this state, owners and operators of motor vehicles are granted the privilege of using the highways of this state. [1983 c.338 §10, 1985 c.16 §8]

**801.055 Weight standards; Department of Transportation responsibility for weight determination.** (1) References in the vehicle code to weights and measures refer to United States Standards thereof.

(2) For purposes of the vehicle code, the weights of vehicles, combinations of vehicles, parts of vehicles, wheels or axles shall be determined by the use of methods, procedures and devices established by the Department of Transportation by rule. The rules established in accordance with this subsection may include any or all of the following:

(a) Methods and procedures to determine weights when weighing devices or facilities are not convenient.

(b) Standards and certification procedures for weighing devices.

(c) Any other rules the department determines necessary or convenient for purposes of this subsection. [1983 c.338 §11; 1985 c.172 §1]

## DEFINITIONS

**801.100 Definitions generally.** Except where the context requires otherwise, the definitions given in the vehicle code govern its construction. [1983 c.338 §12]

**801.105 "Administrator."** "Administrator" means the Administrator of the Motor Vehicles Division. [1983 c.338 §13]

**801.110 "Alley."** "Alley" means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic. [1983 c.338 §14]

**801.115 "Ambulance."** "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability. [1983 c.338 §15]

**801.120 "Ambulatory disability."** "Ambulatory disability" means a disability because of which a person:

(1) Is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheelchair;

(2) Is not able to cross curbs because of paralysis or loss of function of the person's legs;

(3) Is missing one or both legs; or

(4) Has a permanently impaired or unsteady gait that makes it impossible or impractical to walk as a means of transportation. [1983 c.338 §16]

**801.125 "Antique vehicle."** "Antique vehicle" means a motor vehicle that is older than one-half the number of years between the current year and 1900 and that is maintained as a collector's item. [1983 c.338 §17]

**801.130 "Assembled vehicle."** "Assembled vehicle" means a vehicle:

(1) With a body that does not resemble any particular year model or make of vehicle;

(2) That is not a vehicle rebuilt by a manufacturer;

(3) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(4) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica. [1983 c.338 §18; 1985 c.402 §3]

**801.135 "Axle."** "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. [1983 c.338 §19]

**801.140 "Balance trailer."** "Balance trailer" means every trailer, other than a self-supporting trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and so that it couples to the towing vehicle with a device other than a fifth wheel hitch. The definition in this section is based upon design features and, except as otherwise provided in this section, does not prohibit a balance trailer from fitting into another classification of trailer based on use. [1983 c.338 §20; 1985 c.16 §9]

**801.145 "Bail."** "Bail" means money or its equivalent deposited by a defendant to secure the defendant's appearance for a traffic offense. [1983 c.338 §21]

**801.150 "Bicycle."** "Bicycle" means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c.338 §22]

**801.155 "Bicycle lane."** "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §23]

**801.160 "Bicycle path."** "Bicycle path" means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §24]

**801.165 "Bus trailer."** "Bus trailer" means any trailer designed or used for carrying human beings. [1983 c.338 §25]

**801.170 "Business district."** "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. [1983 c.338 §26]

**801.175 "Canceled."** "Canceled," with reference to driving privileges or vehicle registration or title, means that the driving privileges, registration or title are declared void and termi-

nated and new driving privileges, registration or title may be obtained only as permitted by law. [1983 c.338 §27, 1985 c.16 §10]

**801.180 "Camper."** "Camper" means a structure that:

- (1) Has a floor;
- (2) Is designed to be mounted upon a motor vehicle;
- (3) Is not permanently attached to a motor vehicle upon which it is mounted;
- (4) Is designed to provide facilities for human habitation or for camping;
- (5) Is six feet or more in overall length;
- (6) Is five and one-half feet or more in height from floor to ceiling at any point; and
- (7) Has no more than one axle designed to support a portion of the weight of the camper. [1983 c.338 §28]

**801.185 "Certificate of title."** "Certificate of title" means a document issued by any jurisdiction specifically as evidence of vehicle ownership. Oregon issues certificate of title under ORS 803.045. Titles for snowmobiles are issued as provided under ORS 807.370. Titles for mobile homes are issued as provided under ORS 820.500. [1983 c.338 §29; 1985 c.16 §11]

**801.190 "Class I all-terrain vehicle."** "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 600 pounds or less that travels on three or more low pressure tires and has a saddle for the operator. [1985 c.459 §2]

**801.195 "Combination of vehicles."** "Combination of vehicles" means two or more vehicles coupled together. [1983 c.338 §31]

**801.200 "Commercial bus."** "Commercial bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

- (1) Taxicabs that:
  - (a) Are passenger vehicles with a passenger seating capacity that does not exceed five;
  - (b) Carry passengers for hire where destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time;
  - (c) Are operated under a current license or permit issued by a city, county or other unit of local government where a permit or license is required for the operation of a taxicab; and
  - (d) Transport persons or property, or both, between points in Oregon.

(2) Vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of students to or from school. [1983 c.338 §32, 1985 c.16 §12]

**801.205 "Commercial bus trailer."** "Commercial bus trailer" means a bus trailer:

(1) That is designed or used for carrying passengers and their personal baggage for compensation.

(2) Other than a vehicle commonly known and used as a private passenger vehicle not operated for compensation except in the transportation of students to or from school. [1983 c.338 §33; 1985 c.16 §13]

**801.210 "Commercial vehicle."** "Commercial vehicle" means a vehicle that:

(1) Is used for the transportation of persons for compensation or profit; or

(2) Is designed or used primarily for the transportation of property. [1983 c.338 §34]

**801.215 "Commission."** "Commission" means the Oregon Transportation Commission. [1983 c.338 §35]

**801.220 "Crosswalk."** "Crosswalk" means any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for crosswalks under ORS 810.200. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection. Where no marked crosswalk exists, a crosswalk is that portion of the roadway described in the following:

(1) Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:

(a) The connections of the lateral lines of the sidewalks, shoulders or a combination thereof 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; or

(b) The prolongation of the lateral lines of a sidewalk, shoulder or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder.

(2) If there is neither sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection, measuring not less than six feet in width, that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk. [1983 c.338 §36]

**801.225 "Department."** "Department" means the Department of Transportation. [1983 c.338 §37]

**801.230 "Director."** "Director" means Director of Transportation. [1983 c.338 §38]

**801.235 "Disabled person."** "Disabled person" means a person who temporarily or permanently suffers from any of the following disabilities:

(1) An ambulatory disability;

(2) Loss or loss of function of one or both legs or significant limitation in the use of the legs;

(3) Inability to be mobile without the use of a wheelchair or other assistance device;

(4) Loss or loss of function of both hands;

(5) Loss of vision or substantial loss of visual acuity or visual field beyond correction;

(6) Respiratory disability that makes use of walking as a means of transportation impossible or impractical; or

(7) Cardiovascular disability that makes use of walking as a means of transportation impossible or impractical. [1983 c.338 §39; 1985 c.139 §3]

**801.240 "Division."** "Division" means the Motor Vehicles Division of the Department of Transportation. [1983 c.338 §40]

**801.245 "Driver license."** "Driver license" or "license" may have any or all of the meanings provided for the terms under this section as required or appropriate under the section referring to the term. The term "driver license" may be used interchangeably with "license" and either term may be used in any or all of the following ways:

(1) It may refer to a document issued by this state or any other jurisdiction as evidence of a grant of driving privileges.

(2) It may refer to general driving privileges granted by this state or another jurisdiction. [1983 c.338 §54; 1985 c.182 §1; 1985 c.608 §2]

**801.250 "Driver permit."** "Driver permit" means a grant of driving privileges by this state or another jurisdiction that is more limited than those available under a license or that is only available under special or limited circumstances. The term may also refer to a document issued as

evidence of a grant of driving privileges under a driver permit. Driver permits issued by this state include the following:

(1) Applicant temporary driver permit described under ORS 807.310.

(2) Court issued temporary driver permit described under ORS 807.230.

(3) Disability golf cart driver permit described under ORS 807.210.

(4) Emergency driver permit described under ORS 807.220.

(5) Instruction driver permit described under ORS 807.280.

(6) Occupational driver permit described under ORS 807.240.

(7) Probationary driver permit described under ORS 807.270.

(8) Special student driver permit described under ORS 807.230.

(9) Special temporary instruction driver permit described under ORS 807.290.

(10) Court bail driver permit described under ORS 807.330.

(11) Temporary driver permit described under ORS 813.110. [1983 c.338 §41; 1985 c.16 §14; 1985 c.608 §1]

**801.255 "Driving privilege."** "Driving privilege" means the grant of authority by a jurisdiction to a person that allows that person to drive a vehicle on highways within that jurisdiction. Driving privileges grant authority to a person not to a vehicle. The driving privilege includes any such grant of authority whether or not documents are issued as evidence of the authority. In this state, driving privileges may be granted under:

(1) A license as defined under ORS 801.245.

(2) Driver permits as described in ORS 801.250.

(3) The driving privileges established under ORS 807.020.

(4) Any indorsement of a license or driver permit or limitations on a license or driver permit that allows a person to operate a motor vehicle. [1983 c.338 §42]

**801.260 "Emergency vehicle."**

"Emergency vehicle" means a vehicle that is equipped with lights and sirens as required under ORS 820.350 and 820.370 and that is any of the following:

(1) Operated by public police, fire or airport security agencies.

(2) Designated as an emergency vehicle by a federal agency.

(3) Designated as an emergency vehicle in writing by the Administrator of the Motor Vehicles Division. [1983 c.338 §43]

**801.265 "Farm tractor."** "Farm tractor" means a motor vehicle designed and used primarily in agricultural operations for drawing or operating other farm machines, equipment and implements of husbandry. [1983 c.338 §44]

**801.270 "Farm trailer."** "Farm trailer" means a vehicle that:

(1) Is without motive power;

(2) Is a vehicle other than an implement of husbandry;

(3) Is designed to carry property; and

(4) Is drawn by a farm tractor. [1983 c.338 §45]

**801.275 "Fifth wheel hitch."** "Fifth wheel hitch" means a coupling device for vehicles that is commonly known as a kingpin and fifth wheel assembly. [1983 c.338 §46]

**801.280 "Financial responsibility requirements."** "Financial responsibility requirements" means the ability to respond in damages for liability, on account of accidents arising out of the ownership, operation, maintenance or use of a motor vehicle in a manner provided under ORS 806.060. [1983 c.338 §74; 1985 c.16 §20]

**801.285 "Fixed load vehicle."** "Fixed load vehicle" means all of the following apply to the vehicle:

(1) It is a vehicle with or without motive power that is designed and used primarily:

(a) To support and move a permanent load in the form of equipment or appliances constructed as part of or permanently attached to the body of the vehicle;

(b) For transportation of equipment or appliances that are ordinarily kept on or in the vehicle in order that the vehicle may be used for its primary purpose; and

(c) Except for the transportation of permanent load, appliances and equipment described in paragraphs (a) and (b) of this subsection, for purposes other than for the transportation of persons or property over public highways or streets.

(2) It is a vehicle other than the following:

(a) A mobile home.

(b) A travel trailer.

(c) A tow vehicle, including a tow vehicle with cranes, hoists or dollies.

(d) A truck-mounted transit mixer.

(e) A self-propelled mobile crane.

(3) It is a vehicle that may include, but is not limited to, the following vehicles:

(a) Air compressors, air drills, asphalt plants, asphalt spreaders, bituminous plants, bituminous mixers, bituminous spreaders and bucket loaders;

(b) Cement batch plants, cement mixers other than transit mix, cement spreaders, carryalls, crawler cranes, crushers and crushing plants, diggers and ditchers, power units and plants;

(c) Earthmoving scrapers, electric generating equipment, electric load-bank and wiring equipment, front-end loaders, leveling graders, lighting plants and portable wiring, motor graders, payloaders, power hoists, road graders, scoomobiles, skip hoists, stackers and hoists;

(d) Athey wheels, back hoes, bituminous and cement pavement finishers, drag lines, fork lift trucks, log loaders, mixmobiles, portable bins, portable parts and storage bins, portable shops, portable storage tanks, power shovels, road rollers, sheepsfoot rollers and paving mixers, tower-mobiles, welders, yarders;

(e) Bituminous and cement finishing machines, elevator equipment, scarifiers and rooters, traction engines, vibro screens and rotary screens, wheeled and crawler tractors other than truck tractors; and

(f) Apron feeders, grain grinders, grain rollers, sand classifiers and drags, sawmills and special construction equipment, scrap metal bailers, scrubber screens, plate feeders. [1983 c.338 §47; 1985 c.71 §1]

### **801.290 "Future responsibility filing."**

"Future responsibility filing" means the requirement described under ORS 806.240 to file and maintain proof of compliance with financial responsibility requirements with the division. [1983 c.338 §48]

**801.295 "Golf cart."** "Golf cart" means a motor vehicle that:

(1) Has not less than three wheels in contact with the ground;

(2) Has an unloaded weight less than 1,300 pounds;

(3) Is designed to be and is operated at not more than 15 miles per hour; and

(4) Is designed to carry golf equipment and not more than two persons, including the driver. [1983 c.338 §49]

**801.300 "Group of axles."** "Group of axles" means an assemblage of two or more consecutive axles considered together in determining their combined load effect on a bridge or pavement structure. [1983 c.338 §50, 1985 c.172 §2]

**801.305 "Highway."** "Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. [1983 c.338 §51]

**801.310 "Implement of husbandry."** "Implement of husbandry" means a vehicle or device used exclusively in agricultural operations. Motor vehicles, bus trailers, mobile homes and travel trailers and truck trailers with a registration weight of more than 8,000 pounds are not implements of husbandry unless limited by design to agricultural uses. [1983 c.338 §52; 1985 c.16 §15]

**801.315 "Indorsement."** "Indorsement," when used in relation to driving privileges, means a grant of driving privileges, or the evidence thereof, to a person who holds a license, or in some instances a driver permit, allowing the person to exercise driving privileges that are not granted by the license or driver permit. The types of indorsements granted by this state and the driving privileges granted under each type of indorsement are established by ORS 807.030. [1985 c.608 §3]

**Note:** 801.315 becomes operative October 1, 1986. See section 38, chapter 608, Oregon Laws 1985.

**801.320 "Intersection."** "Intersection" means the area of a roadway created when two or more roadways join together at any angle, as described in one of the following:

(1) If the roadways have curbs, the intersection is the area embraced within the prolongation or connection of the lateral curb lines.

(2) If the roadways do not have curbs, the intersection is the area embraced within the prolongation or connection of the lateral boundary lines of the roadways.

(3) The junction of an alley with a roadway does not constitute an intersection.

(4) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersection highway is a separate intersection. In the event the intersection highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways is a separate intersection. [1983 c.338 §53]

**801.325 "Limited visibility condition."** "Limited visibility condition" means:

- (1) Any time from sunset to sunrise; and
- (b) Any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible on a straight, level, unlighted highway at a distance of 1,000 feet ahead. [1983 c.338 §55]

**801.330 "Loaded weight."** "Loaded weight" means the actual weight of a vehicle; combination of vehicles, wheel, axle, tandem axles, or group of axles including the weight of any load thereon. [1983 c.338 §56]

**801.335 "Manufacturer."** "Manufacturer" means any person engaged in the manufacture of new vehicles as a regular business. [1983 c.338 §57]

**801.340 "Mobile home."** "Mobile home" means a structure designed to be transported or used upon the highways or a trailer that:

- (1) Is capable of being used for human habitation or for business, commercial or office purposes; and
- (2) Is a structure or trailer other than a:
  - (a) Travel trailer;
  - (b) Special use trailer;
  - (c) Modular home;
  - (d) Prefabricated home; or
  - (e) Tent trailer. [1983 c.338 §58; 1985 c.16 §16]

**801.345 "Moped."** "Moped" means a vehicle, including any bicycle equipped with a power source, that complies with all of the following:

- (1) It is designed to be operated on the ground upon wheels.
- (2) It has a seat or saddle for use of the rider.
- (3) It is designed to travel with not more than three wheels in contact with the ground.
- (4) It is equipped with an independent power source that:
  - (a) Is capable of propelling the vehicle, unassisted, at a speed of not more than 30 miles per hour on a level road surface; and
  - (b) If the power source is a combustion engine, has a piston or rotor displacement of 3.05 cubic inches or less or 50 cubic centimeters or less regardless of the number of chambers in the power source.
- (5) It is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the

operator after the system is engaged. [1983 c.338 §59; 1985 c.16 §19]

**801.350 "Motor home."** "Motor home" means a motor vehicle that:

- (1) Is reconstructed, permanently altered or originally designed to provide facilities for human habitation; or
- (2) Has a structure permanently attached to it that would be a camper if the structure was not permanently attached to the motor vehicle. [1983 c.338 §60]

**801.355 "Motor truck."** "Motor truck" means a motor vehicle that is primarily designed or used for carrying loads other than passengers. [1983 c.338 §61]

**801.360 "Motor vehicle."** "Motor vehicle" means a vehicle that is self-propelled or designed for self-propulsion. [1983 c.338 §62]

**801.365 "Motorcycle."** "Motorcycle" means any self-propelled vehicle other than a moped or farm tractor that:

- (1) Has a seat or saddle for use of the rider;
- (2) Is designed to be operated on the ground upon wheels; and
- (3) Is designed to travel with not more than three wheels in contact with the ground. [1983 c.338 §63]

**801.370 "Operation."** "Operation" means any operation, towing, pushing, movement or otherwise propelling. [1983 c.338 §66]

**801.375 "Owner."** "Owner" when referring to the owner of a vehicle means:

- (1) The person who holds the certificate of title and the registration for a vehicle and who is entitled to possession and use of the vehicle; or
- (2) If the certificate of title, registration and right to possession and use for a vehicle are in different persons, the person, other than a security interest holder or lessor, entitled to the possession and use of the vehicle under a security agreement or a lease that has a term of 10 or more successive days. [1983 c.338 §67]

**801.380 "Park" or "parking."** "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. [1983 c.338 §68]

**801.385 "Pedestrian."** "Pedestrian" means any person afoot or confined in a wheelchair. [1983 c.338 §69]

**801.390 "Pole trailer."** "Pole trailer" means a trailer attached or secured to the towing

vehicle and ordinarily used for transporting long or irregular loads capable generally of sustaining themselves as beams between the towing vehicle and the trailer. The definition in this section is based on design features and, except as otherwise provided in this section, does not prohibit a pole trailer from fitting into another category of trailer based on use. [1983 c.338 §70]

**801.395 "Police officer."** "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy sheriff or a city police officer. [1983 c 338 §71]

**801.400 "Premises open to the public."** "Premises open to the public" includes any premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises. [1983 c 338 §72]

**801.405 "Reconstructed vehicle."** "Reconstructed vehicle" means either:

- (1) A vehicle that:
  - (a) Has a body that resembles and primarily is a particular year model or make of vehicle;
  - (b) Is not a vehicle rebuilt by a manufacturer;
  - (c) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and
  - (d) Is not a replica; or
- (2) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer's certificate of origin for the kit. [1983 c.338 §75; 1985 c.402 §4]

**801.410 "Registration" or "register."** "Registration" or "register" means, when used in reference to vehicles, the recording of a vehicle as authorized for use within a jurisdiction and includes any documentation or devices issued as evidence of that authorization. This state registers vehicles as provided under ORS 803.350. [1983 c.338 §76]

**801.415 "Registration plate."** "Registration plate" means a plate issued by a jurisdiction as evidence of vehicle registration. This state issues registration plates under ORS 803.520. [1983 c 338 §78; 1985 c 16 §22]

**801.420 "Registration weight."** "Registration weight" means the loaded weight required to be declared and established as the maximum loaded weight at which certain vehicles will be operated on the highway. Vehicles for which registration weights must be declared and established and the procedures for establishing

registration weights are described under ORS 803.430. [1983 c.338 §77; 1985 c.16 §21].

**801.425 "Replica."** "Replica," when used to refer to vehicles, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer. [1985 c.402 §2]

**801.430 "Residence district."** "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of the highway for a distance of 300 feet or more is mainly occupied by:

- (1) Dwellings, churches, public parks within cities or other residential service facilities; or
- (2) Dwellings and buildings used for business. [1983 c.338 §79]

**801.435 "Revoked."** "Revoked" with reference to driving privileges, vehicle registration or vehicle title means the termination thereof with new driving privileges or vehicle registration or vehicle title obtainable only as permitted by law. [1983 c.338 §80]

**801.440 "Right of way."** "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. [1983 c.338 §81]

**801.445 "Road authority."** "Road authority" means the body authorized to exercise authority over a road, highway, street or alley under ORS 810.010. [1983 c.338 §82]

**801.450 "Roadway."** "Roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively. [1983 c 338 §83]

**801.455 "School activity vehicle."** "School activity vehicle" means a vehicle, other than a school bus, that is used to transport students to or from authorized school activities and that is not described by any of the following:

- (1) A vehicle under regulation of the Public Utility Commissioner of Oregon, the United States Department of Transportation or the Interstate Commerce Commission.
- (2) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of

the owner of the vehicle for personal transportation of students to or from school activities and is not used for compensation except for the sharing of expenses in a ridesharing arrangement or reimbursement of mileage.

(3) A vehicle that is exempted from regulation as a school activity vehicle under ORS 820.150. [1985 c.420 §3]

**801.460 “School bus.”** “School bus” means a motor vehicle that is described by any of the following:

(1) A vehicle that is marked with or displays the words “school bus.”

(2) A vehicle that is used to transport students to or from school and may be used to transport students to or from authorized school activities or functions and that is not a vehicle described by any of the following:

(a) A vehicle subject to regulation under ORS chapter 767.

(b) A vehicle regulated by a city under ORS 221.420.

(c) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of the owner of the vehicle for personal transportation of students to or from school or school activities and is not used for compensation except for the sharing of expenses in a ridesharing arrangement or reimbursement of mileage.

(d) A vehicle that is exempted from regulation as a school bus under ORS 820.150. [1983 c.338 §84, 1985 c.16 §23; 1985 c.420 §1]

**801.465 “Security interest.”** “Security interest” means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation as more particularly defined by ORS 71.2010 (37). [1983 c.338 §85; 1985 c.16 §24]

**801.470 “Self-supporting trailer.”** “Self-supporting trailer” means a trailer, other than a pole trailer, designed so that no part of the weight of the trailer or the weight of any load on the trailer rests upon the towing vehicle. The definition in this section is based on design and, except as otherwise provided in this section, does not prohibit a self-supporting trailer from fitting into another category of trailer based on use. [1983 c.338 §86]

**801.475 “Semitrailer.”** “Semitrailer” means a trailer designed so that part of the weight of the trailer and part of the weight of any load on the trailer rests upon or is carried by another vehicle and coupled to another vehicle by a fifth

wheel hitch. The definition in this section is based on design and, except as otherwise provided in this section, does not prohibit a semitrailer from fitting into another category of trailer based on use. [1983 c.338 §87]

**801.480 “Shoulder.”** “Shoulder” means the portion of a highway, whether paved or unpaved, contiguous to the roadway that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses. [1983 c.338 §88]

**801.485 “Sidewalk.”** “Sidewalk” means the area determined as follows:

(1) On the side of a highway which has a shoulder, a sidewalk is that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a pedestrian.

(2) On the side of a highway which has no shoulder, a sidewalk is that portion of the highway between the lateral line of the roadway and the adjacent property line capable of being used by a pedestrian. [1983 c.338 §89]

**801.490 “Snowmobile.”** “Snowmobile” means a self-propelled vehicle that:

(1) Is capable of traveling over snow or ice;

(2) Uses as its means of propulsion an endless belt tread or cleats or any combination of tread and cleats or similar means of contact with the surface upon which it is operated;

(3) Is steered wholly or in part by skis or sled-type runners; and

(4) Is not registered in this state as a vehicle other than a snowmobile. [1983 c.338 §90]

**801.500 “Special use trailer.”** “Special use trailer” means a trailer described under any of the following:

(1) A trailer that is eight feet or less in width and of any length and that is used for commercial or business purposes.

(2) A trailer that is used temporarily on a construction site for office purposes only. [1985 c.16 §26]

**801.505 “Stand” or “standing.”** “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. [1983 c.338 §91]

**801.510 “Stop.”** “Stop” means the following:

(1) When required, it means the complete cessation from movement.

(2) When prohibited, it means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic control device. [1983 c.338 §92]

**801.515 "Suspend."** "Suspend," with reference to driving privileges or vehicle registration, means the temporary withdrawal of the driving privileges or registration. [1983 c.338 §93]

**801.520 "Tandem axles."** "Tandem axles" means any two or more consecutive axles that have centers more than 40 inches but not more than 96 inches apart and:

(1) Are individually attached to or articulated from, or both, a common attachment to the vehicle; or

(2) Have a connecting mechanism designed to equalize the load between axles. [1983 c 338 §94; 1985 c 172 §3]

**801.525 "Tire."** "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. [1983 c 338 §96]

**801.530 "Tow vehicle."** "Tow vehicle" means a motor vehicle that is:

(1) Altered or designed for, equipped for and used in the business of towing vehicles; and

(2) Used to tow vehicles by means of a crane, hoist, tow bar, tow line or dolly or otherwise used to render assistance to other vehicles. [1983 c.338 §97, 1985 c 71 §2]

**801.535 "Throughway."** "Throughway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the road authority having jurisdiction over the highway, street or roadway. [1983 c.338 §98]

**801.540 "Traffic control device."** "Traffic control device" means any sign, signal, marking or device placed or erected by authority under ORS 810.210 for the purpose of guiding, directing, warning or regulating traffic. [1983 c.338 §99]

**801.545 "Traffic crime."** "Traffic crime" means any traffic offense that is punishable by a jail sentence. [1983 c.338 §100]

**801.550 "Traffic infraction."** "Traffic infraction" means a traffic offense described in ORS 153.505 and 153.610. Penalties for traffic infractions are provided in ORS 153.615 and 153.620. [1983 c.338 §102]

**801.555 "Traffic offense."** "Traffic offense" means any of the following offenses:

(1) Any violation of a traffic ordinance of a city, municipal or quasi-municipal corporation, except ordinances governing parking of vehicles.

(2) Any provision of law for which a criminal or traffic infraction penalty is provided in the vehicle code.

(3) Any provision of law for which a criminal or traffic infraction penalty is provided in ORS chapter 767. [1983 c.338 §101; 1985 c.16 §27]

**801.560 "Trailer."** "Trailer" means every vehicle without motive power designed to be drawn by another vehicle. Trailer includes, but is not limited to, the following types of trailers:

(1) Balance trailers.

(2) Bus trailers.

(3) Commercial bus trailers.

(4) Farm trailers.

(5) Mobile homes.

(6) Pole trailers.

(7) Semitrailers.

(8) Travel trailers.

(9) Truck trailers.

(10) Self-supporting trailers.

(11) Special use trailers. [1983 c.338 §103, 1985 c 16 §28]

**801.565 "Travel trailer."** "Travel trailer" means a tent trailer or any other trailer that:

(1) Is of a type designed to be used on the highways;

(2) Is capable of use for human habitation;

(3) Is not more than eight feet wide, as measured when any expansion sides or "tipouts" are in the usual travel position;

(4) Is six feet or more in height from floor to ceiling, as measured with any expansion sides or "tipouts" fully extended and the trailer fully telescoped to the full extent; and

(5) Except for a tent trailer, has four permanent walls when in the usual travel position. [1983 c.338 §104]

**801.570 "Trolley."** "Trolley" means any vehicle propelled by electric energy obtained from

overhead trolley wires and transmitted through trolley poles. [1983 c 338 §105]

**801.575 “Truck tractor.”** “Truck tractor” means a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn. [1983 c.338 §106]

**801.580 “Truck trailer.”** “Truck trailer” means any trailer designed and used primarily for carrying loads other than passengers whether designed as a balance trailer, pole trailer, semi-trailer or self-supporting trailer. [1983 c.338 §107]

**801.585 “Unloaded weight.”** “Unloaded weight” means the weight of a vehicle when the vehicle is fully equipped exclusive of load. [1983 c.338 §108; 1985 c.172 §4]

**801.590 “Vehicle.”** “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. [1983 c.338 §109]

**801.595 “Vehicle code.”** “Vehicle code” means the Oregon Vehicle Code. [1983 c.338 §110]

**801.600 “Vehicle identification number.”** “Vehicle identification number” means a distinguishing number assigned and

affixed to a vehicle or vehicle component, such as an engine or transmission or other severable portion of a vehicle, by the manufacturer or under ORS 819.400 for the purpose of providing identification for the vehicle or vehicle component. [1983 c.338 §111]

**801.605 “Vehicle of special interest.”**

“Vehicle of special interest” means any American or foreign made motor vehicle that is maintained as a collector’s item and that complies with all of the following:

(1) The vehicle must be:

(a) At least 25 years old as dated from any current year; or

(b) Sanctioned as a vehicle of special interest by an established organization that provides for recognition of vehicles of special interest.

(2) If the vehicle is a reconstructed vehicle, the division must determine that the vehicle has been reconstructed with substantially original parts and that the vehicle otherwise complies with this section. [1983 c.338 §112, 1985 c.16 §29]

**801.610 “Worker transport bus.”**

“Worker transport bus” means a vehicle that is described under ORS 820.010 that has a seating capacity of 12 or more passengers. [1983 c 338 §113]

