Chapter 810

1991 EDITION

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ROAD AUTHORITIES

(Jurisdiction)

810.010 Jurisdiction over highways; exception. This section designates the bodies responsible for exercising jurisdiction over certain highways when the vehicle code requires the exercise of jurisdiction by the road authority. This section does not control where a specific section of the vehicle code specifically provides for exercising jurisdiction in a manner different than provided by this section. Except as otherwise specifically provided under the code, the responsibilities designated under this section do not include responsibility for maintenance. Responsibility for maintenance is as otherwise provided by law. The following are the road authorities for the described roads:

(1) The department is the road authority for all state highways in this state including interstate highways.

(2) The county governing body is the road authority for all county roads outside the boundaries of an incorporated city.

(3) The governing body of an incorporated city is the road authority for all highways, roads, streets and alleys, other than state highways, within the boundaries of the incorporated city.

(4) Any other municipal body, local board or local body is the road authority for highways, other than state highways, within its boundaries if the body or board has authority to adopt and administer local police regulations over the highway under the Constitution and laws of this state.

(5) Any federal authority granted jurisdiction over federal lands within this state under federal law or rule is the road authority for highways on those lands as provided by the federal law or rule. [1983 c.338 §145; 1985 c.16 §45]

810.012 Jurisdiction over access to facilities and services from certain roads. Notwithstanding any other provision of the Oregon Vehicle Code, the commission, by rule, may establish procedures for, and certify to the Federal Highway Administration compliance with, Federal Regulation 23 CFR Part 658 for roads under the authority of cities and counties. [1991 c.283 §2]

(Roads)

810.020 Regulating use of throughway. (1) Each road authority may prohibit or restrict the use of a throughway in its jurisdiction by any of the following:

(a) Parades.

(b) Bicycles or other nonmotorized traffic.

(c) Motorcycles or mopeds.

(2) Regulation under this section becomes effective when appropriate signs giving notice of the regulation are erected upon a throughway and the approaches to the throughway.

(3) Penalties for violation of restrictions or prohibitions imposed under this section are provided under ORS 811.445.

(4) The commission shall act as road authority under this section in lieu of the department. [1983 c.338 §146]

810.030 Imposition of restrictions on highway use; grounds; procedure; penalties. (1) A road authority may impose restrictions described under this section on its own highways as the road authority determines necessary to do any of the following:

(a) Protect any highway or section of highway from being unduly damaged.

(b) Protect the interest and safety of the general public.

(2) Restrictions that may be imposed under this section include any of the following:

(a) Prohibition of the operation of any or all vehicles or any class or kind of vehicle.

(b) Imposing limits on any weight or dimension of any vehicle or combination of vehicles.

(c) Imposing any other restrictions that the road authority determines necessary to achieve the purposes of this section. This paragraph does not grant authority to impose speed restrictions.

(3) Any restrictions or limitations imposed under this section must be imposed by proper order. The restrictions or limitations are effective when appropriate signs giving notice of the restrictions or limitations are erected. A sign giving notice of a restriction or limitation in an order shall be maintained in a conspicuous manner and shall be placed at each end of the highway or section of highway affected by the order and at such other places as is necessary to inform the public.

(4) Penalties are provided under ORS 818.130 for violation of restrictions imposed under this section. [1983 c.338 §147; 1985 c.16 §46]

810.040 Designation of truck routes; limitations. Each road authority may designate any of its highways or any section of any of its highways as a truck route and may prohibit the operation of trucks, machinery or any other large or heavy vehicles upon any other of its highways that serves the same route or area served by the truck route designated. The authority granted under this section is subject to all of the following:

(1) The governing body of an incorporated city shall not designate a truck route or prohibit the operation of any vehicle on a:

(a) State highway that is within the boundaries of the city without the written consent of the department.

(b) County road that is within the boundaries of the city without the written consent of the governing body of the county.

(2) Any designation or prohibition made under authority of this section must be imposed by appropriate order, resolution or ordinance.

(3) A road authority exercising authority under this section shall erect and maintain signs in a conspicuous manner and place at each end of the highway or section of highway where a designation or prohibition is imposed to give notice of the prohibitions or designations imposed. The road authority shall erect and maintain signs giving notice of any prohibitions or designations imposed under this section at such other places as may be necessary to inform the public.

(4) A prohibition or designation imposed under this section is effective when signs giving notice thereof are posted as required by this section.

(5) Penalties are provided under ORS 811.450 for violation of requirements imposed under this section. [1983 c.338 §148]

810.050 Increase in size or weight limits on highways if federal law allows. (1) The department may authorize the movement on highways under its jurisdiction of vehicles or combinations of vehicles of a size or weight in excess of the limits under ORS 818.020, 818.090 or 818.110 if federal law permits various states to establish size and weight limits in excess of those under ORS 818.020, 818.090 or 818.110. The department shall exercise the authority granted under this subsection subject to all of the following:

(a) The department shall only establish weight and size limits under this subsection within the limits necessary to qualify for federal aid highway funds.

(b) The department shall exercise the authority either by adoption of a rule or resolution under ORS 810.060 or by issuance of variance permits under ORS 818.200. When the department exercises the authority under this paragraph, the weight limits or size limits established under this subsection shall apply.

(2) Road authorities other than the department may increase size and weight limits on their own highways if the department exercises the authority granted under this section. The exercise of authority under this subsection is subject to all of the following:

(a) A road authority may not exercise the authority to establish a size or weight limit that exceeds the maximum authorized by the department.

(b) The road authority shall exercise the authority either by adoption of a rule, resolution or ordinance under ORS 810.060 or by issuance of variance permits under ORS 818.200.

(3) Penalties are provided under ORS 818.060 and 818.340 for violation of limits established under this section. [1983 c.338 §149; 1985 c.16 §47]

810.060 Increase in weight or size if highway found capable of supporting increase. A road authority shall adopt a rule, resolution or ordinance to allow vehicles or combinations of vehicles with a loaded weight in excess of the weight limitations established by Table III under ORS 818.010 or a length or width in excess of that authorized under ORS 818.080 and 818.090 to be operated over any highway of the road authority if the road authority determines that the highway is capable of carrying greater weight, length or width. The authority granted under this section is subject to all of the following:

(1) The authority may only be exercised by rule, resolution or ordinance.

(2) The authority does not allow any road authority to authorize any vehicle to be operated over any highway if the vehicle has a height in excess of that allowed under ORS 818.080 and 818.090.

(3) The provisions of any rule, resolution or ordinance adopted under this section may be amended, rescinded or repealed at any time.

(4) The provisions of any rule, resolution or ordinance adopted under this section are subject to the maximum size, weight and width limits established under ORS 810.050.

(5) A rule, resolution or ordinance adopted under this section shall fix the maximum loaded weight, length, width and types and classes of vehicles or combinations of vehicles that may be operated on the highway or highways or sections of highways described in the rule, resolution or ordinance.

(6) A duplicate original of a rule or resolution adopted by the department under this section and an amendment to or repeal of a rule or resolution by the department shall be filed with the Secretary of State. This subsection does not require an ordinance adopted by a city or county under this section to be filed with the Secretary of State.

(7) After the effective date of a rule, resolution or ordinance adopted under this section, a variance permit under ORS 818.200 is not required for the operation upon the described highway of a vehicle or combination of vehicles that is not in excess of the maximum loaded weight, length or width fixed by the rule, resolution or ordinance for vehicles or combinations of vehicles of that type or class.

(8) Penalties are provided under ORS 818.060 for violation of limits established under this section. [1983 c.338 §150; 1985 c.16 §48]

810.070 Use of golf carts on highways. A road authority, on any of its own highways that are located adjacent to a golf course, may permit the operation of golf carts between the golf course and the place where golf carts are parked or stored or located within or bounded by a real estate development. All of the following apply to the authority granted under this section:

(1) Exercise of the authority granted under this section must be by means of an ordinance.

(2) The authority granted under this section may only be exercised where the combined operation of golf carts and regular vehicle traffic can be accomplished safely.

(3) A highway shall not be designated for combined operation under this section:

(a) For a distance of more than one-half mile from the golf course if the highway is located outside a real estate development; or

(b) Beyond the area of the development if the highway is located within a real estate development.

(4) A road authority shall prescribe rules and shall regulate the combined operation of golf carts and vehicles when permitted under this section. The rules may establish speed limits and other operating standards but shall not require that golf carts conform with the vehicle equipment laws under the vehicle code.

(5) A designation of combined operation under this section or rules instituted under this section are effective when appropriate signs giving notice thereof are posted along the affected highway and are not effective before such posting.

(6) If a designation is made under this section to permit combined operation, the golf carts operated in accordance with the designation and rules adopted by the road authority qualifies for the exemptions under ORS 820.210.

(7) This section only applies to real estate developments that have single or multiple family residences whose owners or occupants are eligible for membership in or the use of one or more golf courses within the development by virtue of ownership or occupancy of a residential dwelling unit in the development.

(8) This section neither grants authority to nor limits the authority of the department. [1983 c.338 §151]

810.080 Pedestrian traffic. (1) Road authorities may regulate the movement of pedestrians upon highways within their jurisdictions by doing any of the following:

(a) Establishing marked crosswalks and designating them by appropriate marking.

(b) Closing a marked or unmarked crosswalk and prohibiting pedestrians from crossing a roadway where a crosswalk has been closed by placing and maintaining signs giving notice of closure.

(c) Prohibiting pedestrians from crossing a highway at any place other than within a marked or unmarked crosswalk.

(2) This section neither grants authority to nor limits the authority of the department. [1983 c.338 §152]

810.090 Bicycle racing. Bicycle racing is permitted on any highway in this state upon the approval of, and under conditions imposed by, the road authority for the highway on which the race is held. [1983 c.338 §153]

810.100 Restriction of animal traffic to bridle paths. Each incorporated community within this state has power, by law or ordinance duly enacted, to regulate the use of its streets by horses and other animals to the extent that bridle paths may be designated upon certain streets and the animals may be prohibited on other streets. [1983 c.338 §154]

810.110 Designation of through highways and stop intersections. (1) Each road authority may do any of the following on its own highways:

(a) Designate a main traveled or through highway by placing traffic control devices at the entrances to the highway from intersecting highways to notify drivers to stop or yield the right of way before entering or crossing the designated highway.

(b) Designate intersections or other roadway junctions at which vehicle traffic on one or more of the highways should yield or stop before entering the intersection or junction.

(2) The commission shall act as road authority under this section in lieu of the department. [1983 c.338 §155]

810.120 Designation of no passing zones. (1) Each road authority may do the following on its own highways:

(a) Determine where overtaking or passing or driving to the left of the center of the roadway would be especially hazardous; and

(b) Establish zones on the roadway where overtaking or passing or driving to the left of the center of the roadway are prohibited because such would be especially hazardous.

(2) To establish a zone under this section, a road authority must do all of the following:

(a) Determine that a need for a zone exists in accordance with standards and procedures adopted by the division.

(b) Mark the zone by appropriate signs or by a yellow unbroken line on the pavement of the right-hand side of and adjacent to the center line or a lane line of the roadway to indicate the beginning and end of the zone.

(3) Penalties are provided under ORS 811.420 for passing in a no passing zone designated under this section. [1983 c.338 §156]

810.130 One-way highways; safety zones; turns. The commission shall act as road authority under this section in lieu of the department. Each road authority may do any of the following on its own highways, subject to any limitations described:

(1) Designate a highway or section or specific lane on a highway where vehicle traffic must proceed in one direction at all times or at times indicated by traffic control devices. A designation under this subsection shall become effective when appropriate signs are posted. The authority granted by this subsection is subject to the following limitations:

(a) A local authority shall not designate any highway within its boundaries as a one-way highway if the highway is under the jurisdiction of the commission unless the local authority first obtains the written consent of the commission.

(b) A city shall not designate any highway within its boundaries as a one-way highway if the highway is under the jurisdiction of a county unless the city first obtains the written consent of the county.

(2) Designate places on highways as safety zones and regulate and control traffic with respect to the safety zones. A designation under this subsection shall become effective when appropriate signs are posted.

(3) Where traffic conditions warrant, prohibit right or left turns at intersections or prohibit U-turns by all vehicles or by certain types of vehicles.

(4) Require and direct that a different course than that specified under ORS 811.340, 811.345 and 811.355 be traveled by vehicles at or proceeding through intersections. A requirement under this subsection is effective when appropriate traffic control devices are placed within or adjacent to the intersections.

(5) Designate locations on highways where vehicles operated by districts described under ORS chapter 267 for the purpose of providing public transportation or substantially similar vehicles used for the same purpose may proceed in directions prohibited to other traffic. Locations may be designated under this subsection only if an engineering study indicates that the movement may be made safely in the designated area. Designations under this subsection shall be effective when indicated by appropriate official traffic control devices. [1983 c.338 §157; 1985 c.16 §49]

810.140 Designation of exclusive use lanes. (1) Any road authority may designate lanes on its own highways that are to be used exclusively by buses or high occupancy-use passenger vehicles for the purpose of conserving energy and facilitating public transportation.

(2) Any restriction or limitation imposed under this section must be imposed by proper order. The restriction or limitation is effective when appropriate signs giving notice of the restriction or limitation are erected. A sign giving notice of a restriction or limitation shall be maintained in a conspicuous manner and shall be placed at each end of the highway or section of highway affected by the restriction or limitation and at such other places as necessary to inform the public.

(3) Penalties are provided under ORS 811.265 for failure to obey signs giving notice of any limitations or restrictions imposed under this section. [1983 c.338 §158; 1985 c.16 §50]

810.150 Drain construction; compliance with bicycle safety requirements; guidelines. (1) Street drains, sewer drains, storm drains and other similar openings in a roadbed over which traffic must pass that are in any portion of a public way, highway, road, street, footpath or bicycle trail that is available for use by bicycle traffic shall be designed and installed, including any modification of existing drains, with grates or covers so that bicycle traffic may pass over the drains safely and without obstruction or interference.

(2) The department shall adopt construction guidelines for the design of public ways in accordance with this section. Limitations on the applicability of the guidelines are established under ORS 801.030. [1983 c.338 §159]

(Parking)

810.160 Controlling parking on highways; limitations. Except as otherwise provided in this section, each road authority has exclusive authority to regulate, control or prohibit the stopping, standing and parking of vehicles upon its own highways. The commission shall act as road authority under this section in lieu of the department. The authority granted in this section is subject to all of the following:

(1) The commission has exclusive authority to regulate, control or prohibit the stopping, standing and parking on all state highways:

(a) Within the corporate limits of a city except where the highway is routed over a city street under ORS 373.010.

(b) Within the corporate limits of any city if access to or from the section of highway and real property abutting thereon was restricted, controlled or prohibited by the commission before the section of highway was included within the corporate limits of the city.

(2) Road authorities other than the commission may permit angle parking on any highway where parking is subject to their jurisdiction under this section. For cities, this subsection includes authority to permit angle parking on any city street selected and designated as the route of a state highway under ORS 373.010 and, subject to the authority of the commission under this section, any state highway within the corporate limits of the city. This subsection does not allow any road authority to permit angle parking on a state highway if the commission determines that the highway is not of sufficient width to permit angle parking without interfering with the free movement of traffic.

(3) All regulations, restrictions or prohibitions imposed by the commission under this section shall be by resolution or order entered in the commission's official records.

(4) Regulations, restrictions or prohibitions imposed by the commission under this section shall become effective and have the force of law when signs or markings giving notice thereof have been placed. To comply with this subsection, the commission shall place and maintain appropriate signs or markings at such places as may be necessary to inform the public and to give notice of all regulations, restrictions or prohibitions the commission establishes under this section.

(5) Penalties are provided under ORS 811.575 for violation of restrictions placed on state highways under this section. [1983 c.338 §160]

810.170 Winter recreation parking locations; plowing; priorities; enforcement. (1) The Oregon Transportation Commission shall designate winter recreation parking locations throughout this state where parking is prohibited under ORS 811.590 except for vehicles exempted under that section and vehicles with winter recreation parking permits issued under ORS 811.595. The commission may identify access roads to winter recreation facilities, roadside plow-outs and other areas as winter recreation parking locations under this section. The commission shall designate winter recreation parking locations under this section after consultation with the Winter Recreation Advisory Committee established under ORS 802.350 and with land management agencies managing adjacent land.

(2) The commission shall establish priorities for plowing the winter recreation parking locations established under this section. The commission shall establish priorities under this section after consultation with the Winter Recreation Advisory Committee established under ORS 802.350. The Highway Division shall provide for the removal of snow accumulating on winter recreation parking locations established under this section according to the priorities established by the commission under this section. Snow removal provided for under this subsection may be performed by any of the following:

(a) By the Highway Division itself.

(b) By persons with whom the Highway Division contracts. If the Highway Division contracts with persons for the removal of snow under this paragraph payments under the contracts shall be made from funds designated for that purpose under ORS 802.110.

(3) The commission may enter into agreements with county or municipal law enforcement agencies or individual police officers for the enforcement of ORS 811.590. The commission shall only enter into agreements under this subsection after consultation with the Winter Recreation Advisory Committee established under ORS 802.350. [1983 c.338 §161]

(Speed Limits)

810.180 Designation of speed limits. This section grants authority to establish speeds for operation of a vehicle upon a highway and speeds that are different from those established under ORS 811.105 as evidence of violation of the basic speed rule under ORS 811.100. Speed limits established under this section are subject to the conditions described in the subsection granting authority to establish the speed limit, as follows:

(1) The Department of Transportation may establish a maximum speed limit that is applicable to the operation of all vehicles upon all highways in this state unless a different maximum speed limit for certain vehicles or on certain highways is specifically provided by law. A speed limit established under this subsection is subject to all of the following:

(a) A speed limit established by this section shall be known as the federal maximum speed limit.

(b) The department may establish a speed limit under this subsection when the commission determines that there is a critical need to conserve fuel because of current or imminent fuel shortages and that limiting the maximum speeds of vehicles will significantly conserve motor fuel or when the department determines that establishing a speed limit under this subsection is a necessary condition to the receipt of federal highway funds.

(c) The department may not establish a maximum speed limit of more than 55 miles per hour under this subsection.

(d) A maximum speed limit established under this subsection is subject to ORS 811.108 regarding relationships among certain provisions of law governing speed.

(e) A maximum speed established under this subsection may not be raised by any authority granted under any other subsection in this section.

(f) Violation of a speed limit established under this subsection is punishable as provided under ORS 811.110.

(2) The commission may override the maximum speed limit established for ocean shores under ORS 811.120 and establish a maximum speed limit of less than 25 miles per hour on any specified section of ocean shore if the commission determines that the maximum speed limit established under ORS 811.120 is greater than is reasonable or safe under the conditions that exist with respect to that part of the ocean shore. The authority granted under this subsection is subject to all of the following:

(a) The commission may only make the determination required under this subsection on the basis of an investigation.

(b) A speed limit established under this subsection is effective when posted upon appropriate fixed or variable signs.

(c) A speed limit established under this subsection does not authorize speeds higher than those required for compliance with the basic speed rule under ORS 811.100.

(d) Penalties for violation of a speed limit established under this subsection are as provided in ORS 811.120.

(3) The commission may override the maximum speed limit established for rural interstate highways under ORS 811.112 on any specified section of rural interstate highway if the commission determines that the maximum speed limit established under ORS 811.112 is greater than is reasonable or safe with respect to the conditions that exist with respect to that part of the rural interstate highway.

(4) Each road authority, with respect to its own highways or streets may reduce designated or maximum speed limits of vehicles as necessary, in its judgment, to protect any highway or section thereof from being unduly damaged or to protect the safety of the public when hazards are created by road conditions. The following apply to the authority granted under this subsection:

(a) Speeds may only be reduced for a specific period of time or temporarily for a specific class or type of vehicle that is causing an identified damage to highways.

(b) This subsection shall not be used to establish any permanent speed reduction. If a permanent speed reduction is required, it may only be imposed under the procedures established under this section for permanently establishing a speed reduction.

(c) The authority granted by this subsection may only be exercised if the ordinance or order, as appropriate, that imposes the speed reduction specifies the hazard or damage and is effective only for a specified time that corresponds to the hazard or damage identified.

(d) The operation of a vehicle in excess of any speed designated under this subsection is prima facie evidence of violation of the basic speed rule under ORS 811.100.

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

(5) Each road authority, with respect to its own highways or streets, may designate speeds for vehicles upon any portion of the highway or street upon which temporary conditions constituting a danger to the public exist or above, below or upon which con-

struction or maintenance work is being carried on so close to the roadway as to be a danger to passing traffic or to be endangered by passing traffic. The following apply to this subsection:

(a) The operation of a vehicle in excess of any speed designated under this subsection is prima facie evidence of violation of the basic speed rule under ORS 811.100.

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

(6) Road authorities may regulate the speed of vehicles in parks under their jurisdiction. A road authority regulating the speed of vehicles under this subsection shall place and maintain signs at all park entrances to give notice of any special speed regulation.

(7) The commission may designate a speed on any state highway or section thereof that is different than a speed designated as prima facie evidence under ORS 811.105 of violation of the basic speed rule under ORS 811.100 if the commission determines that the speed designated under ORS 811.105 is greater or less than is reasonable or safe under conditions the commission finds to exist upon the state highway. The authority granted under this subsection is subject to all of the following:

(a) The commission shall only designate speeds under this subsection that the commission determines are reasonable and safe on the highway under the conditions the commission finds to exist.

(b) The commission may exercise the authority under this subsection only on state highways that are outside the corporate limits of any city.

(c) The commission shall only exercise authority granted under this subsection based upon an engineering and traffic investigation.

(d) Penalties for violation of a speed designated under this subsection are provided under ORS 811.100 and 811.105.

(e) A speed designated under this subsection is effective when appropriate signs giving notice of the speed limit are erected upon the highway where the limit is imposed.

(8) The State Speed Control Board established under ORS 802.380 may designate reasonable and safe speeds on highways or portions of highways other than a highway or portion of a highway on which the commission is authorized to designate speeds under this section. The authority granted under this subsection includes, but is not limited to, authority to establish different speeds for different kinds or classes of vehicles as the board determines reasonable and safe. The authority granted under this subsection is subject to all of the following:

(a) The board, by rule, may delegate its authority under this subsection with respect to highways that are low volume or not hard surfaced to a city or county with jurisdiction over the highway. The board shall only delegate authority under this paragraph if the board determines that the city or county will exercise the authority according to criteria adopted by the board or adopted by the city or county and approved by the board.

(b) Penalties for violation of a speed established under this subsection are provided under ORS 811.100 and 811.105.

(c) The board shall use the procedures under ORS 810.190 in establishing speeds under this subsection.

(d) A speed established by the board under this subsection is effective when appropriate signs giving notice thereof are erected upon the highway or section of highway.

(e) The expense of erecting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway.

(f) All signs erected under this subsection shall comply with ORS 810.200.

(9) The State Speed Control Board established under ORS 802.380 may establish an emergency speed on any highway under the jurisdiction of the board that is different than the existing speed on the highway. The authority granted under this subsection is subject to all of the following:

(a) Penalties for violation of a speed established under this subsection are provided under ORS 811.100 and 811.105.

(b) The board is not required to use the procedures under ORS 810.190 in establishing speeds under this subsection.

(c) A speed established by the board under this subsection is effective when appropriate signs giving notice thereof are erected upon the highway or section of highway.

(d) The expense of erecting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway.

(e) All signs erected under this subsection shall comply with ORS 810.200.

(f) A speed established under this subsection may be effective for not more than 120 days.

(g) If the board establishes an emergency temporary speed under this subsection, the board shall determine whether the board should permanently change the speed within 120 days after the speed becomes effective. The board shall use authority otherwise granted to the board under this section if the board determines to permanently establish the speed.

(h) The board may only establish a speed under this subsection upon the application of the road authority for the highway.

(10) The State Speed Control Board may supersede a maximum speed limit established for urban areas under ORS 811.123 and designate a speed greater or less than one specified in ORS 811.123 on any specified section of a highway in an urban area if the board determines that a maximum speed limit established under ORS 811.123 is not reasonable or safe with respect to that part of the highway. A designated speed established by the board under this subsection is effective when appropriate signs giving notice thereof are erected on the affected section of highway. [1983 c.338 §162; 1985 c.16 §51; 1987 c.887 §8; 1989 c.592 §3; 1991 c.728 §3]

810.190 State Speed Control Board procedures. The State Speed Control Board is subject to the following procedures while exercising its authority under ORS 810.180 unless otherwise provided under ORS 810.180.

(1) If the change in speed is requested by the road authority for a highway, the road authority must make written application for the board to conduct an investigation with respect to speed on the highway under this section. An application required under this subsection must state the speed recommended for the highway or section of highway by the requesting road authority.

(2) The board may determine the speed to designate under its authority by making or causing to be made an engineering and traffic investigation with respect to the existing speed on the highway.

(3) The board may make the investigation required under this section or, when requested by the road authority, may allow the following:

(a) The road authority to make the investigation and make a report of the investigation to the board.

(b) A city to make the investigation with respect to any highway within its corporate limits that is under the jurisdiction of the commission or a county and report the results of the investigation to the board.

(4) The board shall allow any road authority that is requesting an investigation under this section to participate with the board in the investigation.

(5) The board:

(a) May change the existing speed on the highway if the investigation establishes to the satisfaction of the board that the existing designated speed is greater or less than reasonable or safe under the conditions at the area.

(b) Shall not make a final determination to change a speed under this section unless the board has provided due notice and opportunity for hearing to the road authority affected thereby.

(c) Shall give written notice to affected road authority of the board's determination concerning a designated speed under this section.

(6) An affected road authority may file written objections to any speed established by the board under this section. If the road authority files a written objection and requests a hearing not more than 10 days after signs establishing the speed are posted, the board shall hold a hearing to reconsider the speed after giving written notice of the hearing to the affected road authority. The hearing must be held more than five days after giving of the written notice. [1983 c.338 §163; 1985 c.16 §52]

(Traffic Control Devices)

810.200 Uniform standards for traffic control devices; uniform system of marking and signing highways. (1) The commission may exercise the following authority with respect to the marking, signing and use of traffic control devices in this state:

(a) The commission shall adopt a manual and specifications of uniform standards for traffic control devices consistent with the provisions of the vehicle code for use upon highways in this state.

(b) The commission is authorized to provide a uniform system of marking and signing highways within the boundaries of this state.

(c) The commission is authorized to determine the character or type of traffic control devices to be used in this state.

(2) The authority granted under this section is subject to all of the following:

(a) The system of marking and signing established under this section shall correlate

with and, as far as possible, conform to the system adopted in other states. The commission may include in the system signs and signals that show internationally recognized and approved symbols.

(b) So far as practicable, all traffic control devices in this state shall be uniform as to type and location.

(c) All traffic control devices placed in this state shall conform to specifications approved by the commission.

(d) Stop signs and yield signs shall be illuminated at night or so placed as to be illuminated by the headlights of approaching vehicles or by street lights. [1983 c.338 §164; 1985 c.16 §53]

810.210 Placement of traffic control devices. (1) The Public Utility Commission is vested with exclusive jurisdiction over the installation at railroad-highway grade crossings of signs, signals, gates, protective devices or any other device to warn or protect the public at a railroad-highway crossing. The Public Utility Commission is not required to obtain the permission of the commission to install devices under this subsection. The Public Utility Commission is granted exclusive authority under this subsection to determine the character or type of device to be used.

(2) Each road authority shall place and maintain traffic control devices upon its own highway as the road authority considers necessary for the safe and expeditious control of traffic, necessary to carry out the provisions of the vehicle code or local traffic ordinances or necessary to regulate, warn or guide traffic. The commission shall act as road authority under this section in lieu of the department. The authority granted under this subsection is subject to all of the following:

(a) The authority under this subsection does not supersede the authority granted to the Public Utility Commission under this section.

(b) All traffic control devices erected under this subsection shall conform to the state manual and specifications established under ORS 810.200.

(c) The commission has general supervision with respect to the placing and construction of traffic control devices under this subsection for the purpose of obtaining, so far as practicable, uniformity as to type and location of traffic control devices throughout the state.

(d) Only the commission has authority over a state highway whether or not the state highway is within the jurisdiction of another road authority. No traffic control device shall be erected or maintained upon any state highway under this subsection by any authority other than the commission, except with the written approval of the commission.

(e) When the governing body of a city makes a determination that placement or construction of a traffic control device on a highway within the city selected as a state highway under ORS 373.010 is necessary to carry out the provisions of the vehicle code or to regulate, warn or guide traffic, the city governing body shall submit written findings and recommendations to the State Highway Engineer in support of placing or constructing the traffic control device on the state highway. If the engineer approves the findings and recommendations, the engineer shall notify the city governing body in writing and proceed to place or construct the traffic control device in accordance with the findings and recommendations. If the engineer does not notify the governing body of disapproval within 90 days after receipt of the findings and recommendations, the findings and recommendations shall be considered approved and the engineer shall proceed to place or construct the traffic control device in accordance with the findings and recommendations.

(f) The commission is authorized to classify, designate and mark both interstate and intrastate highways within the boundaries of this state. [1983 c.338 §165; 1985 c.16 §54]

810.220 Exemption from traffic control device specifications. Official traffic control devices placed or constructed by road authorities before June 27, 1975, are not required to conform to specifications and location criteria approved by the commission. Any new or amended specifications approved by the commission under ORS 810.200 after June 27, 1975, for the placement or construction of traffic control devices do not apply to such devices in place on June 27, 1975. However within a reasonable period after June 27, 1975, traffic control devices shall be altered or relocated to comply with the manual and specifications under ORS 810.200. [1983 c.338 §166]

810.230 Unlawful sign display; exceptions; penalty. (1) A person commits the offense of unlawful sign display if the person does any of the following:

(a) Without authority under ORS 810.200 or 810.210, places, maintains or displays upon or in view of any highway any sign, signal, marking or device that:

(A) Purports to be or is an imitation or resembles an official traffic control device or railroad sign or signal;

(B) Attempts to direct the movement of animal, pedestrian, vehicle or any other traffic; or

(C) Hides from view or interferes with the effectiveness of a traffic control device or railroad sign or signal.

(b) Places or maintains upon any highway any traffic sign or signal bearing thereon any commercial advertising device.

(2) This section does not prohibit the placing and maintaining of signs, markers or signals bearing thereon the name of an organization authorized to place the same by the appropriate public authority.

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

(4) The offense described in this section, unlawful sign display, is a Class C traffic infraction. [1983 c.338 §708; 1985 c.16 §342]

810.240 Unlawful interference with traffic control device or railroad sign; penalty. (1) A person commits the offense of unlawful interference with a traffic control device or railroad sign if the person, without lawful authority and with criminal negligence, attempts to or does alter, deface, injure, knock down or remove any traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon or any other part thereof.

(2) The offense described in this section, unlawful interference with traffic control device or railroad sign, is a Class B traffic infraction. [1983 c.338 §709]

810.250 Use of traffic control device placement or legibility as evidence. (1) A person shall not be convicted of violating a provision of the vehicle code for which an official traffic control device is required if the device is not in proper position and legible to a reasonably observant person at the time and place of the alleged violation.

(2) Whenever a particular section of the vehicle code does not state that traffic control devices are required, the section is effective even though no devices are erected or in place.

(3) When a traffic control device is placed in position approximately conforming to the requirements of the traffic regulations or other laws of this state, the device is presumed to have been placed by an official act or at the direction of lawful authority unless the contrary is established by competent evidence.

(4) A traffic control device placed under the vehicle code or other laws or regulations of this state and purporting to conform to the lawful requirements pertaining to that device is presumed to comply with the requirements of the vehicle code unless the contrary is established by competent evidence. [1983 c.338 §167]

COURTS

(Bail)

810.300 Bail for traffic offenses. (1) A court, including a magistrate or clerk or deputy clerk authorized by the magistrate, shall release a person brought before it if the person gives an adequate undertaking to appear in answer to the offense at the time and place fixed by the court. A court, as it deems appropriate, is authorized to accept and may require any of the following as security for the appearance of an arrested person before the court on a traffic offense:

(a) An automobile membership card as described under ORS 810.330 and subject to limitations under that section.

(b) A guaranteed arrest bond certificate as described under ORS 810.320 and subject to limitations under that section.

(c) A license as described under ORS 810.310 and subject to limitations under that section.

(d) Such sum as may be required by the court.

(2) A magistrate or clerk or deputy clerk authorized by the magistrate has authority to accept security for the appearance of a person arrested for a traffic offense and brought before the magistrate or clerk or deputy clerk, as provided in this section. The following apply to security that is accepted by a court under this section or that is forwarded to a court by a police office under ORS 810.440 or 810.450:

(a) The security shall be returned to the person when the person is admitted to bail before the court or the court may treat the security as bail.

(b) If the magistrate does not have jurisdiction of the offense, the magistrate shall promptly forward the security accepted and all documents in connection with the case to the most conveniently located court having jurisdiction of the offense and in which the venue may properly be laid. [1983 c.338 §376]

810.310 Use of license as bail. The current valid license of a person that is issued by this state is acceptable, when authorized under ORS 810.300, as bail for the person for a traffic offense. The use of a license as bail under this section is subject to all of the following:

(1) Upon acceptance of the license as security, the magistrate or clerk or deputy clerk authorized by the magistrate shall issue the person a court bail driver permit under ORS 807.330.

(2) If the person appears at the time fixed, the person's license shall be returned to the person unless taken up by the court under ORS 809.250.

(3) If the person fails to appear at the time fixed, the court shall forward the license to the division along with a notification that the person failed to appear. The division shall take action on the license and notice as provided under ORS 809.280. [1983 c.338 §377; 1985 c.16 §196]

810.320 Use of guaranteed arrest bond certificate as bail. The unexpired guaranteed arrest bond certificate, as defined in ORS 742.372, of a member of an automobile club or automobile association is acceptable, when authorized under ORS 810.300, 810.440 or 810.450, as bail for that member for the violation of any traffic offense, other than a felony, if the bail required does not exceed $1,000. The use of an unexpired guaranteed arrest bond certificate as bail under this section is subject to all of the following:

(1) To qualify for use as bail, a guaranteed arrest bond certificate must have a surety company that has become a surety on the certificate as provided under ORS 742.372 to 742.376.

(2) If the individual does not make the appearance, the surety for the certificate is subject on the undertaking of the surety under ORS 742.374 to any forfeiture or enforcement provision of any statute, charter or ordinance that otherwise applies to bail on their undertaking. [1983 c.338 §378; 1985 c.16 §197; 1989 c.634 §4]

810.330 Use of automobile membership card as bail. The unexpired membership card of any member of an automobile association is acceptable as bail for that member as provided under this section. The use of an unexpired membership card as bail is subject to the following:

(1) The membership card may only be used as bail:

(a) For the violation of any motor vehicle law of this state or traffic ordinance of any city in this state if the bail in any individual case does not exceed $1,000; and

(b) When authorized under ORS 810.300, 810.440 or 810.450.

(2) To qualify for use as bail, the membership card must be the card of an automobile association incorporated under the laws of this state that has deposited with and maintains with the State Treasurer the sum of $2,000 in cash or in bonds approved by the State Treasurer.

(3) If a person deposits that person's membership card as bail and the person fails or neglects to appear in court at the time and place required, the magistrate or other officer before whom the case is brought, upon declaring a forfeiture of the bail, shall at once notify the association of the forfeiture, and the amount thereof, by mail.

(4) The association, within five days after the receipt of notice, under subsection (2) of this section, shall remit the amount of the bail so forfeited to the magistrate or other officer. If the association fails or refuses to remit the bail within that period, the magistrate or other officer having the matter in charge or the district attorney shall notify the State Treasurer, who shall:

(a) Pay the amount of the bail to the officer or magistrate lawfully entitled to receive it;

(b) Deduct that amount from the amount of deposit with the State Treasurer by the association under this section; and

(c) Immediately notify the association and require it to deposit a like sum with the State Treasurer.

(5) If the association fails or neglects for a period of 10 days to comply with the notice of the treasurer under subsection (3) of this section, the membership cards of such association shall not thereafter be accepted as bail while the default continues.

(6) Upon the payment of the bail under this section by the association, the membership card so deposited shall be immediately returned to the association by the officer who accepted it as bail. [1983 c.338 §379; 1989 c.634 §5]

(Jurisdiction and Procedures)

810.340 Proceedings; jurisdiction of financial responsibility requirements and suspension. (1) All proceedings concerning traffic offenses shall conform to the provisions of the vehicle code, rules adopted under ORS 1.520 and those provisions of ORS chapter 153 relating to traffic offenses.

(2) 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, within their respective city, town, county or district, of all violations of the provisions of the vehicle code relating to financial responsibility requirements or the suspension of driving privileges or registration. [1983 c.338 §380; 1985 c.16 §198; 1985 c.173 §5; 1985 c.725 §15]

810.350 Procedures for overloading and certain other violations. (1) For of-

fenses described in this section, a court or judicial officer:

(a) Shall make the owner or lessee of the vehicle a codefendant if appearance has not been made by the driver within 15 days of the date the driver was cited to appear in court.

(b) May dismiss the charges against the driver if the court finds:

(A) That the owner or lessee of the vehicle caused or permitted the driver to operate the vehicle or combination of vehicles in violation of the offenses described in this section; and

(B) That the owner or lessee is guilty of violating any such provision.

(2) This section applies to the following offenses:

(a) Operation without payment of appropriate registration fees under ORS 803.315.

(b) Violation of maximum weight limits under ORS 818.020.

(c) Violation of administratively imposed weight or size limits under ORS 818.060.

(d) Violation of maximum size limits under ORS 818.090.

(e) Exceeding maximum number of vehicles under ORS 818.110.

(f) Violation of posted limits on use of road under ORS 818.130.

(g) Violation of towing safety requirements under ORS 818.160.

(h) Operating a sifting or leaking load under ORS 818.300.

(i) Dragging objects on a highway under ORS 818.320.

(j) Unlawful use of devices without wheels under ORS 815.155.

(k) Unlawful use of metal objects on tires under ORS 815.160.

(L) Operation without pneumatic tires under ORS 815.170.

(m) Operation in violation of a vehicle variance permit under ORS 818.340.

(n) Failure to carry and display a permit under ORS 818.350.

(o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400. [1983 c.338 §381]

(Court Related Offenses)

810.360 Failure to appear on traffic offense; penalty. (1) A person commits the offense of failure to appear on a traffic offense if the person has been cited to appear on any traffic offense and the person knowingly fails to do any of the following:

(a) Comply with the requirements of ORS 153.540.

(b) Appear at any time fixed by the court.

(2) The offense described in this section, failure to appear on a traffic offense, is a Class A misdemeanor. [1983 c.338 §383]

810.365 Failure to appear on certain parking offenses. If a vehicle owner cited under ORS 810.425 to appear in a district or justice court upon an alleged parking offense fails to appear or to forfeit bail on or before the date and time stated on the citation, the court and the Motor Vehicles Division may take such actions as are otherwise authorized by law under the Motor Vehicle Code in the case of a failure to appear, except that in no case may a warrant of arrest be issued nor a criminal prosecution for failure to appear be commenced unless the citing or prosecuting authority, more than 10 days prior thereto, has sent a letter to the registered owner at the address shown upon the records of the Motor Vehicles Division advising such owner of the charge pending and informing the owner that the owner may be subject to arrest if the owner does not appear in the court within 10 days to answer the charge. The letter must be sent by certified mail, restricted delivery, return receipt requested. A warrant of arrest may not be issued, nor a criminal prosecution for failure to appear be commenced if such a letter has not been sent or if the owner appears in court to answer the charge within 10 days after receiving the letter. [1987 c.687 §3]

(Records)

810.370 Court to forward traffic conviction records to division; exceptions. (1) Within the time required by this section of the conviction, every court with jurisdiction over the offenses described in this section shall forward to the division a record of the conviction of any person in such court for a violation of any of the following that regulate the operation of motor vehicles on highways or streets:

(a) Offenses committed under the vehicle code or any other statute of this state.

(b) Offenses committed under any municipal ordinance.

(2) To comply with this section, a court must forward the record of conviction containing the date of any offense, any arrest and conviction. The record must be forwarded to the division within 24 hours of the time the defendant was sentenced by the court.

(3) A court is not required by this section to forward to the division a record of conviction for violation of any offense under any

of the following sections: ORS 810.090, 811.555, 811.570, 811.580, 814.020 to 814.090, 814.120, 814.230, 814.410 to 814.480, 815.155, 815.160, 815.170, 818.020, 818.040, 818.060, 818.090, 818.110, 818.130, 818.160, 818.300, 818.320, 818.340, 818.350, 818.400, 820.400 or 822.220. [1983 c.338 §384; 1985 c.16 §199; 1987 c.138 §1]

810.380 [1985 c.744 §3; 1987 c.730 §19; 1987 c.904 §2; repealed by 1987 c.905 §37]

Note: 810.380 is repealed July 1, 1992. See section 39, chapter 905, Oregon Laws 1987, as amended by section 1, chapter 460, Oregon Laws 1991. The text (1989 Edition) is set forth for the user's convenience.

810.380. (1) When a person is convicted of driving while suspended or revoked in violation of ORS 811.175 or 811.182, the court shall order the person to pay to the court a fee of $15. The fee required by this section is in addition to any fine or other cost imposed by the court.

(2) The court shall deposit moneys received from the fee required by this section in the Motor Vehicle Records Account established under ORS 802.150.

POLICE

(General Authority)

810.400 Uniform or badge required. Any police officer attempting to enforce the traffic laws of this state shall be in uniform or shall conspicuously display an official identification card showing the officer's lawful authority. [1983 c.338 §399]

810.410 Arrest and citation. (1) A police officer may arrest or issue a citation to a person for a traffic crime at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act as provided by ORS 133.235 and 133.310.

(2) A police officer may issue a citation to a person for a traffic infraction at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act when the traffic infraction is committed in the police officer's presence or when the police officer has probable cause to believe an offense has occurred based on a description of the vehicle or other information received from a police officer who observed the traffic infraction from a train.

(3) A police officer:

(a) Shall not arrest a person for a traffic infraction.

(b) May stop and detain a person for a traffic infraction for the purposes of investigation reasonably related to the traffic infraction, identification and issuance of citation.

(c) May make an arrest of a person as authorized by ORS 133.310 (2) if the person is stopped and detained pursuant to the authority of this section.

(4) When a police officer at the scene of a traffic accident has reasonable grounds, based upon the police officer's personal investigation, to believe that a person involved in the accident has committed a traffic offense in connection with the accident, the police officer may issue to the person a citation for that offense. The authority under this subsection is in addition to any other authority to issue a citation for a traffic offense. [1983 c.338 §400; 1985 c.16 §212; 1991 c.720 §1]

810.420 Citation in radar cases. When the speed of a vehicle has been checked by radiomicro waves or other electrical device, the driver of the vehicle may be stopped, detained and issued a citation by a police officer if the officer is in uniform and has either:

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

(2) Probable cause to detain based upon a description of the vehicle or other information received from the officer who has observed the speed of the vehicle recorded. [1983 c.338 §401]

810.425 Procedure in certain parking cases. (1) In all prosecutions of the owner of a vehicle for violation of ORS 811.555 (1)(b), 811.570 (1)(b), 811.575 (1)(b) and 811.585 (1)(b), or an applicable ordinance, it shall be sufficient for a police officer to charge the defendant by an unsworn written notice if the notice clearly states:

(a) The date, place and nature of the charge.

(b) The time and place for defendant's appearance in court.

(c) The name of the issuing officer.

(d) The license number of the vehicle.

(2) The notice provided for in subsection (1) of this section shall either be delivered to the defendant or placed in a conspicuous place upon the vehicle involved in the violation. A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other respects the procedure otherwise provided by law in such cases shall be followed. Notwithstanding ORS 810.410, the issuing officer need not have observed the act of parking, but need only have observed that the vehicle appeared to be parked in violation of ORS 811.555 (1)(b), 811.570 (1)(b), 811.575 (1)(b) and 811.585 (1)(b), or an applicable ordinance.

(3) A district court and a justice court have concurrent jurisdiction over parking offenses committed within the county.

(4) This section does not apply to prosecutions under city ordinances but ORS 221.340 shall apply to such prosecutions. [1987 c.687 §2]

810.430 Movement of illegally parked vehicles. A police officer who finds a vehicle parked or standing upon a highway in violation of ORS 811.555 or 811.570 may move the vehicle, cause it to be moved or require the driver or person in charge of the vehicle to move it. The authority to move vehicles under this section is in addition to any authority under ORS 819.110 to 819.130. [1983 c.338 §402]

(Security for Appearance)

810.440 Security for appearance of person arrested for traffic crime. A police officer may take security for the appearance of a person arrested for a traffic crime if it appears to the officer that the arrested person might fail to appear in response to a citation. Authority granted by this section is in addition to any authority to accept security under ORS 810.450. The authority of an officer to take security under this section is subject to all of the following:

(1) Except as otherwise provided in this section, an officer may only take security if there is no accessible magistrate or clerk or deputy clerk authorized by the magistrate.

(2) Except as otherwise provided in this section, an officer may only accept as security the following, if the following would be acceptable under ORS 810.300, for bail for the offense for which the arrest was made:

(a) An unexpired automobile membership card described under ORS 810.330; or

(b) An unexpired guaranteed arrest bond certificate described under ORS 810.320.

(3) An officer may take security for offenses described in this subsection whether or not there is an accessible magistrate or clerk or deputy clerk authorized by the magistrate. This subsection applies to the following offenses for which a jail sentence may be imposed:

(a) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.

(b) Violation of posted weight limits under ORS 818.040.

(4) An officer who takes security under this section shall give a receipt for the security accepted and shall issue the person a citation to appear before a court having jurisdiction of the offense.

(5) An officer shall promptly cause any security accepted under this section to be delivered to the court for disposition as provided under ORS 810.300. [1983 c.338 §403; 1985 c.16 §213]

810.450 Security for appearance of person issued citation. A police officer who issues a citation for violation of an offense described in this section may accept security for the appearance of the person cited. Authority granted by this section is in addition to any authority to accept security under ORS 810.440. The authority of an officer to take security under this section is subject to all of the following:

(1) The officer may only accept security under this section for offenses described under ORS 810.530, other than the following:

(a) Violation of mobile home trip permit requirements under ORS 820.570.

(b) Violation of a provision of ORS chapter 767.

(c) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.

(d) Violation of posted weight limits under ORS 818.040.

(2) An officer shall give a receipt for the security accepted along with the citation to appear before a court having jurisdiction of the offense.

(3) The officer shall promptly cause the security to be delivered to the court for disposition as provided under ORS 810.300. [1983 c.338 §404; 1985 c.16 §214]

(Reports)

810.460 Accident report. (1) A police officer shall submit a written report to the division whenever the officer does any of the following:

(a) Investigates a vehicle accident which ORS 811.725 or 822.600 requires to be reported.

(b) Prepares a written report of an accident investigated at the time and place of the accident or by field interviews with the participants or witnesses.

(2) A police officer shall submit a report required by this section to the division within 10 days of the investigation or preparation of the written report.

(3) Police reports submitted to the division under this section are subject to release or use as provided under ORS 802.220 and 802.240. [1983 c.338 §406; 1985 c.16 §216]

810.470 Forwarding owner or driver accident reports to division. Every sheriff, chief of police or other designated agency that receives an accident report filed with it under ORS 811.725 shall forward every report so filed, or a copy of the same, to the division upon forms furnished by the division not later than seven days following the date of filing. The use and release of reports described under this section is limited as provided under ORS 802.220 and 802.240. [1983 c.338 §407]

(Stops and Inspections)

810.480 Inspection of vehicle related businesses, dealers and wreckers. (1) A police officer, during normal business hours, may inspect the records a vehicle dealer is required to keep under ORS 822.045 and vehicles included in the inventory or located on the premises of a dealer issued a certificate under ORS 822.020. The inspections shall be limited in scope to that necessary to determine compliance with the regulation of dealers under the vehicle code and with vehicle title and registration provisions under the vehicle code and for the purposes of identifying stolen vehicles.

(2) A police officer, at any time, may inspect the books, records and inventory of and premises used by any business issued a certificate under ORS 822.110 for the purpose of determining whether the provisions relating to the regulation of wreckers, rules adopted by the division relating to the regulation of wreckers and laws relating to licensing, titling and wrecking of vehicles are being complied with. Every business issued a certificate ORS 822.110 shall be inspected not less than two times each year. [1983 c.338 §408]

810.490 Weighing and measuring vehicles; citation; reduction of load. (1) Any police officer may stop, measure and weigh any vehicle or combination of vehicles by means of either portable or stationary measures and scales, and having reason to believe that any vehicle or combination of vehicles, including any load thereon, is unlawful, or having reason to believe that the combined weight of the vehicle exceeds the registration weight for the vehicle, may require that such vehicle or combination of vehicles be driven to the nearest public or certified scales, in the event such scales are within five miles. When it is necessary for the vehicle or combination of vehicles to reverse direction in order to proceed to the scales, the police officer shall assist the driver of the vehicle or combination of vehicles so that the turning movement can be made in safety.

(2) If the police officer finds that the vehicle or combination of vehicles, including any load thereon, is of any dimension or has any weight not authorized by ORS 818.010, 818.020, 818.040, 818.060, 818.080, 818.090, 818.110 and 818.130 or not authorized by the terms of any permit issued under ORS 818.200, the police officer shall require the driver to move the vehicle or combination of vehicles to a suitable place and remain standing while a Uniform Traffic Citation and Complaint is being issued and until such portion of the load is removed as may be necessary to reduce any dimension and any weight to the limits authorized by the statute or permit. All material or goods removed from the load shall be removed and cared for by the driver, chauffeur or owner of the vehicle or combination of vehicles at the risk of the driver, chauffeur or owner of the vehicle.

(3) Except as to vehicles operating under permits issued under ORS 818.200, the police officer, may within the discretion of the officer, permit the driver to proceed without removing the excess dimensions, or weights if the amount of excess weight does not exceed the following:

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

(4) Discretionary action by the police officer under this section does not relieve the driver or chauffeur and owner of the vehicle or combination of vehicles of any criminal or other liability or responsibility.

(5) Failure to comply with a police officer's directions under this section is subject to penalty under ORS 818.400. [1983 c.338 §409; 1985 c.16 §217; 1989 c.723 §17; 1991 c.284 §24]

810.500 Stopping and testing vehicles for equipment violations. (1) A police officer may require the driver of a vehicle or combination of vehicles to stop the vehicle or combination and submit to tests by the officer as may be appropriate to determine if the vehicle or combination:

(a) Is being driven or moved on any street or highway without having equipment required by the vehicle code or without the equipment in proper condition and adjustment as required by the vehicle code; or

(b) Is in such unsafe condition as to endanger any person.

(2) A police officer must have reasonable cause to require that a vehicle or combination be stopped and submitted to tests under this section. [1983 c.338 §410]

810.510 State police inspection for mechanical condition and equipment. (1) A state police officer may require a person driving a vehicle or combination of vehicles on a street or highway to stop and submit the vehicle or combination to an inspection of the mechanical condition and equipment thereof at any location where members of the Oregon State Police are conducting tests and inspections of vehicles and when signs are displayed requiring such stop.

(2) If a vehicle inspected under this section is found to be in violation of any pro-

vision of the vehicle code, the police officer may issue a vehicle repair warning described under ORS 810.520 to the driver. The officer may, in lieu of the issuance of the vehicle repair warning or in combination therewith, issue a citation or written warning for the violation. [1983 c.338 §411; 1985 c.16 §218]

810.520 Vehicle repair warning. (1) A vehicle repair warning issued under ORS 810.510 shall:

(a) Be in writing;

(b) Require that the vehicle be placed in a safe condition and its equipment in proper repair and adjustment;

(c) Specify the particulars with reference to condition, equipment, repair or adjustments required; and

(d) Require that approval of the repair or adjustment be obtained within 15 days.

(2) Approval required by this section may be obtained by presenting satisfactory proof to any office of the Oregon State Police that the defect has been corrected.

(3) If an owner or driver is issued a vehicle repair warning described in this section, the vehicle described in the warning:

(a) Shall be brought into compliance with the warning and within 15 days the owner or driver must secure approval of the compliance; or

(b) Shall not be operated upon the highways of this state.

(4) This section is not intended to preclude the issuance of citations for equipment violations if repair or adjustment required by a vehicle repair warning is not perfected within 15 days.

(5) In lieu of compliance with this section the vehicle shall not be operated on the highways of this state. [1983 c.338 §412; 1985 c.16 §219]

OTHER ENFORCEMENT OFFICIALS

810.530 Authority of weighmasters. (1) A weighmaster in whose presence an offense described in this section is violated may arrest or issue a citation for the offense in the same manner as under ORS 810.410 as if the weighmaster were a police officer. This section applies to the following offenses:

(a) Violation of maximum weight limits under ORS 818.020.

(b) Violation of posted weight limits under ORS 818.040.

(c) Violation of administratively imposed weight or size limits under ORS 818.060.

(d) Violation of maximum size limits under ORS 818.090.

(e) Exceeding maximum number of vehicles in combination under ORS 818.110.

(f) Violation of posted limits on use of road under ORS 818.130.

(g) Violation of towing safety requirements under ORS 818.160.

(h) Operating with sifting or leaking load under ORS 818.300.

(i) Dragging objects on highway under ORS 818.320.

(j) Unlawful use of devices without wheels under ORS 815.155.

(k) Unlawful use of metal objects on tires under ORS 815.160.

(L) Operation without pneumatic tires under ORS 815.170.

(m) Operation in violation of vehicle variance permit under ORS 818.340.

(n) Failure to carry and display permit under ORS 818.350.

(o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.

(p) Violation of mobile home trip permit requirements under ORS 803.600.

(q) Violation of any provision of ORS chapter 767.

(r) Operation without proper fenders or mudguards under ORS 815.185.

(2) The authority of a weighmaster to issue citations or arrest under this section is subject to ORS 153.510 to 153.525 and 153.535 to 153.560.

(3) A person is a weighmaster for purposes of this section if the person is duly authorized as a weighmaster by the department or is a county weighmaster or a police officer.

(4) A weighmaster may arrest or cite for those offenses described in subsection (1) of this section. A weighmaster may accept security in the same manner as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in addition to other security permitted under this section, the sum fixed as bail for the offense.

(5) A weighmaster may arrest a person for the offense of failure to appear on a traffic offense under ORS 810.360 if the violation is based upon a citation for any offense described in subsection (1) of this section except those in paragraph (p) or (q) of that subsection.

(6) A weighmaster may exercise the same authority as a police officer under ORS 810.490 to enforce vehicle requirements and detain vehicles. A person who fails to comply with the authority of a weighmaster under this subsection is subject to penalty under

ORS 818.400. [1983 c.338 §414; 1985 c.16 §220; 1991 c.263 §1]

810.540 Enforcement of snowmobile and all-terrain vehicles violations by persons other than police officers. Game wardens and all other state law enforcement officers within their respective jurisdiction shall enforce the provisions relating to snowmobiles and all-terrain vehicles under ORS 821.190, 821.210, 821.220 and 821.240 to 821.300. The authority granted by this section to enforce laws relating to snowmobiles and all-terrain vehicles is in addition to any authority of police officers to enforce such laws. [1983 c.338 §415; 1987 c.217 §7; 1987 c.587 §23; 1989 c.991 §5a]

810.550 Authority of railroad officers to move illegally parked vehicles. When a regularly employed officer of a railroad commissioned to act as a police officer by the Governor under ORS 131.880 finds a vehicle parked or standing upon any railroad track or within seven and one-half feet of the nearest rail in violation of ORS 811.555, the person may move the vehicle, cause it to be moved or require the driver or person in charge of the vehicle to move it to a position more than seven and one-half feet from the nearest rail. [1983 c.338 §416]