Chapter 818

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WEIGHT

818.010 Maximum allowable weight. This section establishes maximum weight limitations for purposes of ORS 818.020. Except where an exemption under ORS 818.030 specifically provides otherwise, a loaded weight that exceeds the maximum allowable weight as determined by any of the following tables exceeds the maximum weight limitations or purposes of ORS 818.020:

(1) A vehicle exceeds the maximum allowable weight if the loaded weight of an axle or tandem axle is in excess of that determined by the formula in the following table:

Table I

600 pounds × the sum in inches, of the tire widths, in inches, of the wheels of the axle or tandem axles = maximum allowable weight.

For purposes of the table in this subsection tire width is determined by measuring the cross section of the tread of a wheel, the outer face of a track or the runner of a sled except for the following:

(a) For solid tires made of elastic material, tire width is determined by measuring the cross section between the flanges of the circumference of a wheel at the base of the tire as customarily measured and rated by the manufacturers of motor vehicles and tires.

(b) For pneumatic tires made of elastic material, tire width is the diameter of the cross section of the tire as customarily measured and rated by the manufacturers of motor vehicles and tires.

(2) A vehicle or combination of vehicles exceeds the maximum allowable weight if the loaded weight measured at any of the places designated on the following table exceeds the maximum allowable weight established on the table for measurement at that place:

Table II

Place for measurement of weight	Maximum allowable weight in pounds
Any individual wheel	10,000
Any axle	20,000
Any tandem axles	34,000

(3) A vehicle, group of axles or combination of vehicles exceeds the maximum allowable weight if the loaded weight is in excess of maximum allowable weight as determined by the method in the following table that produces the lower allowable maximum weight:

Table III

(Maximum allowable weight determined by whichever of the following methods produces lower weight:)

Method A

The sum of permissible axle, tandem axles or group of axles weights as determined under Table I or II of this section is the maximum allowable weight.

OR

Method B

Distance in feet between first and last axle in group of axles:	Maximum allowable weight in pounds for number of axles in group of axles: 2 Axles	3 Axles	4 Axles	5 Axles	6 or More Axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000				
More than 8 but less than 9	34,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	52,500	
17	40,000	48,500	53,500	53,500	
18	40,000	49,500	54,000	54,000	
19	40,000	50,000	54,500	54,500	
20	40,000	51,000	55,500	55,500	
21	40,000	51,500	56,000	56,000	56,000
22	40,000	52,500	56,500	56,500	56,500
23	40,000	53,000	57,500	57,500	57,500
24	40,000	54,000	58,000	58,000	58,000
25	40,000	54,500	58,500	58,500	58,500
26	40,000	55,500	59,500	59,500	59,500
27	40,000	56,000	60,000	60,000	60,000
28	40,000	57,000	60,500	61,000	61,000
29	40,000	57,500	61,500	62,000	62,000
30	40,000	58,500	62,000	63,000	63,000
31	40,000	59,000	62,500	64,000	64,000
32	40,000	60,000	63,500	65,000	65,000
33	40,000	60,000	64,000	66,000	66,000
34	40,000	60,000	64,500	67,000	67,000
35	40,000	60,000	65,500	68,000	68,000
36	40,000	60,000	66,000	69,000	69,000
37	40,000	60,000	66,500	70,000	70,000
38	40,000	60,000	67,500	71,000	71,000
39	40,000	60,000	68,000	72,000	72,000
40	40,000	60,000	68,500	73,000	73,000
41	40,000	60,000	69,500	73,500	73,500
42	40,000	60,000	70,000	74,000	74,000
43	40,000	60,000	70,500	75,000	75,000
44	40,000	60,000	71,500	75,500	75,500
45	40,000	60,000	72,000	76,000	76,000

46	40,000	60,000	72,500	76,500	80,000
47	40,000	60,000	73,500	77,000	80,000
48	40,000	60,000	74,000	78,000	80,000
49	40,000	60,000	74,500	78,500	80,000
50	40,000	60,000	75,500	79,000	80,000
51	40,000	60,000	76,000	80,000	80,000
52	40,000	60,000	76,500	80,000	80,000
53	40,000	60,000	77,500	80,000	80,000
54	40,000	60,000	78,000	80,000	80,000
55	40,000	60,000	78,500	80,000	80,000
56	40,000	60,000	79,500	80,000	80,000
57 or over	40,000	60,000	80,000	80,000	80,000

For the purpose of the table in this subsection and except as otherwise provided in the table, the distance between axles shall be measured to the nearest foot. When a fractional measurement is exactly one-half foot the next larger whole number shall be used. [1983 c.338 §508; 1985 c.16 §264; 1985 c.172 §6a; 1987 c.66 §1]

818.020 Violation of maximum weight limits; civil liability; penalties. (1) A person commits the offense of violating maximum weight limits if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceed the weight limits established under ORS 818.010.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles exceeds the weight limits established under ORS 818.010. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.030.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, violating maximum weight limits, is punishable by penalties established in Schedule I of the schedules of penalties under ORS 818.430. [1983 c.338 §507]

818.030 Exemptions from weight limitations. This section establishes exemptions from the maximum weight limitations under ORS 818.010 and 818.020. The exemptions under this section are in addition to any exemptions under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to the penalties in ORS 818.020. Exemptions are partial or complete as described in the following:

(1) The maximum weight limitations do not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547 and 551 or a corporation formed under ORS chapter 554.

(2) The maximum weight limitations do not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency, or both.

(3) The maximum weight limitations do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the Federal Government, the State of Oregon or any county or incorporated city in the construction, maintenance or repair of public highways and at the immediate location or site of such construction, maintenance or repair.

(4) The maximum weight limitations do not apply to vehicles while being used on the roads of a road authority by mass transit districts for the purposes authorized under ORS 267.010 to 267.390, provided the weight of the vehicles is approved by the road authority for the roads.

(5) Subject to the maximum weight limitations under Tables I and III of ORS 818.010, any vehicle with a single rear axle specially equipped with a self-compactor and used exclusively for garbage or refuse operations may have a loaded weight upon a single axle of not more than 22,000 pounds when laden with garbage or refuse. When unladen or when operating on any highway that is part of the federal interstate highway system such vehicles shall comply with the weight limitations under Table II of ORS 818.010.

(6) Weight limitations are not applicable in any place and to the extent the weight limitations are modified by a road authority under ORS 810.060. The exemption under this subsection is subject to the limitations imposed by the road authority exercising the powers granted under ORS 810.060.

(7) Operations authorized to exceed weight limitations by a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.020 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense.

(8) Notwithstanding Table III of ORS 818.010, two consecutive sets of tandem axles may have a loaded weight of 34,000 pounds each, providing the distance between the first and last axles of the two sets of tandem axles is 30 feet or more.

(9) Notwithstanding Table III of ORS 818.010, a group of four axles consisting of a set of tandem axles and two axles spaced nine feet or more apart may have a loaded weight of 70,000 pounds, providing the distance between the first and last axles of the group is 35 feet or more. [1983 c.338 §509; 1985 c.172 §7; 1989 c.723 §19]

818.040 Violation of posted weight limits; civil liability; penalty. (1) A person commits the offense of violation of posted weight limits if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceed any weight limits imposed on the highway or portion of highway and indicated by appropriate signs giving notice of the limits.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination exceeds any weight limits imposed on the highway or portion of highway and indicated by appropriate signs giving notice of the limits. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (5) of this section as a result of the operation.

(2) The authority to establish and change weight limits for purposes of the prohibitions and penalties under this section is under ORS 810.030.

(3) The application of this section is subject to the exemptions from this section established under ORS 818.050.

(4) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(5) The offense described in this section, violation of posted weight limits, is punishable as provided under Schedule III of the penalties under ORS 818.430. The penalties under this subsection are in addition to any suspension of driving privileges under ORS 809.120 or any suspension of vehicle registration under ORS 809.120. [1983 c.338 §510]

818.050 Exemptions from posted weight limits. This section establishes exemptions from the posted weight limits under ORS 818.040. The exemptions under this section are in addition to any exemptions under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.040. Exemptions are partial or complete as described in the following:

(1) Posted weight limits do not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) Posted weight limits do not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) Posted weight limits do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the Federal Government, the State of Oregon or any county or incorporated city in the construction, maintenance or repair of public highways and at the immediate location or site of such construction, maintenance or repair.

(4) Posted weight limits do not apply to vehicles while being used on the roads of a road authority by mass transit districts for the purposes authorized under ORS 267.010 to 267.390, provided the weight of the vehicles is approved by the road authority for that road.

(5) Operations authorized to exceed weight limits by a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.040 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense. [1983 c.338 §511]

WEIGHT AND SIZE

818.060 Violation of administratively imposed weight or size limits; civil liability; penalties. (1) A person commits the offense of violation of administratively imposed weight or size limits if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceeds weight or size limits imposed under ORS 810.050 or 810.060.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles exceeds weight or

size limits imposed under ORS 810.050 or 810.060. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.070.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, violation of administratively imposed weight or size limits, is subject to penalty as follows:

(a) Violation of any size limit is subject to penalty under the schedule of penalties in ORS 818.420.

(b) Violation of any weight limit is subject to penalty under Schedule I of the penalties in ORS 818.430. [1983 c.338 §512; 1987 c.158 §172]

818.070 Exemptions from administratively imposed weight or size limitations. This section establishes exemptions from ORS 818.060. The exemptions under this section are in addition to any exemptions under ORS 801.026. Exempt, partially or completely as described, are the following:

(1) Any vehicle on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547 and 551 or a corporation formed under ORS chapter 554.

(2) A vehicle on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency, or both.

(3) Any vehicle, combination of vehicles, article, machine or other equipment while being used by the Federal Government, the State of Oregon or any county or incorporated city in the construction, maintenance or repair of public highways and at the immediate location or site of such construction, maintenance or repair.

(4) Vehicles while being used on the roads of a road authority by a mass transit district for the purposes authorized under ORS 267.010 to 267.390, provided the weight or size is approved by the road authority for its roads.

(5) Operations authorized to exceed weight or size limitations by a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.060 if the person so charged produces a variance permit issued under ORS 818.200 that authorized the operation and that was issued prior to and valid at the time of the offense. [1983 c.338 §513]

SIZE

818.080 Maximum size limits. This section establishes maximum size limits for purposes of ORS 818.090. Except where an exemption under ORS 818.100 specifically provides otherwise, any vehicle or load thereon that exceeds a maximum allowable size as determined by any of the following tables exceeds the maximum size limits for purposes of ORS 818.090:

(1) A vehicle or combination of vehicles, as appropriate, exceeds the maximum allowable size if a dimension of the vehicle, combination of vehicles or load thereon is beyond an applicable maximum size allowable on the following table:

TABLE I

Dimension limited:	Limit applicable to:	Maximum allowable size, in feet, for dimension limited:
(1) Total outside width	Any vehicle	8
(2) Height, including load	Any vehicle	14
(3) Length	Any vehicle operating singly	40
	Vehicle in combination of vehicles	35
	Combination of vehicles, including load	50
(4) Length of load on vehicle	Any vehicle operating singly or as a unit in a combination of vehicles	40

The maximum limit on height under the table in this subsection does not relieve the owner or driver of any vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the highways and streets where the vehicle or combination of vehicles is being operated.

(2) A vehicle or combination of vehicles, as appropriate, exceeds the maximum allowable size if a portion of the vehicle, combination of vehicles or load thereon is subject

to a limitation under the following table and that portion extends farther than the maximum limit of allowable extension beyond a designated point as determined by the following table:

TABLE II

Designated point:	Limit applicable to:	Maximum limit of allowable extension beyond designated point:
(1) Line of left fenders of vehicle	Load on any passenger vehicle	No allowable extension beyond designated point.
(2) Line of right fenders of vehicle	Load on any passenger vehicle	6 inches
(3) Front of vehicle	Load on any vehicle or combination of vehicles	4 feet
(4) Last axle of vehicle operating singly	Any portion of vehicle or any load thereon	Three-fourths the length of the wheelbase of the vehicle.
(5) Last axle of combination of vehicles	Any portion of combination of vehicles or any load thereon	One-third of the length of the wheelbase of the combination of vehicles.

[1983 c.338 §515; 1985 c.16 §265]

818.090 Violation of maximum size limits; civil liability; penalties. (1) A person commits the offense of violation of maximum size limits if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceeds the size limits established under ORS 818.080.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles exceeds the size limits established under ORS 818.080. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.100.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, violation of maximum size limits, is punishable according to the schedule of penalties established in ORS 818.420. [1983 c.338 §514]

818.100 Exemptions from size limitations. This section establishes exemptions from the maximum size limitations under ORS 818.080 and 818.090. The exemptions under this section are in addition to any exemptions under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.090. Exemptions are partial or complete as described in the following:

(1) The maximum size limits do not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) The maximum size limits do not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) The maximum size limits do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the Federal Government, the State of Oregon or any county or incorporated city in the construction, maintenance or repair of public highways and at the immediate location or site of such construction, maintenance or repair.

(4) The maximum size limits do not apply to vehicles while being used on the roads of a road authority by mass transit districts for the purposes authorized under ORS 267.010 to 267.390, provided the size of the vehicles

is approved by the road authority for the roads.

(5) Size limits are not applicable in any place and to the extent size limits are modified by a road authority under ORS 810.060. The exemption under this subsection is subject to the limitations imposed by the road authority exercising the powers granted under ORS 810.060.

(6) Operations authorized to exceed size limits by a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.090 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense.

(7) Pneumatic tires made of elastic material, flexible mud flaps, flexible fenders, safety accessories such as clearance lights, rub rails and binder chains, and appurtenances such as door handles, door hinges and turning signal brackets may exceed the maximum allowable width described in Table I of ORS 818.080 by a distance not greater than two inches on each side of the vehicle.

(8) Rearview mirrors may exceed the maximum allowable width described in Table I of ORS 818.080 by a distance of not greater than five inches on each side of the vehicle.

(9) Notwithstanding the maximum allowable length of vehicles and loads on vehicles under Table I of ORS 818.080 public utilities, telecommunications utilities, people's utilities districts and cooperative rural electrification districts or common or contract carriers when acting as agent for or on direct orders of such a utility or district, for the purpose of transporting and hauling poles, piling or structures used or to be used in connection with their business, may use and operate upon any highway of this state any combination of vehicles having an overall length including load the total length of which is not in excess of 75 feet unless an emergency exists.

(10) The load on a semitrailer may exceed the maximum length established under ORS 818.080 providing the load does not:

(a) Extend beyond the rear of the semitrailer by more than five feet;

(b) Extend forward of the rear of the cab of the towing vehicle; or

(c) Exceed an overall length permitted by a rule, resolution or ordinance adopted under ORS 810.060.

(11) The load upon a truck tractor and pole trailer may exceed the maximum length established under ORS 818.080 if the overall length does not exceed that authorized by a rule, resolution or ordinance adopted under ORS 810.060.

(12) None of the size limits described under ORS 818.080 except the maximum limit of allowable extension beyond the last axle of a combination of vehicles under Table II apply to implements of husbandry hauled, towed or moved upon any highway not a part of the Federal Interstate Highway System, if the movement is incidental to the farming operations of the owner of the implement of husbandry.

(13) The rear overhang of a combination of vehicles described in this subsection may extend more than one-third but not more than one-half the length of the wheelbase of the combination of vehicles. This subsection is applicable to any combination of vehicles consisting of a motor vehicle towing any of the following:

(a) A mobile home or travel trailer.

(b) Any trailer designed to carry a single nonmotorized aircraft.

(14) A recreational vehicle as defined in ORS 446.003 may exceed the maximum width established under ORS 818.080 if the total outside width of the recreational vehicle does not exceed eight feet six inches.

(15) A boat trailer or a boat may exceed the maximum width established under ORS 818.080 if the total outside width of the boat trailer or boat does not exceed eight feet six inches. [1983 c.338 §516; 1985 c.16 §266; 1985 c.172 §8; 1987 c.447 §141; 1989 c.662 §1; 1991 c.754 §1]

VEHICLE COMBINATIONS

818.110 Exceeding maximum number of vehicles in combination; civil liability; penalty. (1) A person commits the offense of exceeding the maximum number of vehicles in combination if the person does any of the following:

(a) Drives or moves on a highway any combination of vehicles that consists of more than two vehicles.

(b) Owns any vehicle and causes or permits the vehicle to be driven or moved on a highway when the vehicle is in a combination of vehicles that consists of more than two vehicles. Operation of any combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicles in the combination caused or permitted the combination to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.120.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, exceeding maximum number of vehicles in combination, is a Class C traffic infraction. [1983 c.338 §517; 1985 c.393 §28]

818.120 Exemptions from limits on number of vehicles in combinations. This section establishes exemptions from ORS 818.110. The exemptions under this section are in addition to any exemptions under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.110. Exemptions are partial or complete as described in the following:

(1) The limit on the number of vehicles that may be operated in combination does not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) The limit on the number of vehicles that may be operated in combination does not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) The limit on the number of vehicles that may be operated in combination does not apply to any vehicles, combination of vehicles, articles, machines or other equipment while being used by the Federal Government, the State of Oregon or any county or incorporated city in the construction, maintenance or repair of public highways and at the immediate location or site of such construction, maintenance or repair.

(4) The limit on the number of vehicles that may be operated in combination does not apply to any vehicles while being used on the roads of a road authority by mass transit districts for purposes authorized under ORS 267.010 to 267.390, provided the use of the vehicles is approved by the road authority for its roads.

(5) Operations authorized to exceed the limit on the number of vehicles that may be operated in combination by a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.110 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the combination of vehicles issued prior to and valid at the time of the offense.

(6) In drive-away operations, three unladen vehicles may be coupled together by a double saddle-mount method or by a single saddle-mount and tow bar method or four unladen vehicles by a triple saddle-mount method.

(7) A combination of three implements of husbandry or two implements of husbandry drawn by another vehicle may be operated on a highway without violation of the limits under ORS 818.110.

(8) A truck tractor and semitrailer drawing one trailer or a truck tractor and semitrailer drawing one additional semitrailer mounted on a dolly equipped with a fifth wheel hitch may be operated on a highway without violation of the limits under ORS 818.110.

(9) A truck tractor and semitrailer drawing a balance trailer with a length not in excess of 15 feet and a loaded weight not in excess of 8,000 pounds or drawing a dolly may be operated on a highway without violation of the limits under ORS 818.110. [1983 c.338 §518; 1985 c.16 §267]

POSTED USE LIMITS

818.130 Violation of posted limits on use; civil liability; penalty. (1) A person commits the offense of violation of posted limits on use of a road if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that exceeds any use limits, other than weight limits, imposed on the highway or portion of highway and indicated by appropriate signs giving notice of the limits.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination exceeds any use limits, other than weight limits, imposed on the highway or portion of highway and indicated by appropriate signs giving notice of the limits. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (5) of this section as a result of the operation.

(2) The authority to establish and change use limits for purposes of the prohibitions and penalties under this section is under ORS 810.030.

(3) The application of this section is subject to the exemptions from this section established under ORS 818.140.

(4) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(5) The offense described in this section, violation of posted limits of use of a road, is a Class C traffic infraction. [1983 c.338 §519; 1985 c.16 §268; 1985 c.393 §29]

818.140 Exemptions from posted use limits. This section establishes exemptions from ORS 818.130. The exemptions under this section are in addition to any under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.130. Exemptions are partial or complete as described in the following:

(1) Posted use limits do not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) Posted use limits do not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) Posted use limits do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the Federal Government, the State of Oregon or any county or incorporated city in the construction, maintenance or repair of public highways and at the immediate location or site of such construction, maintenance or repair.

(4) Posted use limits do not apply to vehicles while being used on the roads of a road authority by mass transit districts for the purposes authorized under ORS 267.010 to 267.390, provided the use of the vehicles is approved by the road authority for that road.

(5) Operations authorized by a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.130 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense. [1983 c.338 §520]

TOWING SAFETY

818.150 Safety requirements for towing. This section establishes safety requirements for towing for purposes of ORS 818.160. Except where an exemption under ORS 818.170 specifically provides otherwise, the safety requirements for towing are violated for purposes of ORS 818.160 if any of the following are violated:

(1) If one vehicle is towing another, the tow bar, coupling device and other connections must be of sufficient strength to hold the weight of the towed vehicle upon any grade of highway where operated.

(2) If one vehicle is towing another, the connections of the tow bar, coupling device and other connections must be properly mounted without excessive slack but with sufficient play to allow for universal action of the connections and provided with a suitable locking means to prevent accidental separation of the towed and towing vehicles.

(3) If any vehicle is towing another vehicle and the connection between the vehicle is a chain, rope, cable or any flexible material, a red flag or cloth not less than 12 inches square must be displayed upon the connection.

(4) Any vehicle being towed must not whip or swerve from side to side dangerously or unreasonably or fail to follow substantially in the path of the towing vehicle.

(5) Any towed vehicle in a combination of vehicles must be equipped with one or more safety chains or cables that meet all of the following requirements:

(a) The chains or cables must be so connected to the towed and towing vehicle and to the tow bar as to prevent the tow bar from dropping to the ground in the event the tow bar or coupling device fails.

(b) The chains or cables must have a tensile strength equivalent to the loaded weight of the towed vehicle and a means of attachment to the towed and towing vehicle of sufficient strength to control the towed vehicle in event the tow bar or coupling device fails.

(c) The chains or cables must be attached with no more slack than is necessary to permit proper turning.

(6) Any coupling device on any towing vehicle used as a connection for the tow bar on any towed vehicle having a loaded weight in excess of 5,000 pounds shall be firmly attached to the frame or to a solid connection to the frame and not only to the bumper of the towing vehicle.

(7) Vehicle connecting devices for any vehicle with a loaded weight of not more than 10,000 pounds must be constructed or equipped as required under minimum standards adopted by the Motor Vehicles Division for purposes of this subsection. Standards adopted for purposes of this subsection shall conform to the current standards of the Society of Automotive Engineers or other

widely accepted standards that are applicable. [1983 c.338 §522; 1985 c.16 §269; 1985 c.20 §1]

818.160 Violating towing safety requirements; civil liability; penalty. (1) A person commits the offense of violating towing safety requirements if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that are in violation of the safety requirements for towing vehicles established under ORS 818.150.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles is in violation of the safety requirements for towing vehicles established under ORS 818.150. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.170.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, violation of towing safety requirements, is a Class B traffic infraction. [1983 c.338 §521; 1985 c.393 §30]

818.170 Exemptions from towing safety requirements. This section establishes exemptions from the towing safety requirements under ORS 818.150 and 818.160. Exemptions under this section are in addition to any under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.160. Exemptions are partial or complete as described in the following:

(1) The requirements for mounting and slack of towing connections under ORS 818.150 (2) do not apply where the towed vehicle is temporarily disabled.

(2) The requirements for safety chains or cables under ORS 818.150 (5) do not apply to the following vehicles:

(a) A temporarily disabled vehicle that is being towed by another vehicle.

(b) A dolly without a tow bar.

(c) A semitrailer coupled to a towing vehicle with a fifth wheel hitch or any ball and socket type assembly that is positioned above and forward of the rear axle of the towing vehicle. To qualify for the exemption under this subsection, the assembly must be designed so that the upper and lower halves of the assembly may not be separated without being manually released.

(3) Operations exempt from the towing safety requirements by a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.160 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense.

(4) The towing safety requirements do not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(5) The towing safety requirements do not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both. [1983 c.338 §523]

PERMITS

818.200 Authority to issue variance permits; effect of permit; violation of permit. (1) A road authority may issue a variance permit if it determines the public interests will be served. A variance permit issued under this section may allow any vehicle, combination of vehicles, load article, property, machine or thing to move over any highway or street under the jurisdiction of the road authority without violation of any of the following:

(a) Maximum weight limits under ORS 818.020.

(b) Posted weight limits under ORS 818.040.

(c) Administratively imposed weight or size limits under ORS 818.060.

(d) Maximum size limits under ORS 818.090.

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

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

(g) Towing safety requirements under ORS 818.160.

(h) Use of devices without wheels under ORS 815.155.

(i) Use of metal objects on tires under ORS 815.160.

(j) Operation without pneumatic tires under ORS 815.170.

(2) The fee for issuance of a variance permit under this section is the fee established under ORS 818.270. No fee shall be charged for issuance of a permit to the Federal Government, agencies of the State of Oregon, cities or counties.

(3) A permit issued under this section is subject to all of the provisions under ORS 818.220 and to any limits under ORS 818.210.

(4) Prohibitions and penalties relating to the use of the permit are provided under ORS 818.340 and 818.350.

(5) Violation of the conditions of the permit is subject to civil penalties as provided under ORS 818.410. [1983 c.338 §535]

818.210 Limits on authority to issue variance permit. Except as provided under ORS 818.220, a road authority shall not issue a variance permit under ORS 818.200 for any vehicle or load that can readily or reasonably be dismantled or disassembled. The limit under this section does not apply to the following:

(1) Any single vehicle engaged in the transportation of peeler bolts, blocks, cores, railroad ties, logs or poles loaded crosswise of the vehicle, having an overall width of load thereon not in excess of eight and one-half feet.

(2) Combinations of vehicles consisting of not more than a motor truck with a registration weight of more than 8,000 pounds and two self-supporting trailers or a truck tractor and semitrailer drawing two self-supporting trailers or semitrailers mounted on dollies equipped with fifth wheels having an overall length not in excess of 105 feet. The self-supporting trailers or semitrailers must be reasonably uniform in length.

(3) Vehicles or combinations of vehicles having a length in excess of that permitted under ORS 818.060 or 818.090.

(4) Any self-loading log truck. In the granting of permits to vehicles described in this subsection, a granting authority shall observe and be governed by the following maximum loaded weights:

(a) The loaded weight of any individual wheel, axle or tandem axles of any vehicle or combination of vehicles shall not exceed the maximum loaded wheel, axle and tandem axle weights set forth in Tables I and II of ORS 818.010.

(b) The loaded weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is 18 feet or less, and the loaded weight of any vehicle when the distance between the first and last axles of all of the axles of the vehicle is 18 feet or less, shall not exceed that set forth in the following table of weights, or the sum of the permissible axle or tandem axle weights, whichever is less:

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles, or between the first and last axles of all the axles of any vehicle:	Maximum loaded weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle:
6	34,000
7	34,000
8	34,000
9	39,000
10	40,000
11	40,000
12	40,000
13	40,000
14	43,200
15	44,000
16	44,800
17	45,600
18	50,000

(c) The loaded weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicle or combination of vehicles is more than 18 feet, shall not exceed that set forth in the following table of weights, or the sum of the permissible axle, tandem axle or group of axles weights, whichever is less:

Distance in feet between the first and last axles of all the axles of a vehicle or combination of vehicles:	Maximum loaded weight, in pounds, of any vehicle or combination of vehicles:	5 axles or more
19	50,000	
20	50,000	
21	50,000	
22	50,000	
23	50,400	
24	51,200	
25	55,250	
26	56,100	
27	56,950	
28	57,800	
29	58,650	
30	59,500	
31	60,350	
32	61,200	
33	62,050	
34	62,900	
35	63,750	
36	64,600	
37	65,450	
38	66,300	
39	68,000	
40	70,000	73,000
41	72,000	73,500
42	73,280	74,500
43	73,280	75,000
44	73,280	75,500
45	73,280	76,000
46	73,280	77,000
47	73,280	77,500
48	73,280	78,000
49	73,280	78,500

50	73,280	79,500
51	73,280	80,000
52	73,600	80,000
53	74,400	80,000
54	75,200	80,000
55 or over	76,000	80,000

(5) Any vehicle, combination of vehicles, load, article, property, machine or thing that:

(a) Is used in the construction, maintenance or repair of public highways; and

(b) Is either not being used by the Federal Government, State of Oregon or any county or incorporated city or not being used at the immediate location or site.

(6) Combinations of vehicles having a combined loaded weight in excess of that authorized under Table III of ORS 818.010.

(7) A vehicle engaged in the transportation of secondary wood products, which may be issued a permit for an overlength load. As used in this subsection, "secondary wood products" means laminated wood products and wooden I-beams. A vehicle engaged in the transportation of secondary wood products may also transport a divisible load of secondary wood products that otherwise exceeds allowable load length limits if:

(a) The load contains a permitted, nondivisible secondary wood product that exceeds the length allowed in ORS 818.080 or 818.100;

(b) The divisible load does not exceed the length allowed for the nondivisible wood product in the permit; and

(c) Not more than 49 percent of each divisible load item, by length or weight, authorized by this subsection overhangs the vehicle transporting the load.

(8) A vehicle transporting an overheight marine container to or from a marine port facility. [1983 c.338 §536; 1985 c.16 §275; 1989 c.431 §1; 1991 c.261 §1; 1991 c.880 §5]

818.220 Requirements, conditions and procedures for issuance of variance permit; duration; cancellation. This section establishes requirements, conditions and procedures for issuance of variance permits under ORS 818.200 as follows:

(1) In issuing a permit, the road authority may:

(a) Grant a permit that is valid for a single trip, a number of trips or continuous operation.

(b) Establish seasonal or other time limitations on a permit.

(c) Establish any additional terms, limits or conditions on a permit that are necessary or desirable for the protection of the highways and streets and the public interest.

(d) Require the applicant to furnish public liability and property damage insurance in an amount fixed by the granting authority.

(e) Require the applicant to furnish indemnity insurance or an indemnity bond, in an amount fixed by the granting authority, to:

(A) Indemnify the road authority for any damage to the highways or streets that may be caused under the permit; and

(B) Indemnify the members, officers, employees and agents of the road authority from any claim that might arise out of the granting of the permit and the use of the highways under the permit.

(f) Require a demonstration by the applicant to establish that operation under a permit would:

(A) Stay on the right side of the center line of the traveled way at all times; and

(B) Allow sufficient room in the opposing traffic lane for the safe movement of other vehicles.

(2) A permit shall be in writing and shall specify:

(a) All highways or streets over which the permit is valid.

(b) Any vehicle, combination of vehicles, load, article, property, machine or thing allowed under the permit.

(c) Maximum dimensions and maximum weights allowed under the permit.

(3) A road authority shall not issue a permit under this section:

(a) That is valid for longer than one year.

(b) Until any insurance or bond required under this section is filed with and accepted by the granting authority.

(c) Until the granting authority has investigated any representations made in the application for the permit.

(4) An application for a permit issued under this section shall be in writing and shall specify:

(a) The vehicle, combination of vehicles, load, article, property, machine or thing for which the permit is requested;

(b) The particular highways and streets for which the permit is sought; and

(c) Whether the permit is sought for a single trip, number of trips or continuous operation.

(5) This section does not authorize:

(a) Except as specified in a permit, any vehicle, combination of vehicles, load, article, property, machine or thing for which the permit is issued to be operated or moved

contrary to any provisions of the vehicle code.

(b) Any movement or operation of a vehicle, combination of vehicles, load, article, property, machine or thing until a permit is issued.

(6) The road authority may appoint any of its officers, employees or agents to be present at and during the movement. The presence of any person so appointed and any interference or suggestion made by that person shall not be considered supervision of the movement and shall not relieve the permit holder, or the permit holder's insurers or sureties, from liability for any damage done by the movement. If, in the opinion of the person appointed to be present at and during the movement, any of the terms and conditions of the permit are not being complied with, that person may order the movement to be stopped.

(7) Any permit may be canceled at any time by the road authority upon proof satisfactory to it that:

(a) The permit holder has violated any of the terms of the permit;

(b) The permit was obtained through misrepresentation in the application therefor; or

(c) The public interest requires cancellation.

(8) A road authority may establish a program for issuance of permits that is not subject to any requirements, conditions or procedures described under this section. A program established under this subsection shall be established by rule or resolution, as appropriate. A program established under this subsection may include any of the following:

(a) Provisions and requirements that differ from those otherwise required under this section.

(b) Authority that is not subject to the limitations under ORS 818.210.

(c) Any provisions or requirements the road authority determines may simplify or expedite the process of issuing permits.

(d) Exclusions from the prohibitions and penalties under ORS 818.350 if the person or vehicle complies with the conditions of the permit and the program.

(e) Applicability of the penalties provided under ORS 818.340, 818.350 and 818.410 for violation of the program.

(9) Notwithstanding any other provision of this section, if a road authority other than the state issues a variance permit for a divisible load with a combined weight of more than 80,000 pounds, the variance permit shall be a one-year permit that is valid for continuous operation. [1983 c.338 §537; 1985 c.16 §276; 1989 c.432 §1]

818.225 Road use assessment fee for single-trip nondivisible load permittee; definition of "equivalent single-axle load." (1)(a) In addition to any fee for a single-trip nondivisible load permit, a person who is issued the permit or who operates a vehicle in a manner that requires the permit is liable for payment of a road use assessment fee of five and one-half cents per equivalent single-axle load mile traveled. As used in this subsection, "equivalent single-axle load" means the relationship between actual or requested weight and an 18,000 pound single-axle load as determined by the American Association of State Highway and Transportation Officials Road Tests reported at the Proceedings Conference of 1962. The Highway Division may adopt rules to standardize the determination of equivalent single-axle load computation based on average highway conditions.

(b) If the road use assessment fee is not collected at the time of issuance of the permit, the Highway Division shall bill the permittee for the amount due. The account shall be considered delinquent if not paid within 60 days of billing. If road use assessment fees billed to a motor carrier subject to ORS chapter 767 are not paid before the account becomes delinquent, the division shall assign the amount due to the Public Utility Commission for collection.

(c) The miles of travel authorized by a single-trip nondivisible load permit shall be exempt from taxation under ORS chapter 767.

(2) The Highway Division by rule may establish procedures for payment, collection and enforcement of the fees and assessments established by this chapter. [1989 c.992 §15; 1991 c.497 §12]

818.230 Sifting or leaking load permit; duration; fee. A sifting or leaking load permit is a vehicle permit that is issued as evidence of a grant of authority to operate a vehicle loaded or constructed in a manner that, without the permit, would violate ORS 818.300. Each road authority shall grant permits for its own highways. Permits issued under this section shall comply with all of the following:

(1) Permits shall be in writing.

(2) Permits shall be issued only for the following:

(a) Vehicles transporting food processing plant by-products to be used for livestock feed or fertilizer from which there is fluid leakage.

(b) Vehicles transporting agricultural products from which there is fluid leakage, while the vehicles are en route from the place of harvest to a place where the products will be processed, stored or sold.

(3) Permits shall be issued for a maximum period of one year.

(4) Permits are revocable if the issuing road authority finds that the amount or character of the fluid leakage is such that it constitutes a danger to other vehicles.

(5) The fee for issuance of a sifting or leaking load permit is as provided under ORS 818.270.

(6) No fee shall be charged for issuance of a permit to the Federal Government, agencies of the State of Oregon, counties or cities. [1983 c.338 §538; 1985 c.179 §1]

818.235 Permit for wide load of hay bales. Notwithstanding ORS 818.210, a granting authority may issue a permit under ORS 818.200 for any vehicle or combination of vehicles engaged in the transportation of hay bales with a manufactured width of more than three feet, if the total width of load does not exceed 10 feet and the load is not wider than the part of the vehicle that carries the load. Vehicle width may be temporarily extended in order to qualify for a permit under this section. [1985 c.534 §5]

Note: 818.235 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 818 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

818.240 Dragging permit; fee. A dragging permit is a vehicle permit that is issued as evidence of a grant of authority to drag something upon or over the surface of the highway without violation of ORS 818.320. Except as otherwise provided in this section, each road authority shall grant permits for its own highways. Permits issued under this section shall comply with all of the following:

(1) Permits shall be in writing.

(2) The commission has the authority for issuance of permits on city streets over which a state highway is routed pursuant to ORS 373.010.

(3) The fee for issuance of a dragging permit is as provided under ORS 818.270.

(4) No fee shall be charged for issuance of a permit to the Federal Government, agencies of the State of Oregon, counties or cities. [1983 c.338 §539]

818.250 Permit for fire company warning lights. The governing body of a rural fire protection district or of a municipal fire department may issue written authorization for the use of fire company warning lights on vehicles that are used while driving to a fire station or fire location in response to a fire alarm. Written authorization issued under this section shall comply with all of the following:

(1) Written authorization may be issued only to authorize use of the warning lights on any vehicle, whether publicly or privately owned, if used by:

(a) A fire chief, assistant fire chief or volunteer firefighter selected by the board of directors of a rural fire protection district organized under ORS chapter 478; or

(b) Any person authorized to serve as fire chief, assistant fire chief or volunteer firefighter by the governing body of any municipal fire department.

(2) Any lights authorized under this section must be and remain the property of the rural fire protection district or municipality involved. [1983 c.338 §540; 1985 c.16 §277]

818.260 Permit for use of bus safety lights on certain buses; fee. (1) Upon receipt of a qualifying application and payment of any fee required, the division shall issue a permit that will allow the use of bus safety lights described in ORS 816.260 on any bus that is operated by a religious organization while the bus is being used to transport children to and from religious services or an activity or function authorized by the religious organization.

(2) The division shall adopt rules necessary to carry out this section. The division:

(a) May establish standards for application for a permit under this section.

(b) May require a fee for issuance of a permit under this section as provided under ORS 818.270.

(c) May provide for the revocation of a permit if the lights are used in circumstances not described in this section.

(d) Shall adopt rules for operation of lights under a permit issued under this section. The standards adopted under this paragraph shall require the lights to be operated in a manner similarly to the manner for operation of the same lights on school buses.

(e) Shall require, before issuance of a permit under this section, that the vehicle be equipped with both alternately flashing amber bus safety lights and alternately flashing red bus safety lights. [1983 c.338 §541]

818.270 Fees for permits. (1) The fee for issuance of a variance permit under ORS 818.200 is $8.

(2) The fee for issuance of a sifting or leaking load permit under ORS 818.230 is $8.

(3) The fee for issuance of a dragging permit under ORS 818.240 is $8.

(4) The fee for issuance of a permit under ORS 818.260 for the use of bus safety lights is a fee established by rule by the division. Any fee established for purposes of this subsection shall not exceed the actual costs of issuing the permit. [1983 c.338 §542; 1985 c.16 §278; 1985 c.736 §5; 1989 c.992 §13]

PERMIT OFFENSES

818.300 Operating with sifting or leaking load; civil liability; penalty. (1) A person commits the offense of operating with a sifting or leaking load if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that is so constructed or loaded so as to allow its contents to drop, sift, leak or otherwise escape therefrom.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles is so constructed or loaded so as to allow its contents to drop, sift, leak or otherwise escape therefrom.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.310.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, operating with a sifting or leaking load, is a Class B traffic infraction. [1983 c.338 §524; 1985 c.393 §31]

818.310 Exemptions from prohibition on sifting and leaking load. This section establishes exemptions from ORS 818.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. Exemptions are partial or complete as described in the following:

(1) ORS 818.300 does not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) ORS 818.300 does not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) Operations authorized under the terms of a permit issued under ORS 818.230 are subject to the terms of the permit. It is a defense to any charge of violation of ORS 818.300 if the person so charged produces a permit issued under ORS 818.230 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense. [1983 c.338 §525; 1985 c.16 §270; 1987 c.158 §173]

818.320 Dragging objects on highway; civil liability; penalty. (1) A person commits the offense of dragging objects on a highway if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that is dragging upon or over the surface of the highway any logs, poles, piling or other thing.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway while dragging upon or over the surface of the highway any logs, poles, piling or other thing. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.330.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, dragging objects on a highway, is a Class C traffic infraction. [1983 c.338 §526; 1985 c.393 §32]

818.330 Exemptions from prohibition on dragging objects on highway. This section establishes exemptions from ORS 818.320. The exemptions in this section are in addition to any under ORS 801.026. Exemptions are partial or complete as described in the following:

(1) Operations authorized under terms of a permit issued under ORS 818.240 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.320 if the person so charged produces a permit issued under ORS 818.240 authorizing the operation issued prior to and valid at the time of the offense.

(2) ORS 818.320 does not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(3) ORS 818.320 does not apply on any road, thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency

of the United States or with a licensee of such agency or both. [1983 c.338 §527; 1987 c.158 §174]

818.340 Operating in violation of variance permit; civil liability; penalties. (1) A person commits the offense of operating in violation of a variance permit if the person has been issued a variance permit under ORS 818.200 that authorized the movement of anything and the person does any of the following:

(a) Drives, moves or operates anything in violation of the terms of the permit.

(b) Owns anything and causes or permits it to be driven, moved or operated in violation of the permit. Operation in violation of this section is prima facie evidence that the owner caused or permitted the operation and the owner shall be liable for any penalties imposed under subsection (5) of this section as a result of the operation.

(2) A person is in violation of the terms of a permit for purposes of this section if the person misrepresents any size or weight required to be specified when applying for the permit.

(3) It shall be a defense to any charge of violation of this section if the person so charged produces a variance permit issued under ORS 818.200 that authorized the operation and that was issued prior to and valid at the time of operation.

(4) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(5) The offense described in this section, operating in violation of a variance permit, is punishable according to the following:

(a) Violation of any provisions of the permit other than weight provisions is punishable according to the schedule of penalties under ORS 818.420.

(b) Violation of any weight provision by a vehicle other than one described in ORS 818.210 is subject to penalty under Schedule II of the penalties in ORS 818.430.

(c) Violation of any weight provision by a vehicle described in ORS 818.210 is subject to penalty under Schedule I of the penalties in ORS 818.430. [1983 c.338 §528; 1985 c.16 §272]

818.350 Failure to carry and display variance permit; penalty. (1) The driver of any vehicle or combination of vehicles for which a variance permit or a permit identification card has been issued under ORS 818.200 commits the offense of failure to carry and display a variance permit if the driver does not:

(a) Have the variance permit or permit identification card in the driver's immediate possession at all times when driving the vehicle or combination of vehicles upon a public highway, road or street; and

(b) Display the variance permit or permit identification card upon demand of any police officer, department or county weighmaster, judicial officer or the director of permits of the department.

(2) Producing a variance permit issued prior to and valid at the time of an offense under this section is not a defense for a charge under this section.

(3) The offense described under this section, failure to carry and display a variance permit, is a Class C traffic infraction. [1983 c.338 §529; 1985 c.16 §271; 1985 c.393 §33]

ENFORCEMENT

818.400 Failure to comply with commercial vehicle enforcement requirements; penalty. (1) A person commits the offense of failure to comply with commercial vehicle enforcement requirements if the person is driving a vehicle or combination of vehicles and the person does not comply with any of the following or if the person is the owner of a vehicle or combination of vehicles and the person causes or permits the vehicle or combination not to comply with any of the following:

(a) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial vehicle weight, size, load, conformation or equipment regulation when directed to do so by an "OPEN" sign displayed at a permanently established truck scale.

(b) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial vehicle weight, size, load, conformation or equipment regulation when directed to do so by any sign or signal displayed or given by a police officer or weighmaster acting in accordance with authority granted under ORS 810.490.

(c) The directions of any police officer or weighmaster that are given in accordance with authority granted under ORS 810.490 must be complied with.

(2) Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of such vehicle or combination caused or permitted it to be so operated and the owner shall be liable for any penalties imposed under this section.

(3) The offense described in this section, failure to comply with commercial vehicle enforcement requirements, is a Class B misdemeanor. The penalty provided under this subsection is in addition to any penalty provided for violation of any prohibition relating

to vehicle weight, size, load, conformation or equipment. [1983 c.338 §533; 1985 c.393 §35; 1987 c.897 §2]

818.410 Civil liability for certain violations. The owner and driver of anything using a state, county or city highway, street or bridge in violation of the sections described in this section are jointly and severally liable to the state, county or city for all damage done as a result of the violation. Liability to the state, county or city depends upon whether it is a state, county or city highway, street or bridge. This section applies to a violation of any of the following :

(1) Maximum weight limits under ORS 818.020.

(2) Posted weight limits under ORS 818.040.

(3) Maximum size limits under ORS 818.090.

(4) Maximum number of vehicles in combination under ORS 818.110.

(5) Posted limits on use of roads under ORS 818.130.

(6) Towing safety requirements under ORS 818.160.

(7) Sifting or leaking load prohibition under ORS 818.300.

(8) Dragging object prohibition under ORS 818.320.

(9) Devices without wheels under ORS 815.155.

(10) Use of prohibited metal objects on tires under ORS 815.160.

(11) Operation without pneumatic tires under ORS 815.170.

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

(13) Temporarily reduced speeds established by a road authority under ORS 810.180 because of road hazards or construction.

(14) Exclusive use lanes established under ORS 810.140. [1983 c.338 §530; 1985 c.16 §273]

818.420 Penalties for certain violations. (1) This subsection establishes a schedule of penalties for certain offenses in ORS 818.060, 818.090 and 818.340. A person who commits any of the described offenses relating to height or width limits is punishable according to the following schedule:

(a) Except as otherwise provided in this section, upon conviction, a person is punishable by a fine of $100.

(b) Upon a second conviction within one year after the first conviction, a person is punishable by a fine of $250.

(c) Upon a third or subsequent conviction within one year after the first conviction, a person is punishable by a fine of $500.

(2) A person who commits any offense that is described in ORS 818.060, 818.090 or 818.340 and that is not punishable under subsection (1) of this section, is punishable by a fine of $100. [1983 c.338 §531; 1985 c.393 §34; 1987 c.897 §3]

818.430 Penalties for violation of weight requirements. This section establishes schedules of penalties for violations of maximum weight requirements under the vehicle code. The particular schedule applicable is the schedule designated in the section establishing the offense. Upon conviction, a person is punishable by a fine and other penalty established in the schedule. Fines are based upon the excess weight by which any loaded weight exceeds the applicable loaded weight authorized in the provision, permit, order or resolution the person violates. The schedules are as follows:

(1) The penalties under Schedule I are as provided in this subsection. If the excess weight is:

(a) One thousand pounds or less by a fine of $2.

(b) More than 1,000 pounds, but not in excess of 2,000 pounds, by a fine of not less than $15.

(c) More than 2,000 pounds, but not in excess of 3,000 pounds, by a fine of not more than one cent per pound for each pound of the excess weight.

(d) More than 3,000 pounds, but not in excess of 5,000 pounds, the fine shall be three cents per pound for each pound of the excess weight.

(e) More than 5,000 pounds, but not in excess of 7,500 pounds, the fine shall be seven cents per pound for each pound of the excess weight.

(f) More than 7,500 pounds, but not in excess of 10,000 pounds, the fine shall be eight cents per pound for each pound of the excess weight.

(g) More than 10,000 pounds, but not in excess of 12,500 pounds the fine shall be 10 cents for each pound of the excess weight.

(h) More than 12,500 pounds over the allowable weight, 13 cents per pound for each pound of excess weight.

(2) The penalties under Schedule II are as provided in this subsection. If the excess weight is:

(a) One hundred pounds, but not in excess of 5,000 pounds, the fine shall be $100 plus 10 cents per pound of the excess weight.

(b) More than 5,000 pounds, but not in excess of 10,000 pounds, the fine shall be $250 plus 15 cents per pound of the excess weight.

(c) More than 10,000 pounds, the fine shall be $500 plus 30 cents per pound of the excess weight.

(3) The per pound penalty in subsection (2) of this section shall be waived by the court and the fine shall be not more than $100 if a person charged with an offense punishable under Schedule II produces in court a second valid variance permit issued under ORS 818.200 authorizing a loaded weight equal to or greater than the actual loaded weight of the vehicle, combination of vehicles, axle, tandem axles or group of axles upon which the citation was based.

(4) The penalties under Schedule III are as provided in this subsection and are in addition to any suspension of operator's license under ORS 809.120 or any suspension of vehicle registration under ORS 809.120. If the excess weight is:

(a) One hundred pounds, but not in excess of 5,000 pounds, the fine shall be $100 plus 15 cents per pound for each pound of the excess weight.

(b) More than 5,000 pounds but less than 10,000 pounds, the fine shall be $250 plus 20 cents per pound for each pound of excess weight.

(c) More than 10,000 pounds the penalty shall be a fine of $500 plus 30 cents per pound for each pound of excess weight or imprisonment in the county or municipal jail for not less than 30 days nor more than 60 days, or both. [1983 c.338 §532; 1985 c.16 §274; 1987 c.897 §4]

818.440 Penalty for procuring, aiding or abetting violation of this chapter. Any person who knowingly and willfully procures, aids or abets in the violation of a provision of this chapter is subject to the penalty provided for a person who violates the provision. [1987 c.897 §6]