

Chapter 802

1993 EDITION

Administrative Provisions

GENERAL PROVISIONS

- 802.010 Duties of Department of Transportation regarding motor vehicles and drivers
- 802.012 Rules for acceptance of information submitted other than on paper; effect of submission
- 802.020 Administrative facilities for enforcement of motor vehicle laws
- 802.030 Designation of agents for vehicle titling; registration and issuance of certain permits
- 802.040 Specification of certain ways of reporting
- 802.050 Publications; fees
- 802.060 Acceptance of grants and other moneys for traffic safety programs; contracts
- 802.070 Department to assist schools in promoting highway safety
- 802.075 Rules for accident prevention course
- 802.085 Registering to vote at department offices

FINANCIAL ADMINISTRATION

- 802.100 Accounts related to driver and vehicle services; uses
- 802.110 Procedures for financial administration; receipt and disposition of moneys; refunds; payments; limitations
- 802.112 Surcharge for certain transactions; rules
- 802.120 Snowmobile fuel tax moneys; amount; disposition
- 802.130 All-Terrain Vehicle Account; sources
- 802.140 Uses of All-Terrain Vehicle Account
- 802.150 Motor Vehicle Records Account; uses
- 802.155 Safety Education Fund; uses
- 802.160 Use of revocation and suspension reinstatement fees
- 802.170 Uncollectible tender of payment; procedures
- 802.180 Fees for uncollectible tender of payment

RECORDS

- 802.200 Required records
- 802.210 Records of notices of approaching expiration of registration or license not required
- 802.220 Availability of records; fees authorized
- 802.222 Request for exclusion of name and address from lists compiled from records
- 802.224 Using accident reports for commercial purposes prohibited; penalty
- 802.230 Fees for records
- 802.240 Driver and vehicle records as evidence
- 802.250 Records containing residence address of police officer or eligible public employee
- 802.251 Exchange of information for implementation of ORS 802.250
- 802.260 Driver license and identification card records; contents; copies to counties; fees

TRANSPORTATION SAFETY PROGRAMS

- 802.300 Transportation Safety Committee; members, compensation, expenses; staff
- 802.310 Transportation Safety programs; manager
- 802.315 Department authority to apply for and receive federal highway safety program grants and other funds; local government program participation
- 802.320 Motorcycle safety program; contents; fees; contracts
- 802.325 Bicycle safety program; contents; fees
- 802.329 City and county highway safety program participation authorized
- 802.331 Highway Safety Trust Account
- 802.340 Transportation Safety Account; uses; Motorcycle Safety Subaccount

COMMITTEES AND BOARDS

- 802.350 Winter Recreation Advisory Committee; members; meetings
- 802.360 All-Terrain Vehicle Account Allocation Committee; members; duties; staff
- 802.370 Advisory committee on vehicle dealer regulation; members; compensation

RECIPROCAL AGREEMENTS AND INTERSTATE COMPACTS

- 802.500 Authority of compact administrator for reciprocal registration agreements; permitted provisions; requirements; limitations
- 802.520 Authority of compact administrator to grant registration privileges or exemptions to vehicles registered in other jurisdictions; declaration; limitations
- 802.530 Authority of department for reciprocal agreements concerning traffic offenses; permitted provisions; fees; limitations; rules; report
- 802.540 Driver License Compact
- 802.550 Administrative provisions relating to license compact
- 802.560 Multistate Highway Transportation Agreement
- 802.570 Compensation and reimbursement for legislative representative under Multistate Highway Transportation Agreement

CROSS REFERENCES

- Accident reports, 811.720
- National safety standards for motor vehicle equipment, adoption, 815.030
- Rules of state agencies, 183.310 to 183.550
- State agencies, general provisions, Ch. 182
- State police to enforce motor vehicle laws, 181.040
- Traffic infraction procedures, classification, fines, 153.500 to 153.635
- Traffic patrols, cooperation with schools, 339.650 to 339.665

OREGON VEHICLE CODE

Travel and other expenses of state officers and employees, 292.210 to 292.288

Voter registration, 247.014

802.010

Criminal Justice Information System, Advisory Board, Director of Transportation, 181.725

School bus registration, 820.130

Winter recreation parking permits, 810.170, 811.595

Worker transport vehicles, safety code, 820.010 to 820.070

802.020

Leasing and rental of office space, including joint leases, 276.385 to 276.440

802.075

Motor vehicle insurance discount, age-based, accident prevention course, 742.490 to 742.494

802.100

Agency service unit, establishment, 283.120

802.110

Appropriations from State Highway Fund distributed to:

Cities, 366.524, 366.800

Counties, 366.524, 366.525

Grade Crossing Protection Account established in State Highway Fund from registration and licensing fees, 763.330

Motor Vehicle Accident Fund, 445.030

Student Driver Training Fund, uses, 336.810

802.200

Employment driving record not to be considered by casualty insurer, 746.260

Major traffic offense defined, 153.500

Odometer offenses, 815.405 to 815.430

Replica defined, 801.425

802.220, 802.240

Accident reports filed with city, 801.040

802.222

Release of information for commercial purposes prohibited, 192.503

802.500

Optional titling of vehicles not required to be titled, 803.035

Reciprocal registration agreements by Public Utility Commission, 768.003

802.530

Refusal to issue or renew license pursuant to 802.530, 809.350

Suspension or revocation of driving privileges of non-resident, 809.490

GENERAL PROVISIONS

802.010 Duties of Department of Transportation regarding motor vehicles and drivers. (1) The Department of Transportation shall perform all of the duties, functions and powers with respect to the following:

(a) The administration of the laws relating to the motor vehicle fuel license tax, aircraft fuel license tax and use fuel license tax including ORS chapter 319.

(b) The administration of the laws relating to motor vehicle registration and titling and the issuance of certificates to vehicle dealers and vehicle wreckers including but not limited to the administration of the vehicle code but not including the administration of laws relating to registration of vehicles by the Public Utility Commission.

(c) The administration of the laws relating to driving privileges granted under licenses and permits and under the vehicle code.

(d) The administration of the laws relating to operation of vehicles on highways and of vehicle size, weight and use limits under the vehicle code.

(e) The administration of ORS 820.130 and 820.140.

(f) The administration of the provisions relating to proof of financial responsibility and future responsibility filings.

(2) The Director of Transportation shall act as a reciprocity officer for the purposes of ORS 802.500 and 802.520.

(3) The director shall have the authority to execute or make such arrangements, agreements or declarations to carry out the provisions of ORS 802.500 and 802.520. The director shall receive no additional compensation for service performed under this paragraph but shall be allowed actual and necessary expenses incurred in the performance of the duties to be paid from the account of the department. [1983 c.338 §114; 1985 c.16 §30; 1985 c.668 §1; 1991 c.407 §20; 1993 c.741 §71]

802.012 Rules for acceptance of information submitted other than on paper; effect of submission. (1) Notwithstanding other provisions of the Oregon Vehicle Code relating to certifications, signatures, forms or similar requirements, the Department of Transportation may adopt rules for acceptance and verification by telephone or electronic means of information customarily provided on paper forms. Rules shall address:

(a) The use of credit card, debit card personal identification numbers or other identification numbers as a means of identification;

(b) The acceptance of information and statements given orally, over the telephone or mechanically by electronic data entry; and

(c) The use of mechanically produced equivalents or other unique identifiers in lieu of handwritten signatures as a means of obtaining certification of information and statements that are required to be submitted and certified.

(2) Whenever a person submits information to the department in compliance with a requirement of statute or rule, the submission shall constitute a certification as to the truth and accuracy of the information. This subsection applies whether the information is submitted in the form of a document or in some other form and whether or not the person signs what is submitted. [1993 c.751 §§8,8a]

802.020 Administrative facilities for enforcement of motor vehicle laws. The Department of Transportation:

(1) Shall purchase the necessary stationery, record books, registration plates and postage, provide for the printing and all other necessary and incidental expenses, employ the necessary clerical assistance, and lease such real estate and buildings as the department deems necessary to carry out fully the objects and purposes of the motor vehicle laws which it is required to administer.

(2) Is authorized and directed to pay any claims therefor in the manner provided by law out of the money received under the provisions of the vehicle code.

(3) May share space in any leased building with any other state officer, department, board or commission, for the conduct of the business of the state.

(4) Subject to approval under this subsection, may acquire by purchase, agreement or donation, real property or any right or interest therein for office buildings and necessary appurtenant facilities. Before the department may exercise any authority under this subsection the department must have the approval of:

(a) The committee of ways and means established under ORS 171.555 if the Legislative Assembly is in session.

(b) The Emergency Board created under ORS 291.324 if the Legislative Assembly is not in session. [1983 c.338 §115]

802.030 Designation of agents for vehicle titling; registration and issuance of certain permits. The Department of Transportation:

(1) May designate, for the convenience of the public, any dealer issued a certificate under ORS 822.020, to accept applications

and fees for the titling and the registration of vehicles that the dealer sells and to perform such other duties related to the titling and registration of vehicles as the department may authorize. Such duties may include, but need not be limited to:

(a) Issuance of permits under ORS 803.600, 803.625 and 820.560.

(b) Performance of vehicle identification number inspections as authorized by the department.

(2) May adopt rules under ORS 822.035 to assure appropriate conduct of department business by dealers appointed as agents under subsection (1) of this section and to appropriately regulate such dealers. Such rules may provide for withdrawal of the authority granted a dealer under subsection (1) of this section if the dealer fails to comply with the rules. Dealers designated under subsection (1) of this section:

(a) Shall serve during such periods of time as the department may designate.

(b) Shall promptly transmit such applications to the department.

(c) Shall properly account to the department for such fees.

(d) Shall comply with all rules of the department adopted under this subsection.

(e) Are not authorized to charge any additional fee for transactions conducted on behalf of the department nor to receive any compensation from the department in any way for the service being provided as such service is a convenience to the dealer as well as the dealer's customers.

(3) May appoint persons to act as agents for the department in the issuance of winter recreation parking permits under ORS 811.595. To qualify for appointment under this subsection, a person must be eligible under the rules of the department. The department may establish procedures that provide or require bonds for persons appointed under this subsection and may pay the cost of any bond required. The department may establish, by rule, an additional charge to be collected with other charges for issuance of winter recreation parking permits under ORS 811.600, and to be retained by issuers other than the department for permit issuance service. [1983 c.338 §116; 1985 c.16 §31; 1985 c.171 §3; 1985 c.416 §6; 1987 c.146 §1]

802.040 Specification of certain ways of reporting. (1) The Department of Transportation shall specify the minimum contents of a report about, and the means for reporting, accidents that are required to be reported under ORS 810.460, 811.725, 811.730 and 811.735. The department shall consult with the state police and city and county law

enforcement officials before approving means for accident reports required under ORS 810.460. Any means of reporting specified under this subsection shall require sufficiently detailed information to disclose, with reference to a traffic accident, the cause, conditions then existing and the persons and vehicles involved. Upon request, if the department adopts forms as one means of reporting accidents, the department shall supply the forms to police departments, sheriffs and other suitable agencies or individuals.

(2) The department shall assure that any means specified under subsection (1) of this section for use in accident reports required under ORS 811.725, 811.730 and 811.735 include a way of making owners aware of the definition of a totaled vehicle and of the owner's duty under ORS 819.012.

(3) The department shall prescribe and provide suitable forms for the administration and enforcement of the financial responsibility requirements under the vehicle code or shall prescribe any other means of accomplishing the same end that the department finds convenient. [1983 c.338 §117; 1985 c.16 §32; 1991 c.820 §12; 1993 c.751 §10]

802.050 Publications; fees. (1) The Department of Transportation may compile, publish and distribute a vehicle code book containing statutes administered by the department concerning vehicles and drivers, along with other related laws. A book published under this subsection shall be distributed to schools and governmental officials of the state without charge. The department may establish and collect a reasonable fee for books issued to groups or persons other than schools or governmental officials. Any fee established under this section shall not exceed the costs of the compilation, publication and distribution of the books.

(2) The department shall publish statistical information based on the analysis and tabulation of accident reports under ORS 802.220. Publication under this subsection shall be annual or at more frequent intervals.

(3) The department shall make rules it adopts concerning aiming of headlights, auxiliary lights and passing lights available to the public in an appropriate publication. [1983 c.338 §118; 1985 c.171 §4; 1993 c.741 §72]

802.060 Acceptance of grants and other moneys for traffic safety programs; contracts. The Department of Transportation may:

(1) Apply for, accept and receive such grants, contributions or other moneys as may be available to this state or any of its agencies for research and other programs con-

cerning the safe operation of motor vehicles upon the highways, including research or educational programs for the improvement of drivers, the reduction of traffic accidents and the reduction of violations of traffic laws and ordinances.

(2) Enter into such contracts or agreements, employ such personnel, and do all things necessary to receive available moneys and carry on any research or program mentioned in subsection (1) of this section, provided that the authority herein granted and the contracts, agreements and other acts authorized to be entered into or performed, shall be subject to and not in conflict with the provisions of any other applicable state statutes. [1983 c.338 §876; 1993 c.741 §73]

802.070 Department to assist schools in promoting highway safety. The Department of Transportation shall assist accredited schools and educational institutions of this state in the promotion of highway safety and shall carry on with other activities under the laws providing for the registration of motor vehicles and motor vehicle operators and chauffeurs, other projects having for their purpose the prevention of motor vehicle accidents. [1983 c.338 §877]

802.075 Rules for accident prevention course. The Department of Transportation shall adopt rules for approval of a motor vehicle accident prevention course that will qualify a person for the reduction in premium provided by ORS 742.490 to 742.494. The rules may include requirements for the contents of a course and qualifications of an organization offering a course. [1989 c.379 §8]

802.080 [1983 c.338 §878; 1987 c.55 §1; renumbered 366.157 in 1991]

802.085 Registering to vote at department offices. A qualified person may register to vote at an office of the Department of Transportation as provided in ORS 247.017. [1993 c.713 §41]

Note: 802.085 becomes operative January 1, 1995. See section 45, chapter 713, Oregon Laws 1993.

802.090 [1983 c.338 §870; 1985 c.16 §439; 1989 c.979 §1; 1993 c.713 §4; 1993 c.751 §11; renumbered 247.017 in 1993]

FINANCIAL ADMINISTRATION

802.100 Accounts related to driver and vehicle services; uses. The following accounts are established separate and distinct from the General Fund for the financial administration of those functions of the Department of Transportation dealing with driver and motor vehicle services in accordance with ORS 802.110:

(1) The Department of Transportation Driver and Motor Vehicle Suspense Account. The account established under this sub-

section is a suspense account in the State Treasury that is used to deposit moneys received by the department related to driver and motor vehicle services and to make approved payments and disbursements of funds before the department pays administrative expenses related to the provision of driver and motor vehicle services. The department shall transfer the money that is not to be used to make approved payments and disbursements from the account established under this subsection and that remains in the account at the close of business on the last day of each month to the Department of Transportation Driver and Motor Vehicle Services Administrative Account on or before the 15th day of the following month.

(2) The Department of Transportation Driver and Motor Vehicle Services Administrative Account. The account established under this subsection shall be used for the payment of administrative expenses payable before money from the account is transferred to the State Highway Fund. The department shall transfer the money that is not to be used to make payments from the account established under this subsection and that remains in the account at the close of business on the last day of each month to the State Highway Fund on or before the 15th day of the following month.

(3) Environmental Quality Information Account. The account established under this subsection is a separate account in the State Treasury that shall be used to deposit moneys received from the sale of customized registration plates under ORS 805.240. Moneys in the account shall be used for programs under ORS 366.157. Moneys shall be deposited in the account after payment of administrative expenses as provided under ORS 802.110.

(4) The Revolving Account for Emergency Cash Advances. The account established under this subsection is a separate account that shall be maintained for the payment of emergency cash advances and taking up of dishonored remittances. The account established under this subsection is a continuation of the revolving fund established by section 1, chapter 89, Oregon Laws 1931. [1983 c.338 §132; 1985 c.16 §39; 1989 c.966 §71; 1993 c.18 §166; 1993 c.741 §74]

802.110 Procedures for financial administration; receipt and disposition of moneys; refunds; payments; limitations. Any procedures the Department of Transportation establishes for financial administration of those functions of the department dealing with driver and motor vehicle services and for the disposition and payment of moneys it receives from the provision of

driver and motor vehicle services shall comply with all of the following:

(1) The department shall deposit all moneys it receives related to driver and motor vehicle services in the Department of Transportation Driver and Motor Vehicles Suspense Account for approved expenses and disbursements before payment of general administrative expenses of the department related to the provision of driver and motor vehicle services. Notwithstanding this subsection, the department may return a bank check or money order when received in incorrect or incomplete form or when not accompanied by the proper application.

(2) The department shall pay the following approved expenses and disbursements from the Department of Transportation Driver and Motor Vehicles Suspense Account before payment of the general administrative expenses of the department related to driver and motor vehicle services:

(a) Refunds authorized by any statute administered by the department when such refunds are approved by the department.

(b) Amounts transferred to the State Treasurer under ORS 319.410 (2) for the purpose of carrying out the state aeronautic laws, amounts transferred to the Boating Safety, Law Enforcement and Facility Account by ORS 319.415 and amounts transferred to the State Aeronautic Account by ORS 319.417.

(c) After deduction of current expenses of collection and transfer, the department shall pay moneys collected from the Motor Vehicle Accident Fund eligibility fee under ORS 807.040, 807.150 and 807.370, to the State Treasurer for deposit to the credit of the Motor Vehicle Accident Fund. The department shall pay the moneys under this paragraph on a monthly basis.

(d) After deduction of expenses of collection, transfer and administration, the department shall pay moneys collected from the Student Driver Training Fund eligibility fee under ORS 807.040, 807.150 and 807.370 to the State Treasurer for deposit in the Student Driver Training Fund. The moneys deposited in the Student Driver Training Fund under this paragraph are continuously appropriated to the Department of Education for the following purposes:

(A) To the extent of not more than 10 percent of the amount transferred into the Student Driver Training Fund in any biennium, to pay the expenses of administering ORS 336.795, 336.800, 336.805, 336.810 (2) and 336.815.

(B) The remaining moneys, for reimbursing school districts as provided under ORS 336.805.

(e) After deduction of expenses of collection, transfer and administration, the department shall pay moneys collected for the Motorcycle Safety Subaccount under ORS 807.170 to the State Treasurer for deposit in the Motorcycle Safety Subaccount of the Traffic Safety Account. Moneys paid to the State Treasurer under this paragraph shall be used for the purpose of ORS 802.320.

(f) After deduction of expenses for the administration of the issuance of customized registration plates under ORS 805.240, the department shall place moneys received from the sale of customized registration plates in the Environmental Quality Information Account. The moneys placed in the account are continuously appropriated to the department and shall be used for the payment of expenses heretofore and hereafter incurred in administering programs established under ORS 366.157.

(g) After deduction of expenses of collection, transfer and administration, including the expenses of establishment and operation of Class I all-terrain vehicle safety education courses under ORS 821.180, the department shall place moneys received from sources described in ORS 802.130 in the All-Terrain Vehicle Account in the State Highway Fund established by ORS 802.130.

(h) After deduction of expenses of collection, transfer and administration, the department shall pay moneys from any registration fees established by the governing bodies of counties or a district, as defined in ORS 801.237, under ORS 801.041 or 801.042 to the appropriate counties or districts. The department shall make the payments on at least a monthly basis unless another basis is established by the intergovernmental agreements required by ORS 801.041 and 801.042 between the department and the governing bodies of a county or a district.

(i) After deducting the expenses of the department in collecting and transferring the moneys, the department shall make disbursements and payments of moneys collected for or dedicated to any other purpose or fund except the State Highway Fund.

(j) After deduction of expenses of collection, transfer and administration, the department shall pay moneys collected from the Safety Education Fund eligibility fee under ORS 807.040, 807.150 and 807.370 to the State Treasurer for deposit in the Safety Education Fund established under ORS 802.155.

(3) The department shall refund from the Department of Transportation Driver and Motor Vehicles Suspense Account any excess or erroneous payment to a person who made the payment or to the person's legal representative when the department determines

that money has been received by it in excess of the amount legally due and payable or that it has received money in which it has no legal interest. Refunds payable under this subsection are continuously appropriated for such purposes in the manner for payment of refunds under this section. If the department determines that a refund is due, the department may refund the amount of excess or erroneous payment without a claim being filed. Except as provided in ORS 319.290, 319.375, 319.820 and 319.831, any claim for a refund from the department must be filed within 12 months after the date payment is received by the department.

(4) After payment of those expenses and disbursements approved for payment before general administrative expenses related to the provision of driver and motor vehicle services, the department shall pay from the Department of Transportation Driver and Motor Vehicle Services Administrative Account its general administrative expenses incurred in the administration of any law related to driver and motor vehicle services that the department is charged with administering and any other expenses the department is permitted by law to pay from moneys held by the department before transfer of the moneys to the State Highway Fund. The following limitations apply to payments of administrative expenses under this subsection:

(a) The department shall make payment of the expenses of administering the issuance of winter recreation parking permits under ORS 811.595 from those moneys received from issuing the permits or from moneys received under ORS 153.630 from violation of the requirement to have the permit.

(b) The department shall pay its expenses for administering the registration and titling of snowmobiles under ORS 821.060 and 821.100 from the fees collected from administering those sections. The department shall also pay its expenses for the administration of the snowmobile driver permit program under ORS 821.160 from the moneys otherwise described in this paragraph.

(c) The department shall pay its expenses for determining the amount of money to be withheld under ORS 802.120 from the fees collected for administering the registration and titling of snowmobiles. The amount used to pay expenses under this paragraph shall be such sum as necessary but shall not exceed \$10,000 during each biennium.

(d) The department shall retain \$2,500 per year as the only payment for the administrative expenses of collecting and transferring of moneys for the Motor Vehicle Accident Fund as allowed under this section.

(e) The department shall retain not more than \$15,000 in any biennium for the expenses of collecting and transferring moneys to the Student Driver Training Fund under this section and for the administration of ORS 336.810 (3).

(5) Except as otherwise provided in this subsection, the department shall transfer to the State Highway Fund the moneys not used for payment of the general administrative expenses or for approved expenses and disbursements before payment of general administrative expenses. The following apply to this subsection:

(a) If the director certifies the amount of principal or interest of highway bonds due on any particular date, the department may make available for the payment of such interest or principal any sums that may be necessary to the extent of moneys on hand available for the State Highway Fund regardless of the dates otherwise specified under this section.

(b) Notwithstanding paragraph (a) of this subsection the department shall not make available for purposes described in paragraph (a) of this subsection any moneys described in ORS 367.605 when there are not sufficient amounts of such moneys in the State Highway Fund for purposes of bonds issued under ORS 367.615.

(6) Notwithstanding any other provision of this section, the following moneys shall be transferred to the State Highway Fund at the times described:

(a) Moneys received under ORS 802.120 and not used for the payment of administrative expenses of the department shall be transferred before July 31 of each year.

(b) Moneys received from the registration of snowmobiles that is not to be used for payment of administrative expenses of the department shall be transferred within 30 days after the end of the quarter.

(c) Moneys received from the issuance of winter recreation parking permits or under ORS 153.630 from violation of the requirement to have a winter recreation parking permit and that is not used for payment of administrative expenses of the department shall be transferred within 30 days after the end of the quarter.

(d) Moneys to be transferred to the All-Terrain Vehicle Account under ORS 802.130 shall be transferred within 30 days after the end of the quarter.

(7) The following moneys transferred to the State Highway Fund under this section may be used only for the purposes described as follows:

(a) Moneys collected from the issuance of winter recreation parking permits or under ORS 153.630 for violation of the requirement to have a winter recreation parking permit, and the interest on such moneys, shall be used to enforce the requirement for winter recreation parking permits and to remove snow from winter recreation parking locations designated under ORS 810.170. Any remaining money shall:

(A) Be used to maintain parking locations developed with moneys obtained under ORS 810.170 and snowmobile facilities that are parking lots developed with moneys as provided under this section;

(B) Be used to develop additional winter recreation parking locations under ORS 810.170; or

(C) Be carried over to be used in subsequent years for the purposes and in the manner described in this paragraph.

(b) Moneys received from the registration of snowmobiles or under ORS 802.120 shall only be used for the development and maintenance of snowmobile facilities, including the acquisition of land therefore by any means other than the exercise of eminent domain, and for the enforcement of ORS 811.590, 821.100 to 821.120, 821.140, 821.150, 821.190, 821.210 and 821.240 to 821.300.

(c) Moneys transferred under ORS 802.130 shall be used as described in ORS 802.140. The amount available under ORS 802.140 (1) for the development and maintenance of snowmobile facilities shall be used with moneys described in paragraph (b) of this subsection that are available for that purpose.

(8) The department shall maintain the Revolving Account for Emergency Cash Advances separate from other moneys described in this section. From the account, the department may pay for the taking up of dishonored remittances returned by banks or the State Treasurer and for emergency cash advances to be subsequently reimbursed. The account shall be used only as a revolving fund. The department shall at all times be accountable for the amount of the account, either in cash or unreimbursed items and advances. The money in the account is continuously appropriated for the purposes of this subsection. The amount of the account under this subsection shall not exceed \$40,000 from moneys received by the department in the performance of its driver and motor vehicle services functions and moneys otherwise appropriated for purposes of this subsection. The account under this subsection shall be kept on deposit with the State Treasurer. The State Treasurer is authorized to honor and pay all properly signed

and indorsed checks or warrants drawn against the account. [1983 c.338 §133; 1985 c.16 §40; 1985 c.152 §5; 1985 c.280 §1; 1985 c.459 §22; 1985 c.551 §14; 1987 c.158 §161; 1987 c.261 §1; 1987 c.791 §4; 1989 c.101 §3; 1989 c.168 §1; 1989 c.491 §70; 1989 c.864 §6; 1991 c.67 §§208,209; 1991 c.453 §§4,5; 1991 c.709 §4; 1993 c.741 §75]

Note: Section 9, chapter 864, Oregon Laws 1989, provides:

Sec. 9. Moneys required by the Department of Transportation to establish a system for the initial implementation of the collection and distribution of additional registration fees authorized by this Act shall be taken from the moneys that would otherwise be distributed to the counties and cities under ORS 366.524 (3). [1989 c.864 §9]

802.112 Surcharge for certain transactions; rules. The Department of Transportation may impose a surcharge on any fee the department is authorized to collect if the fee is imposed for a transaction that can be accomplished by a customer of the department in more than one way and the customer chooses the more expensive way. A surcharge imposed under this section may not exceed the lesser of the additional cost to the department, rounded to the nearest dollar, or \$10. No surcharge may be imposed under this section until the department adopts rules specifying transactions for which the surcharge will be imposed. [1993 c.751 §9]

802.120 Snowmobile fuel tax moneys; amount; disposition. (1) Motor vehicle fuel used and purchased for providing the motive power for snowmobiles shall be considered a nonhighway use of fuel.

(2) Persons who purchase and use motor vehicle fuel to provide the motive power for snowmobiles are not entitled under ORS chapter 319 to a refund of excise tax paid on motor vehicle fuel under that chapter.

(3) The Director of Transportation shall withhold, from taxes collected under ORS chapter 319 during June of each year, amounts the director determines to have been paid as tax under ORS chapter 319 on fuel used in snowmobiles during the preceding 12-month period ending June 30.

(4) Moneys withheld by the director under this section are subject to disposition as provided in ORS 802.110.

(5) The director shall do all of the following:

(a) Establish a reasonable manner to determine the amount of money to be withheld under this section from the tax on motor vehicle fuels under ORS chapter 319.

(b) Determine the amount or proportion of moneys to be withheld under this section at least once each four years.

(c) Report the manner used to determine the amount of money withheld under this section to the Legislative Assembly at the

end of each four-year period. [1983 c.338 §129; 1987 c.88 §1]

802.130 All-Terrain Vehicle Account; sources. The All-Terrain Vehicle Account is established as a separate account in the State Highway Fund, to be accounted for separately. After deduction of expenses of collection, transfer and administration, including the expenses of establishment and operation of Class I all-terrain vehicle safety education courses under ORS 821.180, the following moneys shall be transferred to the account:

(1) Fees collected by the Department of Transportation under ORS 821.060 for issuance of title for Class I and Class III all-terrain vehicles.

(2) Fees collected by the department under ORS 821.320 for registration of Class I and Class III all-terrain vehicles.

(3) Fees collected by the department from participants in the Class I all-terrain vehicle safety education course under ORS 821.180.

(4) That portion of the amount paid to the department as motor vehicle fuel tax under ORS 319.020 and 319.530 that is determined by the department to be tax on fuel used by Class I, Class II and Class III all-terrain vehicles in off-highway operation and that is not refunded. The department shall determine the amount of money to be transferred under this subsection at least once each four years.

(5) Fees collected by the department under ORS 821.185 (2) for issuance and renewal of Class II all-terrain vehicle off-road operating permits. [1985 c.459 §19; 1987 c.88 §§1,2; 1987 c.254 §1; 1987 c.587 §8; 1989 c.991 §3; 1993 c.233 §11]

802.140 Uses of All-Terrain Vehicle Account. Moneys in the All-Terrain Vehicle Account established under ORS 802.130 shall be used by the Department of Transportation for the following purposes only:

(1) No less than 10 percent in each 12-month period of the moneys described in ORS 802.130 that are attributable to Class I all-terrain vehicles shall be used for the development and maintenance of snowmobile facilities as provided in ORS 802.110.

(2) Moneys derived from Class I, Class II and Class III all-terrain vehicle title, registration and permit fees shall be used for the acquisition, development and maintenance of recreation areas used by Class I, Class II and Class III all-terrain vehicles.

(3) The remainder of moneys attributable to Class I, Class II and Class III all-terrain vehicles shall be used for:

(a) Education and safety training for all-terrain vehicle operators;

(b) The provision of first aid and police services in areas designated by the appropriate authority; and

(c) Costs of administration of the all-terrain vehicle programs, including staff support provided under ORS 802.360 as requested by the All-Terrain Vehicle Account Allocation Committee. [1985 c.459 §20; 1987 c.587 §9; 1989 c.661 §2; 1989 c.991 §4]

802.150 Motor Vehicle Records Account; uses. The Motor Vehicle Records Account is established in the General Fund. The following apply to the account established by this section:

(1) Moneys in the account are continuously appropriated for the purpose of reimbursing the Department of Transportation for the cost of furnishing motor vehicle records to district attorneys and other prosecuting attorneys for the prosecution of persons for driving while suspended or revoked.

(2) District attorneys and other prosecuting attorneys shall not be charged for the cost of records furnished under subsection (1) of this section. [1985 c.744 §4; 1987 c.730 §8; 1987 c.904 §1; 1987 c.905 §31]

802.155 Safety Education Fund; uses.

(1) There is created the Safety Education Fund, separate and distinct from the General Fund. Moneys shall be paid into the fund as provided in ORS 802.110. Interest earned by the fund shall be credited to the fund.

(2) The moneys deposited in the Safety Education Fund under this section are continuously appropriated to the office of the Director of the Department of Transportation. The director may enter into a contract with Oregon State University under which moneys in the fund will be transferred to the university for the Oregon Student Safety on the Move program. [1991 c.709 §7]

802.160 Use of revocation and suspension reinstatement fees. The fees collected under ORS 807.370 for the reinstatement of suspended and revoked driving privileges shall be applied by the Department of Transportation to the cost of preparing and serving notices of suspension or revocation and to the cost of administering the driver improvement program authorized under ORS 809.480. [1983 c.338 §130]

802.170 Uncollectible tender of payment; procedures. If any person pays the Department of Transportation any fee or tax with a bank check and the check is returned to the department as uncollectible, or if a person pays the department with a credit or debit card and for any reason the department does not get payment from the issuer of the card, the department may charge the person the fee for uncollectible checks or other tender of payment under ORS 802.180. If the

person does not pay the fee charged under this section the department may do all of the following:

(1) Suspend or cancel, or refuse to issue or renew, any vehicle registration or title, vehicle permit, driver license or driver permit in payment of which the check or other tender of payment was presented.

(2) Authorize any department employee or police officer to seize and recover any evidence of the registration, title, license or permit suspended or canceled.

(3) If evidence of the suspended or canceled registration, title, license or permit is not recovered, refuse to conduct any further transactions with the person until the fee charged under this section is paid. [1983 c.338 §134; 1985 c.669 §10; 1991 c.702 §21; 1993 c.751 §12]

802.180 Fees for uncollectible tender of payment. The fee charged for presentation of an uncollectible check or other tender of payment to the Department of Transportation under ORS 802.170 is a fee not to exceed \$10. [1983 c.338 §135; 1993 c.751 §13]

RECORDS

802.200 Required records. In addition to any other records the Department of Transportation may establish, the department is subject to the following provisions concerning records:

(1) The department shall maintain records concerning the titling of vehicles in this state. The records under this subsection shall include the following:

(a) For vehicles issued a title by this state, the records shall identify the vehicle and contain the following:

(A) The name of the vehicle owner and any security interest holders in order of priority, except that a security interest holder need not be identified if the debtor who granted the interest is in the business of selling vehicles and the vehicles constitute inventory held for sale;

(B) The name of any lessor of the vehicle;

(C) The vehicle description; and

(D) Whether a certificate of title was issued for the vehicle.

(b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the vehicle is reconstructed even if ORS 803.015 requires that the title does not indicate that the vehicle is reconstructed.

(c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

(d) Any other information concerning the titling of vehicles that the department considers convenient or appropriate.

(e) All odometer readings for a vehicle that are reported to the department under provisions of the vehicle code.

(f) If the vehicle has been reported to the department as a totaled vehicle under the provisions of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the reason for the report was theft and the vehicle has been recovered.

(2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled in this state, the department shall retain a record of any odometer readings shown on the title or registration documents submitted to the department at the time of registration or title.

(3) The department shall maintain records concerning the registration of vehicles required to be registered by the department. The records concerning the registration of vehicles may be stored along with records concerning the titling of vehicles. The records under this subsection shall include the following:

(a) For vehicles registered by the department, the records shall identify the vehicle and contain the following:

(A) The registration plate number assigned by the department to the vehicle;

(B) The name of the vehicle owner;

(C) The vehicle description and vehicle identification number; and

(D) An indication that the vehicle is a totaled vehicle if it has been reported to the department as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report was theft and the vehicle has been recovered.

(b) Any other information concerning the registration of vehicles that the department considers convenient or appropriate.

(4) The department shall maintain separate records for the regulation of vehicle dealers. The records required under this subsection shall include the following information about persons issued dealer certificates:

(a) The person's application for a vehicle dealer certificate.

(b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

(c) A numerical index according to the distinctive number assigned to each vehicle dealer.

(5) The department shall maintain a file on vehicles for which the title record is canceled under ORS 819.030. The records required under this subsection shall disclose the last registered owner of each vehicle, any

security interest holder or holders and lessors of each vehicle as shown by the canceled title record for each vehicle and the make and year model for each vehicle.

(6) The department shall maintain records on each manufactured structure. The records required under this subsection shall contain all of the following:

(a) The permanent registration plate number required under ORS 803.520.

(b) All transfers of ownership occurring after January 1, 1972.

(c) All movements indicated by trip permits filed with the department.

(d) Information on manufactured structures subject to an exemption under ORS 820.510 that the department determines necessary.

(7) The department shall maintain a record of each agreement or declaration under ORS 802.500 and 802.520.

(8) The department shall maintain separate and comprehensive records of all transactions affecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

(9) The department shall maintain suitable records of driver licenses and driver permits. The records required under this subsection shall include all of the following:

(a) An index by name and number.

(b) Supporting documentation of all licenses or driver permits issued.

(c) Every application for a driver license or driver permit.

(d) All licenses or driver permits that have been suspended or revoked.

(e) For each commercial driver license, the social security number of the person to whom the license is issued, or any other number or identifying information that the Secretary of the United States Department of Transportation determines appropriate to identify the person.

(10) The department shall maintain a two-part driving record consisting of an employment driving record and a nonemployment driving record for each person as required under this subsection. All of the following apply to the records required under this subsection:

(a) The department shall maintain driving records on:

(A) Every person who is granted driving privileges under a driver license, driver permit or a statutory grant of driving privileges under ORS 807.020;

(B) Every person whose driving privileges have been suspended, revoked or canceled under this vehicle code;

(C) Every person who has filed an accident report under ORS 811.725 or 811.730; and

(D) Every person who is required to provide future responsibility filings under ORS 806.200, 806.220, 806.230 or 806.240.

(b) The employment driving record shall include all motor vehicle accidents in which the person is involved, all suspensions of driving privileges required to be placed on the record under ORS 809.280, all suspensions of the person's commercial driver license that result from operation or use of a commercial motor vehicle and all convictions of the person for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation or suspension of driving privileges under ORS 809.410 and 813.400, but shall include only such accidents, suspensions and convictions that occur while the person is driving a motor vehicle:

(A) In the course of the person's employment when the person is employed by another for the principal purpose of driving a motor vehicle;

(B) Carrying persons or property for compensation;

(C) In the course of the person's employment in the collection, transportation or delivery of mail if the vehicle is government owned or marked for the collection, transportation or delivery of mail in accordance with government rules;

(D) That is an authorized emergency vehicle; or

(E) That is a commercial motor vehicle.

(c) The nonemployment driving record shall include the person's:

(A) Motor vehicle accidents;

(B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

(C) Convictions for violation of the motor vehicle laws other than those included in the employment driving record including, for each violation of ORS 811.100, 811.110, 811.112 or 811.115, the speed at which the person was convicted of traveling and the posted or designated speed; and

(D) Diversion agreements entered into under ORS 813.220 within the preceding 10 years.

(d) The department may record other entries to indicate correspondence, interviews, participation in driver improvement pro-

grams or other matters concerning the status of the driving privileges of the person.

(e) When a person from another jurisdiction applies for a driver license or permit issued by this state, the department shall request a copy of the person's driving record from the other jurisdiction. At the time the person is issued a license in Oregon, the record from the other jurisdiction shall become part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance. The department by rule may specify methods for converting entries from out-of-state records for use in Oregon.

(f) When a suspension of a driver permit, driver license or other driving privilege is placed on the driving record under ORS 809.280 for failure to appear in court on a major traffic offense, the department shall note on the record that the suspension was for failure to appear in court and shall also note the offense charged against the person on which the person failed to appear.

(g) The department, in consultation with the Department of State Police, shall devise and implement a method of noting suspensions and revocations of driving privileges on the record in such a way that police agencies can determine directly from the record what class of offense, as provided by law, is committed by a person who drives in violation of the suspension or revocation. If the department and the Department of State Police devise a mutually agreeable alternative method of informing police agencies of the nature of a suspension or revocation and the consequences of its violation, the implementation of that method shall satisfy the duty of the department under this paragraph.

(11) The Department of Transportation shall maintain records of judgments or convictions sent to the department under ORS 153.625.

(12) The department shall maintain accident reports filed with the department under ORS 810.460 and 811.725 to 811.735.

(13) The department shall maintain records of bank checks or money orders returned under ORS 802.110.

(14) The department shall maintain records of trip permits issued by the department under ORS 803.600, as provided under this subsection. The records required by this subsection shall include the following:

(a) A description of the vehicle sufficient to identify the vehicle.

(b) The person to whom the permit was issued.

(c) When the permit was issued.

(d) The type of permit issued.

(e) For registration weight trip permits, the maximum allowable registration weight permitted for operation under the permit.

(f) Any other information the department determines appropriate or convenient. [1983 c.338 §124; 1985 c.16 §34; 1985 c.175 §1; 1985 c.251 §11a; 1985 c.313 §1; 1985 c.402 §5b; 1985 c.668 §2; 1987 c.5 §1; 1987 c.137 §5; 1987 c.730 §9; 1987 c.887 §6; 1989 c.636 §10; 1989 c.723 §6; 1991 c.284 §12; 1991 c.407 §21; 1991 c.820 §11; 1993 c.174 §10; 1993 c.233 §12; 1993 c.751 §14]

802.210 Records of notices of approaching expiration of registration or license not required. The Department of Transportation is not required to maintain records on any of the following:

(1) The preparation and mailing of notices required on approaching expiration of registration under ORS 803.450.

(2) The preparation and mailing of notices required on approaching expiration of driver license or driver permit under ORS 807.140. [1983 c.338 §125; 1985 c.16 §35]

802.220 Availability of records; fees authorized. (1) Except as otherwise provided in this subsection, the records the Department of Transportation maintains under ORS 802.200 on vehicles are public records. The records of vehicles registered under ORS 805.060 are not public records and are exempt from public information as provided under ORS 181.540 and are for the confidential use of criminal justice agencies described under ORS 181.010. The department may charge the fee established under ORS 802.230 for furnishing information under this section concerning a vehicle or its owner.

(2) The department may charge the fee established under ORS 802.230 for furnishing to the public information from the records the department maintains under ORS 802.200 concerning driver licenses or driver permits.

(3) The records the department keeps under ORS 802.200 on judgments or convictions under ORS 153.625 shall be open to the inspection of any person during reasonable business hours.

(4) The department shall upon request furnish any person certified abstracts of the employment driving record and the nonemployment driving record of any person whose driving records are maintained under ORS 802.200. If an abstract of the employment driving record is not specifically requested, the department shall only furnish an abstract of the nonemployment driving record. The department shall collect the fee established for abstracts of driving records under ORS 802.230. A certified abstract issued under this section shall not contain any of the following:

(a) Any accident or conviction for violation of motor vehicles laws that occurred

more than three years immediately preceding a request for abstract.

(b) Any suspension ordered under ORS 809.220 after the department has received notice to terminate the suspension under ORS 809.220.

(c) Any diversion agreement under ORS 813.220 entered into more than three years immediately preceding a request for the abstract.

(5) Except as otherwise provided in this subsection, accident reports filed with the department under ORS 811.725, 811.730 or 811.735 shall be without prejudice to the individual filing the report and shall be for the confidential use of state administrative and enforcement agencies. The department may use the confidential accident reports to provide the following information to the persons described:

(a) Upon request, the department shall disclose the following information to any party involved in the accident or to their personal representative or any member of the family of a party involved in the accident:

(A) The identity of the owner, driver, occupants and the registration number of a vehicle involved in the accident;

(B) The names of any companies insuring the owner or driver of a vehicle involved in the accident; and

(C) The names of any witnesses to the accident.

(b) The department shall furnish a certificate showing that a specified accident report has or has not been made to the department upon demand of any person who has or claims to have made such a report or upon demand of a court.

(6) The department shall tabulate and may analyze all accident reports to develop statistical information based thereon as to the number and circumstances of traffic accidents. The department shall publish information compiled under this section in the manner provided under ORS 802.050.

(7) The department records of accident reports submitted to the department by police officers under ORS 810.460 are not privileged or confidential except that no such record provided by the department may be used to contact any person for commercial purposes. As used in this subsection, "commercial purposes" has the meaning given in ORS 802.224.

(8) The records the department is required under ORS 802.200 to maintain on trip permits issued under ORS 803.600 are public records. The department may charge a fee established under ORS 802.230 for furnishing information from the records on trip permits.

(9) The records the department maintains under ORS 802.200 concerning odometer readings for vehicles are public records. The department may separately furnish information concerning odometer readings shown by its records. The department may charge the fee established under ORS 802.230 for information separately provided under this subsection. [1983 c.338 §126; 1985 c.16 §36; 1985 c.175 §2; 1985 c.251 §12; 1985 c.313 §2; 1987 c.5 §2; 1989 c.853 §2; 1991 c.568 §1; 1993 c.751 §16]

802.222 Request for exclusion of name and address from lists compiled from records. (1) A person may submit a request to the Department of Transportation that the person's name and address contained in the driver or vehicle records of the department be excluded from any lists compiled and sold or otherwise supplied by the department for direct mail advertising purposes.

(2) Notwithstanding any provision of law declaring records of the department to be public records, upon receipt of a request described in subsection (1) of this section, the department shall, to the extent possible, insure that the person's name and address are not contained on any list sold or otherwise supplied by the department for direct mail advertising purposes.

(3) A request described in subsection (1) of this section shall remain in effect until the department receives notice from the person to cancel the request. [1989 c.396 §2]

802.224 Using accident reports for commercial purposes prohibited; penalty.

(1) A person commits the offense of using accident reports for commercial purposes if the person uses records or copies of accident reports, or uses information derived directly or indirectly from records or reports, to contact any person for commercial purposes. This section applies to accident records and reports submitted to the Department of Transportation as well as to records and reports retained or compiled by any police agency.

(2) As used in this section and ORS 192.503 and 802.220:

(a) "Commercial purposes" includes, but is not necessarily limited to, use of records or copies of accident reports for purposes of solicitation of clients or customers.

(b) "Commercial purposes" does not include use of records or copies of accident reports for:

(A) Publication in a newspaper or other news periodical or a radio or television broadcast;

(B) Rating of insureds or prospective insureds by an insurer; or

(C) Preparation for prosecution or defense of litigation or claims settlement by persons involved in an accident, attorneys representing such persons or insurers of such persons.

(3) The offense described in this section, using accident reports for commercial purposes, is a Class C misdemeanor and, if committed by any person licensed or certified by the state to engage in an occupation or profession, constitutes unethical conduct and may be grounds for revocation of the license or certificate.

(4) In addition to any penalty provided under subsection (3) of this section, the department may impose a civil penalty of up to \$1,000 for violation of this section. Civil penalties imposed under this subsection shall be imposed in the manner provided by ORS 183.090. [1991 c.568 §3; 1993 c.37 §1; 1993 c.224 §1]

802.230 Fees for records. (1) The fee for furnishing information concerning vehicle registration records under ORS 802.220 is a reasonable fee established by the Department of Transportation.

(2) The fee for furnishing information concerning driver licenses or driver permits under ORS 802.220 is a reasonable fee established by the department.

(3) The fee for an abstract of driving record under ORS 802.220 is a reasonable fee established by the department.

(4) The fee for furnishing information concerning trip permit records under ORS 802.220 is a reasonable fee established by the department.

(5) The fee for separate records on vehicle odometer readings under ORS 802.220 is a reasonable fee established by the department. [1983 c.338 §127; 1985 c.16 §37; 1985 c.175 §3; 1985 c.251 §13; 1985 c.313 §3; 1987 c.5 §3]

802.240 Driver and vehicle records as evidence. (1) In all actions, suits or criminal proceedings when the title to, or right of possession of, any vehicle is involved, the record of title, as it appears in the files and records of the Department of Transportation, is prima facie evidence of ownership or right to possession of the vehicle. As used in this section, the record of title does not include records of salvage titles unless the record itself is the salvage title. Proof of the ownership or right to possession of a vehicle shall be made by means of any of the following methods:

(a) The original certificate of title as provided under ORS 803.010.

(b) A copy, certified by the department, of the title record of the vehicle as the record appears in the files and records of the department.

(2) Extrinsic evidence of authenticity is not required as a condition precedent to the admission of a copy of a document relating to the privilege of any person to drive a motor vehicle authorized by law to be filed and actually filed in the records of the department if the copy bears a seal purporting to be that of the department and is certified as a true copy by original or facsimile signature of a person purporting to be an officer or employee of the department. This subsection applies to copies of a data compilation in any form. Copies of documents certified in accordance with this subsection constitute prima facie evidence of the existence of the facts stated therein.

(3) A certified copy of a person's driving record, as maintained by the department:

(a) May be admitted as evidence in any hearing or proceeding under ORS 813.200 to 813.270.

(b) Is prima facie evidence that the person named therein was duly convicted of or forfeited bail or security for each offense shown by the record.

(c) Is prima facie evidence that the person named therein is participating in or has participated in a driving under the influence of intoxicants diversion program or in any similar alcohol or drug rehabilitation program in this state or in any other jurisdiction if the record shows that the person has participated in such a program.

(4) Records and actions described in this subsection shall not be referred to in any way or admitted into evidence or be any evidence of the negligence or due care of any party at the trial of any action at law to recover damages. This subsection applies to all of the following:

(a) The report required following an accident.

(b) Any action taken by the department to revoke or suspend a driver license or driver permit or taken by the department under the financial responsibility requirements of the vehicle code or the findings, if any, of the department upon which such action of the department is based.

(c) Any deposit of security required under the financial responsibility requirements of the vehicle code.

(5) Except as provided in this subsection, the accident reports filed with the department under ORS 811.725, 811.730 or 811.735 shall be without prejudice to the individual filing the report and no such report shall be used as evidence in any trial, civil or criminal, arising out of an accident. The following uses are allowable under this subsection:

(a) The certificate issued by the department under ORS 802.220 to show whether or not an accident report has been made to the department shall be used solely to prove a compliance or failure to comply with the requirements that the accident report be made to the department.

(b) An accident report submitted under ORS 811.725 or 811.735 may be used in an administrative hearing or an appeal from such hearing to support any suspension of driving privileges for:

(A) Failure to make reports required under ORS 811.725 or 811.735.

(B) Failure to comply with financial responsibility requirements or failure to comply with future responsibility filings.

(6) A photocopy, facsimile copy, digital or electronic copy of an application for perfection of a security interest by notation on a title under ORS 803.097 that is certified by the department is proof of the date of perfection of the security interest unless the date is invalid as provided under ORS 803.097. [1983 c.338 §128; 1985 c.16 §38; 1985 c.175 §4; 1987 c.441 §1; 1987 c.750 §3; 1989 c.148 §7; 1991 c.67 §210; 1991 c.702 §26; 1991 c.873 §22a; 1993 c.233 §13]

802.250 Records containing residence address of police officer or eligible public employee. (1) A police officer or eligible public employee may request that any driver or vehicle record kept by the Department of Transportation that contains or is required to contain the officer's or eligible employee's residence address contain instead the address of the public agency employing the officer or eligible employee. A request under this section shall:

(a) Be in a form specified by the department that provides for verification of the officer's or eligible employee's employment.

(b) Contain verification by the employing public agency of the officer's or eligible employee's employment with the public agency.

(2) Upon receipt of a request and verification under subsection (1) or (6) of this section, the department shall remove the police officer, corrections officer or eligible employee's residence address from its records, if necessary, and substitute therefor the address of the public agency employing the officer or eligible employee. The department shall indicate on the records that the address shown is an employment address. While the request is in effect, the eligible employee or officer may enter the address of the public agency employing the officer or eligible employee on any driver or vehicle form issued by the department that requires an address.

(3) A public agency that verifies an officer's or eligible employee's employment un-

der subsection (1) of this section shall notify the department within 30 days if the officer or eligible employee ceases to be employed by the public agency. The officer or eligible employee shall notify the department of a change of address as provided in ORS 803.220 or 807.560.

(4) As used in this section, "eligible employee" means:

(a) A member of the State Board of Parole and Post-Prison Supervision.

(b) The Director of the Department of Corrections and an employee of an institution defined in ORS 421.005 as Department of Corrections institutions, whose duties, as assigned by the superintendent, include the custody of persons committed to the custody of or transferred to the institution.

(c) A parole and probation officer employed by the Department of Corrections and an employee of the Department of Corrections Release Center whose duties, as assigned by the Chief of the Release Center, include the custody of persons committed to the custody of or transferred to the Release Center.

(d) A police officer appointed under ORS 276.021 or 276.023.

(e) An employee of the State Department of Agriculture who is classified as a brand inspector by the Director of Agriculture.

(f) An investigator of the Criminal Justice Division of the Department of Justice.

(g) A corrections officer as defined in ORS 181.610.

(h) A federal officer. As used in this paragraph, "federal officer" means a special agent or law enforcement officer employed by:

- (A) The Federal Bureau of Investigation;
- (B) The United States Secret Service;
- (C) The Immigration and Naturalization Service;
- (D) The United States Marshals Service;
- (E) The Drug Enforcement Administration;
- (F) The United States Postal Service;
- (G) The United States Customs Service;
- (H) The United States General Services Administration;
- (I) The United States Department of Agriculture;
- (J) The Bureau of Alcohol, Tobacco and Firearms;
- (K) The Internal Revenue Service;
- (L) The United States Department of the Interior; or

(M) Any federal agency if the person is empowered to effect an arrest with or without warrant for violations of the United States Code and is authorized to carry firearms in the performance of duty.

(i) An employee of the Department of Human Resources whose duties include personal contact with clients or patients of the department.

(5) As used in subsections (6) and (7) of this section:

(a) "Corrections officer" means a person employed in a correctional facility, wherever it may be located, who primarily performs the duty of custody, control or supervision of individuals convicted of a criminal offense.

(b) "Correctional facility" means an institution used for the confinement of persons convicted of a criminal offense or held by court order.

(6) A corrections officer, who is a resident of Oregon but is employed in a correctional facility located in a state other than Oregon, may request that any driver or vehicle record kept by the department that contains or is required to contain the officer's residence address contain instead the address of the correctional facility employing the officer. A request under this subsection shall:

(a) Be in a form specified by the department that includes designation of the Oregon county of residence.

(b) Contain verification of employment as determined adequate by the department to establish eligibility for this service.

(7) If the officer qualifying under subsection (6) of this section ceases to be employed in the correctional facility, the officer shall notify the department of a change of address as provided in ORS 803.220 or 807.560. [1985 c.563 §2.3; 1989 c.695 §1; 1991 c.67 §211; 1991 c.523 §1; 1991 c.789 §1; 1993 c.741 §76; 1993 c.751 §17]

802.251 Exchange of information for implementation of ORS 802.250. The Department of Transportation on behalf of the State of Oregon may enter into contracts with other states and with the Federal Government for the exchange of employment information necessary to implement and administer ORS 802.250. [1991 c.523 §3]

802.260 Driver license and identification card records; contents; copies to counties; fees. (1) In addition to any other information required or permitted by law, the records of driver licenses maintained by the Department of Transportation and the records of identification cards issued under ORS 807.400 maintained by the department shall include the name, address, date of birth and county of residence of each holder of an

unexpired driver license and each holder of an unexpired identification card.

(2) At the request of the clerk of court, as defined in ORS 10.010, for an Oregon county, the department shall furnish to the clerk without charge a copy of the records maintained for that county under subsection (1) of this section.

(3) Notwithstanding any other provision of law, in establishing fees under ORS 802.230 (1) and (2), the department may include in those fees amounts necessary to defray costs of furnishing copies of records to clerks of courts without charge as provided in subsection (2) of this section. [1987 c.681 §2; 1993 c.751 §18]

Note: Section 8, chapter 746, Oregon Laws 1993, becomes operative March 1, 1996, or March 1, 1997. See section 9 (2), chapter 746, Oregon Laws 1993. The text of sections 8 and 9 (2), chapter 746, is set forth for the user's convenience.

Sec. 8. (1) The Department of Transportation shall maintain computerized records of insurance information. The department's computer system shall contain information submitted by insurers under sections 4, 4a and 6 of this 1993 Act and shall be accessible to law enforcement agencies in the state for the purpose of determining whether a particular person or vehicle is in compliance with the financial responsibility requirements of this state.

(2) Information provided to the department by insurers under sections 4, 4a and 6 of this 1993 Act may not be made available to anyone other than law enforcement officials, employees of the department acting in an official capacity, other governmental agencies if necessary for them to carry out their duties, powers or functions or individuals when the information is needed to determine insurance coverage of the individual requester or another individual.

(3) A computer system designed for the purposes specified in this section shall, to the extent possible, enable insurers to transfer information directly to the computer in a way that is most convenient for the insurers and the department.

(4) Records of insurance coverage maintained by the department under this section are for the purpose of helping law enforcement officials determine whether there are reasonable grounds to believe that a person is operating a vehicle in violation of ORS 806.010. In any other dispute about motor vehicle insurance coverage, if there is a conflict between the records of the department and the records of the insurer, the records of the insurer shall be presumed to be accurate. [1993 c.746 §8]

Sec. 9. (2) Sections 3 to 8 of this Act become operative on March 1, 1996, for insurers that transacted at least \$20 million of written premiums for motor vehicle insurance in the year prior to March 1, 1996, and on March 1, 1997, for insurers that transacted less than \$20 million in the year prior to March 1, 1996. Prior to the operative date of those sections, the Department of Transportation shall adopt rules required by this Act and may take such other steps as may be necessary for the efficient implementation of sections 4, 4a, 6 and 8 of this Act. [1993 c.746 §9 (2)]

TRANSPORTATION SAFETY PROGRAMS

802.300 Transportation Safety Committee; members, compensation, ex-

penses; staff. (1) The Transportation Safety Committee is created within the Department of Transportation to advise the department and the commission concerning the functions described under ORS 802.310 and to perform any other functions related to transportation safety that the commission delegates. The committee established under this section shall consist of five members appointed by the Governor on the recommendation of the commission. The term of office of each member is four years. Before the expiration of the term of a member, the Governor shall appoint a successor. A member is eligible for reappointment. In case of a vacancy for any cause, the Governor shall appoint a person to fill the office for the unexpired term.

(2) The Governor shall appoint one member of the committee established under this section as the chair and another member as vice chair.

(3) A member of the committee established under this section is entitled to compensation and expenses as provided under ORS 292.495.

(4) The Director of Transportation may appoint assistants, consultants, clerical staff and other employees needed to carry out the purposes of the committee but shall, as much as possible, consolidate the staff and coordinate the activities of the committee with other staff and activities of the department. [1983 c.338 §119; 1991 c.453 §6; 1993 c.741 §77]

802.310 Transportation Safety programs; manager. (1) The manager for transportation safety shall serve as the Governor's representative for highway safety in conformity with the Federal Highway Safety Act of 1966. The Director of Transportation and the commission shall be responsible to the Governor for the administration of the state transportation safety programs. All reports and recommendations relating to program evaluations, assignment of responsibilities and approval of plans and activities shall be provided to the Governor by the commission.

(2) The Department of Transportation, in consultation with the Transportation Safety Committee, shall do the following:

(a) Organize, plan and conduct a statewide transportation safety program.

(b) Coordinate general activities and programs of the several departments, divisions or agencies of the state engaged in promoting transportation safety.

(c) Provide transportation safety information and develop other measures of public information.

(d) Cooperate fully with all national, local, public and private agencies and organ-

izations interested in the promotion of transportation safety.

(e) Serve as a clearinghouse for all transportation safety materials and information used throughout the state.

(f) Cooperate in promoting research, special studies and analysis of problems concerning transportation safety.

(g) Make studies and suitable recommendations to the legislature concerning safety regulations and laws.

(3) The department shall review plans and applications for participation by counties and cities in the Federal Government highway safety programs conducted under the Federal Highway Safety Act of 1966 and any amendments thereto. The committee shall make recommendations to the department regarding the approval of plans and applications under ORS 802.315. [1983 c.338 §873; 1991 c.453 §7; 1993 c.741 §78]

802.315 Department authority to apply for and receive federal highway safety program grants and other funds; local government program participation. (1) The Department of Transportation, with the advice of the Transportation Safety Committee, may apply for, accept, receive and disburse grants available from the Federal Government or any of its agencies to carry out approved state highway safety programs conducted under the Federal Highway Safety Act of 1966 and the amendments thereto.

(2) The department may accept funds from other sources and enter into such contracts or agreements and do all things necessary to receive such funds for the purposes of carrying out in this section and ORS 802.300, 802.329, 802.331 and 802.340. However, funds shall not be accepted that are subject to a restriction or condition that is in conflict with any law of this state.

(3) The department, considering the recommendations of the Transportation Safety Committee, shall approve plans or applications for participation by counties and cities in the Federal Government highway safety programs conducted under the Federal Highway Safety Act of 1966 and any amendments thereto. The approval of plans and applications shall be done in accordance with the uniform standards of the Federal Government regarding such programs. Subject to any conditions of the grant, the department shall disburse any funds received from the Federal Government or any of its agencies for county and city highway safety programs. [Formerly 802.410]

Note: Amendments to 802.300 by section 77, chapter 741, Oregon Laws 1993, changed the name of the Traffic Safety Committee to the Transportation Safety Committee. In accordance with the apparent legislative intention, the Legislative Counsel has substituted for words

designating the Traffic Safety Committee, wherever they occurred in Oregon Revised Statutes, other words designating the Transportation Safety Committee.

802.320 Motorcycle safety program; contents; fees; contracts. (1) In addition to any duties under ORS 802.310, the Department of Transportation, in consultation with the Transportation Safety Committee, shall establish a motorcycle safety program that complies with this section to the extent moneys are available for such program from the Motorcycle Safety Subaccount under ORS 802.340. The program established may include the following:

(a) Motorcycle safety promotion and public education.

(b) The development of training sites for courses approved by the department to teach safe and proper operation of motorcycles and mopeds.

(c) Classroom instruction and actual driving instruction necessary to teach safe and proper operation of motorcycles and mopeds.

(d) The development of a mobile training unit.

(e) The acquisition of films and equipment that may be loaned to the public for the encouragement of motorcycle and moped safety.

(f) The department may charge a fee for services provided under the program. Any fee charged by the department under this paragraph shall be established by rule and shall not be in an amount that will discourage persons from participating in safety programs offered by the department under this section.

(g) Advice and assistance, including monetary assistance, for motorcycle safety programs operated by government or non-government organizations.

(h) Other education or safety programs the department determines will help promote the safe operation of motorcycles and mopeds, promote safe and lawful driving habits, assist in accident prevention and reduce the need for intensive highway policing.

(2) Subject to the State Personnel Relations Law under ORS chapter 240, the department shall employ such employees as the department determines necessary to carry out the purposes of this section to:

(a) Advise and assist motorcycle safety programs in this state.

(b) Act as a liaison between government agencies and advisory committees and interested motorcyclist groups.

(3) The department may provide for the performance of training and other functions of the program established under this section

by contracting with any private or public organizations or entities the department determines appropriate to achieve the purposes of this section. The organizations the department may contract with under this subsection include, but are not limited to, nonprofit private organizations, private organizations that are operated for profit, public or private schools, community colleges or public agencies or political subdivision. [1985 c.16 §442; 1989 c.427 §3; 1991 c.453 §8]

Note: See note under 802.315.

802.325 Bicycle safety program; contents; fees. (1) The Department of Transportation, in consultation with the Transportation Safety Committee, shall establish a bicycle safety program that complies with this section to the extent moneys are available for such program. The program established may include the following:

(a) Bicycle safety promotion and public education.

(b) Advice and assistance for bicycle safety programs operated by government or nongovernment organizations.

(c) Classroom instruction and actual riding instruction necessary to teach safe and proper operation of bicycles.

(d) Bicycle education and information that assist police agencies in the enforcement of bicycle laws.

(e) Other education or safety programs the department determines will help promote the safe operation of bicycles, promote safe and lawful riding habits and assist in accident prevention.

(f) The department may charge a fee for services provided under the program. Any fee charged by the department under this paragraph shall be established by rule and shall not be in an amount that will discourage persons from participating in safety programs offered by the department under this section.

(2) The department shall act as a liaison between government agencies and advisory committees and interested bicyclist groups.

(3) The department may accept donations and solicit grants to enable the department to carry out the functions of this section. [1987 c.683 §2; 1991 c.453 §9]

Note: See note under 802.315.

802.329 City and county highway safety program participation authorized. Any city or county may participate in the highway safety program and do all things necessary to secure the benefits available under ORS 802.310 and 802.315 and under the Federal Highway Safety Act of 1966 and any amendments thereto. [Formerly 802.420]

802.330 [1983 c.338 §138; repealed by 1991 c.453 §17]

802.331 Highway Safety Trust Account. The Highway Safety Trust Account is established in the General Fund of the State Treasury. All money received by the Department of Transportation under ORS 802.315 shall be paid into the State Treasury and credited to the account established under this section. All money in the account established under this section is continuously appropriated for and shall be used by the department in carrying out the purposes for which the funds were received. [Formerly 802.400]

802.340 Transportation Safety Account; uses; Motorcycle Safety Subaccount. (1) The Transportation Safety Account is established in the General Fund of the State Treasury. Except as provided in subsection (2) of this section, all money credited to the account established under this section is appropriated continuously for and shall be used by the Department of Transportation to carry out the following purposes:

(a) Payment of the per diem, travel and other expenses of the Transportation Safety Committee.

(b) Payment of the expenses of the department in performance of its duties related to transportation safety.

(c) Functions or programs established under ORS 802.315.

(2) There is established in the account created under subsection (1) of this section a subaccount to be known as the Motorcycle Safety Subaccount. The subaccount shall consist of moneys credited to the subaccount under ORS 807.370 and as otherwise provided by law. The subaccount shall be accounted for separately. Moneys in the subaccount are continuously appropriated to the department for and shall be used to carry out the purposes provided under ORS 802.320. [1983 c.338 §139; 1985 c.16 §41; 1991 c.453 §10; 1993 c.741 §79]

COMMITTEES AND BOARDS

802.350 Winter Recreation Advisory Committee; members; meetings. (1) The Winter Recreation Advisory Committee is created to perform the functions described for the committee under ORS 810.170.

(2) The committee created under this section shall consist of seven members appointed by the Oregon Transportation Commission as follows:

(a) Two persons representing ski area operators;

(b) One member representing the Oregon Nordic Club;

(c) One person representing the Pacific Northwest Ski Association;

(d) One member representing the Oregon State Snowmobile Association; and

(e) Two members from the general public interested in winter recreation in this state.

(3) Members of the committee established under this section shall not receive compensation for their service on the committee.

(4) The members shall be appointed to serve for terms of four years. Vacancies on the committee shall be filled by appointment by the commission for the unexpired term.

(5) The committee shall meet regularly four times a year at times and places fixed by the chair of the committee. The committee may meet at other times specified by the chair or a majority of the members of the committee.

(6) The Department of Transportation shall provide assistance and space for meetings as requested by the chair of the committee.

(7) The committee shall adopt rules to govern its proceedings and shall select a chair and any other officers it considers necessary.

(8) Members of the advisory committee shall be entitled to actual and necessary expenses as provided by ORS 292.495 (2). [1983 c.338 §122; 1989 c.498 §1]

802.360 All-Terrain Vehicle Account Allocation Committee; members; duties; staff. (1) The All-Terrain Vehicle Account Allocation Committee is established. The committee shall consist of seven voting members and four nonvoting members appointed by the Oregon Transportation Commission for a term of four years. Members are eligible for reappointment and vacancies may be filled by the commission.

(2) Of the voting members of the committee:

(a) Two shall be representatives of Class I all-terrain vehicle user organizations.

(b) One shall be a representative of a four wheel drive vehicle user organization.

(c) One shall be a representative of a dune buggy user organization.

(d) One shall be an all-terrain vehicle user.

(e) Two shall be representatives of Class III all-terrain vehicle user groups.

(3) Of the nonvoting members of the committee:

(a) One shall be a representative of the Department of Transportation.

(b) One shall be a representative of the United States Forest Service.

(c) One shall be a representative of the Bureau of Land Management.

(d) One shall be a representative of a snowmobile user organization.

(4) The committee shall:

(a) Advise the Department of Transportation on the allocation of moneys in the All-Terrain Vehicle Account established by ORS 802.130; and

(b) Recommend, to managers of publicly and privately owned lands, trails and areas that may not be used by any Class II all-terrain vehicle that has not been issued a permit under ORS 821.185 (2).

(5) The department shall provide staff support for the committee. [1985 c.459 §23; 1987 c.587 §10; 1989 c.991 §5]

802.370 Advisory committee on vehicle dealer regulation; members; compensation. (1) The Director of Transportation shall establish an advisory committee to advise the Department of Transportation on the administration of laws regulating vehicle dealers under the vehicle code.

(2) The department shall consult with the committee established under this section before the department adopts any rules under ORS 822.035 or before taking any disciplinary action against a dealer under ORS 822.050 to revoke, suspend, place the dealer on probation or levy a civil penalty against the dealer.

(3) The director shall appoint members of the committee established under this section and the members shall serve at the pleasure of the director. The director shall appoint members to the committee that represent vehicle dealers and members that represent the interests of the general public in the ownership, purchase and use of vehicles.

(4) The members of the committee established under this section shall serve without compensation or expenses for services performed. [1983 c.338 §121; 1985 c.16 §33; 1991 c.541 §9]

802.380 [1983 c.338 §123; 1989 c.1006 §5; repealed by 1993 c.742 §117]

802.390 [1983 c.338 §137; repealed by 1993 c.742 §117]

802.400 [1983 c.338 §140; 1991 c.453 §11; renumbered 802.331 in 1991]

802.410 [1983 c.338 §874; 1991 c.453 §12; renumbered 802.315 in 1991]

802.420 [1983 c.338 §875; renumbered 802.329 in 1991]

RECIPROCAL AGREEMENTS AND INTERSTATE COMPACTS

802.500 Authority of compact administrator for reciprocal registration agreements; permitted provisions; requirements; limitations. The administrator may enter into agreements with the duly authorized representatives of any jurisdiction that issues registration to establish reciprocal privileges or registration exemptions for

vehicles as described in this section. All of the following apply to an agreement established under the authority granted by this section:

(1) An agreement may establish any of the following benefits, privileges and exemptions with respect to the operation of commercial or noncommercial vehicles in this state:

(a) For purposes of ORS 803.305 exemptions from registration and payment, wholly or partially, of any vehicle or registration fees.

(b) Privileges relating to vehicles used by disabled persons.

(c) Privileges relating to vehicle parking.

(d) Privileges relating to vehicle dealers.

(e) Privileges, exemptions or benefits relating to farm vehicles or implements of husbandry.

(f) Privileges relating to persons commercially transporting vehicles.

(g) Any similar privileges, benefits or exemptions relating to the operation of vehicles.

(h) Privileges, benefits or exemptions relating to the registration of fleets of vehicles.

(2) An agreement shall only grant the privileges, benefits and exemptions to a vehicle or the owner of a vehicle if the vehicle is any of the following:

(a) Registered in the jurisdiction where the person registering the vehicle has a legal residence.

(b) A commercial vehicle registered in a jurisdiction where the commercial enterprise in which the vehicle is used has a place of business. To qualify under this paragraph the vehicle must be assigned to the place of business and the place of business must be the place from which or in which the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled.

(c) A commercial vehicle registered in a jurisdiction where the vehicle has been registered because of an agreement between two jurisdictions or a declaration issued by any jurisdiction.

(3) An agreement shall retain the right of the Department of Transportation to make the final determination as to the proper place of registration of a vehicle when there is a dispute or doubt concerning the proper place of registration. An agreement shall retain the right of the department to confer with the departments of other jurisdictions affected when making a determination under this subsection.

(4) An agreement shall not provide for any benefit, exemption or privilege with respect to fuel taxes, use fuel taxes, weight mile taxes or any other fees or taxes levied or assessed against the use of highways or use or ownership of vehicles except registration taxes, fees and requirements.

(5) An agreement must provide that any vehicle registered in this state will receive a similar kind or degree of exemptions, benefits and privileges when operated in another jurisdiction that is party to the agreement as vehicles registered in the other jurisdiction receive when operated in this state.

(6) An agreement, in the judgment of the administrator, shall be in the best interest of this state and its citizens, shall be fair and equitable to this state and its citizens and shall be determined on the basis and recognition of benefits that accrue to the economy of this state from the uninterrupted flow of commerce.

(7) An agreement may authorize a vehicle that would otherwise be required to be registered in one jurisdiction to be registered in another jurisdiction without losing any benefit, exemption or privilege under the agreement if the vehicle is operated from a base located in the other jurisdiction.

(8) An agreement may allow the lessee or lessor of a vehicle, subject to the terms and conditions of the lease to receive benefits, exemptions and privileges under the agreement.

(9) An agreement may authorize the department to suspend or cancel any exceptions, benefits or privileges granted to any person under the agreement if the person violates any of the terms or conditions of the agreement or violates any law or rule of this state relating to vehicles.

(10) All agreements shall be in writing and filed with the department within 10 days after execution or the effective date of the agreement, whichever is later.

(11) An agreement may be a limited type agreement with any state bordering this state as described in this subsection. An agreement described under this subsection is subject to all of the following:

(a) The benefits, exemptions and privileges under the agreement shall only be extended to vehicles or a class of vehicles as specified in the agreement.

(b) The agreement shall be applicable only within an area in each state that is situated along the boundary between the states and that is substantially equal in size.

(c) The usage permitted of the vehicles in the two areas shall be as substantially equal as may be practicable.

(d) The areas and usage subject to the agreement shall be described in the agreement.

(e) Proportional registration shall not be required under the agreement.

(f) The agreement shall comply with other mandatory provisions of this section and may contain any other provisions described under this section.

(g) A vehicle operating under the agreement may be required to obtain a permit under ORS 803.610.

(12) An agreement may require the display or submission of evidence of registration for any vehicle operating under the agreement. [1983 c.338 §142; 1985 c.16 §43; 1985 c.668 §3; 1993 c.174 §2]

802.510 [1983 c.338 §144; 1985 c.16 §44; 1985 c.668 §5; repealed by 1989 c.43 §37]

802.520 Authority of compact administrator to grant registration privileges or exemptions to vehicles registered in other jurisdictions; declaration; limitations. The administrator may examine the laws and requirements of any jurisdiction that issues out-of-state registration and may grant a privilege or a registration exemption described in this section to vehicles or owners of vehicles registered in that jurisdiction. All of the following apply to the authority granted by this section:

(1) The administrator may only grant privileges or registration exemptions under this section to vehicles that are registered in jurisdictions that do not have an agreement with this state for privileges or registration exemptions under ORS 768.003 or 802.500 or an agreement for proportional registration with this state under ORS 768.005.

(2) All grants of privileges and registration exemptions under this section shall be by declaration, shall be in writing and shall be filed with the Department of Transportation within 10 days after execution or effective date, whichever is later.

(3) A declaration may grant benefits, privileges and exemptions with respect to the operation of commercial or noncommercial vehicles in this state of the same type that may be established by agreement under ORS 768.003 or 802.500.

(4) A declaration shall only grant the privileges, benefits and exemptions to a vehicle or the owner of a vehicle if the vehicle is any of the following:

(a) Registered in the jurisdiction where the person registering the vehicle has a legal residence.

(b) A commercial vehicle registered in a jurisdiction where the commercial enterprise in which the vehicle is used has a place of

business. To qualify under this paragraph the vehicle must be assigned to the place of business and the place of business must be the place from which or in which the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled.

(c) A commercial vehicle registered in a jurisdiction where the vehicle has been registered because of an agreement between two jurisdictions or a declaration issued by any jurisdiction.

(5) The department shall make any final determination in any case of doubt or dispute as to the proper place of registration of a vehicle, but may confer with departments of other jurisdictions affected.

(6) A declaration shall not provide for any benefit, exemption or privilege with respect to fuel taxes, use fuel taxes, weight mile taxes or other fees or taxes levied or assessed against the use of highways or use or ownership of vehicles except registration taxes, fees and requirements.

(7) A declaration shall only grant benefits, exemptions or privileges that are, in the judgment of the administrator, in the best interest of this state and its citizens, fair and equitable to this state and its citizens and determined on the basis and with recognition of benefits that accrue to the economy of this state from the uninterrupted flow of commerce.

(8) A declaration may authorize a vehicle that would otherwise be required to be registered in one jurisdiction to be registered in another jurisdiction without losing any benefit, exemption or privilege under the declaration if the vehicle is operated from a base located in the other jurisdiction.

(9) A declaration may allow the lessee or lessor of a vehicle, subject to the terms and conditions of the lease, to receive benefits, exemptions and privileges under the declaration.

(10) A declaration may authorize the department to suspend or cancel any exemptions, benefits or privileges granted to any person under the declaration if the person violates any of the terms or conditions of the declaration or violates any law or rule of this state relating to vehicles. [1983 c.338 §143; 1985 c.668 §4; 1989 c.43 §16]

802.530 Authority of department for reciprocal agreements concerning traffic offenses; permitted provisions; fees; limitations; rules; report. The Department of Transportation is authorized to enter into bilateral or multilateral reciprocal agreements with other jurisdictions to provide mutual assistance in the disposition of traffic

offenses committed by residents of one jurisdiction while in another jurisdiction. Agreements authorized by this section are subject to the following:

(1) An agreement may provide for the sharing of information between and among jurisdictions concerning driving records, vehicle registration records and records concerning the granting, denial, revocation or suspension of driving privileges.

(2) An agreement may provide that a jurisdiction will suspend the driving privileges of a resident of the jurisdiction if the resident does not comply with the requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction.

(3) An agreement may provide that a jurisdiction will refuse to issue or renew a driver license or permit or to issue a duplicate or replacement license or permit for a resident of the jurisdiction if the resident does not comply with the requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction.

(4) An agreement may be limited to certain traffic offenses.

(5) An agreement may provide for the establishment of fees for and collection of fees from persons cited for traffic offenses or convicted of traffic offenses who are subject to the terms of the agreement. Any agency of this state that participates in a program established by an agreement authorized by this section is granted authority to establish fees for and collect fees from persons subject to an agreement. Fees established for purposes of this subsection must be established by rule. No fee established for purposes of this subsection may exceed an amount necessary to recover the actual cost incurred by participation in the program established by the agreement.

(6) An agreement may provide that residents of one jurisdiction who are issued citations for traffic offenses in another jurisdiction will be released on recognizance without requirement of security deposit or bail. Nothing in this subsection authorizes an agreement that prohibits a court from releasing on security release, as defined in ORS 135.230, a person charged with a major traffic offense as defined in ORS 153.500.

(7) An agreement may provide that one jurisdiction will act as agent for another jurisdiction in the disposition of traffic offenses committed in the other jurisdiction. No provision described under this subsection may be established that requires the participation of courts of this state unless the Oregon Supreme Court establishes rules under ORS

1.520 to provide procedures for court participation.

(8) No agreement may be established under this section to provide for assistance in dealing with:

- (a) Offenses other than traffic offenses.
- (b) Parking offenses.
- (c) Bicycle offenses.
- (d) Pedestrian offenses.

(9) Any agreement established under this section must provide that this state may withdraw from the agreement upon notice of not more than 90 days.

(10) An agreement may include any other provision that the department determines will assist in the disposition of traffic offenses committed by residents of one jurisdiction while in another jurisdiction or will increase the convenience for residents of this state in complying with requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction.

(11) The department may adopt rules necessary to implement any agreement established under this section.

(12) The department must submit a report on any agreement proposed under this section to the presiding officers of each house of the Oregon Legislative Assembly at least 30 days before the agreement may take effect. An agreement described under this section cannot take effect in this state unless the department complies with this subsection. [1985 c.396 §2; 1993 c.102 §1]

802.540 Driver License Compact. The Driver License Compact is enacted into law and entered into on behalf of this state with all other states legally joining therein in a form substantially as follows:

ARTICLE I FINDINGS AND DECLARATION OF POLICY

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II DEFINITIONS

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III REPORTS OF CONVICTION

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV EFFECT OF CONVICTION

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a

motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug or a controlled substance, or under the influence of any other drug or substance to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to insure that full force and effect is given to this Article.

ARTICLE V

APPLICATIONS FOR NEW LICENSES

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority

determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

APPLICABILITY OF OTHER LAWS

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII

COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII

ENTRY INTO FORCE AND WITHDRAWAL

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the ap-

plicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1983 c.338 §168]

802.550 Administrative provisions relating to license compact. The following relate to the Driver License Compact under ORS 802.540:

(1) The Director of Transportation or the director's deputy shall act as the compact administrator. The compact administrator shall not be entitled to any additional compensation on account of service as compact administrator, but shall be entitled to expenses incurred in connection with such service, payable the same as expenses in connection with services as the normal duties of the person.

(2) When reference in the compact is made to the executive head in this state, the reference applies to the Governor of this state.

(3) When reference in the compact is made to the licensing authority in this state, the reference applies to the Department of Transportation.

(4) In accordance with subdivision (c) of Article IV of the compact, the following offenses or violations provided by Oregon law hereby are designated as offenses or violations of a substantially similar nature as the respective denominations and descriptions of conduct appearing in subdivision (a) of Article IV of the compact.

(a) ORS 809.410 (1) - Article IV (a) (1).

(b) ORS 813.400 - Article IV (a) (2).

(c) ORS 809.410 (4) - Article IV (a) (3).

(d) ORS 809.410 (5) - Article IV (a) (4).

(5) Offenses or violations other than those referred to in subsection (4) of this section reported to the department pursuant to Article III of the compact shall be given effect within the purpose of Article IV (b) of the compact as the other laws of this state provide. [1983 c.338 §169]

802.560 Multistate Highway Transportation Agreement. The Multistate Highway Transportation Agreement is hereby enacted into law and entered into on behalf of this state with all other jurisdictions legally joining therein in a form substantially as follows:

ARTICLE I FINDINGS AND PURPOSES

SECTION 1. Findings. The participating jurisdictions find that:

(a) The expanding regional economy depends on expanding transportation capacity;

(b) Highway transportation is the major mode for movement of people and goods in the western states;

(c) Uniform application in the west of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption and related transportation costs, which are necessary to permit increased productivity;

(d) A number of western states, already having adopted substantially the 1964 Bureau of Public Roads recommended vehicle size and weight standards, still find current federal limits more restrictive;

(e) The 1974 revision of federal law (23 U.S.C. 127) did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives states of interstate matching money if vehicle weights and widths are increased, even though the interstate system is nearly ninety-two percent (92%) complete; and

(f) The participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.

SECTION 2. Purposes. The purposes of this agreement are to:

(a) Adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system.

(b) Establish a system authorizing the operation of vehicles traveling between two (2) or more participating jurisdictions at more adequate size and weight standards.

(c) Promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement.

(d) Secure uniformity insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards.

(e) Provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing pur-

poses, with due regard for the findings set forth in section 1 of this article.

ARTICLE II DEFINITIONS

SECTION 1. As used in this agreement:

(a) "Designated representative" means a legislator authorized to represent the jurisdiction appointed by the President of the Senate and the Speaker of the House of Representatives in consultation.

(b) "Jurisdiction" means a state of the United States or the District of Columbia.

(c) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two or more participating jurisdictions.

ARTICLE III GENERAL PROVISIONS

SECTION 1. Qualifications for Membership. Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes and objectives of this agreement and will seek legislation necessary to accomplish these objectives.

SECTION 2. Cooperation. The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

SECTION 3. Effect of Headings. Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

SECTION 4. Vehicle Laws and Regulations. This agreement shall not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations thereof.

SECTION 5. Interpretation. The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing.

SECTION 6. Amendment. This agreement may be amended by unanimous joint action of the participating jurisdictions, acting through the officials thereof authorized to enter into this agreement, subject to the requirements of section 4, Article III. Any amendment shall be placed in writing and become a part hereof.

SECTION 7. Restrictions, Conditions or Limitations. Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any re-

striction, condition or limitation on the general terms of this agreement, if any.

SECTION 8. Additional Jurisdictions. Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

ARTICLE IV COOPERATING COMMITTEE

SECTION 1. Pursuant to section 2, Article III, the designated representatives of the participating jurisdictions shall constitute a committee which shall have the power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters.

(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

SECTION 2. Each participating jurisdiction shall be entitled to one (1) vote only. No action of the committee shall be binding unless a majority of the total number of votes cast by participating jurisdictions are in favor thereof.

SECTION 3. The committee shall meet at least once annually and shall elect, from among its members, a chairman, a vice-chairman and a secretary.

SECTION 4. The committee shall submit annually to the legislature of each participating jurisdiction, no later than November 1, a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable. Copies of all such reports shall be made available to the Transportation Committee of the Western Conference, Council of State Governments, and to the Western Association of State Highway and Transportation Officials.

ARTICLE V OBJECTIVES OF THE PARTICIPATING JURISDICTIONS

SECTION 1. Objectives. The participating jurisdictions hereby declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor ve-

hicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation on all State highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight of 20,000 pounds, a tandem-axle weight of 34,000 pounds, and a gross vehicle or combination weight of that resulting from application of the formula:

W = 500 ((LN/N - 1) + 12N + 36)
 where W = maximum weight in pounds carried on any group of two or more axles computed to nearest 500 pounds.
 L = distance in feet between the extremes of any group of two or more consecutive axles.
 N = number of axles in group under consideration.

(b) It is the further objective of the participating jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of subsection (a) of this section would result in withholding or forfeiture of federal-aid funds pursuant to section 127, title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will be authorized under special permit authority by each participating jurisdiction which could legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in effect as of July 1, 1956, are adhered to.

(c) The objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected.

(d) It is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including, but not limited to, the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qual-

ifications, and operating practices; and such other matters as may be pertinent.

(e) In recognition of the limited prospects of federal revision of section 127, title 23, U.S. Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal-aid highway funds, it is the further objective of the participating jurisdictions to secure congressional approval of this agreement and, specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

(f) In recognition of desire for a degree of national uniformity of size and weight regulations, it is the further objective to encourage development of broad, uniform size and weight standards on a national basis, and further that procedures adopted under this agreement be compatible with national standards.

ARTICLE VI

ENTRY INTO FORCE AND WITHDRAWAL

SECTION 1. This agreement shall enter into force when enacted into law by any two (2) or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 8, Article III.

SECTION 2. Any participating jurisdiction may withdraw from this agreement by canceling the same but no such withdrawal shall take effect until thirty (30) days after the designated representative of the withdrawing jurisdiction has given notice in writing of the withdrawal to all other participating jurisdictions.

ARTICLE VII

CONSTRUCTION AND SEVERABILITY

SECTION 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

SECTION 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any jurisdiction participating herein, the agreement shall remain in full force and effect as to the jurisdictions affected as to all severable matters.

ARTICLE VIII

FILING OF DOCUMENTS

SECTION 1. A copy of this agreement, its amendments, and rules or regulations

promulgated thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

ARTICLE IX

EXISTING STATUTES NOT REPEALED

SECTION 1. All existing statutes prescribing weight and size standards and all existing statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

ARTICLE X

STATE GOVERNMENT DEPARTMENTS
AUTHORIZED TO COOPERATE
WITH COOPERATING COMMITTEE

SECTION 1. Within appropriations available therefor, the departments, agencies and officers of the government of this state shall

cooperate with and assist the cooperating committee within the scope contemplated by Article IV, section 1(a) and (b) of the agreement. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said cooperating committee.

[1983 c.338 §172; 1985 c.172 §5]

802.570 Compensation and reimbursement for legislative representative under Multistate Highway Transportation Agreement. The legislator who is the designated representative under ORS 802.560 is entitled to compensation and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly. [1987 c.879 §21]
