

# Enrolled Senate Bill 998

Sponsored by COMMITTEE ON RULES (at the request of Oregon Auto Dealers Association)

CHAPTER .....

AN ACT

Relating to motor vehicles with weight of less than 12,000 pounds; creating new provisions; and amending ORS 803.360, 803.430, 803.590, 805.110, 811.111, 811.215 and 811.325.

**Be It Enacted by the People of the State of Oregon:**

**NOTE:** Section 1 was deleted by amendment. Subsequent sections were not renumbered.

**SECTION 2.** ORS 803.430, as amended by section 113, chapter 655, Oregon Laws 2003, is amended to read:

803.430. (1) Registration weight is established for the following purposes:

(a) The registration weight is the weight used in the declaration of weight under ORS 803.435 to determine the registration fees under ORS 803.420 for vehicles required to establish registration weight under this section.

(b) A vehicle that is required to establish registration weight by this section is in violation of ORS 803.315 if the vehicle is operated on a highway of this state at a weight in excess of the registration weight except when carrying a load:

(A) Under the provisions of ORS 376.305 to 376.390;

(B) Of over 105,500 pounds combined weight under a variance permit issued under ORS 818.200;

(C) Under a registration weight trip permit issued under ORS 803.600; or

(D) Consisting of towed motor vehicles required to be registered under the vehicle code.

(2) Registration weight is established at the time of registration and whenever the vehicle has been altered or reconstructed by furnishing a declaration of weight described under ORS 803.435 that contains a declaration of the maximum combined weight at which the vehicle will be operated on the highways of this state except when carrying loads described under subsection (1)(b) of this section. The maximum registration weight for any vehicle required to establish a registration weight under this section is 105,500 pounds. Vehicles operating at weights above 105,500 pounds will operate under a variance permit issued under ORS 818.200.

(3) Except as provided in subsection (4) of this section, the following vehicles are required to establish a registration weight under this section:

(a) Any motor truck that will be operated on the highways at a combined weight of more than [8,000] **10,000** pounds not including the weight of any camper or trailing vehicle described in subsection (5) of this section, or any trailing manufactured structure.

(b) Any truck tractor that will be operated on the highways at a combined weight of more than 8,000 pounds not including the weight of any camper or trailing vehicle described in subsection (5) of this section, or any trailing manufactured structure.

(c) An armored car, wrecker, tow vehicle, hearse or ambulance.

(d) Any other motor vehicle that will be operated on the highways at a combined weight of more than [8,000] **10,000** pounds not including the weight of any camper or trailing vehicle as described in subsection (5) of this section, or any trailing manufactured structure.

(e) A self-propelled mobile crane.

(f) Any motor vehicle registered as a farm vehicle under ORS 805.300.

(4) A vehicle that is being registered under a specific provision of the vehicle code where fees are not based on weight or where registration weight is specifically not required is not required to establish registration weight under this section.

(5) The weight of a camper or the following trailing vehicles may not be included in the registration weight:

(a) Trailers with a loaded weight of 8,000 pounds or less.

(b) Special use trailers, travel trailers and fixed load vehicles.

(c) Towed motor vehicles.

(6) The weight of a trailing manufactured structure may not be included in the registration weight.

**SECTION 3.** ORS 803.360 is amended to read:

803.360. (1) No person may register or renew the registration of a vehicle in this state unless the person is domiciled in this state, as described in ORS 803.355. This section does not apply to persons required by ORS 803.200 or any other provision of law, to register vehicles in this state.

(2) Notwithstanding subsection (1) of this section, a person who is not domiciled in this state may register or renew the registration of a vehicle that:

(a) Is usually left within the state when the registered owner is absent from the state;

(b) Is used primarily for personal transportation within the state;

(c) Is a private passenger vehicle or a vehicle with a loaded weight of less than [8,000] **10,000** pounds; and

(d) Is not a motor home or a camper.

**SECTION 4.** ORS 803.590, as amended by section 116, chapter 655, Oregon Laws 2003, is amended to read:

803.590. (1) The owner of a vehicle described in this subsection shall be permitted to transfer the registration plates from the vehicle to a like vehicle to be similarly used if the vehicle is destroyed or permanently withdrawn from service within this state and if the registration fee for the vehicle was more than \$10. To make a transfer of registration under this section, the owner of the vehicle shall pay the Department of Transportation a registration transfer fee established under ORS 803.575, file a statement indicating the withdrawal or destruction with the department and surrender any registration card issued for the vehicle. If the weight in the declaration of weight of the vehicle receiving the transferred registration exceeds that of the vehicle destroyed or withdrawn, the owner must pay registration fees on the increased weight. This subsection applies to the following vehicles:

(a) Motor trucks with a registration weight of more than [8,000] **10,000** pounds.

(b) Truck tractors with a registration weight of more than 8,000 pounds.

(c) Commercial buses.

(2) If a vehicle described under this subsection is destroyed accidentally so as to be incapable of further operation, the person in whose name the vehicle is registered is entitled to a refund of that portion of the fee applicable to the then unexpired portion of the registration period. Any registration card and registration plates issued for the vehicle must be surrendered to the department for cancellation when application for refund is made under this section. Claims for refunds under this section shall be filed and paid as provided for refunds under ORS 802.110. To qualify for a refund under this section, a registration fee in excess of \$10 must have been paid for the vehicle, the vehicle must have been registered in this state and the vehicle must be one of the following:

(a) A motor truck with a registration weight of more than [8,000] **10,000** pounds.

(b) A truck tractor with a registration weight of more than 8,000 pounds.

(c) A travel trailer or camper.

**SECTION 5.** ORS 805.110 is amended to read:

805.110. (1) In the absence of just cause for refusal, the Department of Transportation shall provide for registration of any motor vehicle required to be registered by this state in a manner consistent with this section for persons who qualify as former prisoners of war under this section. The special registration provisions under this section are subject to all of the following:

(a) The fee to register or renew registration under this section shall be the regular registration fee for the vehicle.

(b) The department shall not register a motor vehicle under this section if another vehicle owned by the applicant or a member of the applicant's household has been registered under this section.

(c) The department shall not register any commercial vehicle under this section or any motor vehicle with a loaded weight in excess of [8,000] **10,000** pounds.

(2) A person is a former prisoner of war who qualifies for registration of a vehicle under this section if the person, while serving in the active military, naval or air service of the United States or any of its Allies, was forcibly detained or interned in line of duty:

(a) By an enemy government or its agents, or a hostile force, during a period of war; or

(b) By a foreign government or its agents, or a hostile force during a period other than a period of war in which such person was held under circumstances which the department finds to have been comparable to the circumstances under which persons have generally been forcibly detained or interned by enemy governments during periods of war.

(3) The surviving spouse of a former prisoner of war who was issued registration under this section may, upon the death of the former prisoner of war, continue to use the registration plates on a motor vehicle or may keep the plates as a memento.

(4) The department may suspend or revoke any registration issued under this section if the department determines that the vehicle is owned by a person not qualified for registration under this section or the vehicle is a kind not qualified for registration under this section.

**SECTION 6.** ORS 811.111 is amended to read:

811.111. (1) A person commits the offense of violating a speed limit if the person:

(a) Drives a vehicle on an interstate highway at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.

(b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed:

(A) A motor truck **with a gross vehicle weight rating of more than 10,000 pounds** or a truck tractor with a gross vehicle weight rating of more than 8,000 pounds.

(B) A school bus.

(C) A school activity vehicle.

(D) A worker transport bus.

(E) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 825.017 (9).

(c) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(A) Any designated speed for ocean shores that is established and posted under ORS 810.180.

(B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

(d) Drives a vehicle upon a highway in any city at a speed greater than a speed posted by authority granted under ORS 810.180 or, if no speed is posted, the following:

(A) Fifteen miles per hour when driving on an alley.

(B) Twenty miles per hour in a business district.

(C) Twenty-five miles per hour in a public park.

(D) Twenty-five miles per hour on a highway in a residence district if the highway is not an arterial highway.

(E) Sixty-five miles per hour on an interstate highway.

(F) Fifty-five miles per hour in locations not otherwise described in this paragraph.

(e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour:

(A) At any time, if the school zone is a segment of highway described in ORS 801.462 (1)(a) that is contiguous to a segment of highway on which:

(i) There is a posted speed of 30 miles per hour or less;

(ii) There is a speed limit of 30 miles per hour or less; or

(iii) A speed of 30 miles per hour or less is prima facie evidence of violation of the basic speed rule under ORS 811.105.

(B) At any time that a flashing light described in ORS 811.106 is operating or at any time posted on signs in the school zone, if the school zone is a segment of highway described in ORS 801.462 (1)(a) that is contiguous to a segment of highway on which:

(i) There is a posted speed greater than 30 miles per hour;

(ii) There is a speed limit greater than 30 miles per hour; or

(iii) A speed greater than 30 miles per hour is prima facie evidence of violation of the basic speed rule under ORS 811.105.

(C) At any time that a flashing light described in ORS 811.106 is operating, at any time posted on signs in the school zone or at any time that children are present, if the school zone is a cross-walk described in ORS 801.462 (1)(b).

(2) The offense described in this section, violating a speed limit, is punishable as provided in ORS 811.109.

**SECTION 7.** ORS 811.325 is amended to read:

811.325. (1) A person commits the offense of failure to keep a camper, trailer or truck in the right lane if the person is operating any of the vehicles described in this subsection and the person does not drive in the right lane of all roadways having two or more lanes for traffic proceeding in a single direction. This subsection applies to all of the following vehicles:

(a) Any camper.

(b) Any vehicle with a trailer.

(c) Any vehicle with a registration weight of [8,000] **10,000** pounds or more.

(2) This section does not require the described vehicles to be driven in the right lane under any of the following circumstances:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement in ORS 811.410 to 811.425 when such movement can be made without interfering with the passage of other vehicles.

(b) When preparing to turn left.

(c) When reasonably necessary in response to emergency conditions.

(d) To avoid actual or potential traffic moving onto the right lane from an acceleration or merging lane.

(e) When necessary to follow traffic control devices that direct use of a lane other than the right lane.

(3) The offense described in this section, failure to keep camper, trailer or truck in the right lane, is a Class B traffic violation.

**SECTION 8.** ORS 811.215 is amended to read:

811.215. ORS 811.210 does not apply to:

(1) Privately owned commercial vehicles, as defined in ORS 801.210. The exemption in this subsection does not apply to vehicles commonly known as pickup trucks that have a combined weight of less than [8,000] **10,000** pounds or to motor carriers, as defined in ORS 825.005, when operating in interstate commerce.

(2) Any vehicle not required to be equipped with safety belts or safety harnesses at the time the vehicle was manufactured, unless safety belts or safety harnesses have been installed in the vehicle.

(3) Any vehicle exempted by ORS 815.080 from requirements to be equipped upon sale with safety belts or safety harnesses.

(4) Any person for whom a certificate is issued by the Department of Transportation under ORS 811.220.

(5) Any person who is a passenger in a vehicle if all seating positions in the vehicle are occupied by other persons.

(6) Any person who is being transported while in the custody of a police officer or any law enforcement agency.

(7) Any person who is delivering newspapers or mail in the regular course of work.

(8) Any person who is riding in an ambulance for the purpose of administering medical aid to another person in the ambulance, if being secured by a safety belt or safety harness would substantially inhibit the administration of medical aid.

(9) Any person who is reading utility meters in the regular course of work.

(10) Any person who is employed to operate a vehicle owned by a mass transit district while the vehicle is being used for the transportation of passengers in the public transportation system of the district.

(11) Any person who is collecting solid waste or recyclable materials in the regular course of work.

**SECTION 9. (1) The amendments to ORS 803.430 by section 2 of this 2005 Act apply to the registration of vehicles on or after the effective date of this 2005 Act.**

**(2) The amendments to ORS 803.360 by section 3 of this 2005 Act apply to the registration or renewal of registration of vehicles on or after the effective date of this 2005 Act.**

**(3) The amendments to ORS 803.590 by section 4 of this 2005 Act apply to motor trucks that were registered as provided under ORS 803.430 on or after the effective date of this 2005 Act.**

**(4) The amendments to ORS 805.110 by section 5 of this 2005 Act apply to the registration of vehicles on or after the effective date of this 2005 Act.**

**(5) The amendments to ORS 811.111 by section 6 of this 2005 Act apply to offenses committed on or after the effective date of this 2005 Act.**

**(6) The amendments to ORS 811.325 by section 7 of this 2005 Act apply to offenses committed on or after the effective date of this 2005 Act.**

**(7) The amendments to ORS 811.215 by section 8 of this 2005 Act apply to offenses committed on or after the effective date of this 2005 Act.**

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**Passed by Senate July 30, 2005**

**Repassed by Senate August 4, 2005**

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Secretary of Senate

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President of Senate

**Passed by House August 3, 2005**

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Speaker of House

**Received by Governor:**

.....M,....., 2005

**Approved:**

.....M,....., 2005

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2005

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Secretary of State