

*Use
MVD
Amend*

Section 174. (Application for registration; agents to accept applications and fees.)

COMMENTARY

The offense described by ORS 481.105 is failure by an owner of a motor vehicle, trailer or semitrailer to file an application with MVD for the registration of each vehicle and failure by an owner, other than a dealer, of a camper or travel trailer and an owner of a mobile home to register the camper trailer, or mobile home, with MVD. Failure to comply with this section is punishable by the general penalty of subsection (1) of ORS 481.990, fine not more than \$400, or imprisonment in the county jail for not more than one year, or both.

The proposed amendment of ORS 481.105 would classify this section as a Class C traffic infraction. The classification as a traffic infraction would be consistent with the scheme of the proposed revision of the motor vehicle code. All but serious offenses and knowing falsification or concealment of true information on vehicle titles and serial numbers and offenses related to transfer of vehicles and vehicle titles in a manner facilitating dealing in stolen vehicles, certain offenses related to motor vehicle dealers and wrecking yard operators, and vehicle weight and equipment violations would be classified as traffic infractions. As such, they would be punishable by fine only.

Section 175. (Notice of change of address or name.)

COMMENTARY

This section amends ORS 481.107 by the addition of subsection (2) classifying it as a Class C traffic infraction. A vehicle owner who fails to notify the MVD of change of address or name under the existing penalty provision of chapter 481 is subject to the general penalty of that chapter, namely a fine not greater than \$400 or imprisonment in the county jail of not more than a year, or both.

Section 176. (Certificate of title required; exceptions; how obtained.)

COMMENTARY

ORS 481.110 provides that a person operating a motor vehicle, trailer or semitrailer, camper, mobile home or travel trailer must have a title certificate. The division shall not issue a registration card unless the applicant has a title certificate. The penalty would be changed from the general penalty to a Class C traffic infraction.

Section 177. (Contents and effect of certificate of title; fee; trailer numbers.)

COMMENTARY

The provisions of ORS 481.115 describe the items of information which must be stated on a title certificate and authorize assigning an identifying number to a trailer or semitrailer having none, which shall be stamped on a metal

plate to be permanently attached to the vehicle. Section 177 would amend ORS 481.115 by adding subsection (3), classifying it as a Class C traffic infraction. The present penalty under subsection (10), ORS 481.990, classifies ORS 481.115 as a misdemeanor.

Section 178. (Registration of government-owned vehicles.)

COMMENTARY

ORS 481.125 requires registration of government-owned motor vehicles, trailers and semitrailers in the same manner so required under ORS 481.105, for a fee of \$1. Registration number plates shall be displayed according to the requirements for other licensed and registered vehicles.

Section 178 would amend ORS 481.125 by classifying failure to comply with its provisions as a Class C traffic infraction. Presently it is punishable according to the general penalty provision of chapter 481.

Section 179. (Registration of specially constructed or imported vehicles; use of special numbers.)

COMMENTARY

ORS 481.130 provides that the registration application for a specially constructed or imported vehicle must state that fact. Under the amendment proposed by section 179, failure to obey this statute would be punishable as a Class C traffic infraction rather than under the general penalty provision of subsection (1), ORS 481.990.

Section 180. (Denial or cancellation of registration or certificate of title; falsifying registration application.)

COMMENTARY

The existing penalty for failure to return a canceled registration or title certificate to the division, or for knowingly making a false statement with respect to any facts required in an application for registration under subsection (15), ORS 481.990, is payment of \$50.00. This section would amend ORS 481.150 by the addition of subsection (5) classifying the section as a Class A misdemeanor. ORS 481.990 would be amended to delete subsection (15).

Section 181. (Law applicable to foreign vehicles; display of foreign licenses; foreign corporations as residents; purchase or use of foreign licensed vehicle by resident.)

COMMENTARY

ORS 481.165 provides that motor vehicles, trailers or semitrailers which are foreign licensed are subject to the state's laws governing vehicle operation and must be registered by their owners who are residents of this state according to the state's registration requirements. Noncompliance is punishable under the general penalty provision. Section 181 would classify the offense as a Class C traffic infraction.

Section 182. (Surrender of foreign title certificates and evidences of registration investigation; temporary plate.)

COMMENTARY

A motor vehicle from another state shall not be certified as to title by the division unless the title and registration from the other state are surrendered. A registrant of a vehicle from another state or country must surrender all evidences of registration by the other jurisdiction.

ORS 481.170 would be amended by this section to classify it as a Class D traffic infraction. Presently noncompliance is punishable under the general penalty provision of subsection (1), ORS 481.990.

Section 183. (Permit to operate unregistered vehicle over highway; trip permits for mobile home movements.)

COMMENTARY

ORS 481.177 would be amended by section 183 to classify it as a Class D traffic infraction. Under subsection (1) of ORS 481.990, failure by an owner or operator of a motor vehicle, trailer or semitrailer not currently registered, and failure by a person moving a mobile home on the highways to obtain a trip permit are subject to a fine of not more than \$400 or imprisonment of not more than a year in the county jail, or both.

Section 184. (When display of certificate required; exception.)

COMMENTARY

ORS 481.195 provides that a motor vehicle registered within the boundaries of the Portland metropolitan service district formed under ORS chapter 268 must display a certificate of inspection as required by the Environmental Quality Commission, and failure to obey this provision is a Class A misdemeanor. Section 184 would classify the penalty as a Class C traffic infraction.

Section 185. (Prohibited acts relating to certificate of compliance.)

COMMENTARY

ORS 481.200 prohibits persons from making or knowingly using an imitation certificate of inspection or displaying such an imitation certificate or, with purpose to defraud, altering or amending a certificate. Section 185 would change the penalty from Class A misdemeanor to Class C infraction.

Section 186. (Required fee must be paid.)

COMMENTARY

This section would change the penalty for failure to pay the proper registration fee for a vehicle or camper or mobile home from the general penalty to a Class C infraction. This rule is stated in ORS 481.202.

Section 187. (When fees are payable; fees for motor bicycles, motorcycles, disaster units and antique vehicles.)

COMMENTARY

ORS 481.205 prescribes dates and amounts of registration fees to be paid for motor vehicles, motor bicycles, motorcycles, disaster units and antique vehicles. Section 187 would change the penalty from the general penalty of chapter 481 to a Class D infraction.

Section 188. (When certificates of weight and passenger capacity are required.)

COMMENTARY

This section would amend ORS 481.220 under which failure of an applicant for a license for a truck, tractor, trailer, farm truck, self-propelled mobile crane or other specified vehicles, to furnish the division a declaration of weight is punishable by a general misdemeanor penalty. Section 188 would classify it as a Class D traffic infraction.

Section 189. (Special license for farm vehicles.)

COMMENTARY

ORS 481.225 authorizes issuance of a farm truck license to a farmer for vehicles he owns when used for specified farm products transporting, upon the application by the farmer for the license and a furnishing by him of sworn statement that the truck will be used for specified farm use, and on sale the farm truck license would be removed and surrendered to MVD.

Section 189 changes the penalty for false swearing, for use for nonfarm purposes, and for failure to surrender farm truck license on sale of vehicle, from its present misdemeanor classification to Class C traffic infraction.

Section 190. (Issuance of license plates, stickers and registration card; keeping in or on vehicle.)

COMMENTARY

The requirement of ORS 481.230 that every vehicle owner keep the vehicle registration card in or on the vehicle is punishable under the chapter 481 general penalty provision. Section 190 makes the offense a Class C infraction.

Section 191. (Display of license plates required.)

COMMENTARY

Operation of motor vehicle without display of identification plate under ORS 481.255 is a misdemeanor. Section 191 would classify the offense as a Class B traffic infraction.

Section 192. (Combined weight required to be painted on or near doors of vehicle; exceptions.)

COMMENTARY

Operation of specified types of vehicles which do not bear in two inch figures the combined weight of the vehicle under ORS 481.257 is subject to the chapter 481 general penalty provision. This section would change the penalty to a Class C traffic infraction.

Section 193. (Issuance and display of temporary permits.)

COMMENTARY

ORS 481.260 authorizes issuance of temporary permits for the operation of vehicles or transport of campers and requires that the permit be on the windshield or in plain sight or on the vehicle. This section would amend ORS 481.260 by changing the general penalty to a Class B traffic infraction.

Section 194. (Size, color, design, material and contents of plates; renewal stickers authorized.)

COMMENTARY

ORS 481.265 describes the identification plates and stickers to be issued by the division and prohibits display of a sticker after expiration of the registration period for which it is issued. Section 194 would change the general penalty to a Class D traffic infraction.

Section 195. (Procedure for obtaining a license to carry on business of buying and selling vehicles.)

COMMENTARY

This section amends ORS 481.305 to specify the penalty for carrying on a vehicle sales business without a license not simply as "misdemeanor" but a Class A misdemeanor. This change is not substantive since an offense which is classified as a "misdemeanor" under the provisions of ORS 161.555 is a Class A misdemeanor.

Section 196. (Dealer's bond.)

COMMENTARY

ORS 481.310 provides that a dealer's bond be obtained from a corporate surety in the sum of \$15,000 and approved by the Attorney General. It covers dealer liability for fraud or violation of any chapter 481 provision. Section 196 classifies this misdemeanor as Class A misdemeanor.

Section 197. (Issuance of dealer's license; supplemental licenses and records required of dealers.)

COMMENTARY

ORS 481.315 requires all licensed dealers moving to another location or opening additional places of business to obtain supplemental licenses, and all licensees to keep records of all sales of secondhand vehicles. Section 197 would change the penalty from a misdemeanor to a Class C traffic infraction.

Section 198. (Dealer's fees, certificates and plates.)

COMMENTARY

A dealer shall pay an annual registration fee of \$30, and shall display his dealer license plates as required by the chapter, and shall not rent a motor vehicle operated under dealer license. Section 198 would change the penalty from a misdemeanor to a Class B traffic infraction.

Section 199. (Use of dealer's plates in other branches or on unauthorized vehicles.)

COMMENTARY

Display by a dealer or dealer employe of dealer plates or registration, except on vehicles and trailers owned or controlled by the dealer under ORS 481.330, is subject to the general penalty of chapter 481. Section 199 would change the penalty to a Class C traffic infraction.

Section 200. (Use of windshield permits to move vehicles; mobile home movements excepted.)

COMMENTARY

ORS 481.335 requires motor vehicle and trailer dealers to obtain a written permit for operating an unregistered vehicle or trailer and to display it during operation of the vehicle. Section 200 would reclassify the penalty from the chapter 481 general penalty to a Class C traffic infraction.

Section 201. (Motor vehicle transporter's permit and transit plate; when required.)

COMMENTARY

This section would change the penalty for failure to obtain and display a motor vehicle transporter's permit and transit plate as required by ORS 481.385 from a misdemeanor to a Class C traffic infraction.

Section 202. (Issuance of transit plate; use; fee.)

COMMENTARY

ORS 481.395 provides for issuance of transit plates to holders of motor vehicle transporter's permits, and prohibits use of a transit plate by other than the permit holder or his employes. Section 202 would reclassify this misdemeanor as a Class C traffic infraction.

Section 203. (Transfer of ownership in registered vehicles; creation or termination of leasehold interest; purchase and sale by dealer.)

COMMENTARY

Under ORS 481.405 the owner of a motor vehicle, trailer or semitrailer, on transferring the vehicle to another, shall complete on the back of the certificate of title certain written data to show transfer and complete transfer notice and present it in three days to the division. If the transferee is a dealer he completes the information after he transfers the vehicle to another. Other provisions relate to certificate of title requirements on creation and termination of a leasehold interest. Section 203 would change the existing penalty, the general penalty of chapter 481, to a Class B traffic infraction.

Section 204. (Creation, satisfaction or assignment of security interest in vehicle.)

COMMENTARY

ORS 481.410 relates to recording creation, assignment and satisfaction of security interests in motor vehicles on the title certificates for the vehicles. This section would classify the offense as a Class C traffic infraction.

Section 205. (Transfer of unregistered vehicle by a dealer or manufacturer.)

COMMENTARY

Failure by a dealer or manufacturer of motor vehicle or trailer which is not registered, on transfer of the vehicle immediately to file notice with the division under ORS 481.420, would be changed from the chapter 481 general penalty category to a Class C traffic infraction.

Section 206. (Procedure when person possesses vehicle with altered or defaced serial or identification numbers.)

COMMENTARY

A person knowingly possessing a motor vehicle or trailer or parts from which the serial or identification number has been removed must file a sworn statement with the division describing the vehicle under ORS 481.440. The offense would be a Class C traffic infraction.

Section 207. (Operation of unregistered snowmobile prohibited.)

COMMENTARY

ORS 481.775 prohibits operation of an unregistered snowmobile. The penalty would be changed from the chapter 481 general penalty to a Class C traffic infraction by section 207.

Section 208. (Application for registration; registration term; transfers; nonresident registration permit; fees; fees in lieu of taxes on snowmobiles; local registration and license fees prohibited.)

COMMENTARY

A snowmobile must be registered in accordance with the provisions of ORS 481.785. Section 208 classifies the offense as a Class C traffic infraction.

Section 209. (Registration of dealers; fees; registration numbers and plates; sales or demonstrations by unregistered dealers prohibited.)

COMMENTARY

ORS 481.790 provides that snowmobile dealers register, pay an annual \$25 fee, purchase dealer plates and use them only as authorized. A dealer is prohibited from selling or demonstrating snowmobiles unless he is registered. Section 209 would change the penalty to a Class C traffic infraction.

Section 210. (Vehicle registration numbers to be permanently affixed; form of numbers; dealer registration plates may be temporarily affixed.)

COMMENTARY

Failure to comply with the requirement of ORS 481.800 that a registration number be permanently affixed to a snowmobile and displayed is subject to the chapter 481 general penalty. Section 210 would classify the section as a Class C traffic infraction.

Section 211. (Penalties.)

COMMENTARY

This section amends ORS 481.990, the penalties section of chapter 481, so as to conform with the scheme of the revision whereby the particular classification of each offense is expressly designated in the section defining the offense. The general penalty of subsection (1) is removed. The penalty for knowingly making a false statement in a title application, or assignment, or for transferring a vehicle believed stolen, of subsection (6), renumbered (5), is amended to a Class C felony from a fine of not more than \$1,000 or imprisonment of not more than 10 years. The penalty for subsection (7), renumbered subsection (6), for knowingly receiving or concealing a vehicle with altered or destroyed identification number would be changed from a \$200 maximum fine or six months maximum imprisonment or both to a Class B misdemeanor. The penalty of subsection (8), renumbered (7), for failure to

forward title certificate to the division would be changed from a maximum fine of \$50 to a Class D traffic infraction. Selling a vehicle without complying with title certificate requirements under subsection (11), renumbered (8), would be a Class C felony. Knowingly swearing to any matter required by the chapter to be sworn to would be stated to be a Class C felony, rather than as presently stated in terms of perjury and punishment under ORS 162.065. Those subsections of ORS 481.990 which state penalties for offenses for which penalty classification would be accomplished within the sections defining the offenses, are deleted.

Section 212. (Prohibition against furnishing motorcycle unless license indorsement displayed.)

COMMENTARY

This section would amend ORS 482.198 by the addition of subsection (2), classifying it as a Class B traffic infraction. Presently, a person who furnishes a motorcycle to a person not licensed with an operator's license indorsed for motorcycle operation may be fined not more than \$500 or imprisoned not more than six months or both. This same penalty under subsection (1), ORS 482.999, also applies to ORS 482.290, 482.300, 482.610, 482.630, 482.640, 482.925 and 482.935. These sections are amended in sections 213 to 219 below.

Section 213. (Issuance of duplicate license when name or residence changed or original lost or destroyed.)

COMMENTARY

ORS 482.290 provides that when an operator or chauffeur changes his name or address he shall notify the division in order to obtain a duplicate license, and the former license shall be surrendered or destroyed. Section 213 would classify the section as a Class D traffic infraction.

Section 214. (Licensee required to sign and possess license.)

COMMENTARY

Failure by a licensed operator to sign his license under ORS 482.300 would be a Class D traffic infraction.

Section 215. (Misuse of license; fraud in securing license.)

COMMENTARY

ORS 482.610 prohibits a person from displaying or possessing a license he knows is fictitious or suspended or altered, from lending any fraudulent license, from representing as his own a license which is not, or using any false name in applying for a license. Section 215 would classify the offense as a Class B misdemeanor.

Section 216. (Minors prohibited from driving school and passenger busses.)

COMMENTARY

A person under 18 years of age is prohibited from driving a motor vehicle while it is used as a school bus and a person under 21 is prohibited from driving a motor vehicle while it is used as a public passenger-carrying vehicle under ORS 482.630. Section 216 would change the penalty to a Class B traffic infraction.

Section 217. (Employment of unlicensed chauffeur.)

COMMENTARY

Employment of an unlicensed chauffeur under ORS 482.640 would be a Class B traffic infraction.

Section 218. (Cardholder required to notify division of change of name or residence; issuance of new cards.)

COMMENTARY

ORS 482.925 provides that a person with an identification card notify the division of name or address change. This section would classify ORS 482.925 as a Class D traffic infraction.

Section 219. (Effect of cancellation of card; prohibited acts with card.)

COMMENTARY

ORS 482.935 prohibits a person from committing any act with respect to an identification card that is prohibited by ORS 482.610 with respect to an operator's license. Section 219 would classify this as a Class B misdemeanor.

Section 220. (Penalties.)

COMMENTARY

This section would amend ORS 482.990, the penalty section of chapter 482, to delete the general penalty of subsection (1), delete subsection (2) which provides a graduated scale of penalties for driving with revoked or suspended license, and to classify making a false affidavit or false swearing as a Class C felony in subsection (3), renumbered by section 220 as subsection (1). Subsection (4) is retained, renumbered as subsection (2).

Section 221. ("Axle," "bicycle," "bicycle lane" and "bicycle path," "business district" and "bus trailer" defined.)

COMMENTARY

ORS 483.002 is one of several definitional sections of chapter 483. Section 221 would amend it to delete the term, "authorized emergency vehicle." The term "emergency vehicle" would replace the deleted term in the motor vehicle code and is defined in subsection (6) of section 2 of the proposed revision.

Section 222. ("Combination of vehicles," "combined weight" and "department" defined.)

COMMENTARY

ORS 483.006 would be amended by deleting the definition of "crosswalk" in subsection (4) thereof. This term is given a new definition in section 2.

Section 223. ("Division," "farm tractor" and "gross weight" defined.)

COMMENTARY

ORS 483.008 would be amended to delete the definition of "driver" or "operator" in subsection (2) thereof. The term is defined in section 2.

Section 224. ("Group of axles" defined.)

COMMENTARY

ORS 483.010 would be amended by deletion of the definition of "highway," "road" or "street" in subsection (2) thereof.

Section 225. ("Implement of husbandry" and "metal tires" defined.)

COMMENTARY

The definitions of "intersection" would be deleted from ORS 483.012. New definitions are stated in section 2.

Section 226. ("Motor bus," "motor truck" and "motor vehicle" defined.)

COMMENTARY

The definition of "motorcycle" in subsection (2), ORS 483.014, would be deleted. This term is given a new definition in section 2.

Section 227. ("Owner" and "pilot vehicle" defined.)

COMMENTARY

The definition of "official traffic signs and signals" would be deleted from ORS 483.016. The term replacing this one would be "official traffic control device."

Section 228. ("Residence district," "road tractor" and "safety zone" defined.)

COMMENTARY

The definitions of "right of way" and "roadway" would be deleted from ORS 483.020. These terms are newly defined in section 2.

Section 229. (Unlawful to drive defectively or unlawfully equipped vehicle; police permitted to stop vehicles and make inspections.)

COMMENTARY

ORS 483.050 prohibits driving or allowing to be driven an unsafe or unlawfully equipped vehicle, and under the general penalty provision of ORS 483.990, is subject to the general penalty of subsection (1) of that section. Section 229 would classify it as a Class B traffic infraction.

Section 230.

COMMENTARY

This section directs the location of the provisions of section 231 with the other equipment sections of chapter 483.

Section 231. (Application of equipment rules to implements of husbandry.)

COMMENTARY

This section excepts implements of husbandry and other farm vehicles from the rules of the chapter relating to vehicle equipment except where such rules are expressly made applicable. The rule is stated in existing law in subsection (3) of ORS 483.032 which would be repealed.

Section 232. (When lights are required to be on; application of visibility and height provisions.)

COMMENTARY

ORS 483.402 provides that lighted lamps be used on all vehicles at prescribed times and on motorcycles at all times. This section deletes the latter requirement. This rule would be stated in that part of the rules of the road which deals with motorcycles. Section 232 classifies a breach of subsection (1) as a Class B traffic infraction. The general penalty of subsection (1) ORS 483.990 presently applies.

Section 233. (Driving with parking lights lighted prohibited when head lights required.)

COMMENTARY

ORS 483.403 prohibits driving with parking lights when lighted lamps are required. Section 233 classifies the offense as a Class B traffic infraction.

Section 234. (Head lights required; lighting and braking equipment on bicycles.)

COMMENTARY

Section 234 would amend ORS 483.404 by deletion of the provisions of subsections (3) and (4) relating to bicycle lights and reflectors and to bicycle brakes, which are restated in section 122 and addition of a subsection stating the penalty. The offense classification for failure to comply with the head lamp requirements for motor vehicles and motorcycles of subsections (1) and (2) would be a Class B traffic infraction.

Section 235. (Tail lights required.)

COMMENTARY

ORS 483.406 states requirements for tail lamps on motor vehicles and trailers. Section 235 classifies the offense as a Class B traffic infraction.

Section 236. (Stop lamps required.)

COMMENTARY

A failure to equip motor vehicles and trailers with stop lamps under ORS 483.407 would be a Class C traffic infraction.

Section 237. (Rear reflectors required.)

COMMENTARY

Section 237 would amend ORS 483.408 to classify failure to comply with requirements for red reflectors on the rear of motor vehicles as a Class C traffic infraction.

Section 238. (Reflectors, clearance and marker lamps, and stop lights on various vehicles.)

COMMENTARY

ORS 483.410 states the requirements for reflectors, clearance and marker lamps for motor busses and trucks of various widths and lengths, and for trailers of various weights. A failure to equip a vehicle according to these requirements is subject to the general penalty of chapter 483. Section 238 would classify the offense as a Class B traffic infraction.

Section 239. (Color of lamps and reflectors; when certain lamps need not be lighted.)

COMMENTARY

The requirements for color of front and side lamps, rear lamps and reflectors, signal devices and license plates lights are stated in ORS 483.412. Section 239 would classify non-compliance as a Class C traffic infraction.

Section 240. (Mounting reflectors and clearance lamps.)

COMMENTARY

ORS 483.414 states the rules for mounting reflectors and clearance lamps. Noncompliance would be a Class C traffic infraction under the provisions of section 240.

Section 241. (Visibility of reflectors, clearance and marker lamps, and stop lights.)

COMMENTARY

Visibility requirements of reflectors and of stop lights are set out in ORS 483.416. Section 241 would classify a breach of these requirements as a Class C traffic infraction.

Section 242. (Lighting required for a combination of vehicles.)

COMMENTARY

Failure to comply with the requirement of ORS 483.418 that lights on a combination of vehicles be lighted except those obscured by another vehicle of the combination, would be a Class B traffic infraction by the amendment of section 242.

Section 243. (Lights required on parked vehicles.)

COMMENTARY

ORS 483.420 states lighting requirements for parked vehicles. Section 243 classifies the offense as a Class C traffic infraction.

Section 244. (Lights required on miscellaneous vehicles.)

COMMENTARY

Under ORS 483.422 a minimum of one lighted front light and one lighted rear light exhibiting a white and red light respectively, visible from 500 feet, is required for all vehicles which are not by ORS 483.402 to 483.420 required to be equipped with lamps. Section 244 would classify this section as a Class C traffic infraction.

Section 245. (Warning lights.)

COMMENTARY

ORS 483.423 states what warning lights may be used by specified vehicles and their proper placement, size and colors. Section 245 would classify the section as a Class B traffic infraction.

Section 246. (Intensity and distribution requirements for head lamps.)

COMMENTARY

ORS 483.424 states the requirements for head lamps. Section 246 would classify a breach as a Class C traffic infraction.

Section 247. (Light indicator visible to driver.)

COMMENTARY

ORS 483.426 requires that motor vehicles registered after January 1, 1940, be equipped with a beam indicator which shows a driver when the head lamps are beamed up. Section 247 would classify a breach as a Class D traffic infraction.

Section 248. (Distribution and intensity of head lights when on road and when meeting vehicle.)

COMMENTARY

ORS 483.428 governs use of high and low beams of head lamps and prohibits use of high beam when following with certain exceptions. Section 248 would classify a violation as a Class B traffic infraction.

Section 249. (Requirements when single distribution used.)

COMMENTARY

The requirements for head lamps that have only a single distribution of light are stated in ORS 483.430. Failure to comply would be a Class C traffic infraction.

Section 250. (Limitations on lights at front of vehicles or equipment.)

COMMENTARY

Rules governing the intensity, beam direction and color of lights other than head lamps which are on the front of

vehicles are set out in ORS 483.432. Section 250 classifies the offense as a Class B traffic infraction.

Section 251. (Spot, auxiliary driving, stop, signal, fender, running board and back-up lamps permitted.)

COMMENTARY

Section 251 would amend ORS 483.434 which relates to spot lamps, auxiliary driving lamps, turn signal devices, back-up lamps and other lights. The penalty for noncompliance under existing law is the same as that for all the other lighting equipment sections, the general penalty of chapter 483. Section 251 would classify the section as a Class B traffic infraction.

Section 252. (Brakes required.)

COMMENTARY

Breach of any of the brake requirements for motor vehicles, motor vehicle and trailer combinations and bicycles, as set forth in ORS 483.444 by the amendment of section 252, would be punishable as a Class B traffic infraction.

Section 253. (Specifications for hydraulic brake fluid.)

COMMENTARY

ORS 483.445 defines hydraulic brake fluid, authorizes the division to adopt standards for it and prohibits the sale or use of any hydraulic brake fluid which does not comply with the standards. Noncompliance by the amendment of section 253 would be punishable as a Class A misdemeanor.

Section 254. (Horns and other sound equipment.)

COMMENTARY

ORS 483.446 states the requirements and prohibitions for horns and other audible devices on vehicles and bicycles. Section 254 deletes the rule on audible devices on bicycles and classifies the offenses as Class C traffic infractions.

Section 255. (Mufflers; unnecessary noise prohibited.)

COMMENTARY

Driving a motor vehicle not equipped with a muffler in operation or causing unnecessary noise or equipped with a "muffler cut-out" under ORS 483.448 would be a Class B traffic infraction by the amendment of section 255.

Section 256. (Rearview mirror.)

COMMENTARY

ORS 483.450 requires a rearview mirror on all motor vehicles. Section 256 would classify this section as a Class C traffic infraction.

Section 257. (Obstruction of windows prohibited; windshield wiper required.)

COMMENTARY

Obstruction of the windshield or other windows of a motor vehicle and failure to equip a motor vehicle with a wiper under ORS 483.452 would be a Class C traffic infraction by the amendment of section 257.

Section 258. (Light or flag at end of load.)

COMMENTARY

ORS 483.454 requires display of lighted red light at the rear end of a load projecting beyond the vehicle bed or body at all times head lamps are required, and a red cloth at other times. Section 258 would classify ORS 483.454 as a Class C traffic infraction.

Section 259. (Flares and similar warnings for trucks and busses.)

COMMENTARY

ORS 483.456 requires that motor trucks, busses and trailers carry flares or lanterns or approved reflectors when operated outside a business or residence district at times that head lamps are required, that these vehicles, when disabled, use the flares in a prescribed manner, or if disabled in daytime, use red flags. Section 259 amends ORS 483.456 to make a breach punishable as a Class B traffic infraction.

Section 260. (Slow-moving vehicle emblem; division regulation of design, mounting.)

COMMENTARY

ORS 483.457 requires that all vehicles, including implements of husbandry, must bear on the rear a slow-moving emblem. Section 260 classifies the section as a Class D traffic infraction.

Section 261. (Fenders or covers on motor vehicles.)

COMMENTARY

Requirements for fenders or wheel covers for motor vehicles, including particular requirements for motor trucks,

are stated in ORS 483.458. Section 261 would classify these rules as a Class B traffic infraction.

Section 262. (Speedometers required on vehicles carrying passengers for hire.)

COMMENTARY

A motor vehicle used for carrying passengers for hire under ORS 483.462 must be equipped with a speedometer or a regulating device which controls its speed. Section 262 would classify ORS 483.462 as a Class B traffic infraction. Under existing law the penalty is a maximum \$400 fine or imprisonment of not more than one year.

Section 263. (Approved safety glazing materials required in windows and windshields.)

COMMENTARY

ORS 483.466 requires that motor vehicle windshields and windows must be equipped with approved safety glazing materials, and prohibits placement of windshields or windows not of such approved materials. Section 263 amends ORS 483.466 so that placement of windows not containing approved safety glazing materials would be a Class A misdemeanor.

Section 264. (Limitations on use of television viewers in motor vehicles.)

COMMENTARY

Operation of a motor vehicle equipped with a television viewer visible to the driver is prohibited by ORS 483.470.

Section 264 would amend the rule to classify it as a Class B traffic infraction.

Section 265. (Binders on log loads.)

COMMENTARY

ORS 483.472 states the minimum standards for use of binders on loads of logs transported by vehicle on a public highway. Section 265 classifies a breach of these rules as a Class B traffic infraction. Under the provisions of subsection (6), ORS 483.991, a breach is a misdemeanor.

Section 266. (Minimum clearance from roadway for passenger motor vehicles.)

COMMENTARY

Minimum clearance for passenger motor vehicles above roadway surface is set out in ORS 483.474. Section 266 amends ORS 483.474 to classify it as a Class B traffic infraction.

Section 267. (New passenger vehicles to be equipped with safety belts or harnesses; requirements for sale and installation of belts, harnesses and anchors; exceptions.)

COMMENTARY

ORS 483.482 prohibits sale of a new passenger motor vehicle which is not equipped with safety belts, sale of safety belts that do not comply with Motor Vehicle Division standards, and installation of safety belts that do not meet division standards. Section 267 would amend ORS 483.482 to classify it as a Class B traffic infraction.

Section 268. (Adoption of national safety standards.)

COMMENTARY

Use or sale of a vehicle which does not comply with vehicle safety standards adopted by the division is prohibited by subsection (2) of ORS 483.495. Section 268 would classify non-compliance as a Class B traffic infraction.

Section 269. (Operation of recreational vehicle with unsealed disposal system prohibited.)

Operation of a recreational vehicle with an unsealed disposal system under ORS 483.499 would be classified as a Class B traffic infraction by the amendment to section 269.

Section 270. (Penalties generally.)

COMMENTARY

ORS 483.990 describes the penalties for failure to obey specified rules of the road, not including equipment standards, snowmobile operation rules and serious traffic offenses, which are set out in ORS chapter 483. Because the statement of the traffic rule in the proposed revision also includes its culpability classification, only those sections which would be retained without amendment are classified by the provisions of ORS 483.990 as amended by section 270. The rules relating to passing or crossing in front of a streetcar or trolley bus, carrying a child or dog on external part of a vehicle, and certain snowmobile operation rules are classified as Class C traffic infractions. Failure to obey parking regulations on a state highway under ORS 483.346 would be a Class D traffic infraction. Exercise by a non-disabled person of the parking privileges of the disabled person would be a Class B traffic infraction.

Section 271. (Penalties generally.)

COMMENTARY

ORS 483.991 sets out penalties for vehicle equipment regulations, accident reporting requirements, and certain snowmobile operation rules. Section 271 would amend ORS 483.991 to delete those subsections which state penalties for offenses classified in the proposed revision within the sections that state the offense.

Section 272.

COMMENTARY

This section provides that the provisions of section 273 would be placed with the existing school bus operation rules.

Section 273. (School bus flashing red lights.)

COMMENTARY

A school bus or worker transport bus driver commits a Class C traffic infraction if he operates flashing red lights except when stopping or stopped to load or unload children or workers.

Section 274. (Captions and headings.)

COMMENTARY

This section states the rule of form for captions and headings in the Act.

Section 275. (Repealed sections.)

COMMENTARY

This section lists the sections which would be repealed.