

**Submission By:**

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Member of the General Public identified in HB3445 and an avid “user” of the “public Highway” for travel and transportation as a matter of Right.

TO: Esteemed members of the Judiciary Committee;

As a concerned member of the general public with knowledge of the roots of Title 59 Business Regulations (Part 2), commonly referred to as the Oregon Vehicle Code, I am concerned that many Administrative Law Judges operating in Oregon Courts are not following the letter of the laws enacted by the Legislature.

This committee being comprised of members of the Legislature with culpable knowledge of the lawful application of Title 59 Business Regulation (Part 2), as apply stated by Mr. Moomaw before the Legislative hearings on SB 124 (1985), as applying ONLY to persons operating “for hire” vehicles upon the public’s Highways.

Article IV, Section 20 must be common knowledge among the members of the this Committee, and the general legislative body, which limits your consideration in any Act or Bill proposed to one (1) subject and matters directly related thereto, which must appear in the title.

Out of the legislative hearings on SB 124 (1985) came the parts of Chapter 803 Oregon Revised Statutes codified at ORS 803.035 Optional Titling Rule, ORS 803.040 Effects of Title and ORS 803.310 Optional Registration Rule. Each of these provision require the adoption of a “Rule” OAR prior to being administered by the agency responsible for carrying out its provisions. Example: ORS 803.035 as enacted in 1985 has an administrative rule found at OAR 735-022-0120 adopted in 2005.

Noting that the Statement of Need and Fiscal Impact associated with OAR 735-022-0120 states the ONLY fiscal impact will be upon, “members of the general public who choose to apply for title....” one must wonder how long it will be before there are no lines a DMV? Is it time for the Judiciary to wake up to this FACT and acknowledge that all “titles” and “registrations” issued to owners of private automobiles NOT “for hire” are illegal and constitute crimes against a civilian population?

The members of this Committee must also be aware of the State of Oregon’s participation in the National Driver Register, TITLE 49, SUBTITLE VI, PART A, CHAPTER 303, § 30302 and TITLE 49, SUBTITLE VI, PART B, CHAPTER 315, § 31504 Identification of motor vehicles. I include herein below for your information the applicable provisions of the National Driver Register.

It has been my goal for many years to bring attention to the illegal enforcement of Title 59 Business Regulations (Part 2) to those automobiles identified at ORS 801.208(2)(e) as “solely for personal

use” or “recreation”. As stated by Attorney General I. H Van Winkle in his August 28, 1929 opinion that, “vehicles that do not go out with drivers for hire are not subject to the provision of chapter 380, General Laws of Oregon, 1925, as amended by chapter 394 General laws of Oregon, 1929.

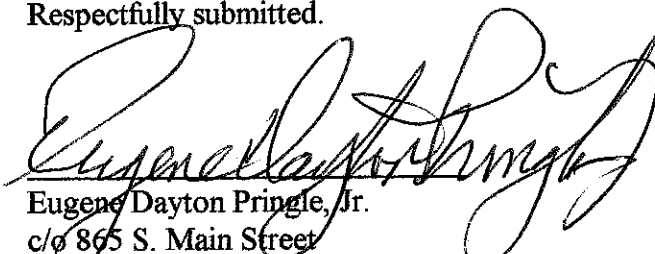
I urge the committee to support all laws that support the people’s right to protect their lives and property by exercising their God given right to purchase, carry, and use firearms of all types without restriction except as applied to habitual criminals who have committed felonies. Even a felon should have his rights returned after a long period of a clean record

### Questions for the Committee:

1. Was the Legislature telling the truth in HB 3445 of 2007 when it said, “members of the general public have a right to use the highway for vehicles and vehicular traffic”?
2. In a country where all power is inherent in the people, would actual servants of the people, be able to grant the all powerful people a “privilege” to go to a public meeting?
3. If a state signs up as a Union member and is therefore bound to honor the federally protected [secured] Rights of the people, could the state then, constitutionally impose restriction against the people to prevent them from using certain parts of the “public right of way” called highways?
4. Will the Judiciary take steps to enforce the provisions of Chapter 29 particularly Section 4 & 5 relating to the immediate firing of drivers who are drunk while driving passengers?
5. What is the secession law and year that amended the regulated Class identified as “for hire” to include members of the general public and our “solely for personal use” automobiles?

It is my sincere hope that each member of this committee will investigate the matters raised and act accordingly respecting at all times the rights of the people.

Respectfully submitted.



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## **Title 49 U.S.C. Subtitle VI, Part A, Chapter 303.**

### **§ 30301. Definitions**

In this chapter--

- (1) "alcohol" has the same meaning given that term in regulations prescribed by the Secretary of Transportation.
- (2) "chief driver licensing official" means the official in a State who is authorized to--
  - (A) maintain a record about a motor vehicle operator's license issued by the State; and
  - (B) issue, deny, revoke, suspend, or cancel a motor vehicle operator's license issued by the State.
- (3) "controlled substance" has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).
- (4) "motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle operated only on a rail line.
- (5) "motor vehicle operator's license" means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways.
- (6) "participating State" means a State that has notified the Secretary under section 30303 of this title of its participation in the National Driver Register.
- (7) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.
- (8) "State of record" means a State that has given the Secretary a report under section 30304 of this title about an individual who is the subject of a request for information made under section 30305 of this title.

### **§ 30302. National Driver Register**

(a) **Establishment and contents.**--The Secretary of Transportation shall establish as soon as practicable and maintain a National Driver Register to assist chief driver licensing officials of participating States in exchanging information about the motor vehicle driving records of individuals. The Register shall contain an index of the information reported to the Secretary under section 30304 of this title. The Register shall enable the Secretary (electronically or, until all States can participate electronically, by United States mail)--

- (1) to receive information submitted under section 30304 of this title by the chief driver licensing official of a State of record;
- (2) to receive a request for information made by the chief driver licensing official of a participating State under section 30305 of this title;
- (3) to refer the request to the chief driver licensing official of a State of record; and
- (4) in response to the request, to relay information provided by a chief driver licensing official of a State of record to the chief driver licensing official of a participating State, without interception of the information.

(b) **Accuracy of information.**--The Secretary is not responsible for the accuracy of information relayed to the chief driver licensing official of a participating State. However, the Secretary shall maintain the Register in a way that ensures against inadvertent alteration of information during a relay.

(c) **Transition from prior register.**--(1) The Secretary shall provide by regulation for the orderly

transition from the register maintained under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), to the Register maintained under this chapter.

**(2)(A)** The Secretary shall delete from the Register a report or information that was compiled under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and transferred to the Register, after the earlier of--

- (i)** the date the State of record removes it from the State's file;
- (ii)** 7 years after the date the report or information is entered in the Register; or
- (iii)** the date a fully electronic Register system is established.

**(B)** The report or information shall be disposed of under chapter 33 of title 44.

**(3)** If the chief driver licensing official of a participating State finds that information provided for inclusion in the Register is erroneous or is related to a conviction of a traffic offense that subsequently is reversed, the official immediately shall notify the Secretary. The Secretary shall provide for the immediate deletion of the information from the Register.

**(d) Assignment of personnel.--**In carrying out this chapter, the Secretary shall assign personnel necessary to ensure the effective operation of the Register.

**(e) Transfer of selected functions to non-federal management.--**

**(1) Agreement.--**The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

**(2) Required demonstration.--**Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's "Problem Driver Pointer System" (the system used by the Register to effect the exchange of motor vehicle driving records) and that the system is functioning properly.

**(3) Transition period.--**Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

**(4) Fees.--**The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

**(5) Limitation on statutory construction.--**Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.

### **§ 30303. State participation**

**(a) Notification.--**A State may become a participating State under this chapter by notifying the Secretary of Transportation of its intention to be bound by section 30304 of this title.

**(b) Withdrawal.--**A participating State may end its status as a participating State by notifying the Secretary of its withdrawal from participation in the National Driver Register.

**(c) Form and way of notification.**--Notification by a State under this section shall be made in the form and way the Secretary prescribes by regulation.

**§ 30304. Reports by chief driver licensing officials**

**(a) Individuals covered.**--As soon as practicable, the chief driver licensing official of each participating State shall submit to the Secretary of Transportation a report containing the information specified by subsection (b) of this section for each individual--

**(1)** who is denied a motor vehicle operator's license by that State for cause;

**(2)** whose motor vehicle operator's license is revoked, suspended, or canceled by that State for cause;  
or

**(3)** who is convicted under the laws of that State of any of the following motor vehicle-related offenses or comparable offenses:

**(A)** operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance.

**(B)** a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

**(C)** failing to give aid or provide identification when involved in an accident resulting in death or personal injury.

**(D)** perjury or knowingly making a false affidavit or statement to officials about activities governed by a law or regulation on the operation of a motor vehicle.

**(b) Contents.**--**(1)** Except as provided in paragraph (2) of this subsection, a report under subsection (a) of this section shall contain--

**(A)** the individual's legal name, date of birth, sex, and, at the Secretary's discretion, height, weight, and eye and hair color;

**(B)** the name of the State providing the information; and

**(C)** the social security account number if used by the State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number if different from the social security account number.

**(2)** A report under subsection (a) of this section about an event that occurs during the 2-year period before the State becomes a participating State is sufficient if the report contains all of the information that is available to the chief driver licensing official when the State becomes a participating State.

**(c) Time for filing.**--If a report under subsection (a) of this section is about an event that occurs--

**(1)** during the 2-year period before the State becomes a participating State, the report shall be submitted not later than 6 months after the State becomes a participating State; or

**(2)** after the State becomes a participating State, the report shall be submitted not later than 31 days after the motor vehicle department of the State receives any information specified in subsection (b)(1) of this section that is the subject of the report.

**(d) Events occurring before participation.**--This section does not require a State to report information about an event that occurs before the 2-year period before the State becomes a participating State.

**(e) Driver record inquiry.**--Before issuing a motor vehicle operator's license to an individual or renewing such a license, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.

**§ 30305. Access to Register information**

**(a) Referrals of information requests.--**(1) To carry out duties related to driver licensing, driver improvement, or transportation safety, the chief driver licensing official of a participating State may request the Secretary of Transportation to refer, electronically or by United States mail, a request for information about the motor vehicle driving record of an individual to the chief driver licensing official of a State of record.

(2) The Secretary of Transportation shall relay, electronically or by United States mail, information received from the chief driver licensing official of a State of record in response to a request under paragraph (1) of this subsection to the chief driver licensing official of the participating State requesting the information. However, the Secretary may refuse to relay information to the chief driver licensing official of a participating State that does not comply with section 30304 of this title.

**(b) Requests to obtain information.--**(1) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual who is the subject of an accident investigation conducted by the Board or the Administrator. The Chairman and the Administrator may receive the information.

(2) An individual who is employed, or is seeking employment, as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer. An employer or prospective employer may receive the information and shall make the information available to the individual. Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(3) An individual who has received, or is applying for, an airman's certificate may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Administrator of the Federal Aviation Administration. The Administrator may receive the information and shall make the information available to the individual for review and written comment. The Administrator may use the information to verify information required to be reported to the Administrator by an airman applying for an airman medical certificate and to evaluate whether the airman meets the minimum standards prescribed by the Administrator to be issued an airman medical certificate. The Administrator may not otherwise divulge or use the information. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(4) An individual who is employed, or is seeking employment, by a rail carrier as an operator of a locomotive may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(5) An individual who holds, or is applying for, a license or certificate of registry under section 7101 of title 46, or a merchant mariner's document under section 7302 of title 46, may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Secretary of the department in which the Coast Guard is operating. The Secretary

may receive the information and shall make the information available to the individual for review and written comment before denying, suspending, or revoking the license, certificate, or document of the individual based on the information and before using the information in an action taken under chapter 77 of title 46. The Secretary may not otherwise divulge or use the information, except for purposes of section 7101, 7302, or 7703 of title 46. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

**(6)** The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

**(7)** An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

**(8)** An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.

**(9)** An individual who has or is seeking access to national security information for purposes of Executive Order No. 12968, or any successor Executive order, or an individual who is being investigated for Federal employment under authority of Executive Order No. 10450, or any successor Executive order, may request the chief driver licensing official of a State to provide information about the individual pursuant to subsection (a) of this section to a Federal department or agency that is authorized to investigate the individual for the purpose of assisting in the determination of the eligibility of the individual for access to national security information or for Federal employment in a position requiring access to national security information. A Federal department or agency that receives information about an individual under the preceding sentence may use such information only for purposes of the authorized investigation and only in accordance with applicable law.

**(10)** A request under this subsection shall be made in the form and way the Secretary of Transportation prescribes by regulation.

**(11)** An individual may request the chief driver licensing official of a State to obtain information about

the individual under subsection (a) of this section--

(A) to learn whether information about the individual is being provided;

(B) to verify the accuracy of the information; or

(C) to obtain a certified copy of the information.

(12) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.

**(c) Relationship to other laws.** - A request for, or receipt of, information from the Register is subject to sections 552 and 552a of title 5, and other applicable laws of the United States or a State, except that -

(1) the Secretary of Transportation may not relay or otherwise provide information specified in section 30304(b)(1)(A) or (C) of this title to a person not authorized by this section to receive the information;

(2) a request for, or receipt of, information by a chief driver licensing official, or by a person authorized by subsection (b) of this section to request and receive the information, is deemed to be a routine use under section 552a(b) of title 5; and

(3) receipt of information by a person authorized by this section to receive the information is deemed to be a disclosure under section 552a(c) of title 5, except that the Secretary of Transportation is not required to retain the accounting made under section 552a(c)(1) for more than 7 years after the disclosure.

**(d) Availability of information provided under prior law.**--Information provided by a State under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and under this chapter, shall be available under this section during the transition from the register maintained under that Act to the Register maintained under this chapter.

The End.

Incllosures:

Cover Volume 15 2003 Oregon Revised Statutes

Chapter 174, General Laws of Oregon, 1911

Chapter 29, General Laws of Oregon, 1917

exert Chapter 801, Oregon Vehicle Code, page 250 & 251



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Title 57 Utility Regulation

Title 58 Shipping and Navigation

Title 59 Oregon Vehicle Code

Title 61 Small Watercraft

Title 62 Aviation

Oregon and United States Constitutions

Section 5. The policies of insurance against accidental injury or disease of a company not organized under the laws of this State, may contain any provision which the law of the State, territory or district of the United States under which the company is organized prescribes shall be in such policies when issued in this State; and the policies of insurance against accidental injury or disease of a company organized under the laws of this State may, when issued or delivered in any other State, territory, district or country, contain any provision required by the laws of the State, territory, district or country in which the same are issued, anything in this act to the contrary, notwithstanding.

Section 6. Nothing in this act, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, co-partnership, association or individual employer, policy [police] or fire department, underwriters corps, salvage bureau, or like associations or organizations, when [where] the officers, members or employees or classes or departments thereof are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise for a premium intended to cover the risks of all the persons insured under such policy; nor shall anything in this act apply to or affect contracts of life insurance or contracts supplemental thereto which shall contain provisions intended to safeguard such life insurance against lapse or that shall provide a special surrender value therefor in the event that the insured thereunder shall, by reason of accidental bodily injury or disease, be unable to continue the premium payments thereon.

Section 7. Any company, corporation or association to which this act applies, or any officer thereof, which issues or delivers in this State, or to any citizen thereof, any accident or health policy or contract in willful violation of the provisions of this act, shall be punished by a fine of not more than five hundred dollars (\$500) for each offense, and the Insurance Commissioner may revoke the license of any foreign company or agent thereof which violates any provision of this act.

Section 8. All acts and parts of acts inconsistent with this act, are hereby repealed.

Filed in the office of the Secretary of State February 23, 1911.

## CHAPTER 174.

### AN ACT

[H. B. 32.]

Enacted, An act providing for regulating the use, registration, license, identification, conduct and operation of vehicles operated upon the public roads, streets and highways of the State of Oregon; to regulate and license the persons who drive the same; to prescribe penalties for violations hereof and to prohibit the unauthorized possession or use of a vehicle and to provide penalty therefor; to license and identify all motor vehicles; to limit the authority of cities and towns on like subjects concerned with said vehicles, and to repeal all acts and parts of acts either in conformity or in conflict herewith.

*Be it enacted by the People of the State of Oregon:*

*Be it enacted by the Legislative Assembly of the State of Oregon:*

Section 1. *Definitions.*—The term "chauffeur" shall mean any person operating a motor vehicle for hire, or as the employee of the owner of a motor vehicle for hire. The term "State" as used in this act, except where otherwise expressly provided, shall also include the territories and the Federal districts of the United States. The term "owner" shall include any person then in the operation of the vehicle and be synonymous for that purpose with chauffeur as to the operation of the same, and shall also include any person, firm or association renting a vehicle or having the exclusive use thereof under a lease or otherwise for a period greater than 80 days, and these meanings of the term "owner" shall be in addition to the usual signification of the word. Every moving thing except railroad and street cars upon the streets, roads and highways of this State moved by power shall be a "vehicle" under the terms of this act. The term "motor vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power. The term "manufacturer" and the term "dealer" shall signify a person, association or corporation having in his, its or their possession vehicles for sale and trade and for use and operation pursuant hereto, and shall be considered owners of vehicles manufactured and dealt in by them for the purposes of this act prior to sale and delivery thereof, and of all vehicles held in their possession and driven by them or their employees.

Section 2. *The laws of the road everywhere in this State are declared to be as specified in the following subdivisions:*

1. Vehicles proceeding in opposite directions shall pass to the right, giving one-half the road to each;

vided for shall be recorded and indexed in the same books now provided for the recording and indexing of mechanics' liens, described in Section 7416.

Approved by the Governor January 31, 1917.

Filed in the office of the Secretary of State January 31, 1917.

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## CHAPTER 29

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### AN ACT

18 B. 41

Entitled an Act regulating the driving of automobiles and other motor vehicles by intoxicated persons and persons addicted to drunkenness; forbidding the employment of such persons; providing for the discharge by the owner of any automobile or other motor vehicle, of such intoxicated driver or person addicted to drunkenness; providing a penalty for the enforcement of this Act, and repealing all Acts, and parts of Acts insofar as they conflict herewith.

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

Section 1. Any person operating or driving any automobile, motorcycle or other motor vehicle who becomes or is intoxicated while so engaged in operating or driving such automobile, motorcycle or other motor vehicle, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not more than \$100.00, or by imprisonment in the county jail for a period of not more than one hundred days, or by both such fine and imprisonment.

Section 2. Any person operating or driving any automobile, motorcycle or other motor vehicle, who becomes or is intoxicated while so engaged in operating or driving such automobile, motorcycle or other motor vehicle, and who by reason of such intoxication does any act, or neglects any duty imposed by law, which act or neglect of duty causes the death of, or bodily injury to any person, upon conviction thereof shall be punished by imprisonment in the penitentiary for a period of not less than one year and not more than five years, or in the county jail for a period of one year, or by fine not exceeding Five Hundred Dollars, or by both such fine and imprisonment.

Section 3. No person shall knowingly employ to drive any automobile, motorcycle or other motor vehicle for the conveyance of passengers upon any public highway or street, any person addicted to drunkenness, under penalty of Ten Dollars for every day such person is in his employment.

Section 4. If any driver, while actually employed in driving any automobile, motorcycle or other motor vehicle, is intoxicated to such a degree as to endanger the safety of his passengers, the owner of such vehicle, on receiving from any such passenger a written notice of the fact, verified by his oath, must forthwith discharge such driver, and if such owner fails, neglects or refuses to discharge such driver at once, or if he has such driver in his service at any time within six months after the date of the service of such notice, he shall, upon conviction thereof, be guilty of a misdemeanor and shall incur the penalty prescribed in Section No. 1 of this Act.

Section 5. That for the purpose of enforcing the provisions of Sections Nos. 1, 3 and 4, of this Act, all justice of the peace courts and district courts in the State of Oregon, shall be and they are hereby given concurrent jurisdiction.

Section 6. All Acts and parts of Acts, insofar as they conflict with this Act only, be and they are hereby repealed.

Approved by the Governor January 30, 1917.

Filed in the office of the Secretary of State January 31, 1917.

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ble of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain. [1985 c.459 §2; 1995 c.775 §9; 1997 c.228 §1]

**801.193 "Class II all-terrain vehicle."** "Class II all-terrain vehicle" means any motor vehicle that:

(1) Weighs more than a Class I all-terrain vehicle and less than 8,000 pounds;

(2) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain; and

(3) Is actually being operated off a highway. [1987 c.587 §2]

**801.194 "Class III all-terrain vehicle."** "Class III all-terrain vehicle" means an off-highway motorcycle with a dry weight of 600 pounds or less that travels on two tires. [1989 c.991 §2]

**801.195** [1983 c.338 §31; renumbered 801.198 in 1997]

**801.196** [1989 c.723 §2; 1991 c.284 §4; renumbered 801.199 in 1997]

**801.197 "Collector."** "Collector" or "collector highway" means a highway that serves primarily to funnel traffic from one local highway to another or between arterials and local highways. [1997 c.404 §3]

**801.198 "Combination of vehicles."** "Combination of vehicles" means two or more vehicles coupled together. [Formerly 801.195]

**801.199 "Combined weight."** "Combined weight" means the total empty weight of all vehicles in a combination plus the total weight of the load carried on that combination of vehicles. [Formerly 801.196]

**801.200 "Commercial bus."** "Commercial bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

(1) Taxicabs that:

(a) Are passenger vehicles with a passenger seating capacity that does not exceed five;

(b) Carry passengers for hire where destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time;

(c) Are operated under a current license or permit issued by a city, county or other unit of local government where a permit or license is required for the operation of a taxicab; and

(d) Transport persons or property, or both, between points in Oregon.

(2) Vehicles commonly known and used as private passenger vehicles and not oper-

ated for compensation except in the transportation of students to or from school. [1983 c.338 §32; 1985 c.16 §12]

**801.205 "Commercial bus trailer."** "Commercial bus trailer" means a bus trailer:

(1) That is designed or used for carrying passengers and their personal baggage for compensation.

(2) Other than a vehicle commonly known and used as a private passenger vehicle not operated for compensation except in the transportation of students to or from school. [1983 c.338 §33; 1985 c.16 §13]

**801.207 "Commercial driver license."** "Commercial driver license" means a driver license issued by this state or any other jurisdiction that authorizes its holder to drive a commercial motor vehicle if the holder also has any necessary endorsements to the license. [1989 c.636 §3; 2003 c.14 §457]

**801.208 "Commercial motor vehicle."** (1) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles that:

(a) Has a gross combination weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(b) Has a gross vehicle weight rating of 26,001 pounds or more;

(c) Is designed to transport 16 or more persons, including the driver;

(d) Is of any size and is used in the transportation of hazardous materials; or

(e) Is of any size and is owned or leased by, or operated under contract with, a mass transit district or a transportation district when the vehicle is actually being used to transport passengers for hire, regardless of the number of passengers, unless the vehicle is a taxi.

(2) Notwithstanding subsection (1) of this section, the term "commercial motor vehicle" does not include the following:

(a) An emergency fire vehicle being operated by firefighters as defined in ORS 652.050;

(b) Emergency vehicles being operated by emergency service workers as defined in ORS 401.025;

(c) A motor home used to transport or house, for nonbusiness purposes, the operator or the operator's family members or personal possessions;

(d) A vehicle that is owned or leased by, or operated under contract with, a mass transit district or a transportation district when the vehicle is actually being used to transport passengers for hire and is being

operated by a volunteer driver, so long as the vehicle is not one described in subsection (1)(a) to (d) of this section; or

(e) A recreational vehicle that is operated solely for personal use. [1989 c.636 §2; 1991 c.185 §1; 1991 c.676 §1; 1999 c.359 §1]

**801.210 "Commercial vehicle."** "Commercial vehicle" means a vehicle that:

(1) Is used for the transportation of persons for compensation or profit; or

(2) Is designed or used primarily for the transportation of property. [1983 c.338 §34]

**801.215 "Commission."** "Commission" means the Oregon Transportation Commission. [1983 c.338 §35]

**801.217 "Converter dolly."** "Converter dolly" means an auxiliary axle assembly equipped with a fifth wheel hitch and used to convert a semitrailer to a full trailer. [1991 c.284 §2]

**801.220 "Crosswalk."** "Crosswalk" means any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for crosswalks under ORS 810.200. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection. Where no marked crosswalk exists, a crosswalk is that portion of the roadway described in the following:

(1) Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:

(a) The connections of the lateral lines of the sidewalks, shoulders or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or

(b) The prolongation of the lateral lines of a sidewalk, shoulder or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder.

(2) If there is neither sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection, measuring not less than six feet in width, that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk. [1983 c.338 §36]

**801.225 "Department."** "Department" means the Department of Transportation. [1983 c.338 §37]

**801.230 "Director."** "Director" means Director of Transportation. [1983 c.338 §38]

**801.235 "Disabled person."** "Disabled person" means:

(1) A person who has severely limited mobility because of paralysis or the loss of use of some or all of the person's legs or arms;

(2) A person who is affected by loss of vision or substantial loss of visual acuity or visual field beyond correction; or

(3) A person who has any other disability that prevents the person from walking without the use of an assistive device or that causes the person to be unable to walk more than 200 feet, including but not necessarily limited to:

(a) Chronic heart condition;

(b) Emphysema;

(c) Arthritis;

(d) Rheumatism; or

(e) Ulcerative colitis or related chronic bowel disorder. [1983 c.338 §39; 1985 c.139 §3; 1987 c.296 §1; 1989 c.243 §1]

**801.237 "District" defined for certain purposes.** As used in this section and ORS 267.001, 268.503, 801.040, 801.041, 801.042, 802.110, 803.420, 803.445 and 803.585, "district" means a mass transit or transportation district of over 400,000 persons established under ORS chapter 267 and a metropolitan service district of over 400,000 persons established under ORS chapter 268. [1989 c.864 §2a]

**Note:** 801.237 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 801 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**801.240** [1983 c.338 §40; repealed by 1993 c.741 §147]

**801.245 "Driver license."** "Driver license" or "license" may have any or all of the meanings provided for the terms under this section as required or appropriate under the section referring to the term. The term "driver license" may be used interchangeably with "license" and either term may be used in any or all of the following ways:

(1) It may refer to a document issued by this state or any other jurisdiction as evidence of a grant of driving privileges.

(2) It may refer to general driving privileges granted by this state or another jurisdiction. [1983 c.338 §54; 1985 c.182 §1; 1985 c.608 §2]

**801.250 "Driver permit."** "Driver permit" means a grant of driving privileges by this state or another jurisdiction that is