

**WARM SPRINGS TRIBAL CODE**

**CHAPTER 311**

**MOTOR VEHICLE EQUIPMENT; ABANDONED VEHICLES; ACCIDENTS**

**I. DEFINITIONS**

311.010 Definitions..... 1

**II. GENERAL PROVISIONS**

311.020 Unlawful to Drive Defectively or Unlawfully Equipped Vehicle; Police  
Permitted to Stop Vehicles and Make Inspections. .... 5

311.022 Application of Equipment Rules to Implements of Husbandry ..... 6

311.024 Officer Authorized to Remove Illegally Stopped Vehicle..... 6

311.025 Custody of Vehicle When Operator is Arrested ..... 6

311.026 Other Removal of Vehicles..... 6

311.027 Tampering with or Damaging a Vehicle..... 7

**III. ABANDONED VEHICLES**

311.030 Abandoning Vehicle Prohibited..... 7

311.032 Taking Abandoned or Disabled Vehicle into Custody. .... 7

311.034 Notice to Owner..... 8

311.036 Owner Reclaiming Vehicle..... 8

311.038 Sale of Vehicle if not Reclaimed ..... 8

**IV. EQUIPMENT ON VEHICLES**

**Lights**

311.040 When Lights are Required to be on; Application of Visibility and Height  
Provisions..... 8

311.042 Driving with Parking Lights Lighted Prohibited when Head Lights Required. . 9

311.044 Headlights Required..... 9

311.046 Taillights Required..... 10

311.048 Stop Lamps and Turn Signal Lamps Required; Exceptions. .... 10

311.050 Rear Reflectors Required..... 11

311.052 Reflectors, Clearance and Marker Lamps, and Stop Lights on Various  
Vehicles..... 11

311.054 Color of Lamps and Reflectors. .... 12

311.056 Mounting Reflectors and Clearance Lamps..... 12

311.058 Visibility of Reflectors, Lamps and Stop Lights. .... 13

311.060 Lighting Required for a Combination of Vehicles. .... 13

311.062 Lights Required on Parked Vehicles..... 14

311.064 Lights Required on Miscellaneous Vehicles..... 14

311.066	Warning Lights.....	14
311.067	Arrangement of Head Lamps and Other Lights.....	16
311.068	Distribution and Intensity of Head Lights When on Road and When Meeting Vehicle.....	16
311.070	Requirements when Single Distribution Used.....	16
311.072	Limitations on Lights at Front of Vehicles or Equipment.....	17
311.074	Spot, Auxiliary Driving, Fender and Back-up Lamps Permitted. Any motor vehicle may be equipped with:.....	18
311.076	Use of Lamps in Accordance with Oregon Motor Vehicles Division Rule. ....	18

### **Miscellaneous Equipment**

311.078	Brakes Required.....	18
311.080	Specifications for Hydraulic Brake Fluid.....	19
311.082	Horns and Other Sound Equipment.....	20
311.084	Exhaust System Required; Noise Emission Standards.....	20
311.086	Rearview Mirror.....	21
311.088	Obstruction of Windows Prohibited; Windshield Wiper Required.....	21
311.090	Light or Flag at End of Load.....	21
311.092	Flares and Similar Warnings for Trucks and Buses.....	21
311.094	Slow-moving Vehicle Emblem; Division Regulation of Design, Mounting:....	22
311.096	Fenders, Flaps, Covers or Splash Aprons Required for Certain Vehicles.....	23
311.098	Size and Construction Requirements for Fenders and Covers.....	24
311.100	Fenders Not Required on Certain Pre-1935 Vehicles.....	24
311.102	Binders on Log Loads.....	24

### **Minimum Clearance**

311.104	Minimum Clearance from Roadway for Passenger Motor Vehicles.....	25
---------	--	----

### **V. BICYCLES**

311.108	Parent or Guardian Prohibited from Permitting Child to Violate Bicycle Equipment Laws.....	25
311.110	Lamps and Other Equipment on Bicycles.....	25

### **VI. MOTOR SCOOTERS**

311.112	Motor Scooters.....	26
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### **VII. SNOWMOBILES**

311.114	Snowmobiles: Prohibited Acts.....	26
---------	-----------------------------------	----

### **VIII. ACCIDENTS**

311.200	Duties of Drivers and Witnesses at Accidents.....	27
---------	---	----

311.202	Driver's Duties When He Collides With Unattended Vehicle or Other Property.	28
311.204	Accident Reports Required.	28

**IX. RESTRICTIONS ON USE OF HIGHWAYS; WEIGHTS AND SIZES OF VEHICLES**

311.300	Application of Size and Weight Provisions; Fees; Violators Liable for Damages.	29
311.301	Notwithstanding the provisions of WSTC 310.160(2)(b) non-Indians violating the provisions of WSTC 311.300 to 311.442 may be cited into Tribal Court in the discretion of the citing officer	29
311.302	Restrictions on Width, Height and Length of Vehicles; Exemptions	30
311.303	Additional Restrictions During Certain Seasons and Weather Conditions	32
311.304	Maximum Axle, Wheel and Gross Weights for Vehicles. Except as authorized by the terms of permits issued pursuant to WSTC 311.322:	32
311.306	Restrictions on Number of Vehicles in a Combination; Coupling Devices.	34
311.308	Sifting or Leaking Loads; Permit for Food Processing By-Products.	36
311.310	Sleds Prohibited Except With Permit.	36
311.312	Dragging Object on Highway Prohibited.	36
311.314	Pneumatic Tires, When Required	36
311.316	Metal Objects on Tires Permitted; Conditions.	37
311.318	Authority to Permit Operation of Vehicles of Excess Weight or Length over Certain Highways.	37
311.320	Permit for Operation of Certain Noncomplying Vehicles	38
311.322	Permit for Operation of Non-complying Vehicle Generally; Conditions for Issuance; Cancellation of Permit.	41
311.324	Carrying Permit in Vehicle	43
311.326	Weighing of Vehicles on Highway; Detention of Vehicle Until Its Load Complies with Statutes or Permit; Tolerances.	43
311.328	Methods of Determining Gross Weights.	45
311.329	Carrying Dog or Child on External Part of Motor Vehicle.	46
311.330	Designation of Streets, Roads or Highways as Truck Routes	46
311.332	Truck Route Designation to be by Order, Resolution or Ordinance; Erecting Appropriate Signs; When Prohibitions are Effective; Violation Prohibited	46
311.338	Penalties Generally	46
311.340	Penalties for Violating Weight Provisions.	46
311.442	Driver or Chauffeur May be Exonerated From Overloading Violation if in Good Faith.	47

**WARM SPRINGS TRIBAL CODE**

**CHAPTER 311**

**MOTOR VEHICLE EQUIPMENT; ABANDONED VEHICLES; ACCIDENTS**

**CROSS REFERENCES**

311.010:	ORS 483.002 through 483.030
311.020:	ORS 483.050
311.030:	ORS 483.380
311.032:	ORS 483.382
311.034:	ORS 483.384
311.036:	ORS 483.386
311.038:	ORS 483.388
311.040:	ORS 483.402
311.042:	ORS 483.403
311.044:	ORS 483.404
311.046:	ORS 483.406
311.048:	ORS 483.407
311.050:	ORS 483.408
311.052:	ORS 483.410
311.054:	ORS 483.412
311.056:	ORS 483.414
311.058:	ORS 483.416
311.060:	ORS 483.418
311.062:	ORS 483.420
311.064:	ORS 483.422
311.066:	ORS 483.423
311.067:	ORS 483.424
311.068:	ORS 483.428
311.070:	ORS 483.430
311.072:	ORS 483.432
311.074:	ORS 483.434
311.076:	ORS 483.436
311.078:	ORS 483.444
311.080:	ORS 483.445
311.082:	ORS 483.446
311.084:	ORS 483.449
311.086:	ORS 483.450
311.088:	ORS 483.452
311.090:	ORS 483.454
311.092:	ORS 483.456
311.094:	ORS 483.457
311.096:	ORS 483.458
311.098:	ORS 483.460

311.100: ORS 483.461  
311.102: ORS 483.472  
311.104: ORS 483.474  
311.108: ORS 483.547  
311.110: ORS 483.549  
311.200: ORS 483.602  
311.202: ORS 483.604  
311.204: ORS 483.606  
311.300: ORS 483.502  
311.302: ORS 483.504  
311.304: ORS 483.506  
311.306: ORS 483.508  
311.308: ORS 483.510  
311.310: ORS 483.512  
311.312: ORS 483.514  
311.314: ORS 483.516  
311.316: ORS 483.518  
311.318: ORS 483.525  
311.320: ORS 483.527  
311.322: ORS 483.528  
311.324: ORS 483.530  
311.326: ORS 483.534  
311.328: ORS 483.536  
311.329: ORS 483.540  
311.330: ORS 483.542  
311.332: ORS 483.544  
311.338: ORS 483.991  
311.340: ORS 483.996  
311.442: ORS 483.628

# WARM SPRINGS TRIBAL CODE

## CHAPTER 311

### MOTOR VEHICLE EQUIPMENT; ABANDONED VEHICLES; ACCIDENTS

#### I. DEFINITIONS

**311.010**     **Definitions.** As used in this chapter except where the context otherwise requires:

- (1) "Axle" means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two vertical parallel transverse planes 40 inches apart.
- (2) "Balance trailer" means every vehicle without motive power, other than a trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and coupled to the towing vehicle by a coupling device other than a kingpin and fifth-wheel assembly.
- (3) "Business district" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business.
- (4) "Bus trailer" means any trailer designed or used for carrying human beings.
- (5) "Bicycle" means a cycle propelled exclusively by human power with:
  - (a) Every wheel more than 14 inches in diameter; or
  - (b) With tandem wheels either of which is more than 14 inches in diameter.
- (6) As used in this section "cycle" means any mechanical device, other than a farm tractor, designed for the transportation of persons on the ground on wheels that:
  - (a) Has a seat or saddle for use of the rider; and
  - (b) Is designed to travel with not more than three wheels in contact with the ground.
- (7) "Bicycle lane" means that part of the highway adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles.
- (8) "Bicycle path" means a public way maintained for exclusive use by persons riding bicycles and designated as such by official signs or markings.

- (9) "Bicycle trail" means a publicly owned and maintained lane or way designated and signed for use as a bicycle route and includes both a bicycle lane and a bicycle path.
- (10) "Chauffeur" means every person who is employed by another for the principal purpose of driving a motor vehicle, and every person who drives a motor vehicle carrying persons or property for compensation.
- (11) "Combination of vehicles" means two or more vehicles coupled together.
- (12) "Combined weight" means the sum of the weight of the vehicle and the weight of the load resting thereon or sustained thereby.
- (13) "Gross weight" means the weight of a vehicle or combination of vehicles, or wheel, or axle, or tandem axles or group of axles, without load plus the weight of any load thereon.
- (14) "Group of axles" means any two or more axles in sequence of one vehicle, or one or more axles of one vehicle and one or more axles of another vehicle in sequence in a combination of vehicles, so spaced longitudinally that the centers of the first and last axles of the group of axles are six feet or more apart, except that one axles of a set of tandem axles shall not be separated from the other axles as a part of a group of axles.
- (15) "Implement of husbandry" means every device or vehicle, including a farm tractor, used exclusively in agricultural operations. "Implement of husbandry" does not include motor vehicles, semitrailers or trailers unless their design limits their use to agriculture.
- (16) "Metal tire" means any tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.
- (17) "Motor bus":
- (a) Means every motor vehicle designed or used for carrying passengers and their personal baggage for compensation; but
  - (b) Does not include taxicabs designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method or system to indicate and determine the passenger fare paid for distance traveled.
- (18) "Motor truck" means every motor vehicle designed, used or maintained primarily for the transportation of property and having a gross weight in excess of 8,000 pounds.

- (19) "Motor vehicle" means every self-propelled vehicle or vehicle designed for self-propulsion.
- (20) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.
- (21) "Pneumatic tire" means any tire made of elastic material which is inflated with compressed air.
- (22) "Pole or pipe dolly or pole trailer" or "pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregular-shaped loads such as logs, poles, pipes or structural members capable, generally, of sustaining themselves as beams between the towing vehicle and such pole or pipe dolly or pole trailer.
- (23) "Police officer" includes a member of the police department of the Confederated Tribes, the Oregon State Police, a sheriff or deputy sheriff.
- (24) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from him, but not used by other persons.
- (25) "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of such highway for a distance of 300 feet or more is mainly occupied by dwellings, churches, public parks within cities or other residential service facilities or by dwellings and buildings used for business.
- (26) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
- (27) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (28) "School bus":
  - (a) Means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to and from school or privately owned and operated for compensation for the transportation of children to or from school; but

- (b) Does not include vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of children to or from school.
- (29) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by and coupled to another vehicle by a kingpin and fifth-wheel assembly and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- (30) "Sled" means every vehicle moving over the highways of this state, except vehicles that move exclusively on revolving wheels or rotating tracks in contact with the surface of the road.
- (31) "Snowmobile" means a self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, that is steered wholly or in part by skis or sled-type runners and is not otherwise registered in this state.
- (32) "Solid rubber tire" or "solid tire" means every tire made of elastic material other than a pneumatic tire.
- (33) "Solid-tired vehicle" means any vehicle having two or more solid or metal tires.
- (34) "Tandem axles" means any two or more axles so spaced longitudinally that their centers may be included between two vertical parallel transverse planes less than six feet apart and more than 40 inches apart.
- (35) "Tire" means the band of material used on the circumference of a wheel, on the outer face of a track or on a runner of a sled, which forms the tread that comes in contact with the surface of the road; if no band is used, it means the tread or runner of a sled.
- (36) "Tire width" means
  - (a) Except as provided in paragraphs (b) and (c) of this subsection, the measure taken on the cross section of the tread of a wheel, the outer face of a track, or the runner of a sled.
  - (b) When applied to solid tires of a motor vehicle, the measure taken on the cross section between the flanges of the circumference of a wheel at the base of the tire as customarily measured and rated by the manufacturers of motor vehicles and tires.
  - (c) When applied to a pneumatic tire, the diameter of the cross section of such tire as customarily measured and rated by the manufacturers of motor vehicles and tires.

- (37) "Total tire width" means the sum of the tire widths of all wheels of a vehicle.
- (38) "Tow car" means a motor vehicle which has been altered or designed and equipped for and used in the business of towing vehicles by means of a crane, hoist, tow bar, tow line or dolly or is otherwise used to render assistance to other vehicles.
- (39) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trolley and motorbusses and other conveyances, either singly or together, using any street or highway for purposes of travel.
- (40) "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is directed.
- (41) "Trailer" means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
- (42) "Tread" means that part of the outer circumference of a wheel or tire or outer face of a track that comes in contact with the surface of the road or, if a sled, that part of the runner that comes in contact with the surface of the road.
- (43) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle or load, or both, as drawn.
- (44) "Utility trailer" means every vehicle designed like a balance trailer having a length not in excess of 15 feet and a gross weight not in excess of 8,000 pounds.
- (45) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway except devices moved exclusively by human power.

## **II. GENERAL PROVISIONS**

### **311.020 Unlawful to Drive Defectively or Unlawfully Equipped Vehicle; Police Permitted to Stop Vehicles and Make Inspections.**

- (1) No person shall drive or move and no owner shall cause or knowingly permit to be driven or moved on any street or highway, any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter and WSTC chapter 310, or which is equipped in any manner in violation of this chapter and WSTC chapter 310.

- (2) A police officer, upon reasonable cause to believe a person is driving or moving a vehicle or combination of vehicles on a street or highway in violation of subsection (1) of this section, may require the driver to stop and submit the vehicle or combination of vehicles to an inspection or tests by the officer as may be appropriate to determine if there is a violation of subsection (1) of this section.
- (3) A person who violates subsection (1) of this section commits a Class B traffic infraction.

**311.022 Application of Equipment Rules to Implements of Husbandry.** The provisions of this chapter and WSTC Chapter 310 with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or farm tractors, except where expressly made applicable.

**311.024 Officer Authorized to Remove Illegally Stopped Vehicle.**

- (1) When a police officer finds a vehicle illegally parked, stopped or standing upon or along a highway, the officer may impound and remove the vehicle to the nearest garage or other place of safety or require the driver or other person in charge of the vehicle, if that person is present, to move the vehicle to a position or to a location where parking, stopping or standing is permitted.
- (2) When a police officer finds an unattended vehicle parked, stopped or standing along or upon a highway or bridge where the vehicle constitutes an obstruction or hazard to traffic, the officer shall impound and remove the vehicle to the nearest garage or other place of safety.
- (3) When a vehicle, which is illegally parked, stopped, standing or for another reason provided by traffic regulations, ordinance or statute is impounded and removed from a highway or elsewhere at the direction of a police officer, the vehicle shall be removed to a place of safety. The owner or operator may claim the vehicle by securing a written release for it from the police officer or agency ordering its removal. A vehicle legally removed or impounded may not be released to the owner nor may the owner secure its use until the release for it is certified by the officer or agency directing its removal. All expense for the removal shall be paid by the owner or driver of the vehicle.

**311.025 Custody of Vehicle When Operator is Arrested.** When a police officer arrests and detains the operator of a motor vehicle the officer shall impound and remove the vehicle to a place of safety; however, the operator may elect to have another immediately available person who is legally licensed to operate a motor vehicle, drive or otherwise remove the vehicle as the operator directs. The operator may designate the nearest available garage or tow car operator of his choosing to remove the vehicle. If the operator does not so indicate, the officer shall make the arrangements necessary to remove the vehicle.

**311.026 Other Removal of Vehicles.** A police officer may impound and remove to a place of safety a vehicle which:

- (1) is found on a highway or elsewhere on the Reservation and which has been previously reported stolen.
- (2) is being operated on a highway or elsewhere on the Reservation by a person other than the registered owner and there is probable grounds to believe the vehicle is being operated in violation of WSTC 310.326; or
- (3) is found or operated on a highway without license plates or other evidence of registration, or with license plates or other evidence of registration which is false with respect to that vehicle; or
- (4) is in charge of a person who, by reason of injury or illness, is incapacitated to an extent that he is unable to provide for its custody or removal.

**311.027 Tampering with or Damaging a Vehicle.**

- (1) No person, without the right to do so, may tamper with a vehicle, set or attempt to set a vehicle in motion, or damage a part or component of a vehicle.
- (2) Any person who tampers with or damages a vehicle commits a Class B traffic infraction.

**III. ABANDONED VEHICLES**

**311.030 Abandoning Vehicle Prohibited.**

- (1) A person shall not abandon a vehicle upon a highway. A person shall not abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.
- (2) The last owner of the vehicle as shown by the records of the Oregon Motor Vehicles Division shall be considered responsible for the abandonment of a vehicle in the manner described under subsection (1) of this section and liable for the cost of removal and disposition of the abandoned vehicle.
- (3) A person who violates this section commits a Class C traffic infraction.

**311.032 Taking Abandoned or Disabled Vehicle into Custody.**

- (1) No vehicle which the Warm Springs Police has reason to believe is disabled or abandoned shall be parked or left standing upon any road on the Reservation highway or other tribal property for a period in excess of 5 days. Any vehicle so parked or left standing may be taken into custody by the Warm Springs Police and held at the expense of the owner or person entitled to possession thereof. The Warm Springs Police may utilize its own personnel, equipment and facilities for the removal and preservation of such vehicles, or may hire other personnel, equipment and facilities for that purpose.

- (2) Notwithstanding the time provisions of subsection (1) of this section, if a vehicle disabled, abandoned, parked or left standing unattended on a road or highway right of way is in such a location as to constitute a hazard to motor vehicle traffic using the road or highway, the Warm Springs Police may immediately take such vehicle into custody.
- (3) Any vehicle parked or left standing upon any private property in excess of five days without the consent of the owner or person in lawful possession or control of the property shall, at the request of either, be taken into custody by the Warm Springs Police removed as provided in subsection (1) of this section and held at the expense of the owner or person entitled to possession of the vehicle in the same manner as provided in subsection (1) of this section.

**311.034 Notice to Owner.** Warm Springs Police shall make reasonable efforts to ascertain the names and addresses of the legal owner and owner or person entitled to possession of a vehicle taken into custody pursuant to WSTC 311.032. If the names and addresses of such owners or person entitled to possession or either of them can be ascertained, the Warm Springs Police shall notify each of them of the location of the vehicle.

**311.036 Owner Reclaiming Vehicle.** The legal owner, owner or person entitled to possession of a vehicle taken into custody and held by the Warm Springs Police under WSTC 311.032 may reclaim the vehicle at any time after it is taken into custody and before the same is sold under state law, upon presentation to the Warm Springs Police of satisfactory proof of ownership or right to possession and upon payment of the costs and expenses incurred in the removal, preservation and custody of the vehicle.

**311.038 Sale of Vehicle if not Reclaimed.** If a vehicle is not reclaimed under WSTC 311.036 within 30 days after it is taken into custody, the Warm Springs Police Department may proceed to sell the vehicle at a public auction in accordance with the procedures set forth in Oregon Revised Statutes 483.380 through 483.396 and any subsequent amendments or additions thereto.

#### IV. EQUIPMENT ON VEHICLES

##### Lights

**311.040 When Lights are Required to be on; Application of Visibility and Height Provisions.**

- (1) Subject to the specific exceptions with respect to parked vehicles, mopeds and motorcycles, lighted lamps and illuminating devices as specified in this chapter shall be displayed by every vehicle upon a highway within this state at any time from sunset to sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible on such highway at a distance of 1,000 feet ahead.
- (2) Whenever this chapter specifies:

- (a) The distance from which lamps and devices shall render objects visible or within which lamps or devices shall be visible, such provisions shall apply during the times stated in subsection (1) of this section upon a straight, level unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.
- (b) The mounted height of lamps or devices, they mean from the center of such lamp or device to the level ground upon which the vehicle stands.
- (c) A person who violates subsection (1) of this section commits a Class B traffic infractions.

**311.042 Driving with Parking Lights Lighted Prohibited when Head Lights Required.**

- (1) No vehicle shall be driven upon a highway with the parking lights lighted during the period when the display of lighted lamps and illuminating devices is required under WSTC 311.040 except when:
  - (a) Such lights are being used as turn signal lights; or
  - (b) The headlamps are also lighted at the same time.
- (2) As used in this section, the term "parking lights":
  - (a) Includes the white or amber parking lamps required by WSTC 331.062 and any other lights mounted on the front of a vehicle, designed to be displayed primarily when the vehicle is parked.
  - (b) Does not include the clearance, identification and marker lamps required or authorized under WSTC 311.052.
- (3) A person who violates this section commits a Class B traffic infraction.

**311.044 Headlights Required.**

- (1) Every motor vehicle other than a moped or motorcycle shall be equipped with at least two headlamps, at least one on each side of the front of the vehicle.
- (2) Every motorcycle or moped shall be equipped with at least one and not more than two headlamps.
- (3) A headlamp shall be continuously burning and show a white light forward.
- (4) The head lamps required by this section shall meet the standards established by the National Traffic and Motor Vehicle Safety Act of 1966 (15 USC § 1381, et seq.) or the United Nations Agreement Concerning "The Adoption Of Approval and Reciprocal Recognition Of Approval For Motor Vehicle Equipment And

Parts," done at Geneva on 20 March 1958, as amended and adopted by the Canadian Standards Association (CSA Standard D106.2), or both.

- (5) A person who violates this section commits a Class B traffic infraction.

**311.046 Taillights Required.**

- (1) Except as otherwise provided in this subsection, every motor vehicle, trailer, semitrailer, balance trailer, utility trailer and pole trailer or other vehicle being drawn at the end of a train of vehicles, shall be equipped with two tail lamps mounted on the rear which when lighted emits a red light plainly visible from a distance of 500 feet to the rear. In the case of:
  - (a) A train of vehicles, only the tail lamps on the rearmost vehicle need actually be visible from the distance specified.
  - (b) A motorcycle, only one tail lamp that otherwise complies with this section is required.
- (2) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear.
- (3) Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be wired so as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.
- (4) A person who violates this section commits a Class B traffic infraction.

**311.048 Stop Lamps and Turn Signal Lamps Required; Exceptions.**

- (1) Except as otherwise provided in this subsection, every motor vehicle, trailer, semitrailer, balance trailer, utility trailer and pole trailer shall be equipped with two stop lamps which are so constructed and located on a vehicle as to give a signal of intention to stop. When lighted they shall emit a steady burning red light plainly visible from a distance of 500 feet to the rear. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified. Motorcycles are not required to be equipped with more than one stop lamp that otherwise meets the requirements of this section.
- (2) Every motor vehicle, trailer, semitrailer, balance trailer, utility trailer and pole trailer, or combination of motor vehicles except motorcycles manufactured before 1973 shall be equipped with turn signal lamps, showing white or amber to the front and red or amber to the rear, which are so constructed and located on a vehicle as to give a signal of intention to turn right or left and understandable in normal sunlight and at a distance of 500 feet at night.

- (3) A person who violates this section commits a Class C traffic infraction.

**311.050 Rear Reflectors Required.**

- (1) Every motor vehicle, other than a truck tractor, operated upon a highway, shall carry on the rear either as parts of the tail lamps or separate, two red reflectors, mounted one on either side of the rear of the vehicle, except that:
  - (a) Vehicles of the types mentioned in WSTC 311.052 shall be equipped with reflectors as required in that section.
  - (b) Motorcycles are not required to be equipped with more than one reflector that otherwise complies with this section.
- (2) Every such reflector shall be mounted on a motor vehicle at a height not less than 15 inches nor more than 60 inches above the ground on which the vehicle stands and shall be of such size or characteristics and so mounted as to be visible at night from all distances within 500 feet to 50 feet from such vehicle.
- (3) A person who violates this section commits a Class C traffic infraction.

**311.052 Reflectors, Clearance and Marker Lamps, and Stop Lights on Various Vehicles.** In addition to other equipment required by this chapter and WSTC chapter 310, the following vehicles when operated upon a highway shall be equipped as follows:

- (1) Every passenger transport vehicle (including a school bus, worker transport bus, a bus operated for transporting children to and from church or an activity or function authorized by a church, or any vehicle used in the transportation of persons for hire by a non-profit entity), motor bus, motor truck, trailer, semitrailer, balance trailer or utility trailer:
  - (a) On each side, two reflectors, one at or near the front and one at or near the rear.
  - (b) On the rear, two stop lamps, and two reflectors, one at each side.
  - (c) On each side, two side marker lamps, one at or near the front and one at or near the rear.
- (2) In addition to the requirements of subsection (1) of this section, every motor bus, motor truck, trailer, semitrailer, balance trailer or utility trailer 80 inches or more in overall width and less than 30 feet in overall length:
  - (a) On the front, two clearance lamps, one at each side.
  - (b) On the rear, two clearance lamps, one at each side.

- (c) On the front and rear, three identification lamps, as close as practicable to the top of the vehicle, at the same height, as close as practicable to the vertical centerline, with lamp centers spaced not less than 6 inches nor more than 12 inches apart.
- (3) In addition to the requirements of subsections (1) and (2) of this section, every motor bus, motor truck, trailer, semitrailer or balance trailer 30 feet or more in overall length, regardless of its width:
  - (a) On each side, one intermediate side marker lamp at or near the midpoint between the front and rear side marker lamps.
  - (b) On each side, one reflector at or near the midpoint between the front and rear reflectors.
- (4) A person who violates this section commits a Class B traffic infraction.

**311.054 Color of Lamps and Reflectors.**

- (1) Front clearance lamps and those marker lamps and reflectors mounted on the front, on the side near the front, or near the midpoint of a vehicle shall display or reflect an amber color.
- (2) Rear clearance lamps and those marker or reflector lamps and reflectors mounted on the rear or side near the rear of a vehicle shall display or reflect a red color.
- (3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color except:
  - (a) A signal device may be red, amber or yellow;
  - (b) The lights of a rear mounted lighting system shall be green and yellow as well as red; and
  - (c) The light used only to illuminate the license plate shall be white.
- (4) A person who violates this section commits a Class C traffic infraction.

**311.056 Mounting Reflectors and Clearance Lamps.**

- (1) Reflectors shall be mounted at a height not less than 15 inches and not more than 60 inches above the ground on which the vehicle stands.
- (2) The rear reflectors on pole trailers may be mounted on each side of the bolster or load.

- (3) Any required red reflector on the rear of a vehicle may be incorporated with the taillight, but such reflector shall meet all the other reflector requirements of WSTC 311.040 to 311.062.
- (4) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination, if illumination is given as required with reference to both.
- (5) The light and reflector devices required in WSTC 311.052 shall be mounted, so far as practicable, in such manner as to reduce the hazard of being obscured by mud or dust thrown by the wheels.
- (6) A person who violates this section commits a Class C traffic infraction.

**311.058 Visibility of Reflectors, Lamps and Stop Lights.**

- (1) Every reflector shall be of such size and characteristics and so maintained as to be readily visible at night from a distance within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides and those mounted on the rear shall reflect a red color to the rear.
- (2) Front and rear clearance lamps, side marker lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions, at the times lights are required, at a distance of 500 feet from:
  - (a) The front of the vehicle, in the case of front clearance lamps and identification lamps.
  - (b) The rear of the vehicle, in the case of rear clearance lamps and identification lamps.
  - (c) The side of the vehicle, in the case of side marker lamps and intermediate lamps.
- (3) Stop lights shall be actuated upon application of the service brake and shall be capable of being seen and distinguished from a distance of 500 feet to the rear of the vehicle in normal daylight, but shall not project a glaring or dazzling light. A stoplight may be incorporated with a tail lamp.
- (4) A person who violates this section commits a Class C traffic infraction.

**311.060 Lighting Required for a Combination of Vehicles.**

- (1) Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except the tail lamp, which by reason of its

location on the vehicle of the combination would be obscured by another vehicle of the combination, need not be lighted; but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps nor the requirement that all lights on the rear of the rearmost vehicle of any combination be lighted.

- (2) A person who violates this section commits a Class B traffic infraction.

**311.062 Lights Required on Parked Vehicles.**

- (1) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the times mentioned in WSTC 311.040 it shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side of the vehicle visible from a distance of 500 feet to the front of such vehicle and a red light visible from a distance of 500 feet to the rear of such vehicle. However, local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a street or highway, where there is sufficient light to render clearly discernible any person or object within a distance of 500 feet upon such street or highway. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.
- (2) A person who violates this section commits a Class C traffic infraction.

**311.064 Lights Required on Miscellaneous Vehicles.**

- (1) All vehicles, including animal-drawn vehicles, and vehicles referred to in WSTC 311.022, not specifically required by WSTC 311.040 to 311.062 to be equipped with lamps, shall at the times specified in WSTC 311.040 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear of such vehicle.
- (2) A person violating this section commits a Class C traffic infraction.

**311.066 Warning Lights.**

- (1) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing and, when so equipped, may display such warning in addition to any other warning signals required by this chapter and WSTC chapter 310 subject to the following:
  - (a) The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights. The lamps used to

display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night. Such warning lamps shall not be used in lieu of flares as required by WSTC 311.092.

- (b)** In lieu of the lamps described in paragraph (a) of this subsection, a vehicle operated by the state, or any county, district or other political subdivision of the State of Oregon, the Tribes or the Bureau of Indian Affairs, and used for the construction, improvement, repair, maintenance, operation or patrol of a public highway, road or street, may be equipped with a lamp that flashes an amber light, either of a revolving beam or stationary type, visible from a distance of not less than 500 feet under normal atmospheric conditions at night. The lamp may be used during the day or at night.
- (c)** In lieu of the lamps described by paragraph (a) or (b) of this subsection, a vehicle that is operated by any state, county or tribal police officer and used for law enforcement may, when equipped with warning lamps, be equipped with one or more blue revolving or stationary-type flashing lamps visible from a distance of not less than 1,000 feet under normal atmospheric conditions at night. The lamps may be used during the day or at night. Except as provided by this paragraph, a blue warning lamp shall not be displayed on any vehicle.
- (d)** Tow cars shall be equipped with a lamp that flashes an amber or red light of a revolving type, visible as provided in paragraph (b) of this subsection. The operator shall activate the flashing amber or red light when the tow car is engaged in connecting with another vehicle and drawing it onto a street or highway or while servicing a disabled vehicle.
- (e)** In lieu of the lamps described in paragraph (a) of this subsection, a pilot vehicle may be equipped with a lamp that flashes an amber light of a revolving type, visible as provided in paragraph (a) of this subsection. The lamp may be activated whenever the vehicle is being used as a pilot vehicle.
- (f)** In lieu of the lamps described in paragraph (a) of this subsection, vehicles operated by a public utility involved in maintenance, repair or construction of their facilities along public rights of way may be equipped with a lamp that flashes an amber light, either of a revolving beam or stationary type, visible from a distance of not less than 500 feet under normal atmospheric conditions at night. This light may be used in the day or at night.

- (g) In addition to the lights described in paragraph (a) of this subsection, a school bus or a bus issued a permit under ORS 483.433 may be equipped with alternately flashing amber lights and alternately flashing red lights.

- (2) A person who violates this section commits a Class B traffic infraction.

**311.067 Arrangement of Head Lamps and Other Lights.** Except as otherwise provided in WSTC 311.070, the head lamps or the auxiliary driving or passing lamps or combinations thereof on motor vehicles shall be so arranged on any motor vehicle that the driver may select at will, or so that the selection can automatically be made, between distributions of light projected to different elevations, subject to the following requirements and limitations:

- (1) Headlamps shall be aimed in accordance with rules adopted by the Oregon Motor Vehicles Division.
- (2) Auxiliary driving or passing lights shall be wired and aimed in accordance with rules adopted by the Oregon Motor Vehicles Division.
- (3) A person who violates this section commits a Class C traffic infraction.

**311.068 Distribution and Intensity of Head Lights When on Road and When Meeting Vehicle.** Whenever a motor vehicle is being operated on a street or highway during the times specified in WSTC 311.040, the driver shall use a distribution of light or composite beam directed sufficiently high and of such intensity so as to reveal persons and vehicles on such street or highway at a safe distance in advance of the vehicles, subject to the following requirements and limitations:

- (1) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.
- (2) The lowermost distribution of light specified in WSTC 311.066(2) shall be deemed to avoid glare at all times regardless of road contour and loading of the vehicle.
- (3) Except when in the act of overtaking or passing, a driver of a vehicle following another vehicle within 350 feet to the rear shall use a distribution of light permissible under this chapter and WSTC chapter 310 other than the uppermost distribution of light specified WSTC 311.066(1).
- (4) A person who violates this section commits a Class B traffic infraction.

**311.070 Requirements when Single Distribution Used.** Head lamps arranged to provide a single distribution of light, not supplemented by auxiliary driving lamps, shall be permitted on a motor vehicle in lieu of multiple-beam road lighting equipment if the single distribution of light complies with the following requirements and limitations:

- (1) Head lamps shall be so aimed that when the vehicle is not loaded, none of the high intensity portion of the light shall, at a distance of 25 feet ahead of the vehicle, project higher than five inches below the level of the center of the lamp from which it comes, or higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead of such vehicle.
- (2) The intensity of the light of single-beam head lamps shall be sufficient to reveal persons and vehicles upon a street or highway at a distance of at least 200 feet ahead of the vehicle to which they are attached.
- (3) A person who violates this section commits a Class C traffic infraction.

**311.072 Limitations on Lights at Front of Vehicles or Equipment.**

- (1) Whenever a motor vehicle equipped with head lamps as required in WSTC 311.044 is also equipped with any auxiliary lamps or spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of four of any such lamps shall be lighted at any one time when upon a street or highway.
- (2) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary driving lamps, flashing turn signals, emergency vehicle warning lamps, school bus warning lamps which projects a beam of light of an intensity greater than 300 candlepower, shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.
- (3) No person shall drive or move any vehicle or equipment upon any street or highway with any lamp or device thereon displaying or carrying a red light visible from directly in front of such vehicle or equipment.
- (4) Except as provided in WSTC 311.066 and in subsections (5) and (6) of this section, flashing lights are prohibited on all motor vehicles on any street or highway except as a means for indicating a right or left turn.
- (5) Subsection (3) of this section does not apply to, and subsection (4) of this section does not prohibit the display of flashing red lights on, authorized emergency vehicles, ambulances when operating under WSTC 310.305, school busses, vehicles used by a public utility in making repairs to public utility facilities, vehicles authorized by police authorities in their respective jurisdictions to escort funeral processions, and vehicles used as provided in subsection (6) of this section.
- (6) A person who violates any provision of this section commits a Class B traffic infraction.

**311.074 Spot, Auxiliary Driving, Fender and Back-up Lamps Permitted. Any motor vehicle may be equipped with:**

- (1) Not to exceed one spot lamp. Every lighted spot lamp shall be so aimed and used, upon approaching another vehicle, that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle upon which it is mounted, more than 100 feet ahead of such vehicle.
- (2) Auxiliary lamps mounted on any vehicle for highway use shall be mounted at a height of 54 inches or less above the level surface upon which the vehicle stands. Auxiliary lights mounted higher than 54 inches shall not be lighted when the vehicle is used on a highway. Every such auxiliary lamp shall meet the requirements and limitations set forth in this chapter.
- (3) Not more than two cowl or fender lamps which shall emit an amber or white light without glare.
- (4) A back-up lamp either separately or in combination with another lamp. A back-up lamp shall not be lighted when the motor vehicle is in forward motion.
- (5) A person who violates any provision of this section commits a Class B traffic infraction.

**311.076 Use of Lamps in Accordance with Oregon Motor Vehicles Division Rule.**

- (1) No person shall use upon any motor vehicle, trailer, semitrailer, balance trailer, utility trailer or pole trailer any lamps unless they are mounted, adjusted and aimed in accordance with the rules of the Oregon Motor Vehicles Division.
- (2) A person who violates any provisions of this section commits a Class B traffic infraction.

**Miscellaneous Equipment**

**311.078 Brakes Required.**

- (1) Every motor vehicle other than a moped or motorcycle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
- (2) Any combination of motor vehicle, trailer, semitrailer or other vehicle shall be equipped with brakes upon one or more of such vehicles adequate to stop such

combination of vehicles within the distance specified for motor vehicles under the regulations set forth in subsection (5) or (6) of this section.

- (3) Every motorcycle and moped, when operated upon a highway shall be provided with at least one brake, which may be operated by hand or foot.
- (4) All brakes shall be maintained in good working order and shall conform to the regulations set forth in subsection (5) of this section.
- (5) The brakes of every motor vehicle having a gross weight of less than 8,000 pounds shall be equipped with a service brake system that will stop the vehicle in a distance of 25 feet or less from a speed of 20 miles per hour without leaving a 12-foot wide lane.
- (6) Motor vehicles having a gross weight of 8,000 pounds or more and combinations of vehicles shall be equipped with a service brake system that will stop the vehicle or combination of vehicles in a distance of 35 feet or less from a speed of 20 miles per hour without leaving a 12-foot wide lane.
- (7) The test to be used in determining that vehicles meet the performance requirements set forth in subsections (5) and (6) of this section shall be conducted as prescribed by the Motor Vehicles Division. The test may be conducted by the use of instruments suitable for the purpose approved by the United States Bureau of Standards. No vehicle may be tested for brake efficiency at a speed higher than that permitted by law for such a vehicle.
- (8) A person who violates any provision of this section commits a Class B traffic infraction.

**311.080 Specifications for Hydraulic Brake Fluid.**

- (1) The term "hydraulic brake fluid" as used in this section means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.
- (2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of vehicles and the public.
- (3) The Oregon Motor Vehicles Division shall, after public hearing following due notice, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications and labeling for hydraulic brake fluid which shall, so far as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers applicable to such fluid.

- (4) No person shall distribute, have for sale, offer for sale, sell or service any vehicle with any hydraulic brake fluid unless it complies with the requirements of this section.
- (5) A person who violates subsection (4) of this section commits a Class A misdemeanor.

**311.082      Horns and Other Sound Equipment.**

- (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order, capable of emitting sounds audible under normal conditions from a distance of not less than 200 feet.
- (2) Except as otherwise provided in subsection (4) of this section, no vehicle shall be equipped with, and no person shall use upon a vehicle, any bell, siren, compression or exhaust whistle.
- (3) No person shall, at any time, use a horn otherwise than as a reasonable warning or make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.
- (4) Every authorized emergency vehicle used for emergency calls shall be equipped with a siren of a type approved by the Oregon Motor Vehicles Division.
- (5) A person who violates this section commits a Class C traffic infraction.

**311.084      Exhaust System Required; Noise Emission Standards.**

- (1) No person shall operate a motor vehicle on any public road, street or highway of this state unless it is equipped with an exhaust system that:
  - (a) Is in good working order;
  - (b) Is in constant operation.
- (2) No person shall operate upon any public road, street or highway, any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.
- (3) The court in its discretion may dismiss the citation issued under subsection (1) of this section if evidence is presented that the exhaust system complies with or has been repaired or modified to comply with subsection (1) of this section.
- (4) A person who violates this section commits a Class B traffic infraction.

**311.086 Rearview Mirror.**

- (1) Every motor vehicle shall be so equipped with a mirror or other device as to enable the driver thereof to have such a clear and unobstructed view of the rear at all times and under all conditions of load as will enable him to see any other vehicle approaching from not less than 200 feet in the rear on an unobstructed road.
- (2) A person who violates this section commits a Class C traffic infraction.

**311.088 Obstruction of Windows Prohibited; Windshield Wiper Required.**

- (1) No person shall drive any vehicle upon a highway with any sign, poster, one-way glass, adhesive film, glaze application or other material upon the front windshield, side-wings, side windows on either side forward of or adjacent to the operator's seat or rear windows if the material prohibits or impairs the ability to see into or out of the motor vehicle.
- (2) Every windshield on a motor vehicle shall be equipped with a device for cleaning rain or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (3) A person who violates this section commits a Class C traffic infraction.

**311.090 Light or Flag at End of Load.**

- (1) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in subsection (1) a lighted red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of the load a red flag or cloth not less than 12 inches square.
- (2) A person who violates this section commits a Class C traffic infraction.

**311.092 Flares and Similar Warnings for Trucks and Buses.**

- (1) No person shall operate any passenger transport vehicle as defined in WSTC 311.052(1), motor truck, motor bus or truck trailer upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there is carried in such vehicle a sufficient number of flares, electric lanterns or other signals, capable of continuously producing three warning lights, each visible from a distance of at least 500 feet, for a period of at least 12 hours. However, a motor vehicle transporting flammables shall carry red electric lanterns in place of the other signals above mentioned, and a motor vehicle transporting explosives as cargo shall carry flares, electric lanterns or

other signals otherwise conforming to this subsection and capable of producing a red light.

- (2) Whenever any passenger transport vehicle as defined in WSTC 311.052(1), motor truck, motor bus or truck trailer is disabled during the period when lighted lamps must be displayed on vehicles and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district, the driver or other person in charge of the vehicle shall cause such flares, lanterns or other signals to be lighted and placed upon the highway where they are clearly visible to the drivers of approaching vehicles for a distance of 500 feet, one at a distance of not less than 100 feet or more than 300 feet in advance of such vehicle, one at a distance of not less than 100 feet or more than 300 feet to the rear of the vehicle, and the third upon the roadway side of vehicle. However, every such vehicle transporting inflammable liquid in bulk, whether loaded or empty, and every such vehicle transporting compressed inflammable gases, shall place three red electric lanterns in lieu of such other signals, and no open burning flare shall be placed adjacent to any such vehicle.
- (3) During such time as lights are not required red flags not less than 12 inches square shall be used in place of flares or electric lanterns, except that no flag shall be required to be placed at the side of the vehicle. However, if such disablement continues into the period when lights are required, flares or red electric lanterns shall be placed as above set forth.
- (4) In lieu of the lanterns or other signals required by this section, red emergency reflectors may be used if they are of the type approved by the Oregon Motor Vehicles Division and meet the minimum requirements of the Interstate Commerce Commission.
- (5) A person who violates any provision of this section commits a Class B traffic infraction.

**311.094 Slow-moving Vehicle Emblem; Division Regulation of Design, Mounting:**

- (1) No person shall operate on a highway a vehicle or combination of vehicles designed for customary use at speeds of less than 25 miles per hour unless there is displayed on the rear of the power unit a reflectorized or fluorescent slow moving vehicle emblem of a standard type designed and mounted as required by rules of the Oregon Motor Vehicles Division. Such rules shall conform to the nationally accepted standards for slow-moving vehicle emblems. The requirement of such emblem is in addition to any lighting device required by law.
- (2) Notwithstanding WSTC 311.022, this section applies to implements of husbandry, road machinery, road rollers or farm tractors or combinations thereof designed for use at speeds less than 25 miles per hour, except when such vehicles are engaged in actual construction or maintenance work and guarded by a flagman or by clearly visible warning signs.

- (3) Whenever a combination of vehicles is being operated in such a manner as to obscure the emblem mounted on the power unit, an additional emblem shall be displayed on the rear of the rearmost vehicle in such combination.
- (4) No person shall use a slow-moving vehicle emblem except in conformity with this section.
- (5) A person who violates any provision of this section commits a Class D traffic infraction.

**311.096 Fenders, Flaps, Covers or Splash Aprons Required for Certain Vehicles.**

- (1) No person shall operate or move and no owner shall permit to be operated or moved any vehicle described in this section upon or over any public highway unless the vehicle is equipped with fenders, covers, flaps or splash aprons that meet the following requirements:
  - (a) Every motor truck equipped with a body and every motor bus, bus trailer, semitrailer, truck trailer, trailer, balance trailer or utility trailer shall have the rear wheels equipped with fenders, covers, flaps or splash aprons that extend in full width from a point on the wheels that is above and forward of the center of the tires over to a point at the rear of the wheels that is not more than 10 inches above the surface of the highway when the vehicle is empty.
  - (b) Every motor truck not equipped with a body and every pole trailer shall have the rear wheels equipped with fenders, covers, flaps or splash aprons that extend downward in full width from a point behind the wheels that is not lower than halfway between the center of the wheels and the top of the tires to a point at the rear of the wheels that is not more than 10 inches above the surface of the highway when the vehicle is empty.
  - (c) Every motor vehicle not otherwise described in this section shall have all wheels equipped with fenders, covers, flaps or splash aprons that extend in full width from a point on the wheels that is above and forward of the center of the tire over to a point at the rear of the wheel that is not more than 20 inches above the surface of the highway.
- (2) Subsection (1) of this section does not apply to a motor truck chassis that is not equipped for hauling a load.
- (3) If a person cited for violation of this section submits evidence satisfactory to the court that the fenders, covers, flaps or splash aprons on the vehicle the person operated or permitted to be operated or moved in violation of this section have been repaired or replaced to comply with the requirements of this section, the court shall dismiss the charge for violation of this section without penalty to the person.

- (4) A person who violates any provision of this section commits a Class B traffic infraction.

**311.098 Size and Construction Requirements for Fenders and Covers.**

- (1) In the absence of applicable standards, fenders or covers, as used in WSTC 311.096, shall be considered to be of sufficient size and construction if constructed as follows:
  - (a) When measured on the cross section of the tread of the wheel or on the combined cross sections of the treads of multiple wheels, such fender or cover extends at least to each side of the width of the tire or of the combined width of the multiple tires; and
  - (b) Such fender or cover is so constructed as to be capable at all times of arresting and deflecting such dirt, mud, water or other substance as may be picked up and carried by the wheels.
- (2) A person who violates any provision of this section commits a Class B traffic infraction.

**311.100 Fenders Not Required on Certain Pre-1935 Vehicles.** Notwithstanding the provisions of WSTC 311.096, fenders are not required on any modified American-made pre-1935 vehicle, or any identifiable vintage or replica thereof which is titled as a later assembled vehicle and which is used for show and pleasure use when such vehicle is used and driven only during fair weather on well maintained hard-surfaced roads.

**311.102 Binders on Log Loads.**

- (1) When a load of five or more logs is transported by vehicle on a public highway, the owner or operator of the vehicle transporting the logs shall cause the logs to be secured as follows:
  - (a) If the logs are 26 feet or more in length, by at least four evenly spaced binders around the load, one of which may be used as a "gut wrapper".
  - (b) If the logs are less than 26 feet in length, by at least two binders around the load.
  - (c) Additional binders shall be used as necessary so that no log in a load has an unsecured end.
- (2) The binders referred to in this section shall have a breaking strength of not less than 15,000 pounds.
- (3) A person who violates any provision of subsections (1) and (2) of this section commits a Class B traffic infraction.

## **Minimum Clearance**

### **311.104 Minimum Clearance from Roadway for Passenger Motor Vehicles.**

- (1) No person shall operate upon a highway any passenger motor vehicle, any portion of which vehicle, other than the wheels, has less clearance from the surface of a level roadway than the clearance between the roadway and the lowest portion of any rim of any wheel in contact with the roadway.
- (2) A person who violates this section commits a Class B traffic infraction.

## **V. BICYCLES**

### **311.108 Parent or Guardian Prohibited from Permitting Child to Violate Bicycle Equipment Laws.**

- (1) A parent or guardian commits the offense of permitting the operation of an unlawfully equipped bicycle if he authorizes or knowingly permits his minor child or ward to operate a bicycle equipped in violation of WSTC 311.110.
- (2) Permitting the operation of an unlawfully equipped bicycle is a Class D traffic infraction.

### **311.110 Lamps and Other Equipment on Bicycles.**

- (1) When a person operates a bicycle upon a highway at any time from a half-hour after sunset to a half-hour before sunrise or at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of 500 feet ahead, the bicycle or its rider shall be equipped with a lamp showing a white light visible from a distance of at least 500 feet to the front of the bicycle, and a red reflector or lighting device or material of such size or characteristics and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (2) Every bicycle shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.
- (3) No person shall install or use any siren or whistle upon a bicycle.
- (4) A person who operates an unlawfully equipped bicycle commits a Class D traffic infraction.

## VI. MOTOR SCOOTERS

### 311.112 Motor Scooters.

- (1) No person shall go upon or pass over any Indian or Tribal land, by motor vehicle of every description, including motor bikes, motorcycles, and the like, other than on established roadways, or areas designated by the Tribal Council.
- (2) No person shall operate a motorcycle upon any highway unless such person is the holder of a valid operator's or operator-chauffeur license recognized by the State of Oregon authorizing the licensee to operate a motorcycle.
- (3) No Indian shall operate or ride on a motorcycle unless he is wearing protective headgear of a type approved by the Motor Vehicle Division.
- (4) Not more than two persons shall ride any motorcycle at one time and then only if foot rests are provided for both operator and passenger.
- (5) Any person violating subsection (1) through (4) of this section commits a Class C traffic infraction.

## VII. SNOWMOBILES

### 311.114 Snowmobiles: Prohibited Acts.

- (1) It shall be unlawful for any person to operate any snowmobile:
  - (a) At a rate of speed greater than reasonable and proper under the existing conditions.
  - (b) While under the influence of intoxicating liquor, dangerous drugs or narcotic drugs.
  - (c) In a negligent manner so as to endanger the person or property of another, or to cause injury or damage to either.
  - (d) Without a lighted headlight and taillight.
  - (e) Without an adequate braking device which may be operated either by hand or foot.
  - (f) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to produce excessive or unusual noise.
  - (g) In any area or in such a manner so as to expose the underlying soil or vegetation or to injure, damage or destroy trees or growing crops.

- (h) With a firearm or with a bow in his possession.
  - (i) In a manner so as to harass, chase or annoy any wild animals or birds.
- (2) Any person violating any provision of subsection (1) of this section commits a Class B traffic infraction.

## **VIII. ACCIDENTS**

### **311.200 Duties of Drivers and Witnesses at Accidents.**

- (1) The driver of any vehicle involved in an accident which results in injury or death to any person or causes damage to a vehicle which is driven or attended by any person, immediately shall stop such vehicle at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until he has fulfilled the requirements of subsection (2) of this section. Every such stop shall be made without obstructing traffic more than is necessary.
- (2) The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to any such vehicle shall:
  - (a) Give to the other driver or surviving passenger, or any person not a passenger injured as a result of such accident, the name, address and the registration number of the vehicle which the driver is driving, and the name and address of any other occupants of such vehicle.
  - (b) Upon request and if available, exhibit and give the number of the operator's or chauffeur's license of the driver to the persons injured, or to the occupant of or person attending any vehicle damaged.
  - (c) Render to any person injured in such accident reasonable assistance, including the conveying or the making of arrangements for the conveying of such person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such conveying is requested by any injured person.
  - (d) Notify as soon as practical a Tribal, State or county police agency by the fastest means of communication available.
- (3) Any witness to the accident shall furnish to the driver or occupant of such vehicles, or injured person, the true name and address of the witness.
- (4)
  - (a) A driver involved in an accident which results in injury or death to any other person and who fails to perform the duties required under subsection (1) of this section commits a Traffic Crime.

- (b) A driver involved in an accident which results only in damage to a vehicle which is driven or attended by any other person and who fails to perform the duties required under subsection (1) of this section commits a Traffic crime.
- (c) A witness to an accident who fails to perform the duties required under subsection (3) of this section commits a Class B traffic infraction.

**311.202 Driver's Duties When He Collides With Unattended Vehicle or Other Property.**

- (1) The driver of any vehicle which collides with any vehicle which is unattended immediately shall stop and:
  - (a) Locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle; or
  - (b) Leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.
- (2) The driver of any vehicle involved in an accident resulting only in damage to fixtures or property legally upon or adjacent to a highway shall:
  - (a) Take reasonable steps to notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle the driver is driving.
  - (b) Upon request and if available, exhibit the operator's or chauffeur's license of the driver.
  - (c) Make report of such accident as required in WSTC 311.204.
- (3) A person who violates this section commits a Traffic Crime.

**311.204 Accident Reports Required.**

- (1) The driver of any vehicle involved in an accident on the Warm Springs Reservation resulting in injury or death to any person or damage to the property of any one person in excess of \$200 shall, within 72 hours, forward a complete written report of such accident to the Warm Springs Chief of Police.
- (2) Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause the report to be made.

- (3) No person shall give information in reports required by this section knowing or having reason to believe that the information is false.
- (4) A person who violates this section commits a Class B traffic infraction.

## **IX. RESTRICTIONS ON USE OF HIGHWAYS; WEIGHTS AND SIZES OF VEHICLES**

### **311.300 Application of Size and Weight Provisions; Fees; Violators Liable for Damages.**

- (1) "Granting authority," as used in WSTC 311.300 to 311.334 means the Bureau of Indian Affairs or The Confederated Tribes of the Warm Springs Reservation of Oregon.
- (2) No person shall drive or more and no owner shall cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles of a size or weight exceeding the limitations set forth in WSTC 311.300 to 311.334, or any vehicle or combination of vehicles which are not constructed or equipped as required in those sections, or under the rules of the granting authority adopted pursuant thereto.
- (3) The provisions of WSTC 311.300 to 311.334 governing size and weight do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the Confederated Tribes, the Federal Government, the State of Oregon, or any county in the construction, maintenance or repair of public highways, and at the immediate location or site of such construction, maintenance or repair.
- (4) Any owner and driver or chauffeur of any vehicle or combination of vehicles using the highways, streets or bridges of this Reservation in violation of WSTC 311.300 to 311.328 shall be jointly and severally liable to the Confederated Tribes for all damage done to the highway, street or bridge as a result of the violation in an action brought in Warm Springs Tribal Court.
- (5) The operation of any vehicle or combination of vehicles in violation of WSTC 311.300 to 311.343 or 311.326, is prima facie evidence that the owner of such vehicle or combination caused or permitted it to be so operated and the owner shall be liable for any penalties imposed in WSTC 311.334 as a result of such operation.

**311.301 Notwithstanding the provisions of WSTC 310.160(2)(b) non-Indians violating the provisions of WSTC 311.300 to 311.442 may be cited into Tribal Court in the discretion of the citing officer.** This provision shall be retroactive to November 1, 1981. (Amended \_\_\_/\_\_\_/81 by Resolution No. \_\_\_\_).

**311.302 Restrictions on Width, Height and Length of Vehicles; Exemptions.** Except as authorized by the terms of permits issued or resolutions adopted under WSTC 311.318 and 311.322:

- (1) No vehicle, including any load thereon, shall exceed a total outside width of eight feet, except that:

  - (a) Pneumatic tires, flexible mud flaps, flexible fenders, safety accessories such as clearance lights, rub rails and binder chains, and appurtenances such as door handles, door hinges and turning signal brackets may exceed such width by a distance not greater than two inches on each side of the vehicle.
  - (b) Rearview mirrors may exceed such width by a distance not greater than five inches on each side of the vehicle.
- (2) No passenger vehicle shall carry any load extending beyond the line of its left fenders, or extending more than six inches beyond the line of its right fenders.
- (3) No vehicle, including any load thereon, shall exceed a height of 14 feet. This subsection does not relieve the owner or driver of any vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the highways and streets where the vehicle or combination of vehicles is being operated.
- (4) Except as otherwise provided in this section, vehicles shall comply with the following:

  - (a) No vehicle operating singly shall exceed a length of 40 feet.
  - (b) No vehicle in a combination of vehicles shall exceed a length of 35 feet.
  - (c) No combination of vehicles, including any load, shall exceed a total length of 50 feet.
- (5) Notwithstanding subsection (4) of this section, public utilities, people's utilities districts and cooperative rural electrification districts or common or contract carriers when acting as agent for or on direct orders of such a utility or district, for the purpose of transporting and hauling poles, piling or structures used or to be used in connection with their business, may use and operate upon any highway of this Reservation any combination of vehicles having an overall length including load the total length of which is not in excess of 75 feet unless an emergency exists.
- (6) A resolution adopted under WSTC 311.318 shall not authorize a truck tractor and semitrailer combination to exceed 65 feet in length or authorize any other combination of vehicles to exceed 75 feet in length.

- (7) No load upon any vehicle operating singly or as a unit in a combination of vehicles shall exceed 40 feet in length, except:
- (a) As authorized by subsection (5) of this section;
  - (b) Upon a semitrailer providing the load length does not:
    - (i) Exceed the semitrailer length by more than five feet;
    - (ii) Extend forward of the rear of the cab of the towing vehicle; or
    - (iii) Exceed an overall length permitted by a resolution adopted under WSTC 311.315
  - (c) Upon a truck tractor and pole trailer if the overall length does not exceed that authorized by a resolution adopted under WSTC 311.318.
- (8) No vehicle or combination of vehicles shall carry any load extending more than four feet beyond the front.
- (9) No portion of any single vehicle or any load thereon shall extend beyond the last axle of the vehicle for a distance greater than three-fourths the length of the wheelbase of the vehicle.
- (10) The provisions of subsections (1) to (9) of this section shall not apply to implements of husbandry hauled, towed or moved upon any highway if the movement is incidental to the farming operations of the owner of the implement of husbandry. With respect to implements of husbandry, the same shall be driven as closely as is practicable to the right-hand edge of the roadbed including the shoulders, if any. Notwithstanding the exemption of WSTC 311.022, if the movement of the implement of husbandry occurs during the hours of darkness, two headlights, clearance lights and reflectors marking the overall width as far as practical, and visible from the front, rear, and sides, and a taillight are required.
- (11) No portion of any combination of vehicles or any load thereon shall extend beyond the last axle of the combination of vehicles for a distance greater than one-third of the length of the wheelbase of the combination of vehicles; except that the rear overhang may extend more than one-third but not more than one-half of the length of the wheelbase of the combination in any combination of vehicles consisting of a motor vehicle towing:
- (a) A mobile home or travel trailer; or
  - (b) A trailer, balance trailer, semitrailer or pole trailer, designed to carry a single non-motorized aircraft.

**311.303 Additional Restrictions During Certain Seasons and Weather Conditions.** In addition to the restrictions provided elsewhere in this chapter with regard to size and weight of vehicles the granting authority shall have the authority to impose additional restrictions when seasonal or weather conditions make them necessary.

**311.304 Maximum Axle, Wheel and Gross Weights for Vehicles. Except as authorized by the terms of permits issued pursuant to WSTC 311.322:**

- (1) Subject to the maximum gross axle or tandem axle weights set forth in subsections (2) and (3) of this section, the gross weight of any axle or tandem axle of a vehicle shall not exceed 550 pounds per inch of total tire width of the wheels of the axle or tandem axles.
- (2) Subject to the limitations of subsections (1) and (4) of this section, no vehicle or combination of vehicles shall have a gross weight exceeding:
  - (a) 10,000 pounds on any individual wheel.
  - (b) 20,000 pounds on any axle.
  - (c) 34,000 pounds on any tandem axles.
- (3) Subject to the limitations of subsections (1) and (4) of this section, any vehicle with single rear axle specially equipped with a self-compactor and used exclusively for garbage or refuse operations may when laden with garbage or refuse, have a gross weight upon a single axle of not more than 22,000 pounds. When unladen such vehicles shall comply with the weight limitations set forth in subsection (2) of this section.
- (4) The gross weight of any vehicle, group of axles or combination of vehicles shall not exceed the sums of the permissible axle, tandem axles or group of axles weights or the weights set forth in the following table of weights for the distance in feet between the first and last axles of the number of axles specified, whichever is less; except that two consecutive sets of tandem axles may have a gross weight of 34,000 pounds each, providing the distance between the first and last axles of the two sets of tandem axles is 30 feet or more, and a group of four axles consisting of a set of tandem axles and two axles spaced six feet or more apart may have a gross weight of 70,000 pounds, providing the distance between the first and last axle of the group is 35 feet or more:

Distance in feet	Maximum gross weight in pounds on:			
	2 Axles	3 Axles	4 Axles	5 or more Axles
4	34,000			
5	34,000			
6	34,000			
7	34,000			

Distance in feet	Maximum gross weight in pounds on:			
	2 Axles	3 Axles	4 Axles	5 or more Axles
8	34,000	42,000		
9	39,000	42,500		
10	40,000	43,500		
11	40,000	44,000		
12	40,000	45,000	50,000	
13	40,000	45,500	50,500	
14	40,000	46,500	51,500	
15	40,000	47,000	52,000	
16	40,000	48,000	52,500	52,500
17	40,000	48,500	53,500	53,500
18	40,000	49,500	54,000	54,000
19	40,000	50,000	54,500	54,500
20	40,000	51,000	55,500	55,500
21	40,000	51,500	56,000	56,500
22	40,000	52,500	56,500	56,500
23	40,000	53,000	57,500	57,500
24	40,000	54,000	58,000	58,000
25	40,000	54,500	58,500	58,500
26	40,000	55,500	59,500	59,500
27	40,000	56,000	60,000	60,000
28	40,000	57,000	60,500	61,000
29	40,000	57,500	61,500	62,000
30	40,000	58,500	62,000	63,000
31	40,000	59,000	62,500	64,000
32	40,000	60,000	63,500	65,000
33	40,000	60,000	64,000	66,000
34	40,000	60,000	64,500	67,000
35	40,000	60,000	65,500	68,000
36	40,000	60,000	66,000	69,000
37	40,000	60,000	66,500	70,000
38	40,000	60,000	67,500	71,000
39	40,000	60,000	68,000	72,000
40	40,000	60,000	68,500	73,000
41	40,000	60,000	69,500	73,500
42	40,000	60,000	70,000	74,000
43	40,000	60,000	70,500	75,000
44	40,000	60,000	71,500	75,500
45	40,000	60,000	72,000	76,000
46	40,000	60,000	72,500	76,500
47	40,000	60,000	73,500	77,500
48	40,000	60,000	74,000	78,000
49	40,000	60,000	74,500	78,500
50	40,000	60,000	75,500	79,000

Distance in feet	Maximum gross weight in pounds on:			
	2 Axles	3 Axles	4 Axles	5 or more Axles
51	40,000	60,000	76,000	80,000
52	40,000	60,000	76,500	80,000
53	40,000	60,000	77,500	80,000
54	40,000	60,000	78,000	80,000
55	40,000	60,000	78,500	80,000
56	40,000	60,000	79,500	80,000
57 or over	40,000	60,000	80,000	80,000

- (5) The distance between axles shall be measured to the nearest foot. When a fractional measurement is exactly one-half foot the next larger whole number shall be used.
- (6) The vehicle weight limitations on Highway 26 running through the Reservation shall be the same limitations that apply on Highway 26 off the Reservation.<sup>1</sup>

**311.306 Restrictions on Number of Vehicles in a Combination; Coupling Devices.**

- (1) No combination of vehicles coupled together shall consist of more than two vehicles, except:
  - (a) As authorized by permits issued pursuant to WSTC 311.322.
  - (b) In drive-away operations three unladen vehicles may be coupled together by a double saddle-mount method or by a single saddle-mount and tow bar method or four unladen vehicles by a triple saddle-mount method.
  - (c) A combination of three implements of husbandry or two implements of husbandry drawn by another vehicle.
  - (d) A truck tractor and semitrailer drawing one trailer or a truck tractor and semi-trailer drawing one additional semitrailer mounted on a dolly equipped with a fifth wheel.
  - (e) A truck tractor and semitrailer drawing a dolly or a utility trailer.
- (2) When one vehicle is towing another, the tow bar, coupling device and other connections shall be of sufficient strength to hold the weight of the towed vehicle upon any grade of any highway where operated, and unless the towed vehicle is temporarily disabled, such connections shall be properly mounted without

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<sup>1</sup> WSTC 311.304(6) was added to this chapter by Tribal Council Resolution #9246 adopted on July 15, 1996. The purpose of the change was to ensure that truck traffic traveling on Highway 26 would be subject to a uniform system of vehicle weight limits. Since the adoption of the original traffic code in 1981, the State of Oregon had amended vehicle weight limits several times to take into account new types of equipment and other factors. This amendment ensures that as off Reservations limits change the same rules will apply on the Reservation with regard to Highway 26.

excessive slack but with sufficient play to allow for universal action of the connections and provided with a suitable locking means to prevent accidental separation of the towed and towing vehicles.

- (3) When any vehicle is towing another vehicle and the connection between the vehicles is a chain, rope, cable or any flexible material, a red flag or cloth not less than 12 inches square shall be displayed upon the connection.
- (4) No person shall operate a combination of vehicles when any trailer, semitrailer, pole trailer or other vehicle being towed whips or swerves from side to side dangerously or unreasonably, or fails to follow substantially in the path of the towing vehicle.
- (5) Except as provided in subsection (6) of this section, any towed vehicle in a combination of vehicles shall be equipped with one or more safety chains or cables:
  - (a) So connected to the towed and towing vehicle and to the tow bar as to prevent the tow bar from dropping to the ground in the event the tow bar or coupling device fails.
  - (b) Having a tensile strength equivalent to the gross weight of the towed vehicle and a means of attachment to the towed and towing vehicle of sufficient strength to control the towed vehicle in event the tow bar or coupling device fails.
  - (c) Attached with no more slack than shall be necessary to permit proper turning.
- (6) Subsection (5) of this section does not apply to the following vehicles:
  - (a) A temporarily disabled vehicle that is being towed by another vehicle.
  - (b) A dolly without a tow bar.
  - (c) A semitrailer coupled to a towing vehicle with a fifth wheel and a kingpin assembly on any ball and socket type assembly that is positioned above and forward of the rear axle of the towing vehicle while being used. To qualify for the exemption under this paragraph, this assembly must be designed so that the upper and lower halves of the assembly may not be separated without being manually released.
- (7) Any coupling device on any towing vehicle used as a connection for the tow bar on any towed vehicle having a gross weight in excess of 5,000 pounds shall be firmly attached to the frame or to a solid connection to the frame and not only to the bumper of the towing vehicle.

- (8) A person who violates any provision, except a weight provision, of this section commits a Class B traffic infraction.

**311.308 Sifting or Leaking Loads; Permit for Food Processing By-Products.**

- (1) Except as provided in subsection (2) of this section, no vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.
- (2) Upon receipt of an application, the Bureau of Indian Affairs or Tribal Council shall grant a written permit for the operation over Reservation highways or streets of vehicles transporting food processing plant by-products to be used for livestock feed from which there is fluid leakage. Such permits shall be issued for a maximum period of one year and shall be revocable if it is found by the granting authority that the amount or character of the fluid leakage is such that it constitutes a danger to other vehicles.
- (3) A person who violates this section commits a Class B traffic infraction.

**311.310 Sleds Prohibited Except With Permit.**

- (1) No person shall move any sled or other device that does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the highway, having a gross weight, including load, in excess of 500 pounds, upon any highway without first obtaining permission for the movement as provided in WSTC 311.322.
- (2) A person who violates this section commits a Class B traffic infraction.

**311.312 Dragging Object on Highway Prohibited.**

- (1) No logs, poles, piling or other thing shall be dragged upon or over the surface of any highway without the written permissions of the Bureau of Indian Affairs or the Tribal Council.
- (2) A person who violates this section commits a Class B traffic infraction.

**311.314 Pneumatic Tires, When Required.** No vehicle shall be operated on any highway unless equipped with pneumatic tires, except:

- (1) Any implement of husbandry equipped with solid tires, or metal tires not prohibited in WSTC 311.316 and having a gross vehicle weight not in excess of 7,000 pounds and a gross axle weight not in excess of 3,500 pounds.
- (2) That other vehicles equipped with solid tires may only be operated under the authority of permits issued pursuant to the provisions of WSTC 311.322.

**311.316 Metal Objects on Tires Permitted; Conditions.**

- (1) Any vehicle equipped with any tire having on its periphery any block, stud, cleat, bead, chain or other protuberance of metal or other inflexible material that projects beyond the tread or traction surface of the tire shall not be operated upon any highway, except:
  - (a) Vehicles actually engaged at the time in construction or repair of highways in this state.
  - (b) Traction engines moved upon dirt or unimproved roads.
  - (c) Vehicles equipped with skid chains of reasonable proportions required for safe operation because of snow, ice or other inclement weather conditions.
  - (d) Between November 1 of any year and April 30 of the following year, vehicles equipped with any tire having on its periphery studs of metal or other material extending beyond the tread surface of the tire not less than four-hundredths (.04) inch nor more than six-hundredths (.06) inch and made of such material that the studs will wear, through use, at the same rate as the tread surface of the tire. When the preservation of the highway surface or the safety of the traveling public so indicates, the Bureau of Indian Affairs or the Tribal Council shall have the authority to shorten or lengthen the period for the permissible use of such tires in any area of the Reservation specifically designed by the Bureau or Council.
  - (e) School buses as defined in WSTC 311.070(28).
  - (f) Authorized emergency vehicles as defined by subsection (2) of WSTC 310.010.
- (2) Notwithstanding the provisions of subsection (1) of this section, the owner or lessee of any land adjoining any highway may without permit move across or along the highway any tractor or implement of husbandry for the purpose of planting, cultivating, caring for or harvesting any crop, on condition that he shall be liable to the Confederated Tribes for any damage or injury done to the highway by the movement.
- (3) A person who violates this section commits a Class B traffic infraction.

**311.318 Authority to Permit Operation of Vehicles of Excess Weight or Length over Certain Highways.**

- (1) When in the judgment of the granting authority any highway, road or street or section thereof under the jurisdiction of the granting authority is capable of carrying any vehicle or combination of vehicles having a gross weight in excess of that authorized in subsection (4) of WSTC 311.304, or a length in excess of

that authorized under WSTC 311.302, the granting authority may by resolution so declare, and fix the maximum gross weight, length and types and classes of vehicles or combinations of vehicles which may be operated thereon. This section does not allow granting authorities to authorize vehicles or combinations of vehicles engaged in hauling other motor vehicles to be operated on any highway, road or street or section thereof if the vehicle has a height in excess of that allowed under WSTC 311.302.

- (2) The provisions of any resolution adopted under this section may by resolution be changed or rescinded at any time.
- (3) After a resolution is adopted, no permit shall be required for the operation upon such highway, road or street or section thereof of a vehicle or combination of vehicles not exceeding the maximum gross weight and length fixed by the resolution for vehicles or combinations of vehicles of that type and class.

**311.320 Permit for Operation of Certain Noncomplying Vehicles.** Notwithstanding the limitation created by paragraph (d) of subsection (4) of WSTC 311.322, a granting authority may issue a permit under WSTC 311.322:

- (1) For any single vehicle engaged in the transportation of peeler bolts, blocks, cores, railroad ties, logs or poles loaded crosswise of the vehicle, having an overall width of load thereon not in excess of eight and one-half feet.
- (2) For combinations of vehicles consisting of not more than a motor truck and two trailers or a truck tractor and semitrailer drawing two trailers or semitrailers mounted on dollies equipped with fifth wheels having an overall length not in excess of 105 feet. The trailers or semitrailers must be reasonably uniform in length.
- (3) For vehicles or combinations of vehicles having a length in excess of that authorized in WSTC 311.302 or 311.318.
- (4) For any vehicle or combination of vehicles first placed in operation prior to January 1, 1978, and having weights in excess of that authorized in subsection (4) of WSTC 311.304 or for any self-loading log truck. In the granting of permits to vehicles described in this subsection, a granting authority shall observe and be governed by the following maximum gross weights:
  - (a) The gross weight of any individual wheel, axle, or tandem axles of any vehicle or combination of vehicles shall not exceed the maximum gross wheel, axle and tandem axle weights set forth in WSTC 311.304.
  - (b) The gross weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is 18 feet or less, and the gross weight of any vehicle when the distance between the first and last axles of all of the axles of the vehicle is

18 feet or less, shall not exceed that set forth in the following table of weights, or the sum of the permissible axle or tandem axle weights, whichever is less:

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

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

<b>Distance in feet between the first and last axles of all the axles of a vehicle or combination of vehicles:</b>	<b>Maximum gross weight, in pounds, of any vehicle or combination of vehicles:</b>	<b>5 axles or more:</b>
19	50,000	
20	50,000	
21	50,000	
22	50,000	
23	50,400	
24	51,200	
25	55,250	
26	56,100	
27	56,950	

<b>Distance in feet between the first and last axles of all the axles of a vehicle or combination of vehicles:</b>	<b>Maximum gross weight, in pounds, of any vehicle or combination of vehicles:</b>	<b>5 axles or more:</b>
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28	57,800	
29	58,650	
30	59,500	
31	60,350	
32	61,200	
33	62,050	
34	62,900	
35	63,750	
36	64,600	
37	65,450	
38	66,300	
39	68,000	
40	70,000	73,000
41	72,000	73,500
42	73,280	74,500
43	73,280	75,000
44	73,280	75,500
45	73,280	76,000
46	73,280	77,000
47	73,280	77,500
48	73,280	78,000
49	73,280	78,500
50	73,280	79,500
51	73,280	80,000
52	73,600	80,000
53	74,400	80,000
54	75,200	80,000
55 or over	76,000	80,000

- (5) For any vehicle, combination of vehicles, load, article, property, machine or thing that:
  - (a) Is used in the construction, maintenance or repair of public highways; and
  - (b) Does not qualify for an exemption under subsection (3) of WSTC 311.300.
  
- (6) Combinations of vehicles having a combined gross weight in excess of that authorized under subsection (4) of WSTC 311.304.

**311.322 Permit for Operation of Non-complying Vehicle Generally; Conditions for Issuance; Cancellation of Permit.**

- (1)** If it determines the public interests will be served, a granting authority may issue a permit allowing any vehicle, combination of vehicles, load, article, property, machine or thing having a gross weight, size or description not permitted under WSTC 311.300 to 311.314 to move over any highway or street under its jurisdiction.
- (2)** In issuing a permit under this section, the granting authority may:

  - (a)** Grant a permit that is valid for a single trip, a number of trips or continuous operation.
  - (b)** Establish seasonal or other time limitations on a permit.
  - (c)** Establish any additional terms, limits or conditions on a permit that are necessary or desirable for the protection of the highways and streets and the public interest.
  - (d)** Require the applicant to furnish public liability and property damage insurance in an amount fixed by the granting authority.
  - (e)** Require the applicant to furnish indemnity insurance or an indemnity bond, in an amount fixed by the granting authority, to:

    - (i)** Indemnify the granting authority for any damage to the highways or streets that may be caused under the permit; and
    - (ii)** Indemnify the members, officers, employees and agents of the granting authority from any claim that might arise out of the granting of the permit and the use of the highways under the permit.
  - (f)** Require a demonstration by the applicant to establish that operation under a permit would:

    - (i)** Stay on the right side of the center line of the traveled way at all times; and
    - (ii)** Allow sufficient room in the opposing traffic lane for the safe movement of other vehicles.
- (3)** A permit issued under this section shall be in writing and shall specify:

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



If, in the opinion of the person appointed to be present at and during the movement, any of the terms and conditions of the permit are not being complied with, that person may order the movement to be stopped.

- (8) A person violates a permit issued under this section and is subject to the penalties under WSTC 311.334 if the person misrepresents any size or weight required to be specified when applying for a permit under this section.
- (9) Any permit issued under this section may be canceled at any time by the granting authority upon proof satisfactory to it that:
  - (a) The permit holder has violated any of the terms of the permit;
  - (b) The permit was obtained through misrepresentation in the application therefor; or
  - (c) The public interest requires cancellation.
- (10) If any of the provisions of this section are found to contravene section 127 of title 23, United States Code, it shall not serve to render inoperative any of the remaining provisions of this section that may be held not to be in conflict with section 127 of title 23, United States Code.

#### **311.324 Carrying Permit in Vehicle**

- (1) The driver or chauffeur of any vehicle or combination of vehicles for which a permit or permit identification card has been issued pursuant to the provisions of 311.322 authorizing any gross weight in excess of that permitted under the provisions of ORS 311.304 to 311.318 or of a size or description in excess of that permitted under the provisions of WSTC 311.302 to 311.318, shall have said permit or permit identification card in his immediate possession at all times when driving the vehicle or combination of vehicles upon a public highway, road or street, and shall display the same upon demand of any police officer or Bureau of Indian Affairs employee.
- (2) It shall be a defense to any charge of a violation of any provisions of WSTC 311.300 to 311.322 if the person so charged produces in court a permit authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of his arrest. However, the producing of such permit shall not be a defense for a charge under subsection (1) of this section.

#### **311.326 Weighing of Vehicles on Highway; Detention of Vehicle Until Its Load Complies with Statutes or Permit; Tolerances.**

- (1) Any police officer or any duly authorized weighmaster or BIA official may stop, measure and weigh any vehicle or combination of vehicles by means of either portable or stationary measures and scales, and having reason to believe that any

vehicle or combination of vehicles, including any load thereon, is unlawful, or having reason to believe that the combined weight of any vehicle exceeds the combined weight declared as provided in ORS 481.220, may require that such vehicle or combination of vehicles be driven to the nearest public or certified scales. Where it is necessary for the vehicle or combination of vehicles to reverse direction in order to proceed to the scales, the police officer or weighmaster shall assist the driver of the vehicle or combination of vehicles so that the turning movement can be made in safety.

- (2) If the police officer or weighmaster finds that the vehicle or combination of vehicles, including any load thereon, is of any dimension or has any gross weight not authorized by WSTC 311.300 to 311.328 or not authorized by the terms of any permit issued pursuant to WSTC 311.322, the police officer or weighmaster shall require the driver or chauffeur to move the vehicle or combination of vehicles to a suitable place and remain standing while a Uniform Traffic Citation and Complaint is being issued and until such portion of the load is removed as may be necessary to reduce any dimension and any gross weight to the limits authorized by the statute or permit.
- (3) The driver or chauffeur of any vehicle shall stop and submit the vehicle or combination of vehicles to any enforcement of commercial vehicle weight, size, load, conformation or equipment regulation when directed to do so by an "OPEN" sign displayed at a permanently established truck scale or by other sign or signal displayed or given by a police officer or weighmaster, and shall comply with the directions of any police officer or weighmaster given pursuant to this section. All material or goods removed from the load shall be removed and cared for by the driver, chauffeur or owner of the vehicle or combination of vehicles at his risk.

Except as to vehicles operating under permits issued pursuant to WSTC 311.322, the police officer or weighmaster may, within the discretion of the police officer or weighmaster, permit the driver to proceed without removing the excess dimensions, or weights if the amount of excess gross weight does not exceed the following:

Individual wheel	500 pounds
Axle	1,000 pounds
Tandem Axles	2,000 pounds
Group of Axles	3,000 pounds
Vehicle or Combination of Vehicles	4,000 pounds

- (4) Discretionary action by the police officer or weighmaster under subsection (4) of this section does not relieve the driver or chauffeur and owner of the vehicle or combination of vehicles of any liability or responsibility.

**311.328 Methods of Determining Gross Weights.**

- (1) For the purpose of determining any gross weight, actual scale weights shall govern. In the absence of information as to scale weights or of convenient facilities for ascertaining scale weights, the weights furnished by dealers, manufacturers or their agents, as to the weights of vehicles and parts of vehicles, and bills of lading or cargo manifests as to weights of loads, may be accepted as the weights thereof, but such weights shall be subject at all times to verification by actual weights subsequently ascertained.
- (2) For any of the purposes of WSTC 311.300 to 311.328, any gross weight may be measured and determined as follows:

  - (a) The gross weight of any wheel may be ascertained by placing a loadometer or other portable weighing device underneath the wheel and raising it off the surface of the ground, or by placing any wheel on a platform scale in a position so that the other wheels of the vehicle do not bear upon the platform of the scale.
  - (b) The gross axle weight of any axle may be ascertained by placing a loadometer or other portable weighing device underneath the outer wheels at both ends of the axle and raising all the wheels of the axle off the surface of the ground so as to weigh the entire axle at one time, or otherwise in the usual manner of the use of weighing devices, or may be ascertained by placing all the wheels of any axle on a platform scale in a position so that the other wheels of the vehicle do not bear upon the platform of the scale.
  - (c) The gross weight of any tandem axles and the gross weight of any group of axles shall be the sum of the gross axle weights of all the axles comprising the tandem axles or the group of axles, or may be ascertained by placing all the wheels of the tandem axles or the group of axles on a platform scale in a position so that the other wheels of the vehicle or combination of vehicles do not bear upon the platform of the scale. If it is not practical to place only the wheels of the tandem axles or group of axles in a position so that other wheels of the vehicle or combination of vehicles do not bear upon the platform of the scale, other wheels of the vehicle or combination of vehicles may be placed on the platform of the scale and the gross weight of the tandem axles or the gross weight of the group of axles shall be determined by subtracting from the gross weight of all the wheels upon the platform of the scale the gross weight of the wheels not comprising the tandem axles or the group of axles.
  - (d) The gross weight of any vehicle or combination of vehicles shall be the sum of the gross axle weights of all the axles of the vehicle or combination

of vehicles, or may be ascertained by placing all the wheels of a vehicle or combination of vehicles on a platform scale.

**311.329 Carrying Dog or Child on External Part of Motor Vehicle.**

- (1) No person shall carry a dog upon a public street or highway upon the hood, fender, running board or other external part of any automobile or truck unless the dog is protected by framework, carrier or other device sufficient to keep it from falling from the vehicle.
- (2) No person shall carry any child upon a public street or highway upon the hood, fender, running board or other external part of any motor vehicle.
- (3) A person who violates this section commits a Class C traffic infraction.

**311.330 Designation of Streets, Roads or Highways as Truck Routes.** The Confederated Tribes, the Bureau of Indian Affairs or the Oregon Department of Transportation may designate any street, road or highway or section thereof as a truck route and may prohibit the operation of trucks, machinery or any other large or heavy vehicles upon any street, road or highway which serves the same route or area served by the said truck route.

**311.332 Truck Route Designation to be by Order, Resolution or Ordinance; Erecting Appropriate Signs; When Prohibitions are Effective; Violation Prohibited.**

- (1) The Confederated Tribes, Bureau of Indian Affairs or the Oregon Department of Transportation making any designation, or prohibiting any operation, as authorized by WSTC 311.330 shall do so by a proper order, resolution or ordinance, and shall erect and maintain a sign giving notice of the order, resolution or ordinance, in a conspicuous manner and place at each end of the highway or section of highway affected thereby, and at such other places as may be necessary to inform the public, and the designation or prohibitions shall be effective when the signs giving notice thereof are erected, and no person shall operate any vehicle or combination of vehicles in violation thereof.
- (2) A person who violates this section commits a Class C traffic infraction.

**311.338 Penalties Generally.** Any driver or chauffeur of any vehicle or combination of vehicles who fails or refuses to follow the direction of a police officer or weighmaster or stop and submit the vehicle or combination of vehicles to measurement or weighing when ordered or directed to do so by any police officer or weighmaster pursuant to the provisions of WSTC 311.326 or 311.328 commits a Class B traffic infraction.

**311.340 Penalties for Violating Weight Provisions.**

- (1) Violation by any owner or operator of any vehicle or combination of vehicles of any provision of this chapter limiting gross weight is punishable by a fine, based

upon the extent that the gross weight of the vehicle exceeds the gross weight as limited by the provisions of this chapter, as follows:

- (a) If the excess weight is 1,000 pounds or less, by a fine of not less than \$50.
  - (b) If the excess weight is more than 1,000 pounds but less than 2,000 pounds, by fine of 6¢ per pound for each pound of excess weight.
  - (c) If the excess weight is more than 2,000 pounds but less than 5,000 pounds, by fine of not less than 8¢ per pound for each pound of excess weight.
  - (d) If the excess weight is more than 5,000 pounds, by fine of not less than 10¢ per pound for each pound of excess weight. In addition the court may suspend or revoke the right of the operator or chauffeur to operate the vehicle on the Reservation for a period not to exceed 90 days.
- (2) If any owner or operator is convicted of a second or subsequent violation of a provision of this chapter limiting gross weight within one year after the first conviction, the court, in addition to imposing a fine, may suspend or revoke the right of the operator or chauffeur to operate the vehicle on the Reservation for a period not to exceed 90 days.

**311.442 Driver or Chauffeur May be Exonerated From Overloading Violation if in Good Faith.**

- (1) In any prosecution for any violation punishable under WSTC 311.340 of any driver or chauffeur who is employed, by the owner or lessee of the vehicle or combination of vehicles involved in the violation, to operate such vehicle or combination, the Court shall make the owner or lessee of the vehicle a co-defendant if appearance has not been made by the driver or chauffeur within 15 days of the date the driver or chauffeur was cited to appear in court.

If it is found that the owner or lessee caused or permitted the driver or chauffeur to operate the vehicle or combination of vehicles in violation of any provision punishable under WSTC 311.340, and if the owner or lessee is found guilty of violating any such provision, the court may dismiss the charges against the driver or chauffeur.