

Securing Your Cargo / Load – Resources and Laws

Oregon Revised Statutes

818.230 Sifting or leaking load permit; duration; fee. A sifting or leaking load permit is a vehicle permit that is issued as evidence of a grant of authority to operate a vehicle loaded or constructed in a manner that, without the permit, would violate ORS 818.300. Each road authority shall grant permits for its own highways. Permits issued under this section shall comply with all of the following:

(1) Permits shall be in writing.

(2) Permits shall be issued only for the following:

(a) Vehicles transporting food processing plant by-products to be used for livestock feed or fertilizer from which there is fluid leakage.

(b) Vehicles transporting agricultural products from which there is fluid leakage, while the vehicles are en route from the place of harvest to a place where the products will be processed, stored or sold.

(3) Permits shall be issued for a maximum period of one year.

(4) Permits are revocable if the issuing road authority finds that the amount or character of the fluid leakage is such that it constitutes a danger to other vehicles.

(5) The fee for issuance of a sifting or leaking load permit is as provided under ORS 818.270.

(6) No fee shall be charged for issuance of a permit to the federal government, agencies of the State of Oregon, counties or cities. [1983 c.338 §538; 1985 c.179 §1]

818.240 Dragging permit; fee. A dragging permit is a vehicle permit that is issued as evidence of a grant of authority to drag something upon or over the surface of the highway without violation of ORS 818.320. Except as otherwise provided in this section, each road authority shall grant permits for its own highways. Permits issued under this section shall comply with all of the following:

(1) Permits shall be in writing.

(2) The Department of Transportation has the authority for issuance of permits on city streets over which a state highway is routed pursuant to ORS 373.010.

(3) The fee for issuance of a dragging permit is as provided under ORS 818.270.

(4) No fee shall be charged for issuance of a permit to the federal government, agencies of the State of Oregon, counties or cities. [1983 c.338 §539]

PERMIT OFFENSES

818.300 Operating with sifting or leaking load; civil liability; penalty. (1) A person commits the offense of operating with a sifting or leaking load if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that is so constructed or loaded so as to allow its contents to drop, sift, leak or otherwise escape therefrom.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles is so constructed or loaded so as to allow its contents to drop, sift, leak or otherwise escape therefrom.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.310.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, operating with a sifting or leaking load, is a Class B traffic violation. [1983 c.338 §524; 1985 c.393 §31]

818.310 Exemptions from prohibition on sifting and leaking load. This section establishes exemptions from ORS 818.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. Exemptions are partial or complete as described in the following:

(1) ORS 818.300 does not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) ORS 818.300 does not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) Operations authorized under the terms of a permit issued under ORS 818.230 are subject to the terms of the permit. It is a defense to any charge of violation of ORS 818.300 if the person so charged produces a permit issued under ORS 818.230 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense. [1983 c.338 §525; 1985 c.16 §270; 1987 c.158 §173]

818.320 Dragging objects on highway; civil liability; penalty. (1) A person commits the offense of dragging objects on a highway if the person does any of the following:

(a) Drives or moves on a highway any vehicle or combination of vehicles that is dragging upon or over the surface of the highway any logs, poles, piling or other thing.

(b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination of vehicles to be driven or moved on a highway while dragging upon or over the surface of the highway any logs, poles, piling or other thing. Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

(2) The application of this section is subject to the exemptions from this section established under ORS 818.330.

(3) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(4) The offense described in this section, dragging objects on a highway, is a Class D traffic violation. [1983 c.338 §526; 1985 c.393 §32; 1995 c.383 §95]

818.330 Exemptions from prohibition on dragging objects on highway. This section establishes exemptions from ORS 818.320. The exemptions in this section are in addition to any under ORS 801.026. Exemptions are partial or complete as described in the following:

(1) Operations authorized under terms of a permit issued under ORS 818.240 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.320 if the person so charged produces a permit issued under ORS 818.240 authorizing the operation issued prior to and valid at the time of the offense.

(2) ORS 818.320 does not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(3) ORS 818.320 does not apply on any road, thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both. [1983 c.338 §527; 1987 c.158 §174]

(Loads)

815.270 Operating vehicle that is loaded or equipped to obstruct driver; penalty. (1) A person commits the offense of operating a vehicle that is loaded or equipped to obstruct the driver if the person is operating a vehicle that is loaded or equipped or where baggage or an encumbrance does any of the following:

(a) Substantially obstructs the driver's views to the rear, through one or more mirrors and otherwise.

(b) Obstructs the driver's view to the front or sides.

(c) Interferes with control of the driving mechanism.

(d) Prevents the free, unhampered operation of the vehicle by the driver.

(2) The offense described in this section, vehicle loaded or equipped to obstruct driver, is a Class C traffic violation. [1983 c.338 §500; 1985 c.16 §259]

815.275 Failure to mark end of load with light or flag when required; penalty. (1) A person commits the offense of failure to mark the end of a load with a light or flag when required if the person drives or moves on any highway or owns and causes or knowingly permits to be driven or moved on any highway any vehicle with a load that extends to the rear four feet or more beyond the bed or body of the vehicle and the person fails to:

(a) Place end load lights described under ORS 816.290 at the extreme rear end of the load, in addition to any other rear light required upon every vehicle, at times when limited visibility conditions exist; or

(b) At any other time, display at the extreme rear end of the load a red flag or cloth not less than 12 inches square.

(2) The offense described in this section, failure to mark end of load with light or flag when required, is a Class C traffic violation. [1983 c.338 §501]