

JURISDICTION:  
General Reference:

**OREGON**  
Oregon Revised Statutes and Oregon Administrative Rules (OAR)

Required Use of Safety Belts<sup>1</sup>:

Requirements:

- I. Before a person operates a motor vehicle<sup>2</sup>, they must secure themselves in a safety belt. §811.210(1)(a).
- II. A driver cannot operate a motor vehicle<sup>2</sup> unless all passengers <16 years old are secured in a safety belt, child safety system or safety harness. §811.210(1)(b)
- III. A motor vehicle passenger ≥16 years old must secure themselves in a safety belt. §811.210(1)(c)

Sanctions for Failure to Use or  
Require the Use of Safety Belts:

Class D Traffic Violation<sup>3</sup>: A fine of not more than \$75.<sup>4</sup> §§153.018(1) & (2), 801.550 and 811.210(3)

Effect on Civil Liability:

Evidence of a failure to comply with these requirements may be admitted only to mitigate damages. The mitigation of damages cannot be >5% of the damages that would have otherwise been awarded. §18.590(1) However, this restriction does not apply if nonuse of a safety belt was as substantial or contributing cause of the accident which resulted in the personal injuries. §18.590(2)(B) and *Rectenwald v. Snider*, 894 P.2d 1242 (Or.App. 1995)

Required Use of Child Safety Restraint Systems<sup>1</sup>:

Requirements:

- I. A driver, when transporting a child <4 years old and weighing ≤40 lbs. in a motor vehicle<sup>2</sup>, must secure such child in State/Federally approved child safety system. §§811.210(1)(b) & (2)(a) and 815.055(1)(b)
- II. A driver, when transporting a child ≥4 years old in a motor vehicle<sup>2</sup>, must secure such child in either a safety belt or State approved safety harness. §811.210(1)(b) & (2)(b)

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<sup>1</sup>**Exemptions.** The requirements to use a safety belt, child safety system or safety harness do not apply in the following circumstances: (1) To persons riding in privately owned commercial vehicles which are designed to carry persons for compensation (profit) or to carry property (This exemption does not apply to pickup trucks weighing <8,000 lbs.); (2) to persons riding in vehicles that were not required to be equipped with safety belts or safety harnesses at the time the vehicle was manufactured; (3) to persons who are riding in vehicles that have been specifically exempted from having safety belts or safety harnesses under §815.080; (4) to a person who cannot use either safety belt, child safety system or safety harness because such use would be impractical or harmful to the person by reason of physical condition, medical problem or body size; (5) to passengers where all of the available seating positions are already occupied; (6) to persons being transported in the custody of a law enforcement officers; (7) to persons who are delivering newspapers or mail when in the regular course of work; (8) to persons who are administering medical aid to another individual while riding in an ambulance where the use of a safety belt or safety harness would substantially inhibit such aid; (9) to persons who are reading utility meters in the regular course of work; (10) to persons who are employed to operate a vehicle owned by a mass transit district while the vehicle is being used for the transportation of passengers; and, (11) to persons who are collecting solid waste or recyclable materials in the regular course of work. §§801.210, 811.215 & 811.220

<sup>2</sup>The requirements to use either a safety belt or child safety system applies to motor vehicles that are primarily designed for the transportation of individuals and that have seating for one or more passengers side-by-side with the operator. §811.215(3) & 815.080(1)(a)

<sup>3</sup>There is also a **Unitary Assessment** of \$35 and a **County Assessment** of between \$5 and \$59. §§137.290(1)(d) & 137.309

<sup>4</sup>I. Depending upon the number of traffic offenses a person has committed, a person may have to participate in a Driver Improvement Program. Under this program, a person's driving privileges can be restricted and, in some cases, suspended. ORA 735-72-000 et seq. II. A provisional licensee (a licensee <18 years old) who violates §811.210 is subject to the following sanctions. For a 1st offense, a letter is issued warning the licensee of the consequences of continued violations. However, if the licensee has a previous traffic offense conviction, which includes a prior violation of §811.210, their driving privileges are suspended until they complete a driver improvement program. §809.405

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Sanctions for Failure to Require  
the Use of Child Restraint Systems:

Class D Traffic Violation<sup>3</sup>: A fine of not more than \$75.<sup>4</sup> §§153.018(1) & (2), 801.550 and 811.210(3)

Effect on Civil Liability:

Evidence of a failure to comply with these requirements may be admitted only to mitigate damages. The mitigation of damages cannot be >5% of the damages that would have otherwise been awarded. §18.590(1) However, this restriction does not apply if nonuse of a safety belt was as substantial or contributing cause of the accident which resulted in the personal injuries. §18.590(2)(B)

Required Use of Motorcycle Protective Headgear<sup>5</sup>:

Requirements:

A person, who operates or rides on a motorcycle or a moped, must wear a motorcycle helmet. §§814.260(1), 814.269(1), 814.275(1) & 814.280(1)

Sanctions for Failure to Use:

Class D Traffic Violation<sup>3</sup>: A fine of not more than \$75.<sup>4</sup> §§153.018(1) & (2), 801.550, 814.260(4), 814.269(3), 814.275(3) and 814.280(3)

Required Use of Motorcycle Eye Protection Device:

Requirements:

Note: This requirement is indirectly covered by the above requirement to wear a motorcycle helmet.

Sanctions for Failure to Use:

Required Use of Bicycle Protective Headgear<sup>6</sup>:

Requirements:

I. A person <16 years old, who operates or rides on a bicycle, must wear protective headgear. §814.485(1)  
II. A person cannot operate a bicycle with a passenger <16 years old unless such passenger is wearing protective headgear. §814.486(1)(b)

Required Use of Bicycle Protective Headgear:  
(continued)

Requirements: (continued)

III. It is illegal for a parent or legal guardian to allow their child <16 years old to operate or ride a bicycle unless such child wears protective headgear. §814.486(1)(b)

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<sup>5</sup>The requirement to wear a motorcycle helmet does not apply if (1) the person is riding in an enclosed cab or (2) a person is riding in a vehicle that is designed to travel with three wheels at a speed <15 MPH. §§814.260(2), 814.269(2), 814.275(2), 814.280(2) & 814.290

<sup>6</sup>A person is exempt from this requirement if the use of bicycle protective headgear would violate a religious belief or practice of the person. §814.487

Sanctions for Failure to Use: Traffic Infraction (Violation)<sup>3</sup>: A fine of not more than \$25.<sup>7</sup> §§801.550, 814.485(3) & 814.486(3)

Required Use of Bicycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements: **None**<sup>8</sup>

Sanctions for a Violation:

Exemptions:

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<sup>7</sup>If the offender is ≤11 years old, a citation for a violation of this requirement is issued to that child's parent or legal guardian. §814.488(1)  
If the offender is ≥12 but <16 years old, a citation for a violation of this requirement may be issued to either the child or to the child's parent or legal guardian. Note: Citations cannot be issued to both the child and the parent or legal guardian. §814.488(2)

<sup>8</sup>The safety belt usage and child passenger protection laws may have indirectly established such a prohibition.

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