

**SECTION 13.** This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.  
Approved by the Governor June 22, 1981  
Filed in the office of Secretary of State June 22, 1981

**CHAPTER 221**  
**AN ACT**

[ HB 3098 ]

Relating to sex change.  
**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** (1) A court that has jurisdiction to determine an application for change of name of person under ORS 33.410 and 33.420 may order a legal change of sex and grant a certificate indicating the change of sex to a person whose sex has been changed by surgical procedure.

(2) The court may order a legal change of sex and grant the certificate in the same manner as that provided for change of name of a person under ORS 33.410 and 33.420.

(3) If a person applies for a change of name under ORS 33.410 and 33.420 at the time the person applies for a legal change of sex under this section, the court may order change of name and legal change of sex at the same time and in the same proceeding.

**SECTION 2.** Section 3 of this Act is added to and made a part of ORS chapter 432.

**SECTION 3.** (1) The State Registrar shall amend the birth certificate of a person if:

(a) The State Registrar receives a certified copy of a court order issued pursuant to section 1 of this 1981 Act that changes the legal sex of the person; and  
(b) The person was born in this state.

(2) Under subsection (1) of this section, the State Registrar shall amend the person's birth certificate to show:

(a) The legal sex of the person; and  
(b) If applicable, the change of name of the person pursuant to ORS 33.410 and 33.420.

(3) The Health Division shall prescribe by rule the manner of and procedure for amending a birth certificate under this section.

Approved by the Governor June 22, 1981  
Filed in the office of Secretary of State June 22, 1981

**CHAPTER 222**  
**AN ACT**

[ SB 161 ]

Relating to special education; amending ORS 346.040; and declaring an emergency.  
**Be It Enacted by the People of the State of Oregon:**

Section 1. ORS 346.040 is amended to read:

346.040. (1) The cost of all clothing necessary for the comfort of an indigent deaf or blind pupil attending facilities operated under ORS 346.010 shall be borne by the county of which the pupil is a resident. The cost of clothing shall be paid by the governing body of the county upon presentation of proper itemized claims duly certified by the Superintendent of Public Instruction.

(2) The actual and necessary traveling expenses of a pupil attending facilities operated under ORS 346.010 incurred in going to and from facilities operated under ORS 346.010 shall be considered pupil transportation by the district for purposes of ORS 327.035 and shall be borne by the resident school district of the pupil upon presentation of a properly itemized claim by [July 1 of each year] August 1, November 1, February 1 and May 1 for the preceding three-month period duly certified by the Superintendent of Public Instruction due and payable by [August 15 of the year] the fifteenth day of the month following the billing date for the period for which the claim is presented.

**SECTION 2.** This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on passage.

Approved by the Governor June 22, 1981  
Filed in the office of Secretary of State June 24, 1981

**CHAPTER 223**  
**AN ACT**

[ SB ]

Relating to transportation; amending ORS 767.025.  
**Be It Enacted by the People of the State of Oregon:**

Section 1. ORS 767.025 is amended to read:  
767.025. (1) This chapter does not apply to motor vehicles being used:

(a) By, or under contract with, any school board, district or person responsible for the administration of elementary or secondary school activities, and engaged exclusively in transporting students or their instructors to or from school or authorized school activities, or those activities sponsored by the State Board of Higher Education.

(b) Exclusively in the transportation of United States mail on a trip basis.

(c) In the transportation of persons for hire within a radius of three airmiles beyond the corporate limits of a city in Oregon and when the motor vehicle has a seating capacity of more than five persons. When the three airmile radius of a city in which the original starting point of the vehicle is located extends into the corporate limits of another city and both cities are served by the same carrier, the two cities shall be considered as one city for the purpose of this subsection if the service proposed may be rendered by a single motor vehicle that at no time operates beyond the three mile radius of both cities. Any vehicle exempt from the provisions of this chapter under this subsection.