

Chapter 487

1977 REPLACEMENT PART

Rules of the Road

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DEFINITIONS

487.005 Definitions for ORS chapters 483 and 487. As used in this chapter and in ORS chapter 483, unless the context otherwise requires:

(1) "Alley" means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic.

(2) "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability. Police, fire, funeral home and other vehicles which serve a dual purpose, one of which meets the definition of "ambulance," when actually used for ambulance purposes, are ambulances.

(3) "Throughway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(4) "Crosswalk" means:

(a) Except as provided in paragraph (b) of this subsection, that portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks, shoulders or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or the prolongation of the lateral lines of a sidewalk, shoulder or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder; or, if there is neither a sidewalk nor a shoulder, that portion of a roadway at an intersection measuring not less than six feet in width that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk. Except as provided in paragraph (b) of this subsection, if there is a sidewalk, shoulder, or both, a crosswalk shall be not more than 20 feet in width measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface of such roadway, conforming in

design to standards prescribed by the commission. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection.

(5) "Driver" or "operator" means any person who is in actual physical control of a vehicle.

(6) "Emergency medical technician" means a person who attends any ill, injured or disabled person in connection with his transportation by ambulance. Policemen, firemen, funeral home employes and other personnel serving in a dual capacity one of which meets the definition of "emergency medical technician" are "emergency medical technicians" within the meaning of ORS 483.121, 483.437, 485.500 to 485.595, 485.992, 487.075 and 487.085.

(7) "Emergency vehicle" means a vehicle equipped as required by paragraph (c) of subsection (1) of ORS 483.423, subsections (5) and (6) of ORS 483.432 and subsection (4) of ORS 483.446 and which is used by a publicly maintained fire or police department or airport security police or a vehicle of a federal agency which is designated as an emergency vehicle by that agency, or other vehicle authorized in writing by the Administrator of the Motor Vehicles Division. The term does not include an ambulance as defined in subsection (2) of this section.

(8) "Highway," "road" or "street" means every public way, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, used or intended for the use of the general public for vehicles except that:

(a) The terms do not include any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547 and 551 or a corporation formed under ORS chapter 554; and

(b) As used in those provisions relating to size and weight restrictions on vehicles, the terms do not include 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.

(9) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more roadways which join one another at an angle, whether or not one roadway crosses the other.

The junction of an alley with a roadway shall not constitute an intersection. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(10) "Local authorities" means every county, municipal and other local board or body having authority to adopt and administer local police regulations under the Constitution and laws of this state.

(11) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(12) "Official traffic control devices" means all signs, signals, markings and devices not inconsistent with this chapter and ORS chapter 483, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

(13) "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(14) "Pedestrian" means any person afoot or confined to a wheelchair.

(15) "Protective device" means a sign, signal, gate or other device to warn or protect the public, installed at a railroad-highway crossing.

(16) "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

(17) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(18) "Shoulder" means that portion of the highway, whether paved or unpaved, contigu-

ous to the roadway primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

(19) "Sidewalk" means:

(a) On the side of a highway which has a shoulder, that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a pedestrian, or

(b) On the side of a highway which has no shoulder, that portion of the highway between the lateral line of the roadway and the adjacent property line capable of being used by a pedestrian.

(20) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(21) "Stop" when required means complete cessation from movement.

(22) "Stop or stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

[1975 c.451 §2; 1977 c.882 §41]

487.010 [Repealed by 1959 c.686 §72]

APPLICATION OF ORS CHAPTERS 483 AND 487

487.015 Application uniform throughout state. The provisions of this chapter and ORS chapter 483 shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and on the ocean shore which has been or may hereafter be declared a state recreation area, and no local authority may enact or enforce any rule or regulation in conflict with the provisions of this chapter and ORS chapter 483 except as specifically authorized in this chapter and ORS chapter 483.

[1975 c.451 §3]

487.020 [Repealed by 1959 c.686 §72]

487.025 Application applicable on federal lands. (1) Except as provided otherwise by federal law, the provisions of this chapter and ORS chapter 483 shall be applicable and uniform on federal lands within this state.

(2) Except as provided otherwise by federal law, traffic rules and regulations which are promulgated by a federal authority having jurisdiction over federal lands within this state and which vary from the provisions of this chapter and ORS chapter 483 shall be the law of the local authority within whose boundaries the federal land is located, and enforceable as such, if: (a) Local authorities are authorized to vary in the same manner under the provisions of this chapter and ORS chapter 483, and (b) prior approval for the variance has been obtained by the federal authority from the governing body of the local authority within whose boundaries the federal land is located.

[1975 c.451 §3a]

487.030 [Amended by 1955 c.696 §1; repealed by 1959 c.686 §72]

487.035 Application when referring to vehicles upon the highways and ocean shore; exceptions. The provisions of this chapter and ORS chapter 483 relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways and the ocean shore which has been or may hereafter be declared to be a state recreation area, except where a different place is specifically referred to in a given section.

[1975 c.451 §4]

487.040 [Amended by 1955 c.696 §2; repealed by 1959 c.686 §72]

487.045 Application to persons working on highways; exceptions. Unless otherwise specifically provided, the provisions of chapter 451, Oregon Laws 1975, except those relating to a serious traffic offense, do not apply to persons, motor vehicles and other equipment employed by the United States, this state, any county, city, district or other political subdivision or a public utility while on a highway and working or being used to service, construct, maintain or repair the facilities of the utility, or to persons, motor vehicles and other equipment while operated within the immediate construction project, as described in the governmental agency contract if there is a contract, in the construction or reconstruction of a street or highway when the work is being done in an area that is signed in accordance with the manual adopted under the provisions of ORS 487.853, but shall apply to such persons and vehicles when traveling to or from such facilities or construction project.

[1975 c.451 §10; 1977 c.882 §42]

Note: The Legislative Counsel has not, pursuant to 173.160, undertaken to substitute specific ORS references

for the words "this Act" in 487.045. Chapter 451, Oregon Laws 1975, enacted into law and amended the ORS sections which may be found by referring to the 1975 Comparative Section Table located following the Index in volume 6 of Oregon Revised Statutes (1975 Replacement Parts).

487.050 [Repealed by 1959 c.686 §72]

487.055 Application to public employment. The provisions of chapter 451, Oregon Laws 1975, applicable to drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, district or any other political subdivision of this state, subject to such specific exceptions as are set forth in chapter 451, Oregon Laws 1975.

[1975 c.451 §9]

Note: See note under 487.045.

487.060 [Repealed by 1959 c.686 §72]

487.065 Application to prior and subsequent actions. (1) Sections 2 to 169 of chapter 451, Oregon Laws 1975, shall govern the construction of and punishment for any vehicle code offense defined in chapter 451, Oregon Laws 1975, and committed after June 27, 1975, the construction and application of any defense to a prosecution for such an offense and any administrative proceedings authorized or affected by chapter 451, Oregon Laws 1975.

(2) Sections 2 to 169 of chapter 451, Oregon Laws 1975, shall not apply to or govern the construction of or punishment for any vehicle code offense committed before June 27, 1975, or the construction and application of any defense to a prosecution for such an offense.

(3) When all or part of a vehicle code statute is amended or repealed, the statute or part thereof so amended or repealed remains in force for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person who violated the statute or part thereof before the effective date of the amending or repealing act.

(4) The provisions of sections 2 to 169 of chapter 451, Oregon Laws 1975, do not impair or render ineffectual any court or administrative proceedings or procedural matters which occurred before June 27, 1975.

[1975 c.451 §5]

Note: See note under 487.045

487.070 [Repealed by 1959 c.686 §72]

GENERAL RULES

487.075 Application of speed regulations and traffic signals to emergency vehicles. (1) The driver of an emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from an emergency, is subject to the privileges and conditions set forth in this section.

(2) The driver of the emergency vehicle may:

(a) Park or stand, in disregard of a statute, regulation or ordinance prohibiting that parking or standing;

(b) Proceed past a red signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the designated speed limits so long as he does not endanger persons or property; and

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) (a) The privileges granted to the driver of an emergency vehicle in paragraphs (a), (c) and (d) of subsection (2) of this section apply only when the driver of the vehicle is making use of a visual signal meeting the requirements of paragraph (c) of subsection (1) of ORS 483.423 and subsections (5) and (6) of ORS 483.432.

(b) The privileges granted to the driver of an emergency vehicle in paragraph (b) of subsection (2) of this section apply only when the driver of the vehicle is making use of both a visual signal as described in paragraph (a) of this subsection, and an audible signal meeting the requirements of subsection (4) of ORS 483.446.

(c) A driver of an emergency vehicle, which is parked or standing in disregard of a regulation or ordinance prohibiting that parking, stopping or standing, shall not use the audible signal.

(d) The driver of an emergency vehicle, which is operated as an emergency police vehicle, is not required to use either visual signal or the audible signal as described in paragraphs (a) and (b) of this subsection in order to exercise the privileges granted in subsection (2) of this section when it reasonably appears to the driver that the use of either or both would prevent or hamper the

apprehension or detection of a violator of a statute, ordinance or regulation.

(4) The provisions of this section shall not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all other persons, nor are they a defense to the driver in an action brought for criminal negligence or reckless conduct.

(5) Violation by an emergency vehicle driver of any provision of this section is a Class B traffic infraction.

[1975 c.451 §11; 1977 c.882 §72]

487.080 [Repealed by 1959 c.686 §72]

487.085 Application of speed regulations and traffic signals to ambulances. (1) The driver of an ambulance when responding to an emergency call, subject to the conditions of this section, may, with due regard to the safety of all persons, exercise the following privileges:

(a) Park or stand in disregard of a statute, regulation or ordinance prohibiting that parking or standing;

(b) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation;

(c) Exceed the designated speed limits by not more than 10 miles an hour, so long as he does not endanger persons or property; and

(d) Disregard regulations governing direction of movement or turning in specified directions.

(2) The privileges granted under this section to the driver of an ambulance shall apply only when a person who, in accordance with ORS 485.550, is a certified emergency medical technician or has been granted an exemption from the requirement of obtaining E.M.T. certification:

(a) Has reasonable grounds to believe that delay of an ambulance will jeopardize human life; and

(b) Operates or directs the operation of an audible signal or a visual signal meeting the requirements of ORS 483.437.

(3) The provisions of this section shall not relieve the driver of an ambulance from the duty to drive with due regard for the safety of all persons, nor are they a defense to the driver in an action brought for criminal negligence or reckless conduct.

(4) Violation by an ambulance driver of

any provision of this section is a Class B traffic infraction.

[1975 c.451 §12]

487.090 [Repealed by 1959 c.686 §72]

487.095 Permitting unlawful operation of vehicle. (1) A person who is an owner, lessor or lessee of a motor vehicle, or who employs or otherwise directs the driver of a motor vehicle, commits the offense of permitting the unlawful operation of a vehicle if he knowingly permits or requires the operation of the vehicle in violation of:

(a) The rules of the road; or

(b) The laws governing equipment of motor vehicles; or

(c) The laws governing weight of motor vehicles; or

(d) The laws governing operator and operator-chauffeur licensing; or

(e) The laws governing registration of vehicles.

(2) Knowingly permitting or requiring the operation of a motor vehicle in violation of subsection (1) of this section is a Class B traffic infraction.

[1975 c.451 §6; 1977 c.882 §43]

487.100 Failing to obey police officer.

(1) A person commits the offense of failing to obey a police officer if he refuses or fails to comply with any lawful order, signal or direction of a police officer displaying his star or badge and having lawful authority to direct, control or regulate traffic.

(2) Failing to obey a police officer is a Class C traffic infraction.

[1975 c.451 §7]

487.105 Uniform or badge required.

Any police officer attempting to enforce the traffic laws of this state shall be in uniform or shall conspicuously display an official identification card showing his lawful authority.

[1975 c.451 §8]

TRAFFIC SIGNS, SIGNALS AND MARKINGS

487.120 Obedience to traffic control devices required; exception. (1) A driver commits the offense of failure to obey an official traffic control device if he does not obey the directions of an official traffic control device except when:

(a) He is otherwise directed by a police officer; or

(b) He is driving an authorized emergency vehicle or ambulance and lawfully exercising the related privileges granted by ORS 487.075 or 487.085.

(2) A person shall not be convicted of violating a provision of this chapter or ORS chapter 483 for which an official traffic control device is required if the device is not in proper position and legible to a reasonably observant person at the time and place of the alleged violation. Whenever a particular section defining a vehicle rule does not state that official traffic control devices are required, the section shall be effective even though no devices are erected or in place.

(3) When an official traffic control device is placed in position approximately conforming to the requirements of the traffic regulations or other laws of this state, the device is presumed to have been placed by an official act or at the direction of lawful authority, unless the contrary is established by competent evidence.

(4) An official traffic control device placed under the provisions of chapter 451, Oregon Laws 1975, or other laws or regulations of this state and purporting to conform to the lawful requirements pertaining to that device is presumed to comply with the requirements of chapter 451, Oregon Laws 1975, unless the contrary is established by competent evidence.

(5) A person who fails to obey an official traffic control device commits a Class B traffic infraction.

[1975 c.451 §13]

Note: See note under 487.045.

487.125 Traffic control signals for drivers and pedestrians. (1) Whenever traffic is controlled by a traffic control signal showing different colored lights or colored lighted arrow lights successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend. The lights indicate and apply to drivers and pedestrians as follows:

(a) A driver facing a green light may proceed straight through or turn right or left unless a sign at that place prohibits either turn. A driver shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the green light is shown. A pedestrian facing this light may proceed across the roadway within any marked or unmarked crosswalk, unless prohibited from

doing so by other official traffic control devices.

(b) A driver facing a green arrow signal light, shown alone or in combination with another signal, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other signals shown at the same time. A driver shall yield the right of way to pedestrians lawfully within an adjacent crosswalk. A pedestrian facing a green arrow signal light may proceed across the roadway within any marked or unmarked crosswalk unless prohibited from doing so by other traffic control devices.

(c) A driver facing a steady yellow signal light is thereby warned that the related right of way is being terminated and that a red or flashing red light will be shown immediately. A driver facing the light shall stop at a clearly marked stop line, but if none, shall stop before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection. If a driver cannot stop in safety, he may drive cautiously through the intersection. A pedestrian facing a steady yellow light shall not enter the roadway unless otherwise directed by a pedestrian control signal.

(d) A driver facing a steady red signal light alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection. Except as provided in ORS 487.130, the driver shall remain standing until a green light is shown alone. A pedestrian facing a steady red light shall not enter the roadway unless otherwise directed by a pedestrian control signal.

(2) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable. A required stop shall be made at a sign or marking on the roadway indicating where the stop shall be made, but in the absence of such sign or marking the stop shall be made at the signal.

(3) A driver failing to obey a traffic control signal commits a Class B traffic infraction.

(4) A pedestrian failing to obey a traffic control signal commits a Class C traffic infraction.

[1975 c.451 §14]

487.130 When vehicle turns at intersections with red traffic control light authorized. (1) Unless otherwise directed by an official traffic control device or a police officer, a driver intending to turn at an intersection where there is a traffic control signal showing a red light, after stopping as required with care to avoid accident, may:

(a) Make a right turn into a two-way street; or

(b) Make a right or left turn into a one-way street in the direction of traffic upon the one-way street.

(2) The driver making a turn under subsection (1) of this section shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully within the intersection or approaching so close as to constitute an immediate hazard.

(3) A person violating subsection (1) or (2) of this section commits a Class B traffic infraction.

[1975 c.451 §15]

487.135 Pedestrian control signals. (1) When a pedestrian control signal showing the words "Walk" and "Wait" or "Don't Walk" is in place, the signal indicates and applies as follows:

(a) A pedestrian facing a "Walk" signal may proceed across the roadway in the direction of the signal and shall be given the right of way by drivers.

(b) A pedestrian shall not start to cross the roadway in the direction of a "Wait" or "Don't Walk" signal. A pedestrian who has started his crossing on the "Walk" signal shall proceed with dispatch to a sidewalk or safety island while the "Wait" or "Don't Walk" signal is showing.

(2) A person failing to obey a pedestrian control signal commits a Class C traffic infraction.

[1975 c.451 §16]

487.140 Flashing signals. (1) When a driver approaches a flashing red light used in a traffic signal or with a traffic sign, he shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) When a driver approaches a flashing yellow light used in a traffic signal or with a traffic sign, he may proceed through the intersection or past the signal only with caution.

(3) This section shall not apply at railroad grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 487.425.

(4) A driver who fails to obey a flashing red or yellow signal commits a Class B traffic infraction.

[1975 c. 451 §17]

487.145 Lane direction control signals. (1) When lane direction control signals are placed over the individual lanes of a street or highway, a person may drive a vehicle in any lane over which a green signal light is shown, but shall not enter or travel in any lane over which a red signal light is shown.

(2) A person failing to obey a lane direction control signal commits a Class B traffic infraction.

[1975 c.451 §18]

487.150 When display of signs, signals or markings unlawful. (1) Unless authorized by and acting under ORS 487.660, 487.850, 487.855, 487.865, 487.870 or 487.885, no person shall place, maintain or display upon or in view of any highway any sign, signal, marking or device which:

(a) Purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal; or

(b) Attempts to direct the movement of traffic; or

(c) Hides from view or interferes with the effectiveness of an official traffic control device or railroad sign or signal.

(2) No person shall place or maintain upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section does not prohibit the placing and maintaining of signs, markers or signals bearing thereon the name of an organization authorized to place the same by the appropriate public authority.

(4) Every prohibited sign, signal, marking or device is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway may remove it, or cause it to be removed, without notice.

(5) A person who violates subsection (1) or

(2) of this section commits a Class C traffic infraction.

[1975 c.451 §19]

487.155 When interference with official traffic control device or railroad sign or signal unlawful. (1) A person commits the offense of unlawful interference with an official traffic control device or railroad sign or signal if without lawful authority and with criminal negligence he attempts to or does alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(2) A person who unlawfully interferes with an official traffic control device or railroad sign or signal commits a Class B traffic infraction.

[1975 c.451 §20]

DRIVING ON RIGHT SIDE OF ROADWAY; OVERTAKING AND PASSING; USE OF ROADWAY

487.165 Duty to drive on right side of roadway. (1) A driver commits the offense of failing to drive on the right if he fails to drive on the right half of a roadway of sufficient width, except:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement;

(b) When preparing to turn left at an intersection, alley or private road or driveway;

(c) When an obstruction or condition exists making it necessary to drive to the left of the center of the roadway, provided that a driver doing so shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within a distance as to constitute an immediate hazard;

(d) Upon a roadway divided into three marked lanes for traffic under the rules applicable on it; or

(e) Upon a roadway restricted to one-way traffic.

(2) Failure to drive on the right is a Class B traffic infraction.

[1975 c.451 §21]

487.170 Slow driver duty to drive on right. (1) As used in this section, "slow driver" means a driver who operates a vehicle upon a

roadway at less than the normal speed of traffic at the time and place and under the conditions then existing.

(2) A slow driver commits the offense of failure to drive on the right if he fails to drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the roadway except:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement; or

(b) When preparing to turn left at an intersection, alley or private road or driveway.

(3) A slow driver failing to drive on the right commits a Class C traffic infraction.

[1975 c.451 §22]

487.175 Duty to drive on right on two-way four-lane roadway. (1) A driver commits the offense of failure to drive on the right if he drives to the left of the center line of a two-way roadway having four or more lanes for moving traffic, except:

(a) When authorized by an official traffic control device designating certain lanes to the left side of the center of the roadway for use by traffic; or

(b) When permitted under paragraph (c) of subsection (1) of ORS 487.165; or

(c) When making a left turn at an intersection, alley or private road or driveway.

(2) Failure to drive on the right of a two-way four-lane highway is a Class B traffic infraction.

[1975 c.451 §23]

487.180 Slower driver duty to yield.

(1) A driver commits the offense of failure to yield to an overtaking vehicle if he fails to move his vehicle off the main traveled portion of the highway into an area sufficient for safe turnout when:

(a) The driver of the overtaken vehicle is proceeding at a speed less than a designated speed under ORS 487.470;

(b) The driver of the overtaking vehicle is proceeding at a speed in conformity with ORS 487.470;

(c) The highway is a two directional two-lane highway; and

(d) There is no clear lane for passing available to the driver of the overtaking vehicle.

(2) Failure of slower driver to yield to

overtaking vehicle by use of safe turnout is a Class C traffic infraction.

[1975 c.451 §24]

487.185 Duty of driver of certain vehicles to drive to right. (1) A driver of a vehicle having a gross weight of 8,000 or more pounds, a camper or a vehicle with trailer commits the offense of failure to drive on the right if he does not drive in the right lane of all roadways having two or more lanes for traffic proceeding in a single direction, except:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement when such movement can be made without interfering with the passage of other vehicles;

(b) When preparing to turn left;

(c) When reasonably necessary in response to emergency conditions;

(d) To avoid actual or potential traffic moving onto the right lane from an acceleration or merging lane; or

(e) When necessary to follow highway directional signs that direct use of a lane other than the right lane.

(2) A driver who violates subsection (1) of this section commits a Class C traffic infraction.

[1975 c.451 §25; 1977 c.629 §1]

487.190 Passing vehicles proceeding in opposite direction. (1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one lane of traffic in each direction, unless otherwise directed by an official traffic control device, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(2) A person violating subsection (1) of this section commits a Class B traffic infraction.

[Formerly 483.306]

487.195 Overtaking on left. (1) A driver overtaking a vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(3) A driver shall not drive to the left side of the center of the roadway in overtaking and passing a vehicle proceeding in the same direction unless authorized by the provisions of this chapter and chapter 483 and unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the operation of a vehicle approaching from the opposite direction or a vehicle overtaken. The overtaking vehicle shall return to an authorized lane of traffic as soon as practicable.

(4) A person who violates this section commits a Class B traffic infraction.
[1975 c.451 §27]

487.200 Overtaking on right. (1) A driver may overtake and pass upon the right of another vehicle if:

(a) The overtaken vehicle is making or the driver has signaled his intention to make a left turn;

(b) The paved portion of the highway is of sufficient width to allow two or more lines of vehicles to proceed lawfully in the same direction as the overtaking vehicle; and

(c) The roadway ahead of the overtaking vehicle is unobstructed for a sufficient distance to permit passage of the overtaking vehicle to be made in safety.

(2) A driver may overtake and pass upon the right of another vehicle if the overtaken vehicle is proceeding along a roadway in the left lane of two or more clearly marked lanes allocated exclusively to vehicular traffic moving in the same direction as the overtaking driver.

(3) A driver shall not overtake and pass upon the right by driving off the paved portion of the highway.

(4) A driver who violates this section commits a Class B traffic infraction.
[1975 c.451 §28; 1977 c.882 §44]

487.205 Further limitations on driving on left of center of roadway. (1) Upon any two-way roadway where traffic is permitted to move in both directions simultaneously a driver shall not drive on the left side of the center of the roadway:

(a) Upon any part of a grade or upon a curve in the roadway where the driver's view is obstructed for such a distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching an intersection or railroad grade crossing where the driver's view is obstructed for such a distance as to create a hazard in the event another vehicle might approach from the opposite direction; or

(c) At any intersection or railroad grade crossing.

(2) The limitations in subsection (1) of this section do not apply:

(a) When the right half of the roadway is obstructed or closed to traffic while under construction or repair; or

(b) When a driver makes a lawful left turn.

(3) A driver who violates subsection (1) of this section commits a Class B traffic infraction.
[1975 c.451 §29]

487.210 No passing zone. (1) A driver shall not drive on the left side of a roadway when the Oregon Transportation Commission or local authority having jurisdiction of the roadway has determined that the roadway or section thereof is especially hazardous for overtaking and passing or driving on the left side of the roadway and has prohibited these movements by appropriate signs or markings on the roadway which show the beginning and end of a no passing zone.

(2) The provisions of subsection (1) of this section do not apply:

(a) When the roadway is obstructed as described in subsection (1) of ORS 487.165; or

(b) When a driver turns left into or from an alley, intersection, private road or driveway.

(3) A driver who drives on the left side of a roadway in violation of signs and markings in place to define a no passing zone commits a Class B traffic infraction.
[1975 c.451 §30; 1977 c.882 §45]

487.215 One-way roadways and rotary traffic islands. (1) A driver who proceeds upon a roadway designated for one-way traffic in a direction other than that indicated by an official traffic control device commits a Class B traffic infraction.

(2) A driver proceeding around a rotary traffic island shall drive only to the right of the island. A person who fails to drive only to the right of a rotary traffic island commits a Class B traffic infraction.
[1975 c.451 §31]

487.220 Driving on roadways laned for traffic. (1) When a roadway is divided into two or more clearly marked lanes for traffic, the following rules apply:

(a) A driver shall drive his vehicle as nearly as practicable entirely within a single lane and shall not move from that lane until he has first made certain that the movement can be made with safety.

(b) When two-way movement of traffic is provided on a roadway divided into three lanes, a driver shall not drive in the center lane except:

(A) When the center lane is allocated exclusively to traffic moving in the same direction that the driver is proceeding by an official traffic control device directing the lane allocation; or

(B) When the driver is overtaking and passing a vehicle proceeding in the same direction and the center lane is clear of traffic within a safe distance; or

(C) When the driver is making a left turn.

(2) A person violating subsection (1) of this section commits a Class B traffic infraction.

[1975 c.451 §32]

487.225 Following too closely. (1) A driver shall not follow a vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and condition of the highway.

(2) A driver of a truck, motor bus or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city and which is following another truck, motor bus or motor vehicle drawing another vehicle shall, when conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger. This rule shall not prevent a truck, motor bus or motor vehicle drawing another vehicle from overtaking and passing a vehicle or combination of vehicles.

(3) Except in the case of a funeral procession motorcade, a driver traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city in a caravan or motorcade whether or not towing another vehicle shall operate his vehicle so as to leave sufficient space between vehicles to enable a vehicle to enter and occupy the space without danger.

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

[1975 c.451 §33]

487.230 Driving on divided highway.

(1) When driving upon a highway divided into two or more roadways by means of an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, a driver shall drive only upon the right-hand roadway unless directed or permitted to use another roadway by an official traffic control device or police officer.

(2) When driving upon a divided highway as described in subsection (1) of this section, a driver shall not drive over, across or within a dividing space, barrier or section except:

(a) At an authorized crossover or intersection; or

(b) When specifically directed otherwise by state or local authority.

(3) A person violating this section commits a Class B traffic infraction.

[1975 c.451 §34]

487.235 Careless driving. (1) A driver shall not drive a vehicle upon a highway or premises open to the public, as defined in subsection (2) of ORS 487.535 in a manner that endangers or would be likely to endanger any person or property.

(2) A driver who violates subsection (1) of this section commits a Class B traffic infraction.

[1975 c.451 §34a; 1977 c.882 §46]

RIGHT OF WAY

487.245 Right of way at uncontrolled highway intersection. (1) Subject to the provisions of ORS 487.255 and 487.260, a driver when approaching an uncontrolled highway intersection shall look out for and give right of way to any driver on the right simultaneously approaching a given point, regardless of which driver first reaches and enters the intersection.

(2) A driver entering an intersection at an unlawful speed shall forfeit any right of way he would otherwise have under subsection (1) of this section.

(3) Failure to yield the right of way at an uncontrolled intersection is a Class B traffic infraction.

[1975 c.451 §35]

487.250 Driver turning left. (1) A driver intending to turn to the left within an intersection or into an alley, private road, driveway or place from a highway shall yield the right of way to a vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard.

(2) Failing to yield the right of way when turning left is a Class B traffic infraction.
[1975 c.451 §36]

487.255 Stop signs and yield signs. (1) If the Oregon Transportation Commission or local authority with respect to highways under their respective jurisdictions designates a highway or section thereof as a through highway or an intersection as a stop intersection and erects stop signs or yield signs at specified entrances to the through highway and at one or more entrances to the stop intersection, a driver shall obey the stop signs and the yield signs as follows:

(a) Except when directed to proceed by a police officer, a driver approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching so closely as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

(b) A driver approaching a yield sign shall slow his vehicle to a speed reasonable for the existing conditions and, if necessary for safety, shall stop at a line as stated in paragraph (a) of subsection (1) of this section, and shall yield the right of way to any vehicles in the intersection or approaching so closely as to constitute an immediate hazard.

(2) An official traffic control device placed under subsection (1) of this section shall conform to specifications approved by the Oregon Transportation Commission, and shall be illuminated at night or be so placed as to be illuminated by the headlights of approaching vehicles or by street lights.

(3) Failing to yield the right of way at a stop sign or yield sign is a Class B traffic infraction.
[1975 c.451 §37]

487.260 Right of way at merging lanes of arterial highway. (1) A driver entering a freeway or other arterial highway where an acceleration or merging lane is provided for his use shall look out for and give right of way to vehicles on the freeway or other arterial highway.

(2) A driver entering a freeway or other arterial highway who fails to yield the right of way as provided in subsection (1) of this section commits a Class C traffic infraction.
[1975 c.451 §38]

487.265 Vehicle entering roadway from private road, alley or place. (1) Except where the movement of traffic is otherwise directed by an official traffic control device, a driver who is about to enter or cross a roadway from any private road or driveway, alley or place other than another roadway shall yield the right of way to any vehicle approaching on the roadway to be entered or crossed so closely as to constitute an immediate hazard.

(2) Failing to yield the right of way before entering or crossing from a private road or driveway, alley or place is a Class C traffic infraction.
[1975 c.451 §39]

487.270 Operation of vehicles on approach of emergency vehicle or ambulance. (1) Upon the approach of an emergency vehicle or ambulance using a visual signal or an audible signal or both according to requirements of ORS 487.075 and 487.085, the driver of every other vehicle shall yield the right of way, and except as provided in subsection (2) of this section, shall immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the emergency vehicle or ambulance has passed, except when otherwise directed by a police officer.

(2) This section does not relieve the driver of an emergency vehicle or ambulance from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right of way.

(3) Failure to yield the right of way to an emergency vehicle or ambulance is a Class C traffic infraction.
[1975 c.451 §40]

**PEDESTRIANS' RIGHTS AND
DUTIES
(Generally)**

487.285 Pedestrian obedience to traffic control devices and traffic regulations.

(1) Except when he is otherwise directed by a police officer, a pedestrian commits the offense of failure to obey an official traffic control device if he does not obey the instructions of:

(a) An official traffic control device specifically applicable to him; or

(b) A traffic or pedestrian control signal as provided in ORS 487.125 and 487.135.

(2) A pedestrian shall be granted the privileges and shall be subject to the restrictions stated in this chapter and ORS chapter 483.

(3) A pedestrian who fails to obey an official traffic control device or pedestrian signal commits a Class C traffic infraction.

[1975 c.451 §41]

487.290 Pedestrian's right of way in crosswalk. (1) When a pedestrian is crossing a roadway within a marked or unmarked crosswalk where there are no traffic control signals in place or in operation, a driver shall stop before entering the crosswalk and yield the right of way to the pedestrian:

(a) If the pedestrian is on the half of the roadway on and along which the driver is proceeding; or

(b) If the pedestrian is approaching the half of the roadway along which the driver is approaching so closely as to be in a position of danger.

(2) A pedestrian crossing a roadway within a crosswalk where there are no traffic control signals in place or in operation who is closely approaching or has reached the center of the roadway is in a position of danger under subsection (1) of this section.

(3) A driver is not required to stop and yield the right of way to a pedestrian under subsection (1) of this section:

(a) Upon a roadway with a safety island, if the driver is proceeding along the half of the roadway on the far side of the safety island from the pedestrian; or

(b) Where a pedestrian tunnel or overhead crossing has been provided at or near a crosswalk.

(4) A driver who fails to stop and yield the right of way to a pedestrian crossing within a

crosswalk under subsection (1) of this section commits a Class B traffic infraction.

[1975 c.451 §42]

487.295 Pedestrian tunnel or overhead crossing. (1) A pedestrian commits the offense of failure to use pedestrian tunnel or overhead pedestrian crossing if he crosses a roadway other than by means of a pedestrian tunnel or overhead pedestrian crossing when a tunnel or overhead crossing serves the place where the pedestrian is crossing the roadway.

(2) A pedestrian who fails to use pedestrian tunnel or overhead pedestrian crossing commits a Class D traffic infraction.

[1975 c.451 §43]

487.300 Pedestrian leaving curb. (1) A pedestrian shall not suddenly leave a curb or other place of safety and move into the path of a vehicle which is so close as to constitute an immediate hazard.

(2) A pedestrian who moves into the path of a vehicle in violation of subsection (1) of this section commits a Class C traffic infraction.

[1975 c.451 §44]

487.305 Drivers not to overtake stopped vehicle. (1) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, a driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(2) A driver who overtakes and passes a vehicle which has stopped under subsection (1) of this section commits a Class B traffic infraction.

[1975 c.451 §45]

487.310 Crossing at other than crosswalks. (1) A pedestrian commits the offense of failure to yield the right of way if he fails to yield the right of way to a vehicle upon a roadway when he is crossing the roadway at any point other than within a marked crosswalk or an unmarked crosswalk at an intersection.

(2) A pedestrian who fails to yield the right of way commits a Class C traffic infraction.

[1975 c.451 §46]

487.315 Exercise of due care. The provisions of ORS 487.290 to 487.310 do not relieve a driver or a pedestrian from the duty to exercise due care.

[1975 c.451 §47]

487.320 Pedestrian's use of sidewalk, shoulder and roadway edge. (1) A pedestrian commits the offense of failure to use a sidewalk or shoulder if he positions himself upon, or proceeds along and upon the roadway where there is an adjacent usable sidewalk or shoulder.

(2) A pedestrian commits the offense of improper use of a highway shoulder if in using the shoulder, he does not position himself upon, or proceed along and upon, the shoulder as far as practicable from the roadway edge on a highway which has an adjacent shoulder area on one or both sides.

(3) Except in the case of the divided highway, a pedestrian commits the offense of failure to use left highway shoulder if he does not position himself upon, or proceed along and upon, the left shoulder and as far as practicable from the roadway edge on a two-way highway which has no sidewalk and which does have an adjacent shoulder area. This subsection shall not apply to a hitchhiker who positions himself upon, or proceeds along and upon, the right shoulder so long as he does so facing the vehicles using the adjacent lane of the roadway.

(4) A pedestrian shall position himself upon, or proceed along and upon, the right highway shoulder, as far as practicable from the roadway edge, on a divided highway which has no sidewalk and does have a shoulder area.

(5) A pedestrian commits the offense of unlawful use of roadway if he fails to position himself upon, or proceed along and upon, a highway which has neither sidewalk nor shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway is a two-way roadway, only on the left side of it.

(6) On a freeway on which pedestrian traffic is prohibited, the driver and passengers of a disabled vehicle stopped on the freeway may walk to the nearest exit, in either direction, on that side of the freeway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available.

(7) A pedestrian who violates subsections (1) to (5) of this section commits a Class C traffic infraction.
[1975 c. 451 §48]

487.325 Pedestrian must yield right of way. (1) Except as otherwise provided in this chapter and ORS chapter 483, a pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

(2) A pedestrian who fails to yield the right of way upon a roadway to all vehicles under subsection (1) of this section commits a Class C traffic infraction.
[1975 c.451 §49]

487.330 Pedestrian soliciting rides or business. (1) A person commits the offense of unlawful hitchhiking if he is on a roadway for the purpose of soliciting a ride.

(2) A person commits the offense of unlawful solicitation of employment, business or contributions from vehicle occupants if he:

(a) Is on a highway to solicit employment or business or for selling or soliciting contributions from persons in a vehicle; or

(b) Is on or near a highway for the purpose of soliciting the watching or guarding of a vehicle while parked or about to be parked on a highway.

(3) A person who violates this section commits a Class C traffic infraction.
[1975 c.451 §50; 1977 c.882 §47]

487.335 Driving through safety zone prohibited. (1) A driver shall not at any time drive through or within a safety zone.

(2) A person who violates subsection (1) of this section commits a Class C traffic infraction.
[Formerly 483.334]

487.340 Pedestrian's right of way on sidewalks. (1) A driver commits the offense of failure to yield the right of way to a pedestrian if he does not yield the right of way to any pedestrian on a sidewalk.

(2) A driver failing to yield the right of way to a pedestrian on a sidewalk commits a Class C traffic infraction.
[1975 c.451 §52]

487.345 Pedestrians yield to emergency vehicle or ambulance. (1) Upon the approach of an emergency vehicle or ambulance using a visual signal or an audible signal or both according to requirements of ORS 487.075 and 487.085, every pedestrian shall yield the right of way to the emergency vehicle or ambulance.

(2) This section does not relieve the driver of an emergency vehicle or ambulance from the duty to:

(a) Drive with due regard for the safety of all persons using the highway; and

(b) Exercise due care to avoid colliding with any pedestrian.

(3) A pedestrian who fails to yield the

right of way to an emergency vehicle or ambulance commits a Class C traffic infraction.

[1975 c.451 §53]

487.350 Unlawful use of bridge by pedestrian. (1) A pedestrian commits the offense of unlawful use of a bridge if he enters or remains upon a bridge or approach to a bridge beyond the bridge signal, gate or barrier after a bridge operation signal has been given.

(2) Unlawful use of a bridge by a pedestrian is a Class C traffic infraction.

[1975 c.451 §59]

487.355 Pedestrian crossing closed bridge or railroad grade crossing barrier prohibited. (1) A pedestrian commits the offense of unlawful crossing of bridge or railroad grade crossing barrier if he passes through, around, over or under any crossing gate or barrier at a bridge or railroad grade crossing while the gate or barrier is closed or being opened or closed.

(2) Passing a closed bridge or railroad grade crossing gate or barrier is a Class C traffic infraction.

[1975 c.451 §60]

(Blind Pedestrian)

487.360 "Blind person," "dog guide," "white cane," defined. As used in ORS 487.360 to 487.380:

(1) "Blind person" means a person who is totally or partially blind.

(2) "Dog guide" means a dog which is wearing a dog guide harness and is trained to lead or guide a blind person.

(3) "White cane" means a cane or walking stick which is white in color or white with a red tip.

[1975 c.451 §54]

487.365 Use of white cane restricted.

(1) A blind or blind and deaf person may carry and use a white cane on the highways and other public places of this state for the purposes of identification and protection.

(2) Any blind person who is deaf may use a white cane marked by a six-inch wide char-treuse colored strip at the tip end.

(3) A person who is not a blind or blind and deaf person shall not use or carry a white cane on the highways and other public places of this state.

(4) A person who carries a white cane in violation of subsection (3) of this section commits a Class C traffic infraction.

[1975 c.451 §55]

487.370 Duty of driver to yield to blind pedestrian. (1) A driver approaching a blind or blind and deaf pedestrian carrying a white cane in a raised or extended position or accompanied by a dog guide, who is crossing or about to cross a roadway, shall immediately stop and yield the right of way to the blind or blind and deaf pedestrian. He shall not move his vehicle until the blind or blind and deaf pedestrian has vacated the roadway.

(2) A driver who fails to stop and yield to a blind or blind and deaf pedestrian under subsection (1) of this section commits a Class B traffic infraction.

[1975 c.451 §56]

487.375 Blind pedestrian in roadway with traffic control signals. (1) Notwithstanding ORS 487.125 to 487.140, where the movement of vehicular traffic is regulated by traffic control signals, if a blind or blind and deaf pedestrian has entered the roadway and is carrying a white cane in a raised or extended position or is accompanied by a dog guide, a driver approaching the blind or blind and deaf pedestrian shall yield the right of way to the pedestrian and stop or remain stationary until the pedestrian has vacated the roadway.

(2) A driver who fails to yield the right of way to a blind or blind and deaf pedestrian under subsection (1) of this section commits a Class B traffic infraction.

[1975 c.451 §57]

487.380 Rights of blind pedestrian without white cane or dog guide. A blind or blind and deaf pedestrian who is not carrying a white cane or not accompanied by a dog guide has all the rights and privileges granted by law to all pedestrians.

[1975 c.451 §58]

TURNING AND MOVING; SIGNALS ON STOPPING AND TURNING

487.390 Required position and method of turning. (1) A driver intending to turn right shall proceed as close as practicable to the right-hand curb or edge of the roadway:

(a) In making the approach for a right turn; and

(b) In making the right turn.

(2) A driver intending to turn left shall:

(a) Approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the turning vehicle;

(b) Make the left turn to the left of the center of the intersection whenever practicable; and

(c) Leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(3) Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices, a left turn shall not be made from any other lane.

(4) A driver who makes a turn in violation of this section commits a Class C traffic infraction.

[1975 c.451 §61; 1977 c.882 §73]

487.395 U-turns prohibited. (1) A driver commits the offense of making an illegal U-turn if he turns his vehicle so as to proceed in the opposite direction:

(a) Within an intersection where traffic is controlled by an electrical signal unless posted otherwise;

(b) Upon a highway within the limits of an incorporated city between intersections; or

(c) At any place upon a highway where the vehicle cannot be seen by another driver approaching from either direction within a distance of:

(A) 500 feet within the incorporated limits of a city; or

(B) 1,000 feet outside a city.

(2) Making an illegal U-turn is a Class C traffic infraction.

[1975 c.451 §62; 1977 c.882 §48]

487.400 Moving a stopped, standing or parked vehicle. (1) A person commits the offense of unlawfully moving a stopped, standing or parked vehicle if he moves a vehicle so stopped, standing or parked when the movement cannot be made with reasonable safety.

(2) A person who moves a vehicle in violation of this section commits a Class C traffic infraction.

[1975 c.451 §63]

487.405 Unlawful turn, change of lane, stop and use of signals. (1) A driver commits the offense of unlawful turn or change of lane if he turns or moves right or

left upon a highway when:

(a) The movement cannot be made with reasonable safety; or

(b) He fails to give an appropriate signal as provided in ORS 487.410 continuously during not less than the last 100 feet traveled by the vehicle before turning.

(2) A driver commits the offense of unlawful stop or deceleration if he stops or suddenly decreases the speed of a vehicle without first giving an appropriate signal as provided in ORS 487.415 to the driver immediately to the rear when there is opportunity to give the signal.

(3) A driver who turns or changes lanes or stops in violation of this section commits a Class C traffic infraction.

(4) A driver commits the offense of unlawful use of signals if he flashes any lights as a courtesy or "do pass" signal to other drivers approaching from the rear.

(5) Unlawful use of signals is a Class C traffic infraction.

[1975 c.451 §64]

487.410 Signals by hand and arm or by signal lamps. (1) Except as provided in subsection (2) of this section, a driver shall give a stop or turn signal by activating signal lamps as described in ORS 487.415.

(2) Notwithstanding subsection (1) of this section, a driver shall give a stop or turn signal either by means of signal lamps or by means of the hand and arm if:

(a) He is driving only in daylight hours between a half-hour before sunrise until a half-hour after sunset and there is sufficient light to discern clearly persons and vehicles at a distance of 1,000 feet ahead; and

(b) He is driving a vehicle or combination of vehicles in which the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle is less than 24 inches, or the distance from the center of the top of the steering post to the rear limit of the body or load is less than 14 feet.

(3) A driver who fails to give a stop or turn signal by activating signal lamps in violation of subsection (1) of this section commits a Class C traffic infraction.

(4) A driver who fails to give a stop or turn signal in violation of subsection (2) of this section commits a Class C traffic infraction.

[1975 c.451 §65]

487.415 Method of giving required signals. (1) A driver shall give the hand and arm signals required under ORS 487.405 and 487.410 from the left side of the vehicle in the following manner and the signals shall indicate as follows:

(a) Left turn—hand and arm extended horizontally;

(b) Right turn—hand and arm extended upward;

(c) Stop or decrease speed—hand and arm extended downward.

(2) A driver giving the signals for turning or moving right or left upon a highway required under ORS 487.405 and 487.410 by use of signal lamps shall activate both the front and rear lamps of that side of the vehicle toward which the turn is made.

(3) A driver who stops or suddenly decreases the speed of a vehicle shall activate the stop lamps required by ORS 483.407.

(4) A driver who fails to make a signal in the manner required in this section commits a Class C traffic infraction.
[1975 c.451 §66]

SPECIAL STOPS REQUIRED

487.425 Stopping at railroad crossing upon signal of approaching train. (1) A driver approaching a railroad grade crossing commits the offense of failure to stop at a railroad grade crossing if he does not stop his vehicle at a clearly marked stop line on the near side of the crossing or, if none, not less than 10 feet nor more than 50 feet from the nearest rail of the crossing when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered;

(c) A flagman gives a signal of the approach or passage of a railroad train;

(d) An approaching railroad train gives an audible signal and because of its speed or nearness to the crossing is an immediate hazard; or

(e) An approaching train is clearly visible and because of its nearness to the crossing is an immediate hazard.

(2) Failure to stop at a railroad grade crossing is a Class C traffic infraction.

(3) A driver who has stopped for the passing of a train at a railroad grade crossing

in accordance with the provisions of subsection (1) of this section shall not proceed across the railroad tracks until he can do so safely.

(4) A driver who proceeds in violation of subsection (3) of this section commits a Class C traffic infraction.

(5) A driver commits the offense of unlawful crossing of a railroad crossing gate or barrier if he drives any vehicle through, around or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

(6) Unlawful crossing of a railroad crossing gate is a Class C traffic infraction.
[1975 c.451 §67]

487.430 Certain vehicles must stop at all railroad grade crossings. (1) As used in this section:

(a) "Passenger transport vehicle" means 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 nonprofit entity as provided in subsection (11) of ORS 767.035.

(b) "School bus" means a vehicle as defined in subsection (4) of ORS 485.010.

(c) "Worker transport bus" means a vehicle as defined in subsection (5) of ORS 485.010.

(2) Except as provided in ORS 487.435, the driver of a motor vehicle described in subsection (3) of this section before crossing at grade any railroad tracks shall:

(a) Stop the vehicle at a clearly marked stop line or, if none, not less than 10 nor more than 50 feet from the nearest rail of the railroad and, while stopped, listen and look in both directions along the tracks for approaching trains and signals indicating approaching train; and

(b) Proceed across the tracks after stopping only when he can do so safely in the gear of the motor vehicle that does not require manually changing gears while proceeding, and without manually changing gears.

(3) This section applies to:

(a) A passenger transport vehicle.

(b) A motor bus designated for, or carrying passengers for hire.

(c) A motor truck carrying explosive substances or inflammable liquids as a cargo or part of a cargo.

(4) A driver of a motor vehicle described in subsection (3) of this section who fails to stop, remain stopped, or proceed after stopping at railroad tracks as required by subsection (2) of this section commits a Class C traffic infraction.

[1975 c.451 §68]

487.435 Railroad grade crossings exempt from special stopping rule. (1) The special stopping requirements of ORS 487.430 do not apply:

(a) At a crossing of a street or highway and street railway tracks;

(b) To interurban electric tracks where official traffic control signals are in operation and give indication to approaching vehicular traffic to proceed;

(c) To any railway tracks upon which operation has been abandoned and for which the Public Utility Commissioner has plainly marked that no stop need be made;

(d) To industry track crossings across which train operations are required by law to be conducted under flag protection;

(e) To industry track crossings within districts in which the designated speed of vehicles is 20 miles per hour or less;

(f) To any crossing where an officer directs traffic to proceed, or where an operating official traffic control signal indicates that other traffic may proceed; or

(g) To any crossing protected by crossing gates, unless the motor vehicle is a school bus as defined in subsection (4) of ORS 485.010, in which case the driver shall stop as required by ORS 487.430.

(2) Except when a train is approaching, a driver of a motor bus carrying passengers for hire is not required to stop at crossings where the Public Utility Commissioner has determined and plainly marked that no stop need be made.

[1975 c.451 §69; 1977 c.882 §74]

487.440 Moving heavy equipment at railroad grade crossings. (1) A person who operates or moves any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of 10 miles per hour or less or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing shall:

(a) Give notice of an intended crossing to a responsible officer of the railroad in time for protection to be given before crossing the tracks; and

(b) Stop before making the crossing at a clearly marked line or, if none, not less than 10 feet nor more than 50 feet from the nearest rail and, while so stopped, shall look and listen in both directions along the tracks for approaching trains and shall not proceed unless the crossing can be made safely.

(2) A person who operates or moves a vehicle, equipment or structure as described in subsection (1) of this section across a railroad grade crossing without giving notice or fails to stop before crossing or proceeds over the crossing when it is unsafe commits a Class C traffic infraction.

(3) A person who operates or moves any vehicle, equipment or structure as described in subsection (1) of this section over a railroad grade crossing where the railroad has provided a flagman shall obey the direction of the flagman.

(4) A person operating or moving any vehicle, equipment or structure across a railroad grade crossing who fails to obey the direction of a flagman provided by the railroad commits a Class C traffic infraction.

[1975 c.451 §70]

487.445 Overtaking and passing school bus or worker transport bus. (1) Except as provided in subsection (2) of this section, when a driver meets or overtakes from either direction a school bus or worker transport bus with flashing red lights in operation and that is stopped on a roadway, the driver shall stop before reaching the school or worker transport bus and remain standing until the flashing red lights are no longer operating.

(2) A driver need not stop his vehicle when he meets or overtakes a school or worker transport bus with flashing red lights in operation when the bus is stopped on a different roadway.

(3) Failure to stop before reaching a school or worker transport bus is a Class B traffic infraction.

[1975 c.451 §71; 1977 c.882 §49]

487.450 Stopping before driving onto sidewalk from alley, driveway or building. (1) A driver commits the offense of failure to stop if he does not stop before driving onto a

sidewalk or sidewalk area when he emerges from an alley, building, private road or driveway in a business or residence district.

(2) In the event there is no sidewalk or sidewalk area, a driver emerging from an alley, building, private road or driveway, as described in subsection (1) of this section, shall stop at the point nearest the roadway to be entered where the driver has a view of approaching traffic.

(3) Failure to stop on emerging from an alley, building, private road or driveway is a Class C traffic infraction.

[1975 c.451 §72]

SPEED RESTRICTIONS

487.465 Basic speed rule. (1) A person commits the offense of violating the basic speed rule if he drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections, weather, visibility and any other conditions then existing.

(2) As used in this section, unless the context requires otherwise, "highway" includes, but is not limited to, an alley.

(3) Violating the basic speed rule is a Class B traffic infraction.

[1975 c.451 §73; 1977 c.882 §50]

487.470 Speeds constituting prima facie evidence of violation. Any speed in excess of the speeds designated under this section, ORS 487.480 or 487.490 shall be prima facie evidence of violation of ORS 487.465. The speeds designated in this section are:

(1) Fifteen miles per hour when driving on an alley.

(2) Twenty miles per hour:

(a) When passing school grounds when children are present, or a school crosswalk when children are present, if notice of the grounds or crosswalk is indicated plainly by signs or signals conforming to ORS 487.855.

(b) In any business district.

(3) Twenty-five miles per hour:

(a) In any residence district.

(b) In public parks, unless a different speed is designated by state or local authorities, as authorized by law, and duly posted.

(4) Fifty-five miles per hour in other locations unless a greater or lesser speed is

designated in accordance with ORS 487.480 or 487.490 which shall be effective when appropriate signs giving notice thereof are erected upon the highway.

[1975 c.451 §74]

487.475 Fuel conservation maximum speed limit. (1) Whenever the Oregon Transportation Commission determines that there is a need to conserve fuel because of current or imminent fuel shortages, and further that limiting the maximum speeds of vehicles will conserve motor fuel, the Department of Transportation is authorized to fix a maximum speed of not more than 55 miles per hour upon all highways within the state. A maximum speed limit so set shall not be subject to the provisions of ORS 487.465, except where a special hazard or condition exists that requires a lower speed for compliance with ORS 487.465. The maximum speed limit shall also not be subject to ORS 487.480, 487.490 or 487.510.

(2) Violation of a fuel conservation maximum speed limit is a Class C traffic infraction.

[Formerly 483.103]

487.477 Limit on suspension or revocation under ORS 487.475. In no event shall the division suspend or revoke a person's license, permit or privilege to drive a motor vehicle in this state solely on the grounds that such person has incurred one or more convictions of a violation of subsection (2) of ORS 487.475.

[1975 c.195 §2]

487.480 Special speed limits set by the Oregon Transportation Commission. Whenever the Oregon Transportation Commission determines, upon the basis of an engineering and traffic investigation, that any speed designated in ORS 487.470 is greater or less than is reasonable or safe under the conditions found to exist upon any state highway, or section thereof, not within the corporate limits of any city, the commission may designate a reasonable and safe speed thereupon, which shall be effective when appropriate signs giving notice thereof are erected upon such highway.

[Formerly 483.106]

487.485 State Speed Control Board; appointment, vacancy, compensation and expenses of certain members. (1) There hereby is created the State Speed Control Board. The board shall consist of the Administrator of the Motor Vehicles Division of the Department of Transportation, the Superin-

tendent of State Police, the Administrator of Highways of the Department of Transportation, and two additional members appointed by the Governor as provided in subsection (2) of this section for a term of two years. The Administrator of the Motor Vehicles Division of the Department of Transportation, the Superintendent of State Police and the Administrator of Highways of the Department of Transportation may each designate a representative to serve in his place.

(2) In appointing the two additional members of the State Speed Control Board, the Governor shall choose a representative of the interests of cities and a representative of the interests of counties. The League of Oregon Cities and the Association of Oregon Counties may each nominate five persons for appointment as the board member representing the interests of the cities and counties respectively. The Governor shall appoint one of the persons nominated by the League of Oregon Cities and one of the persons nominated by the Association of Oregon Counties as the two board members representing city and county interests respectively. A vacancy in the office of the additional member shall be filled by appointment by the Governor as provided in this subsection for a two-year term.

(3) The board members appointed under subsection (2) of this section are entitled to compensation and expenses as provided in ORS 292.495.

[1975 c.451 §77]

487.490 Powers and duties of State Speed Control Board. (1) The board may make or cause to be made an engineering and traffic investigation with respect to the designated speeds provided in ORS 487.470 applicable to any highway or section of highway upon which the Oregon Transportation Commission is not authorized by ORS 487.480 to designate a reasonable and safe speed. If requested by a state or local authority or federal agency having jurisdiction over a highway to make such an investigation, the board shall make the investigation or authorize the state or local authority or federal agency having jurisdiction of the highway to proceed with the investigation and make a report thereof to the board. When a state or county highway lies within the corporate limits of a city and is under the jurisdiction of the Oregon Transportation Commission or a county, the city governing authority may request the board to make an investigation with respect to the designated speed on the highway. The board shall make the investiga-

tion or authorize the city to proceed with the investigation and make a report thereof to the board. In any event the authority or agency requesting an investigation shall be allowed to participate with the board in the investigation.

(2) When a state or local authority or federal agency having jurisdiction of a highway or a city within whose incorporated limits is located a state or county highway requests an investigation by the board with respect to speed on the highway, it shall do so by written application and shall state in the application the speed recommended by the requesting authority for the highway or section of highway in question.

(3) When an investigation is made in accordance with subsections (1) and (2) of this section, if the board finds that the designated speed is greater than is reasonable or safe or less than is reasonable under the conditions found to exist at the area investigated, after due notice and opportunity for hearing to the authority or agency affected thereby, it shall give written notice to the authority or agency of any proposed deviation from the designated speed. Within 30 days after receipt of the written notice the state or local authority or federal agency shall file with the board a written statement of objections, if any, to the proposed deviation and may request a hearing thereon. The board shall hold a hearing after giving written notice thereof to the affected agency or authority. The hearing shall be called not less than five days after giving the written notice. The board shall not order a deviation until after consideration of written objections and a hearing if the objecting authority or agency has so requested.

(4) After due consideration of written objections or after hearing if a hearing has been requested the board may designate different speeds on the highways or sections thereof considered pursuant to subsections (1), (2) and (3) of this section. The speeds designated shall be effective when appropriate signs giving notice thereof are erected upon the highway or section of highway.

[1975 c.451 §78]

487.495 Payment of expenses of board and of expenses in establishing special speed limits. The per diem, travel and other expenses of the additional members of the State Speed Control Board authorized to be paid by ORS 487.485 and the expense of any engineering and traffic investigation made pursuant to ORS 487.480 or 487.490 shall be borne by the department and paid for

from the State Highway Fund. The expense of erecting any signs pursuant to such sections shall be borne by the agency having jurisdiction over the street or highway. All such signs shall comply with ORS 487.855.

[Formerly 483.110]

487.500 Arrest without warrant in radar cases. When the speed of a vehicle has been checked by radiomicro waves or other electrical device, the driver of the vehicle may be arrested without a warrant if the arresting officer is in uniform and has either:

(1) Observed the recording of the speed of the vehicle by the radiomicro waves or other electrical device; or

(2) Probable cause to make the arrest based upon a description of the vehicle or other information received from the officer who has observed the speed of the vehicle recorded.

[1975 c 451 §80]

487.505 Impeding traffic. (1) A person commits the offense of impeding traffic if he drives a motor vehicle, or combination of motor vehicles, at such a slow speed as to impede or block the normal and reasonable movement of traffic except when he must proceed at a reduced speed for safe operation or in compliance with law or because of emergency.

(2) Impeding traffic is a Class C traffic infraction.

[1975 c.451 §81]

487.510 Maximum speeds for motor trucks and passenger transport vehicles.

(1) As used in this section:

(a) "Interstate highway" means a highway that is part of the National System of Interstate and Defense Highways established pursuant to section 103 (d), Title 23, United States Code.

(b) "Passenger transport vehicle" means 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 nonprofit entity as provided in subsection (11) of ORS 767.035.

(c) "School bus" means a vehicle as defined in subsection (4) of ORS 485.010.

(d) "Worker transport bus" means a vehicle as defined in subsection (5) of ORS 485.010.

(2) A person commits the offense of violating the maximum speed limit for motor trucks if he drives a motor truck at a speed greater than fifty-five miles per hour on any street, road or highway.

(3) A person commits the offense of violating the maximum speed limit for passenger transport vehicles if he drives a passenger transport vehicle on any highway at a speed greater than 55 miles per hour.

(4) A person violating subsection (2) or (3) of this section commits a Class B traffic infraction.

(5) This section does not apply to ambulances.

(6) Notwithstanding any other provision of this section, the motor vehicles referred to in this section are subject to the provisions of ORS 487.465.

[1975 c.451 §82; 1977 c.882 §51]

487.515 Speed races prohibited on public ways. (1) As used in this section, "drag race" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(2) As used in this section, "racing" means the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(3) A person commits the offense of speed racing on a highway if he drives a vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or makes a speed record, or participates in any manner in any such race, competition, contest, test, or exhibition upon any road, street or highway in this state.

(4) Speed racing on a highway is a Class A traffic infraction.

[1975 c.451 §83]

487.520 Maximum speed on ocean shore. (1) Subject to the provisions of law relating to emergency vehicles and ambulances and subject to the basic speed rule, a

person commits the offense of violating the maximum speed limit on the ocean shore if he drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than 25 miles per hour or at a lesser speed if designated and posted under subsection (2) of this section.

(2) Whenever the Oregon Transportation Commission determines upon the basis of an investigation that the speed of 25 miles an hour is greater than is reasonable or safe under the conditions found to exist with respect to any part of the ocean shore, the commission may establish a maximum speed of less than 25 miles per hour on any specified section of such shore, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(3) Violating the maximum speed limit on the ocean shore is a Class B traffic infraction. [Formerly 483.124]

487.525 Prohibits operation of certain low speed vehicles in designated areas. (1) No disabled person as defined in ORS 487.915 shall operate a motor vehicle described in paragraph (h) of subsection (2) of ORS 481.075 on a road or street in an area with a speed designation greater than 25 miles per hour.

(2) A person who violates this section commits a Class D traffic infraction. [1977 c.885 §8]

MAJOR TRAFFIC OFFENSES

487.530 Definitions for ORS 487.530 to 487.560. As used in chapter 451, Oregon Laws 1975, unless the context requires otherwise, "major traffic offenses" includes:

(1) Reckless driving as set forth in ORS 487.550.

(2) Driving under the influence of intoxicants as set forth in ORS 487.540.

(3) Failure to perform the duties of a driver involved in an accident or collision as set forth in ORS 483.602, and subsection (1) and paragraphs (a) and (b) of subsection (2) of ORS 483.604.

(4) Fleeing or attempting to elude a police officer as set forth in ORS 487.555.

(5) Driving while suspended or revoked as set forth in ORS 487.560.

[1975 c.451 §85; 1977 c.882 §52]

Note: See note under 487.045.

487.535 Application of major traffic offenses upon premises open to the public.

(1) The provisions of chapter 451, Oregon Laws 1975, relating to the major traffic offenses defined in ORS 487.530 apply upon any premises open to the public.

(2) As used in subsection (1) of this section, "premises open to the public" includes any premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises.

[1975 c.451 §86; 1977 c.882 §53]

Note: See note under 487.045.

487.540 Driving while under the influence of intoxicants. (1) A person commits the offense of driving while under the influence of intoxicants if he drives a vehicle while:

(a) He has .10 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, urine or saliva made under ORS 487.805 to 487.815 and 487.825 to 487.835; or

(b) He is under the influence of intoxicating liquor, a dangerous drug or narcotic drug; or

(c) He is under the influence of intoxicating liquor and a dangerous drug or narcotic drug.

(2) Driving while under the influence of intoxicants is a Class A traffic infraction. [1975 c 451 §87]

(2) Driving while under the influence of intoxicants is a Class A traffic infraction. [1975 c 451 §87]

487.545 Use of chemical analysis to show intoxication. (1) At the trial of any civil or criminal action, suit or proceeding arising out of the acts committed by a person driving a motor vehicle while under the influence of intoxicants, if the amount of alcohol in the person's blood at the time alleged is less than .10 percent by weight of alcohol as shown by chemical analysis of the person's breath, blood, urine or saliva, it is indirect evidence that may be used with other evidence, if any, to determine whether or not he was then under the influence of intoxicants.

(2) Not less than .10 percent by weight of alcohol in a person's blood constitutes being under the influence of intoxicating liquor.

(3) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters of blood.

[1975 c.451 §88, 1977 c.882 §54]

Note: See note under 487.045.

487.550 Reckless driving. (1) A person commits the crime of reckless driving if he drives a vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others.

(2) Reckless driving is a Class B misdemeanor.

[1975 c.451 §90]

487.555 Fleeing or attempting to elude a police officer. (1) A driver of a motor vehicle commits the crime of fleeing or attempting to elude a police officer if, when given visual or audible signal to bring the vehicle to a stop, he knowingly flees or attempts to elude a pursuing police officer.

(2) The signal given by the police officer may be by hand, voice, emergency light or siren.

(3) As used in this section, "police officer" means a sheriff, municipal policeman or member of the Oregon State Police in uniform, prominently displaying his badge of office or who is operating a vehicle appropriately marked showing it to be an official police vehicle.

(4) Fleeing or attempting to elude a police officer is a Class A misdemeanor.

[1975 c.451 §91]

487.560 Driving while suspended or revoked or beyond license restriction. (1) A person commits the crime of driving while suspended if he drives a motor vehicle upon a highway during a period when his license or permit to drive a motor vehicle or his right to apply for a license to drive a motor vehicle in this state has been suspended by a court or by the division or revoked by the division or if he drives a motor vehicle outside the restrictions of a license issued under ORS 482.475 or 482.477.

(2) In a prosecution under subsection (1) of this section, it is an affirmative defense that:

(a) An injury or immediate threat of injury to human or animal life and the urgency of the circumstances made it necessary for the defendant to drive a motor vehicle at the time and place in question; or

(b) The defendant had not received notice of his suspension or revocation as required by ORS 482.570 or in the manner provided in paragraph (c) of subsection (3) of this section.

(3) The affirmative defense under paragraph (b) of subsection (2) of this section shall not be available to the defendant if:

(a) The defendant refused to sign a receipt for the certified mail containing the notice; or

(b) The notice could not be delivered to the defendant because he had not notified the division of his address or a change in his residence as required by subsection (3) of ORS 482.290; or

(c) At a previous court appearance, the defendant had been informed by a trial judge that the judge was ordering a suspension of the defendant's license, permit or right to apply; or

(d) The defendant had actual knowledge of the suspension or revocation by any means prior to the time he was stopped on the current charge.

(4) Any of the evidence specified in subsection (3) of this section may be offered in the prosecution's case in chief.

(5) Except as provided in subsection (6) of this section, driving while suspended or revoked is a Class A misdemeanor.

(6) Driving while suspended or revoked is a Class C felony if the suspension or revocation was the result of a finding that the person is an habitual traffic offender under ORS 484.730 or of a conviction for any of the following offenses:

(a) Manslaughter or criminally negligent homicide resulting from the operation of a motor vehicle.

(b) Any crime punishable as a felony in the commission of which a motor vehicle was used.

(c) Failure to perform the duties of a driver involved in an accident or collision which results in physical injury to any person.

(d) Reckless driving.

(e) Fleeing or attempting to elude a police officer.

(f) Driving while under the influence of intoxicants.

[1975 c.451 §92; 1977 c.80 §1; 1977 c.800 §1; 1977 c.882 §55a]

STOPPING, STANDING AND PARKING

487.575 Stopping, standing or parking outside business or residence districts.

(1) A person who stops, parks or leaves standing any vehicle, whether attended or unattended, upon a roadway outside a business or residence district, when it is practicable to stop, park or leave his vehicle standing off the

roadway, commits the offense of unlawfully parking in a roadway.

(2) Unlawfully stopping, standing or parking in a roadway is a Class D traffic infraction.

(3) A person shall not park or leave standing a vehicle, whether attended or unattended, on a shoulder unless a clear and unobstructed width of the roadway opposite the standing vehicle is left for the passage of other vehicles and:

(a) The standing vehicle is visible from a distance of 200 feet in each direction upon the roadway; or

(b) The person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the standing vehicle by way of flagmen, flags, flares, signs or other signal.

(4) A person who violates subsection (3) of this section commits a Class D traffic infraction.

(5) The provisions in subsection (1) of this section prohibiting the stopping or allowing a vehicle to stand on a roadway do not apply to a school bus or worker transport bus stopped on a roadway to load or unload workers or children, providing flashing red lights on the bus are operating.

[1975 c.451 §95; 1977 c.882 §56]

487.580 Stopping, standing or parking prohibited in specific places. (1) A driver shall not stop, stand or park a vehicle:

(a) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs and markings;

(f) Alongside or opposite a street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(g) Upon a bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) On a throughway;

(j) In the area between roadways of a divided highway, including crossovers; or

(k) At any place where official signs prohibit stopping.

(2) A driver shall not stand or park a vehicle, except momentarily to pick up or discharge a passenger:

(a) In front of a public or private driveway;

(b) Within 10 feet of a fire hydrant;

(c) Within 20 feet of a crosswalk at an intersection;

(d) Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control signal located at the side of the roadway if the standing or parking of a vehicle will obstruct view of any official traffic control device located at the side of the roadway;

(e) Within 15 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station, within 75 feet of the entrance; or

(f) At any place where official signs prohibit standing.

(3) A driver shall not park a vehicle except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing; or

(b) At any place where official signs prohibit parking.

(4) The restrictions and prohibitions of subsections (1), (2) and (3) of this section shall not apply to vehicles owned or operated by the state, a county or city when stopping, standing or parking is necessary to perform maintenance or repair work on the roadway or when the driver's disregard thereof is necessary to avoid conflict with other traffic, or in compliance with law or at the direction of a police officer or an official traffic control device.

(5) A driver who violates this section commits a Class D traffic infraction.

[1975 c.451 §96; 1977 c.882 §57]

487.585 Position of vehicle when parallel parked. (1) Where parallel parking is permitted on a highway by the state or local authority having jurisdiction thereof, when a driver stops or parks a vehicle upon a two-way highway he shall position the vehicle so that the right-hand wheels are parallel to and within 12 inches of the right curb or, if none, as close as possible to the right edge of the right shoulder.

(2) Where parallel parking is permitted and parking on the left side of the highway is permitted, a driver shall stop or park a vehicle on a one-way highway either on the right side thereof in accordance with the requirements of subsection (1) of this section or on the left side of the highway. When a driver stops or parks a vehicle on the left side, he shall position the vehicle so that the left-hand wheels are parallel to and within 12 inches of the left curb or, if none, as close as possible to the left edge of the left shoulder.

(3) Where parallel parking is permitted on the right or left side of a highway and marked parking spaces are provided, when a driver stops or parks a vehicle where the parking spaces are marked, he shall position the vehicle so that it faces the direction in which vehicles in the adjacent lane of the roadway are required to travel and so that the wheels are within the parking space markings which are parallel to the curb or, if none, to the edge of the shoulder.

(4) A driver who violates this section commits a Class D traffic infraction.
[1975 c.451 §97]

487.590 Disabled vehicle exception.

The provisions of ORS 487.575 to 487.585 do not apply to the driver of a vehicle which is disabled in such manner and to such extent that the driver cannot avoid stopping or temporarily leaving the disabled vehicle in a position prohibited by one or more provisions of ORS 487.575 to 487.585.
[1975 c.451 §98]

487.595 Obstruction of roadway by wrecker or tow car. (1) The operator of a wrecker or tow car engaged in the salvaging of another vehicle may stop the wrecker or tow car where it obstructs traffic proceeding along the roadway when the operator:

(a) Determines that the salvaging operation requires stopping the wrecker in the roadway;

(b) Places warning signs or signals as prescribed by the Oregon Transportation Commission at a suitable distance in each direction upon the roadway; and

(c) Activates the amber or red light of a revolving type as provided in subsection (1) of ORS 483.423.

(2) A person who violates this section commits a Class D traffic infraction.
[1975 c.451 §99]

487.600 Police officers authorized to move vehicles. When a police officer finds a vehicle parked or standing upon a highway in violation of ORS 487.575 to 487.585, the officer may move the vehicle, cause it to be moved or require the driver or person in charge of the vehicle to move it to a position permitted under ORS 487.575 to 487.585.
[1975 c.451 §100]

487.605 Parking vehicle on state highway for vending purposes. (1) A driver commits the offense of unlawful parking for vending purposes if he parks or leaves standing a vehicle on a right of way of a state highway for the purpose of advertising, selling or offering merchandise for sale except pursuant to written agreement with the Department of Transportation.

(2) Unlawful parking for vending purposes is a Class D traffic infraction.
[1975 c.451 §101; 1977 c.882 §57a]

MISCELLANEOUS RULES

487.615 Unattended motor vehicle. (1) A person driving or in charge of a motor vehicle commits the offense of failure to secure a motor vehicle if he permits it to stand unattended on a highway without first stopping the engine, turning the front wheels to the curb or side of the highway when standing upon any grade, locking the ignition, removing the key from the ignition and effectively setting the brake thereon.

(2) Failure to secure a motor vehicle is a Class C traffic infraction.
[1975 c.451 §102]

487.620 Limitations on backing. (1) A driver commits the offense of illegal backing if he backs his vehicle when it is not safe to do so or it causes interference with other traffic upon a highway.

(2) Illegal backing is a Class C traffic infraction.
[1975 c.451 §103; 1977 c.882 §58]

487.625 Obstruction of driver's view; passengers interfering with driver; passengers in trailer. (1) A driver shall not operate a vehicle:

(a) Which is loaded or equipped so as to substantially obstruct his views to the rear, through one or more mirrors and otherwise, or to obstruct his view to the front or sides or to interfere with his control or with the driving mechanism; or

(b) When he has in his lap or in his embrace a person, baggage or encumbrance which prevents the free unhampered operation of the vehicle.

(2) A passenger in a vehicle shall not ride in a position that interferes with all of the driver's views to the rear, through one or more mirrors and otherwise, or that interferes with the driver's view to the front or sides or the driver's control of the driving mechanism.

(3) A driver shall not operate a vehicle on a highway while towing any type of trailer containing a passenger except a bus trailer as defined in subsection (2) of ORS 481.005 or an independently steered trailer.

(4) A person violating this section commits a Class C traffic infraction.
[1975 c 451 §104, 1977 c 882 §59]

487.630 Opening and closing vehicle door. (1) A person commits the offense of unlawful opening or closing vehicle door if he opens the door of a vehicle on the side available to moving traffic, except:

(a) When it is reasonably safe to do so; and

(b) When it can be done without interfering with the movement of traffic.

(2) A person shall not leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(3) Unlawful opening or closing vehicle door or leaving vehicle door open is a Class D traffic infraction.
[1975 c 451 §105]

487.635 Coasting prohibited. (1) A driver commits the offense of coasting if upon a downgrade he coasts with the gears or transmission of his motor vehicle in neutral or with the clutch disengaged.

(2) This section shall not apply to a driver of a motorized bicycle.

(3) Coasting upon a downgrade is a Class C traffic infraction.
[1975 c 451 §106]

487.640 Following fire apparatus prohibited. (1) A driver commits the offense of unlawfully following fire or emergency apparatus if:

(a) He follows any fire or emergency apparatus traveling in response to a fire alarm closer than 500 feet; or

(b) He drives or parks his vehicle in a manner which interferes with the fire or emergency apparatus responding to a fire

alarm.

(2) Notwithstanding the provisions of subsection (1) of this section, a driver on official fire-fighting, police or emergency business may follow within 500 feet of fire or emergency apparatus traveling in response to a fire alarm and drive into or park his vehicle in the area or vicinity where the apparatus has stopped in response to the alarm.

(3) A person who violates this section commits a Class C traffic infraction.
[1975 c 451 §107]

487.645 Crossing fire hose. (1) A driver commits the offense of unlawfully crossing a fire hose if he drives over unprotected hose of a fire department laid down on any highway, private road or driveway to be used at any fire or alarm of fire, unless he first obtains the permission of a fire department official or a police officer at the scene of the fire or alarm of fire.

(2) Unlawfully crossing a fire hose is a Class C traffic infraction.
[1975 c.451 §108]

487.650 Tow truck operator to remove injurious substance from highway.

(1) A tow truck operator removing a wrecked or damaged vehicle from a highway commits the offense of failure to remove injurious substance from a highway if he fails to remove any glass or other injurious substance dropped upon the highway from such vehicle.

(2) Failure to remove injurious substance from a highway is a Class C traffic infraction.
[1975 c 451 §109]

487.655 Obstructing cross traffic. (1) A driver commits the offense of obstructing cross traffic if he enters an intersection or a marked crosswalk or drives onto any railroad grade crossing when there is not sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.

(2) Obstructing cross traffic is a Class C traffic infraction.
[1975 c 451 §110]

487.660 Restricting of animal traffic to bridle paths. Each incorporated community within the State of Oregon shall have power, by law or ordinance, duly enacted, to

regulate the use of its streets by horses and other animals to the extent that bridle paths may be designated upon certain streets and such animals be prohibited upon other streets. [Formerly 483.045]

487.665 Application of ORS chapters 483 and 487 to persons riding, driving or leading animal. Every person riding an animal upon a roadway and every person driving or leading any animal is subject to the provisions of this chapter and chapter 483 applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

[Formerly 483.034]

487.670 Livestock on highway; duty of caution; yielding right of way to livestock. (1) A person riding or leading a horse or other livestock on the highway shall keep a lookout for vehicles and use caution to keep the animal under control.

(2) A person in charge of driving a herd of livestock on or across a highway shall position a person at the front of the herd to warn drivers that the herd is approaching. A driver shall yield the right of way to the livestock being driven, but the person in charge of the livestock shall use reasonable care and diligence to open the roadway for vehicular traffic.

(3) A driver shall use caution when he approaches or passes a person riding, leading or herding livestock on the highway.

(4) If a horse or other livestock becomes frightened on the highway, the person riding or leading the animal shall give a distress signal to an approaching driver by raising his hand. A driver upon seeing the distress signal shall promptly stop his vehicle, unless movement forward is necessary to avoid an accident, and shall, if requested, turn off the engine until the animal is under control.

(5) As used in this section, "livestock" means any animal of the species of horses, mules, donkeys, cattle, swine, sheep or goats.

(6) A person who fails to perform any duty imposed by this section commits a Class B traffic infraction.

[1975 c.451 §112]

487.675 Duty of driver striking animal. (1) A driver who knowingly strikes and injures a domestic animal shall stop at once, make a reasonable effort to determine the nature of the animal's injuries and give reasonable attention to the animal, depending on the traffic hazards then existing. The

driver shall immediately report the injury to the animal's owner, and if unable to contact the owner, shall notify a state, county or city peace officer.

(2) A driver who fails to perform any of the duties required under this section commits a Class B traffic infraction.

[1975 c.451 §113]

487.680 Driving or crossing in front of streetcars. (1) No driver of any vehicle proceeding upon any streetcar track in front of a streetcar upon a street shall fail to remove such vehicle from the track as soon as practicable after signal from the operator of the streetcar.

(2) When a streetcar has started to cross an intersection, no driver of a vehicle shall drive upon or cross the car tracks, within the intersection in front of the streetcar.

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

[Formerly 483.328; 1977 c.882 §60]

487.685 Stopping for streetcars and busses. (1) Except on one-way streets or on streets where the tracks are so located as to prevent compliance, the driver of a vehicle shall not overtake and pass upon the left any streetcar proceeding in the same direction, whether actually in motion or temporarily at rest.

(2) The driver of a vehicle overtaking any streetcar, trolley bus or motor bus stopped or about to stop for the purpose of receiving or discharging any passenger, shall stop such vehicle to the rear of the nearest running board or door of such streetcar or bus and keep it stationary until all passengers have boarded or alighted therefrom and reached a place of safety. However, where a safety zone has been established in the street area, or the trolley bus or motor bus has stopped at the curb, a vehicle need not be stopped before passing such streetcar or bus, but may proceed past it at a speed not greater than is reasonable and proper, and with due caution for the safety of pedestrians. This subsection does not apply to passing upon the left any streetcar, trolley bus or motor bus on a one-way street.

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

[Formerly 483.326; 1977 c.882 §61]

**SPECIAL RULES FOR
MOTORCYCLES**

487.705 Unlawful motorcycle operation. (1) A person operating a motorcycle commits the offense of unlawful motorcycle operation if he:

(a) Fails to sit on a permanent and regular seat attached to the motorcycle;

(b) Carries a person on a motorcycle who is not seated on a permanent and regular seat, if the motorcycle is designed to carry more than one person, or upon another seat attached to the motorcycle at the rear or side of the operator's seat;

(c) Fails to sit astride the motorcycle seat facing forward and with one leg on each side of the motorcycle;

(d) Carries a package, bundle or other article which prevents him from keeping both hands on the handlebars;

(e) Carries a person in a position that interferes with the operation or control of the motorcycle or the operator's view; or

(f) Carries a person, other than in a sidecar or inclosed cab, on a motorcycle with no footrests for that person.

(2) Unlawful motorcycle operation is a Class B traffic infraction.
[1975 c.451 §114]

487.710 Required position on motorcycle. (1) No person shall drive any motorcycle equipped with handlebars so positioned that the hands of the driver, when upon the grips, are at or above his shoulder height when sitting astride the seat.

(2) A person who violates subsection (1) of this section commits a Class C traffic infraction.
[1975 c.451 §114a; 1977 c.882 §62]

487.715 Motorcyclist's right to full traffic lane. (1) A person operating a motorcycle on a roadway has the right to full use of a lane thereof.

(2) Notwithstanding subsection (1) of this section, persons may operate motorcycles two abreast in a single lane.

(3) A driver commits the offense of depriving a motorcyclist of traffic lane if he drives his motor vehicle on a roadway laned for traffic in a manner that prevents a motorcyclist from full use of a lane.

(4) Depriving a motorcyclist of traffic lane is a Class B traffic infraction.
[1975 c.451 §115]

487.720 Unlawful passing or moving in lane with vehicle. (1) A motorcycle operator commits the offense of unlawful passing if he:

(a) Overtakes and passes in the same lane occupied by the vehicle he is overtaking, unless the vehicle he is overtaking is another motorcycle; or

(b) Operates a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(2) Subsection (1) of this section does not apply to a police officer in the performance of his official duties.

(3) A motorcycle operator who unlawfully passes commits a Class B traffic infraction.
[1975 c.451 §116]

487.725 Clinging to other vehicles. (1) A person riding upon a motorcycle which is not disabled and being towed commits the offense of clinging to other vehicles if he attaches himself or the motorcycle to any other vehicle on a roadway.

(2) A person who violates this section commits a Class C traffic infraction.
[1975 c.451 §117]

487.730 Protective headgear required for persons under 18. (1) A person commits the offense of failure to wear protective headgear if he is under the age of 18 years and he fails to wear protective headgear of a type approved by the Motor Vehicles Division while he operates or rides on a motorcycle.

(2) This section does not apply to any person who is either within an inclosed cab or is operating or riding on a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour.

(3) Failure to wear protective headgear is a Class C traffic infraction.
[1975 c.451 §118; 1977 c.410 §1]

487.735 Division to establish standards for protective headgear. (1) The Motor Vehicles Division shall:

(a) Set up a procedure, similar to the procedure provided by ORS 483.482 to 483.488, which will be followed for approval of protective headgear.

(b) Establish standards for safe protective headgear to be worn by persons operating or riding on motorcycles as required by subsection (1) of ORS 487.730.

(2) Standards established by the division under this section shall conform, in so far as practicable, to the safety standards for such headgear issued by the Federal Government and, to the extent there are no such federal standards, to the safety standards promulgated by the United States of America Standards Institute.

[1975 c.451 §119]

487.740 Motorcycle head lamps required to be on. (1) Subject to the specific exceptions with respect to parked vehicles, lighted lamps and illuminated devices as specified in ORS 483.402 to 483.442 shall be displayed by every motorcycle upon a highway at all times.

(2) Failure to display lighted head lamps on a motorcycle at all times is a Class B traffic infraction.

[1975 c.451 §120]

SPECIAL RULES FOR BICYCLES

487.750 Application of ORS chapters 483 and 487 to bicyclists. Every person riding a bicycle upon a roadway is subject to the provisions of this chapter and ORS chapter 483 applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

[1975 c.451 §130]

487.755 Bicycle regulation generally. The regulations in this chapter and ORS chapter 483 applicable to bicycles shall apply whenever a bicycle is operated upon any public way.

[Formerly 483.835]

487.760 Unlawful bicycle operation.

(1) A person propelling a bicycle commits the offense of unlawful bicycle operation if he:

(a) Rides other than upon or astride a permanent and regular seat attached to the bicycle; or

(b) Carries more persons on the bicycle than the number for which it is designed or safely equipped; or

(c) Carries a package, bundle or article which prevents him from keeping at least one hand upon the handlebar and having full control at all times.

(2) Unlawful bicycle operation is a Class D traffic infraction.

[1975 c.451 §123]

487.765 Riding on roadways, bicycle paths and lanes. (1) A person operating a bicycle upon a roadway shall:

(a) Not ride more than two abreast;

(b) Exercise due care when passing a standing vehicle or one proceeding in the same direction; and

(c) Except on a one-way roadway within a city, ride as near to the right side of the roadway as practicable.

(2) On a one-way roadway within a city, a person operating a bicycle shall ride as near to either the right or the left side of the roadway as practicable.

(3) When a bicycle lane adjacent to a roadway or a bicycle path adjacent to or near a roadway has been provided, bicycle riders shall use that lane or path and shall not use the roadway if the state or local authority having jurisdiction over the roadway, after a public hearing, finds that the lane or path is suitable for safe bicycle use at reasonable rates of speed.

(4) A person who violates this section commits a Class D traffic infraction.

[1975 c.451 §125]

487.770 Use of bicycle lane by vehicles restricted; right of way on bicycle lane. (1) A driver commits the offense of unlawful driving upon a bicycle lane if he drives upon a bicycle lane except when:

(a) Making a turn;

(b) Entering or leaving an alley or private road or driveway; or

(c) Required in the course of official duty.

(2) A driver shall yield the right of way to a person operating a bicycle upon a bicycle lane.

(3) Unlawful driving upon a bicycle lane or failure to yield the right of way to a bicyclist upon a bicycle lane is a Class B traffic infraction.

[1975 §451 §126]

487.775 Use of bicycle path by vehicles prohibited. (1) A driver shall not drive or park upon a bicycle path.

(2) Driving upon a bicycle path is a Class B traffic infraction.

[Formerly 483.865]

487.780 Bicyclists to yield right of way at intersections except to left turning and stopped vehicles; driver right of way to bicyclists. (1) A person riding a bicycle

commits the offense of failure to yield the right of way if upon approaching or moving across an intersection he does not yield the right of way to all vehicles within or closely approaching the intersection except:

(a) Oncoming vehicles closely approaching from the opposite direction which are signaling an intent or starting to make a left turn at the intersection; or

(b) Vehicles approaching the intersection which must stop before entering it because of a stop sign.

(2) The provisions of subsection (1) of this section do not apply when the bicyclist is required by an official traffic control device to stop or yield before traversing the intersection.

(3) Failure by bicyclist to yield the right of way is a Class D traffic infraction.

(4) A driver commits the offense of failure to yield the right of way to bicyclist if:

(a) He proceeds into an intersection and makes a left turn without first yielding the right of way to all oncoming persons riding bicycles within or approaching the intersection from the opposite direction so closely as to constitute an immediate hazard; or

(b) After stopping at a stop intersection or through highway as required by ORS 487.255, he fails to yield the right of way to any person on a bicycle approaching or within the intersection or approaching on a through highway so closely as to constitute an immediate hazard.

(5) Failure by driver to yield the right of way to bicyclist is a Class B traffic infraction. [1975 c.451 §128]

487.785 Bicyclists on sidewalks required to warn pedestrians; careless bicycle operation on sidewalk prohibited. (1) Any person operating a bicycle upon a sidewalk shall give an audible warning before overtaking and passing a pedestrian and shall yield the right of way to all pedestrians on the sidewalk.

(2) No person shall operate a bicycle on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property.

(3) A person who violates this section commits a Class D traffic infraction. [Formerly 483.870]

487.790 Regulation of bicycle racing. Bicycle racing is permitted on any highway in this state upon the approval of, and under

conditions imposed by, the department or local authority exercising jurisdiction over the highway on which the race is held. [1975 c.113 §2]

487.795 Clinging by persons on bicycles or toy vehicles. (1) A person riding upon a bicycle, coaster, roller skates, sled or toy vehicle commits the offense of clinging to a vehicle if he attaches that which he is riding or himself to any vehicle upon a roadway.

(2) Clinging to a vehicle is a Class D traffic infraction. [1975 c.451 §10a]

IMPLIED CONSENT LAW

487.805 Implied consent to chemical test; police report of refusal; evidence of refusal inadmissible. (1) Any person who operates a motor vehicle upon the highways of this state shall be deemed to have given consent, subject to ORS 487.805 to 487.815 and 487.825 to 487.835, to a chemical test of his breath for the purpose of determining the alcoholic content of his blood if arrested for driving a motor vehicle while under the influence of intoxicants in violation of ORS 487.540 or of a municipal ordinance. A test shall be administered upon the request of a police officer having reasonable grounds to believe the person arrested to have been driving while under the influence of intoxicants in violation of ORS 487.540 or of a municipal ordinance.

(2) If a person under arrest for driving a motor vehicle while under the influence of intoxicants in violation of ORS 487.540 or of a municipal ordinance, refuses the request of a police officer to submit to a chemical test of his breath as provided in subsection (1) of this section, and if the person has been informed of the consequences of such refusal as provided by ORS 482.540 to 482.560 and of his rights as provided in ORS 487.810, no test shall be given, but the police officer shall prepare a sworn report of the refusal and cause it to be delivered to the division. The report shall disclose:

(a) Whether the person at the time he was requested to submit to a test was under arrest for driving a motor vehicle while under the influence of intoxicants in violation of ORS 487.540 or of a municipal ordinance;

(b) Whether the police officer had reasonable grounds to believe, at the time the request was made, that the person refusing to submit to the test had been driving under the

influence of intoxicants in violation of ORS 487.540 or of a municipal ordinance;

(c) Whether the person refused to submit to a test;

(d) Whether such person was informed of the consequences, under ORS 482.540 to 482.560, of his refusal to submit to the test; and

(e) Whether such person was informed of his rights as provided in ORS 487.810.

(3) If a person under arrest refuses to submit to a chemical test of his breath under the provisions of subsection (2) of this section or refuses to consent to chemical tests as provided by ORS 487.835, evidence of his refusal shall not be admissible in any civil or criminal action, suit or proceeding arising out of acts alleged to have been committed while the person was driving a motor vehicle on the highways while under the influence of intoxicants.

[Formerly 483.634]

487.810 Chemical test at request of arrested person. In addition to a chemical test of the breath, blood, urine or saliva administered upon the request of a police officer, a person arrested for driving a motor vehicle upon the highways of this state while under the influence of intoxicants shall be permitted upon request, at his own expense, reasonable opportunity to have any licensed physician and surgeon, licensed professional nurse or qualified technician, chemist or other qualified person of his own choosing administer a chemical test or tests for the purpose of determining the alcoholic content of his blood. The failure or inability to obtain such a test or tests by a person shall not preclude the admission of evidence relating to a test taken upon the request of a police officer.

[Formerly 483.638]

487.815 Manner of conducting chemical analyses; duties of Health Division. (1) Chemical analyses of the person's breath, blood, urine or saliva, to be valid under ORS 487.545, shall be performed according to methods approved by the Health Division and by an individual possessing a valid permit to perform such analyses issued by the Health Division.

(2) The Health Division shall:

(a) Approve techniques or methods of performing chemical analyses that are satisfactory for determining alcoholic content of a person's blood.

(b) Prepare manuals and conduct courses throughout the state for the training of police officers in chemical analyses of a person's breath, which courses shall include, but are not limited to, approved methods and techniques of chemical analyses, use of approved equipment and interpretation of test results together with a written examination on these subjects.

(c) Test and certify the accuracy of equipment to be used by police officers for chemical analyses of a person's breath before regular use of such equipment and periodically thereafter at intervals of not more than 60 days, such tests and certification to be conducted by trained technicians.

(d) Ascertain the qualifications and competence of individuals to conduct such analyses in accordance with one or more methods or techniques approved by the board.

(e) Issue permits to individuals according to their qualifications. Permits shall be issued to police officers only upon satisfactory completion of the prescribed training course and written examination and the permit shall state the methods and equipment which the police officer is qualified to use. Permits shall be subject to termination or revocation at the discretion of the Health Division.

[Formerly 483.644]

487.820 Implied consent law not to limit introduction of evidence in certain proceedings. The provisions of the implied consent law, ORS 487.805 to 487.815, 487.825 to 487.835, except ORS 487.545 and subsection (3) of ORS 487.805, shall not be construed by any court to limit the introduction of otherwise competent, relevant evidence in any civil action, suit or proceedings or in any criminal action other than a violation of ORS 487.540 or a similar municipal ordinance in proceeding under ORS 482.540 to 482.560.

[Formerly 483.648]

487.825 Administering blood test. In conducting a chemical test of the blood, only a duly licensed physician or a person acting under his direction or control may withdraw blood or pierce human tissue. A licensed physician, or a qualified person acting under his direction or control, shall not be held civilly liable for withdrawing any bodily substance, in a medically acceptable manner, at the request of a peace officer.

[Formerly 483.640]

487.830 Reports of chemical analyses; expenses of conducting chemical tests. (1) An individual who performs a chemical anal-

ysis of breath, blood, urine or saliva under ORS 487.805 or 487.835 shall prepare and sign a written report of the findings of the test which shall include the identification of the police officer upon whose request the test was administered.

(2) Any individual having custody of the report mentioned in this section shall, upon request of the person tested, furnish that person or his attorney, a certified copy of the report.

(3) The expense of conducting a chemical test as provided by ORS 487.805 and 487.835 shall be paid by the governmental unit on whose equipment the test is conducted.

[Formerly 483.646]

487.835 Chemical test by consent of arrested person. Nothing in ORS 487.805 is intended to, in lieu of a request for and administration of a breath test, preclude the administration of a chemical test of the blood, urine or saliva of any person if, when requested by a police officer, the person expressly consents to such a test.

[Formerly 483.636]

ALCOHOLIC LIQUOR IN VEHICLES

487.837 "Motor vehicle" defined for purpose of ORS 487.837 to 487.843. As used in ORS 487.837 to 487.843, "motor vehicle" does not include a motor vehicle operated by a publicly owned transit system or a motor vehicle operated by a common carrier and used primarily to carry passengers for hire.

[Formerly 483 775]

487.839 Drinking alcoholic liquor in vehicle on highway prohibited. (1) No person shall drink any alcoholic liquor in a motor vehicle when the vehicle is upon a highway.

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

[Formerly 483.780; 1977 c.882 §63]

487.841 Possessing open liquor container in vehicle on highway prohibited. No person shall have in his possession on his person, while in a motor vehicle upon a highway, any bottle, can, or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed.

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

[Formerly 483.785; 1977 c.882 §64]

487.843 Keeping open liquor container in vehicle on highway prohibited unless container is in area normally unoccupied by operator or passengers. It is unlawful for the registered owner of any motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon any highway, any bottle, can, or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed, unless the bottle, can, or other receptacle is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. For the purposes of this section, a utility compartment or glove compartment is considered within the area occupied by the driver and passengers. This section shall not apply to the living quarters of a camper or a motor home.

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

[Formerly 483.790; 1977 c.882 §65]

POWERS OF STATE AND LOCAL AUTHORITIES

487.850 Authority of Oregon Transportation Commission to mark highways and control traffic; authority of Public Utility Commissioner regarding railroad-highway crossing. (1) The Oregon Transportation Commission is authorized to classify, designate and mark both intrastate and interstate highways lying within the boundaries of this state and to provide a uniform system of marking and signing such highways under the jurisdiction of this state. Such system of marking and signing shall correlate with and so far as possible conform to the system adopted in other states.

(2) Except at railroad-highway grade crossings, the commission is authorized to determine the character or type of traffic control signals to be used, and to place or erect them upon state highways, at places where the commission deems necessary for the safe and expeditious control of traffic. So far as practicable, all such traffic control signals shall be uniform as to type and location. Except at railroad-highway grade crossings, no traffic control signals shall be erected or maintained upon any state highway by any authority other than the commission, except with its written approval.

(3) The Public Utility Commissioner is vested with exclusive jurisdiction over the installation of protective devices at railroad-highway grade crossings.

[Formerly 483.040]

487.853 Oregon Transportation Commission to adopt sign manual. The Oregon Transportation Commission shall adopt a manual and specifications of uniform standards for traffic control devices consistent with the provisions of this chapter and ORS chapter 483 for use upon highways within this state.

[1975 c.451 §158]

487.855 Control of traffic control devices by local authorities. (1) Except at railroad-highway grade crossings and subject to the authority vested in the Oregon Transportation Commission, local authorities shall place and maintain traffic control devices upon highways, exclusive of state highways, under their respective jurisdictions as they consider necessary to carry out the provisions of this chapter and ORS chapter 483 or local traffic ordinances or to regulate, warn or guide traffic. All traffic control devices shall conform to the state manual and specifications.

(2) Except at railroad-highway grade crossings, the Oregon Transportation Commission shall have general supervision with respect to the placing and constructing by local authorities of official traffic control devices for the purpose of obtaining, so far as practicable, uniformity as to type and location of such devices throughout the state.

(3) Official traffic control devices placed or constructed by local authorities after June 27, 1975, shall conform to specifications and location criteria approved by the commission.

(4) Any new or amended specifications and location criteria approved by the commission after June 27, 1975, for the placement or construction of an official traffic control device do not apply to official traffic control devices in place on June 27, 1975. However, within a reasonable period after June 27, 1975, official traffic control devices shall be altered or relocated to comply with the manual and specifications approved after June 27, 1975.

(5) When the governing authority of a city makes a determination that placement or construction of a traffic control device on a city street or highway selected as the route of a state highway under ORS 373.010 is necessary to carry out the provisions of this chapter

and ORS chapter 483 or to regulate, warn or guide traffic, it shall submit to the Administrator of Highways written findings and recommendation in support of placing or constructing the traffic control device on the state highway. If the administrator approves the findings and recommendation, he shall so notify in writing the city governing authority and proceed to place or construct the traffic control device in accordance with them. If the administrator does not notify the local authority of disapproval within 90 days after he receives the findings and recommendation, the findings and recommendation shall be considered approved and the administrator shall proceed to place or construct the traffic control device in accordance with them.

[1975 c.451 §159]

487.860 Regulation of pedestrian traffic by local authorities. Local authorities may regulate the movement of pedestrians upon highways within their jurisdictions by:

(1) Establishing marked crosswalks and designating them by appropriate marking;

(2) Closing a marked or unmarked crosswalk and prohibiting pedestrians from crossing a roadway where a crosswalk has been closed by placing and maintaining signs giving notice of closure; and

(3) Prohibiting pedestrians from crossing a highway at any place other than within a marked or unmarked crosswalk.

[1975 c.451 §160]

487.865 Speed regulation in public parks by local authorities. Local authorities may regulate the speed of vehicles in public parks under their jurisdictions and shall place and maintain at all park entrances signs giving notice of any special speed regulation.

[1975 c.451 §161]

487.870 Regulating use of throughway. (1) The commission and local authorities with respect to a throughway under their respective jurisdictions may prohibit or restrict the use of the throughway:

(a) By parades; and

(b) By persons riding bicycles or other nonmotorized traffic, power-driven cycles or motor bicycles.

(2) A regulation enacted under subsection (1) of this section shall become effective when appropriate signs giving notice thereof are erected upon any throughway and the approaches thereto.

(3) A person who violates a regulation

adopted pursuant to this section commits a Class C traffic infraction.

[1975 c 451 §162; 1977 c 882 §66]

487.875 Authority to designate through highways and stop intersections. The Oregon Transportation Commission with reference to state highways, and local authorities with reference to highways under their respective jurisdictions, may designate main traveled or through highways by placing at the entrances thereto from intersecting highways traffic control devices notifying drivers to stop or yield the right of way before entering or crossing such designated highways, or may designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop before entering the intersection or junction.

[1975 c.451 §163]

487.880 Authority to designate no-passing zones. The Highway Division and local authorities with reference to highways under their respective jurisdictions may determine, in accordance with standards and procedures adopted by the division, where overtaking or passing or driving to the left of the center of the roadway would be especially hazardous and may, by appropriate signs or by a yellow unbroken line on the pavement on the right-hand side of and adjacent to the center line or a lane line of the roadway, indicate the beginning and end of the zones.

[1975 c 451 §164]

487.885 Authority to designate one-way highway, safety zones, turns and lanes. (1) The Oregon Transportation Commission with reference to state highways and local authorities with reference to highways under their respective jurisdictions may:

(a) Designate by appropriate signs any highway or section or specific lanes thereof upon which vehicular traffic shall proceed in one direction at all or such times as may be indicated by official traffic control devices;

(b) Designate by official traffic control devices certain places on highways as safety zones and regulate and control traffic with respect to such safety zones;

(c) Where traffic conditions warrant, prohibit right or left turns at intersections or prohibit U-turns by all vehicles or by certain types of vehicles; and

(d) Place official traffic control devices within or adjacent to intersections and thereby require and direct that a different course from that specified in ORS 487.390 be trav-

eled by vehicles making turning movements at, or proceeding through, intersections.

(2) A local authority shall not designate any highway within its boundaries as a one-way highway if the highway is under the jurisdiction of the Oregon Transportation Commission unless the local authority first obtains the written consent of the commission. A city shall not designate any highway within its boundaries as a one-way highway if the highway is under the jurisdiction of a county unless the city first obtains the written consent of the county.

[1975 c 451 §165]

487.890 Authority of municipalities and counties to control parking on city, county and state highways. (1) Subject to the provisions of subsection (3) of this section, cities shall have exclusive authority to regulate, control or prohibit the stopping, standing and parking of motor vehicles upon any city street or highway, including any city street selected and designated as the route of a state highway under ORS 373.010 and, subject to the provisions of ORS 487.895, upon any state highway within the corporate limits of a city.

(2) Counties shall have exclusive authority to regulate, control or prohibit the stopping, standing and parking of motor vehicles upon any county highway.

(3) Local authorities, city and county, may permit angle parking on any highway where parking is subject to their respective jurisdictions, including any city street selected and designated as the route of a state highway under ORS 373.010 and, subject to ORS 487.895, any state highway within the corporate limits of a city, except that angle parking on a state highway shall not be permitted if the Oregon Transportation Commission has determined that the highway is not of sufficient width to permit angle parking without interfering with the free movement of traffic.

[1975 c 451 §166]

487.895 Authority of Oregon Transportation Commission to control parking on state highways. (1) The Oregon Transportation Commission shall have exclusive authority to regulate, control or prohibit the stopping, standing and parking of motor vehicles upon the right of way of any state highway outside the corporate limits of cities, and upon the right of way of any section of any state highway within the corporate limits of any city, if access to or from the section of highway and real property abutting thereon was restricted, controlled or prohibited by the

commission before the section of highway was included within the corporate limits of the city.

(2) The commission shall also have exclusive authority to control stopping, standing and parking on all state highways within the corporate limits of a city except where the highway is routed over a city street under ORS 373.010.

(3) A person who violates any regulation, restriction or prohibition imposed under this section commits a Class D traffic infraction.

[Formerly 483.346; 1977 c.882 §67]

487.900 Entry of commission's parking regulations in official records; erecting appropriate signs; regulations as having force of law. (1) All regulations, restrictions or prohibitions imposed by the Oregon Transportation Commission under authority of ORS 487.895 shall be by resolution or order entered in official records of the Oregon Transportation Commission.

(2) The commission shall place and maintain appropriate signs or markings giving notice of all regulations, restrictions or prohibitions at such places as may be necessary to inform the public, and the regulations, restrictions or prohibitions shall become effective and shall have the force of law when the signs or markings giving notice thereof have been placed.

[Formerly 483.348]

487.905 Authority of department, city or county in respective jurisdictions; penalties for violation of gross weight orders.

(1) The Department of Transportation, the governing body of a county and the city council, with respect to highways or streets under their respective jurisdictions, may:

(a) Prohibit the operation thereon of any or all vehicles or any class or kind of vehicles, impose limits as to any gross weight or any dimension of any vehicle or combination of vehicles, reduce speeds of vehicles or impose any other restrictions that in their judgment are necessary to protect any highway or section thereof from being unduly damaged.

(b) Designate lanes to be used exclusively by busses or high occupancy-use passenger vehicles for the purpose of conserving energy and facilitating public transportation.

(2) The Department of Transportation, the governing body of a county and the city council, with respect to highways or streets under their respective jurisdictions, may designate speeds for vehicles upon any portion of the

highway or street upon which temporary conditions constituting a danger to the public exist or above, below or upon which construction or maintenance work is being carried on so close to the roadway as to be a danger to passing traffic or to be endangered by passing traffic. The operation of a vehicle in excess of any speed designated under this subsection shall be prima facie evidence of violation of ORS 487.465.

(3) Any restrictions or limitations imposed under subsection (1) or (2) of this section shall be imposed by a proper order. A sign giving notice of the restrictions or limitations contained in the order shall be maintained 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. Such restrictions or limitations 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.

(4) Violation by any owner or operator of any vehicle or combination of vehicles of any provision of any order made pursuant to this section limiting gross weight is punishable by a term of imprisonment or fine, or both, based upon the extent that the gross weight of the vehicle exceeds the gross weight as limited by the provisions of the order, 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 a fine of six cents 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 a fine of not less than eight cents per pound for each pound of excess weight, or by imprisonment in the county or municipal jail for not less than 30 days nor more than 60 days, or both.

(d) If the excess weight is more than 5,000 pounds, by a fine of not less than 10 cents per pound for each pound of excess weight, or by imprisonment in the county or municipal jail for not less than 60 days nor more than six months, or both. In addition, the convicting court may recommend to the Motor Vehicles Division that the operator's or chauffeur's license of the operator of the vehicle or the registration plates of the vehicle or combination of vehicles be suspended for not more than 90 days. If the court recommends the suspension of the operator's or chauffeur's license or registration plates, it shall secure

the operator's or chauffeur's license or registration plates and immediately forward them to the division with its recommendation. The division shall suspend the operator's or chauffeur's license or vehicle registration plates in accordance with the recommendation.

(5) If any owner or operator is convicted of a second or subsequent violation of any order made pursuant to this section within one year after the first conviction, the convicting court, in addition to imposing the term of imprisonment or fine, or both, authorized by subsection (4) of this section, shall recommend to the division that the operator's or chauffeur's license of the operator of the vehicle or the registration plates of the vehicle or combination of vehicles be suspended for not less than 30 days nor more than 90 days. The court shall secure the operator's or chauffeur's license or vehicle registration plates and immediately forward them to the division with its recommendation. The division shall impose the suspension as recommended.

[Formerly 483.532; 1977 c.882 §68]

487.910 Where operation of golf carts authorized. (1) A local authority may, by ordinance, permit the operation of golf carts on any highway under its jurisdiction located adjacent to a golf course and between the golf course and the place where golf carts are parked or stored or located within or bounded by a real estate development if the combined operation of golf carts and regular vehicular traffic can be accomplished safely. A highway shall not be designated for combined operation for a distance of more than one-half mile from the golf course if the highway is not located within a real estate development or beyond the area of the development if the highway is located within a real estate development.

(2) A local authority shall prescribe rules and regulations for the combined operation of golf carts and regular vehicular traffic. The rules may establish speed limits and other operating standards but shall not require that the golf carts conform to any provision of this chapter or ORS chapter 483 with respect to vehicle equipment or condition.

(3) The designation of combined operation and the rules and regulations shall not be effective until appropriate signs giving notice thereof are posted along the highway affected.

(4) Notwithstanding provisions of this chapter and ORS chapter 483 with respect to vehicle equipment and condition, upon such designation becoming effective it shall be lawful to drive golf carts on highways or

portions thereof so designated in accordance with the rules and regulations prescribed by the local authority.

(5) As used in this section:

(a) "Real estate development" means an area of single-family or multiple-family residences the owners or occupants of which are eligible for membership in, or the use of, one or more golf courses within the development by virtue of their ownership or occupancy of a residential dwelling unit in the development.

(b) "Golf cart" means a motor vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15 miles per hour and designed to carry golf equipment and not more than two persons, including the driver.

[1975 c.271 §4]

487.915 Definitions for ORS 487.915 to 487.925. As used in ORS 487.915 to 487.925, unless the context requires otherwise:

(1) "Disabled person" means a person who:

(a) Is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheel chair; or

(b) Because of paralysis or loss of function of his legs is not able to cross curbs; or

(c) Is missing one or both legs; or

(d) Has a permanently impaired or unsteady gait that makes it impossible or impractical to walk as a means of transportation.

(2) "Marked motor vehicle" means a motor vehicle conspicuously displaying the decal, insignia or plates issued under the provisions of ORS 487.925.

[Formerly 483.352; 1977 c.885 §2]

487.920 Application of parking regulations to disabled person. (1) Notwithstanding the provisions of ORS 487.890 and 487.895 or the parking restrictions imposed by any city or county ordinance, a disabled person, if he complies with the provisions of ORS 487.915 to 487.925, may:

(a) When parallel parking next to a curb is provided, park a marked motor vehicle in any parking zone restricted to not less than one hour as to the length of time parking is permitted therein without incurring the penalties imposed for overtime parking in such zones; and

(b) When other than parallel parking is provided, park a marked motor vehicle in any parking zone at the end of the block or next to an alley or curb ramp without incurring the penalties imposed for overtime parking in such zones.

(2) The provisions of subsection (1) of this section do not apply to parking in zones where stopping, parking or standing of all motor vehicles is prohibited, to parking where late evening or overnight parking is prohibited or to parking in zones reserved for special types of motor vehicles or activities.

(3) The city attorney shall have authority to prosecute in the name of the state for a state traffic offense committed within the jurisdictional authority of the city as provided in subsection (2) of this section, and in any appeal therefrom, except as provided in ORS 180.060.

(4) A person who is not disabled as defined in ORS 487.915 and who exercises the privi-

leges granted a disabled person under this section commits a Class B traffic infraction.

[Formerly 483.354; 1977 c.882 §69]

487.925 Identification of motor vehicle used by disabled person. (1) The Motor Vehicles Division shall issue without charge a special decal, identifying insignia or plates for a marked motor vehicle, including a motor vehicle described in paragraph (h) of subsection (2) of ORS 481.075, to any applicant upon submission by the applicant of a certificate by a qualified physician to the division that he is a disabled person or that a person living in the household of the applicant is a disabled person.

(2) The Motor Vehicles Division shall determine the form, size and content of the decal, insignia or plates and promulgate rules governing their issuance and use necessary to carry out the provisions of ORS 487.915 to 487.925.

[Formerly 483.356; 1977 c.885 §6]

487.990 [Repealed by 1959 c.686 §72]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel