

# Chapter 487

## 1983 REPLACEMENT PART

### Rules of the Road

#### DEFINITIONS

487.005 Definitions for ORS chapters 483 and 487

#### APPLICATION OF ORS CHAPTERS 483 AND 487

- 487.015 Application uniform throughout state
- 487.025 Application applicable on federal lands
- 487.035 Application when referring to vehicles upon the highways and ocean shore; exceptions
- 487.045 Application to persons working on highways; exceptions
- 487.055 Application to public employer
- 487.065 Application to prior and subsequent actions

#### GENERAL RULES

- 487.075 Application of speed regulations and traffic signals to emergency vehicles
- 487.085 Application of speed regulations and traffic signals to ambulances
- 487.095 Permitting unlawful operation of vehicle
- 487.100 Failing to obey police officer
- 487.105 Uniform or badge required

#### TRAFFIC SIGNS, SIGNALS AND MARKINGS

- 487.120 Obedience to traffic control devices required; exception
- 487.125 Traffic control signals for drivers and pedestrians
- 487.130 When vehicle turns at intersections with red traffic control light authorized
- 487.135 Failure to obey pedestrian control signals
- 487.137 Yielding to pedestrian under pedestrian signal
- 487.140 Flashing signals
- 487.145 Lane direction control signals
- 487.150 When display of signs, signals or markings unlawful
- 487.155 When interference with official traffic control device or railroad sign or signal unlawful

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

- 487.165 Duty to drive on right side of roadway
- 487.170 Slow driver duty to drive on right
- 487.175 Duty to drive on right on two-way four-lane roadway
- 487.180 Slower driver duty to yield
- 487.185 Duty of driver of certain vehicles to drive to right
- 487.190 Passing vehicles proceeding in opposite direction
- 487.195 Overtaking on left
- 487.200 Overtaking on right
- 487.205 Further limitations on driving on left of center of roadway
- 487.210 No passing zone

487.215 One-way roadways and rotary traffic islands

487.220 Driving on roadways laned for traffic

487.225 Following too closely

487.230 Driving on divided highway

487.235 Careless driving

#### RIGHT OF WAY

- 487.245 Right of way at uncontrolled highway intersection
- 487.250 Driver turning left
- 487.255 Stop signs and yield signs
- 487.260 Right of way at merging lanes of arterial highway
- 487.265 Vehicle entering roadway from private road, alley or place
- 487.270 Operation of vehicles on approach of emergency vehicle or ambulance

#### PEDESTRIANS' RIGHTS AND DUTIES

##### (Generally)

- 487.285 Pedestrian obedience to traffic control devices and traffic regulations
- 487.290 Pedestrian's right of way in crosswalk
- 487.295 Pedestrian tunnel or overhead crossing
- 487.300 Pedestrian leaving curb
- 487.305 Drivers not to overtake stopped vehicle
- 487.310 Crossing at other than crosswalks
- 487.315 Exercise of due care
- 487.320 Pedestrian's use of sidewalk, shoulder and roadway edge
- 487.325 Pedestrian must yield right of way
- 487.330 Pedestrian soliciting rides or business
- 487.335 Driving through safety zone prohibited
- 487.340 Pedestrian's right of way on sidewalks
- 487.345 Pedestrians yield to emergency vehicle or ambulance
- 487.350 Unlawful use of bridge by pedestrian
- 487.355 Pedestrian crossing closed bridge or railroad grade crossing barrier prohibited

##### (Blind Pedestrian)

- 487.360 "Blind person," "dog guide," "white cane" defined
- 487.365 Use of white cane restricted
- 487.370 Duty of driver to yield to blind pedestrian
- 487.375 Blind pedestrian in roadway with traffic control signals
- 487.380 Rights of blind pedestrian without white cane or dog guide

#### TURNING AND MOVING; SIGNALS ON STOPPING AND TURNING

- 487.390 Required position and method of turning
- 487.395 U-turns prohibited
- 487.400 Moving a stopped, standing or parked vehicle

## VEHICLES AND SMALL WATERCRAFT

- 487.405 Unlawful turn, change of lane, stop and use of signals
- 487.410 Signals by hand and arm or by signal lamps
- 487.415 Method of giving required signals
- 487.595 Obstruction of roadway by wrecker or tow car
- 487.600 Police officers authorized to move vehicles
- 487.605 Parking vehicle on state highway for vending purposes

### SPECIAL STOPS REQUIRED

- 487.425 Stopping at railroad crossing upon signal of approaching train
- 487.430 Certain vehicles must stop at all railroad grade crossings
- 487.435 Railroad grade crossings exempt from special stopping rule
- 487.440 Moving heavy equipment at railroad grade crossings
- 487.445 Overtaking and passing school bus and certain other busses
- 487.450 Stopping before driving onto sidewalk from alley, driveway or building

### SPEED RESTRICTIONS

- 487.465 Basic speed rule
- 487.470 Speeds constituting prima facie evidence of violation
- 487.475 Fuel conservation maximum speed limit
- 487.477 Limit on suspension or revocation under ORS 487.475
- 487.480 Special speed limits set by the Oregon Transportation Commission
- 487.485 State Speed Control Board; appointment, vacancy, compensation and expenses of certain members
- 487.490 Powers and duties of State Speed Control Board
- 487.495 Payment of expenses of board and of expenses in establishing special speed limits
- 487.500 Authority for citation in radar cases
- 487.505 Impeding traffic
- 487.510 Maximum speeds for motor trucks and passenger transport vehicles
- 487.515 Speed races prohibited on public ways
- 487.520 Maximum speed on ocean shore
- 487.525 Prohibits operation of certain low speed vehicles in designated areas

### MAJOR TRAFFIC OFFENSES

- 487.530 Definitions for ORS 487.530 to 487.560
- 487.535 Certain major traffic offenses upon premises open to the public
- 487.540 Driving while under the influence of intoxicants
- 487.545 Use of chemical analysis to show intoxication
- 487.547 Impact of conviction for driving under influence of intoxicants; fees; examination; treatment program; no suspension of sentence
- 487.549 Fee upon conviction; use
- 487.550 Reckless driving
- 487.555 Fleeing or attempting to elude a police officer
- 487.560 Driving while suspended or revoked or beyond occupational license restriction

### STOPPING, STANDING AND PARKING

- 487.575 Stopping, standing or parking outside business or residence districts
- 487.580 Stopping, standing or parking prohibited in specific places
- 487.585 Position of vehicle when parallel parked
- 487.590 Disabled vehicle exception

### MISCELLANEOUS RULES

- 487.615 Unattended motor vehicle
- 487.620 Limitations on backing
- 487.625 Obstruction of driver's view; passengers interfering with driver; passengers in trailer
- 487.630 Opening vehicle door
- 487.635 Coasting prohibited
- 487.640 Following fire apparatus prohibited
- 487.645 Crossing fire hose
- 487.650 Tow truck operator to remove injurious substance from highway
- 487.655 Obstructing cross traffic
- 487.660 Restricting of animal traffic to bridle paths
- 487.665 Application of ORS chapters 483 and 487 to persons riding, driving or leading animal
- 487.670 Livestock on highway; duty of caution; yielding right of way to livestock
- 487.675 Duty of driver striking animal
- 487.680 Driving or crossing in front of streetcars
- 487.685 Stopping for streetcars and busses

### SPECIAL RULES FOR MOTORCYCLES AND MOPEDS

- 487.705 Unlawful operation of motorcycles and mopeds
- 487.707 Operation of moped on sidewalk or bicycle trail prohibited; exception
- 487.710 Required position of handlebars on motorcycle or moped
- 487.715 Right of motorcycle or moped to full traffic lane
- 487.720 Unlawful passing or moving in lane with vehicle
- 487.725 Clinging to other vehicles
- 487.730 Protective headgear required for persons under 18
- 487.733 Protective headgear required for motorcycle passengers under 18
- 487.735 Division to establish standards for protective headgear
- 487.740 Head lamps of motorcycles and mopeds required to be on
- 487.743 Carrying passenger on moped prohibited
- 487.746 Riding as passenger on moped prohibited

### SPECIAL RULES FOR BICYCLES

- 487.750 Application of ORS chapters 483 and 487 to bicyclists
- 487.760 Unlawful bicycle operation
- 487.762 Improper use of lanes; exceptions
- 487.764 Using available bicycle lane or path
- 487.767 Signaling for bicycle turn
- 487.770 Use of bicycle lane by vehicles restricted; right of way on bicycle lane
- 487.775 Use of bicycle path by vehicles prohibited
- 487.778 Yielding right of way to bicyclist on sidewalk
- 487.785 Rights and duties of bicyclist on sidewalk or in crosswalk
- 487.790 Regulation of bicycle racing
- 487.795 Clinging by persons on mopeds, bicycles or toy vehicles

# RULES OF THE ROAD

## IMPLIED CONSENT LAW

- 487.805 Implied consent to chemical test; effect of refusal or of certain level of alcohol in blood; evidence
- 487.810 Chemical test at request of driver
- 487.815 Manner of conducting chemical analyses; duties of Health Division and Department of State Police
- 487.820 Implied consent law not to limit introduction of evidence in certain proceedings
- 487.825 Administering blood test
- 487.830 Reports of chemical analyses; expenses of conducting chemical tests
- 487.835 Chemical test with or without consent

## ALCOHOLIC LIQUOR IN VEHICLES

- 487.837 "Motor vehicle" defined for purpose of ORS 487.837 to 487.843
- 487.839 Drinking alcoholic liquor in vehicle on highway prohibited
- 487.841 Possessing open liquor container in vehicle on highway prohibited
- 487.843 Keeping open liquor container in vehicle on highway prohibited unless container is in area normally unoccupied by operator or passengers

## 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
- 487.853 Oregon Transportation Commission to adopt sign manual
- 487.855 Control of traffic control devices by local authorities
- 487.860 Regulation of pedestrian traffic by local authorities
- 487.865 Speed regulation in public parks by local authorities
- 487.870 Regulating use of throughway
- 487.875 Authority to designate through highways and stop intersections
- 487.880 Authority to designate no-passing zones
- 487.885 Authority to designate one-way highway, safety zones, turns and lanes
- 487.890 Authority of municipalities and counties to control parking on city, county and state highways
- 487.895 Authority of commission to control parking on state highways
- 487.900 Entry of commission's parking regulations in official records; erecting appropriate signs; regulations as having force of law
- 487.905 Authority of department, city or county in respective jurisdictions; penalties for violation of gross weight orders

- 487.907 Authority of department, city and county to reduce speeds temporarily
- 487.910 Where operation of golf carts authorized
- 487.913 Authority of department, city and county to designate lanes for busses or high occupancy vehicles

## PARKING FOR DISABLED PERSONS

- 487.915 Definitions for ORS 487.915 to 487.940
- 487.920 Application of parking regulations to disabled person
- 487.925 Identification of motor vehicle used by or for disabled person
- 487.930 Parking in space reserved for disabled persons prohibited; exceptions
- 487.935 Removal and storage of vehicle unlawfully parked in space reserved for disabled persons; notice; lien
- 487.940 Misuse of disabled insignia

## CROSS REFERENCES

- Traffic infractions, description, classification, fines, 153.505, 153.610 to 153.620
- 487.005**
- Definitions, 483.002
- 487.290**
- School traffic patrol, 336.450, 336.470
- 487.495**
- Travel expenses, limitation, 292.210 to 292.288
- 487.520**
- Restricting travel on ocean shore, 390.668
- 487.550, 487.555**
- Defendant required to make recommendations to judge upon conviction, 482.475
- 487.775**
- Definitions of "public way" and "street drains," 483.552
- 487.850**
- Road signs erected and maintained by Department of Transportation, 366.450
- Traffic enforcement powers exercised by state police, 181.040
- 487.905**
- Delegation of power to highway administrator, 366.185
- 487.910, 487.915**
- Exemption of certain golf carts from vehicle registration and licensing when operated by disabled, 481.075

**VEHICLES AND SMALL WATERCRAFT**

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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, aircraft or marine craft that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability.

(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 the injured person's 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) An ambulance used in an emergency situation;

(b) A vehicle equipped with warning lights and sirens pursuant to ORS 483.423, 483.432 and 483.446:

(A) Operated by public police, fire or airport security agencies;

(B) Designated as an emergency vehicle by a federal agency; or

(C) Designated as an emergency vehicle in writing by the Administrator of the Motor Vehicles Division.

(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" has the meaning given that word in ORS 481.004.

(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, contiguous 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; 1979 c.575 §2; 1979 c.871 §32a; 1981 c.473 §12]

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 in volume 6A of Oregon Revised Statutes.

**487.050** [Repealed by 1959 c.686 §72]

**487.055 Application to public employer.** 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 ORS 483.423 (1)(c) and 483.432 (5) and (6).

(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 ORS 483.446 (4).

(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:

(a) Do not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all other persons.

(b) Are not a defense to the driver of an emergency vehicle in an action brought for criminal negligence or reckless conduct.

(c) Do not relieve the driver of an emergency vehicle from the duty to comply with ORS 487.445 except as provided in this paragraph. The driver is not required to keep an emergency vehicle stationary until the flashing red lights on a school bus or worker transport bus cease operating if the driver:

(A) Determines that no passengers of the bus remain on the roadway.

(B) Proceeds with caution.

(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; 1979 c.64 §1]

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:

(a) Do not relieve the driver of an ambulance from the duty to drive with due regard for the safety of all persons.

(b) Are not a defense to the driver of an ambulance in an action brought for criminal negligence or reckless conduct.

(c) Do not relieve the driver of an ambulance from the duty to comply with ORS 487.445 except as provided in this paragraph. The driver is not required to keep an emergency vehicle stationary until the flashing red lights on a school bus or worker transport bus cease operating if the driver:

(A) Determines that no passengers of the bus remain on the roadway.

(B) Proceeds with caution.

(4) Violation by an ambulance driver of any provision of this section is a Class B traffic infraction. [1975 c.451 §12; 1979 c.64 §2]

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 approved by the Oregon Transportation Commission under ORS 487.850. 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, the driver 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; 1983 c.237 §1]

**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 Failure to obey pedestrian control signals.** (1) A person commits the offense of failing to obey a pedestrian control signal if a pedestrian control signal is in place showing the words "Walk" and "Wait" or "Don't Walk" or any other pedestrian symbol approved by the Oregon Transportation Commission under ORS 487.850 for the purpose of controlling pedestrian crossing and the person does not obey the signal as follows:

(a) A pedestrian facing a "Walk" signal or other symbol approved under ORS 487.850 indicating that the pedestrian may proceed across the roadway in the direction of the signal.

(b) A pedestrian shall not start to cross the roadway in the direction of a signal showing "Wait" or "Don't Walk" or any other symbol approved under ORS 487.850 indicating that the pedestrian may not proceed. A pedestrian who has started crossing a roadway on a signal showing "Walk" or any other approved symbol to proceed shall proceed with dispatch to a sidewalk or safety island while a signal is showing "Wait" or "Don't Walk" or any other approved symbol indicating not to proceed.

(2) The offense described in this section, failing to obey a pedestrian control signal, is a Class C traffic infraction. [1975 c.451 §16, 1983 c.237 §2]

**487.137 Yielding to pedestrian under pedestrian signal.** (1) A person commits the offense of failure to yield to a pedestrian under a pedestrian signal if the person is operating a motor vehicle and the person does not yield to a pedestrian who is proceeding under a pedestrian control signal as permitted under ORS 487.135.

(2) The offense described in this section, failure to yield to a pedestrian under a pedestrian signal, is a Class C traffic infraction. [1983 c.237 §4]

**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 ORS 487.165 (1)(c); 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 ORS 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 such movement has been prohibited by appropriate signs or markings posted on the roadway

under ORS 487.880.

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

(a) When the roadway is obstructed as described in ORS 487.165 (1); 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; 1983 c.287 §1]

**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 ORS 487.535 (2) 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 the driver's 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) Violation of this section is the offense of failing to stop or yield the right of way at a stop sign or yield sign. Violation of this section is a Class B traffic infraction. [1975 c.451 §37; 1981 c.818 §41]

**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 shall stop and yield the right of way to students who are in or entering a crosswalk from either direction on the street on which the driver is operating a vehicle, if a traffic pa-

trol member makes a cautionary sign or signal to indicate that students have entered or are about to enter the crosswalk under the traffic patrol member's direction.

(4) 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.

(5) A driver who fails to stop and yield the right of way to a pedestrian crossing within a crosswalk under subsections (1) and (3) of this section commits a Class B traffic infraction.

[1975 c.451 §42; 1981 c.22 §4]

**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 has 20/200 vision or less, or a visual field of 20 degrees or less.

(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; 1983 c.520 §1]

**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 mobility.

(2) Any blind person who is deaf may use a white cane marked by a six-inch wide chartreuse 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; 1983 c.520 §2]

**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 or accompanied by a dog guide, who is crossing or about to cross a roadway, shall yield the right of way to the blind or blind and deaf pedestrian and shall continue to yield the right of way to the blind or blind and deaf pedestrian.

(2) A driver who fails to 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; 1983 c.520 §3]

**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 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; 1983 c.520 §4]

**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) or (3) 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 the driver is driving:

(a) Only in daylight hours between sunrise until sunset and there is sufficient light to discern clearly persons and vehicles at a distance of 1,000 feet ahead; and

(b) 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) Notwithstanding subsection (1) of this section, the driver of a moped or bicycle shall give a turn signal by means of the hand and arm if the moped or bicycle is not equipped with signal lamps for giving a turn signal.

(4) Violation of this section is a Class C traffic infraction. [1975 c.451 §65; 1979 c.871 §33; 1983 c.332 §7; 1983 c.171 §5]

**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) To indicate a left turn—hand and arm extended horizontally.

(b) Except as provided in subsection (4) of this section, to indicate a right turn—hand and arm extended upward.

(c) To indicate a stop or a decrease in 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 person who is operating a bicycle is not in violation of subsection (1) of this section if the person signals a right turn by extending the person's right hand and arm horizontally.

(5) 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; 1983 c.332 §9]

### 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 the driver does not stop the vehicle at a clearly marked stop line on the near side of the crossing or, if none, not less than 15 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 the driver 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 by driving 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; 1983 c.171 §6]

**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 referred to in ORS 767.025 (13).

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

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

(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 15 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 the driver 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 vehicle carrying as a cargo or part of a cargo any explosive substance, inflammable liquids, corrosives or similar substances or any cargo that the Public Utility Commissioner determines to be hazardous. For purposes of this paragraph, the Public Utility Commissioner may only determine a substance to be hazardous by rule. Any rules adopted by the Public Utility Commissioner to determine hazardous substances must be consistent with substances classified as hazardous by the United States Secretary of Transportation.

(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; 1983 c.171 §7]

**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 ORS 485.010 (4), 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 15 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; 1983 c.171 §8]

**487.445 Overtaking and passing school bus and certain other busses.** (1) Except as provided in ORS 487.075, 487.085 and subsection (2) of this section, when a driver meets or overtakes from either direction a school bus, worker transport bus or bus issued a permit under ORS 483.433 with flashing red lights in operation and the bus is stopped on a roadway, the driver shall stop before reaching the bus and shall remain standing until the flashing red lights are no longer operating.

(2) A driver need not comply with subsection (1) of this section if the bus is stopped on a different roadway.

(3) Failure to stop before reaching a school, worker transport bus or a bus issued a permit under ORS 483.433 is a Class A traffic infraction. [1975 c.451 §71; 1977 c.882 §49; 1979 c.64 §3; 1979 c.624 §5; 1983 c.134 §1]

**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, build-

ing, 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 immi-

nent 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 ORS 487.475 (2). [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:

(a) The Administrator of the Motor Vehicles Division of the Department of Transportation or a representative designated by the administrator;

(b) The Superintendent of State Police or a representative designated by the superintendent;

(c) The State Highway Engineer of the Department of Transportation or a representative designated by the engineer; and

(d) Two additional members appointed by the Governor as provided in this section for a term of two years.

(2) In appointing the two additional members of the State Speed Control Board, the Gov-

ernor 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 by the Governor under this section are entitled to compensation and expenses as provided in ORS 292.495.

(4) The board may select a secretary who is not a member of the board to perform such duties as the board may prescribe. Except as otherwise provided in this subsection, the secretary or any member of the board may exercise any power or duty of the board if the board files a written delegation in the office of the Secretary of State. The delegation is effective until the board files a written rescission of the delegation in the office of the Secretary of State. If the board delegates authority to the secretary or a member of the board to establish speed limits under ORS 487.490, the board, not the secretary or a member thereof, must take any final action to establish a speed limit if any state, federal or local agency having jurisdiction over the highway objects to the establishment by the individual member or secretary. [1975 c.451 §77; 1981 c.293 §1]

**487.490 Powers and duties of State Speed Control Board.** (1) The State Speed Control Board may designate a safe and reasonable speed that is different from the designated speeds provided in ORS 487.470. The authority granted to the board under this section applies to any highway other than a highway or section of highway upon which a city, county or the Oregon Transportation Commission is authorized, by ORS 487.480, to designate a reasonable and safe speed. The authority granted under this section includes, but is not limited to, authority to establish different speeds for different kinds or classes of vehicles as the board determines reasonable and safe.

(2) The board, by rule, may delegate its authority under this section with respect to highways that are low volume or not hard surfaced to a city or county with jurisdiction over the highway if the board determines that the city

or county will exercise the authority according to criteria:

- (a) Adopted by the board; or
- (b) Adopted by the city or county and approved by the board.

(3) The board may determine the speeds to designate under this section by making or causing to be made an engineering and traffic investigation with respect to the designated speeds provided in ORS 487.470. The board shall make the investigation of a highway or authorize:

(a) 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 if requested by a state or local authority or federal agency having jurisdiction over the highway.

(b) The city 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 and the city governing authority requests the board to make an investigation with respect to the designated speed on the highway.

(4) The board shall allow an authority or agency that requests the board to conduct an investigation under this section to participate with the board in the investigation.

(5) A state or local authority or federal agency having jurisdiction of a highway or a city within whose incorporated limits a state or county highway is located must make written application for the board to conduct an investigation with respect to speed on the highway under this section, and the application must state the speed recommended by the requesting authority for the highway or section of highway in question.

(6) The board:

(a) May change a speed as provided under this section if the investigation establishes to the satisfaction of the board that the existing designated speed in the area investigated is greater than reasonable or safe or is less than is reasonable under the conditions at the area.

(b) Shall not make a final determination to change a speed under this section unless the board has provided due notice and opportunity for hearing to the authority or agency affected thereby.

(c) Shall give written notice to an affected authority or agency of the board's determination concerning a designated speed under this section.

(7) An affected local, federal or state agency having jurisdiction over the highway may file written objections to any speed established by the board. If an affected agency files a written objection and requests a hearing not more than 10 days after signs establishing the speed are posted, the board shall hold a hearing to reconsider the speed established after giving written notice thereof to the affected agency or authority. The hearing must be held more than five days after giving the written notice.

(8) Upon application by a state or local authority or federal agency with jurisdiction over a highway, the board may establish on any highway under the jurisdiction of the board, an emergency temporary speed that is different than the existing speed on the highway. The board is not required to follow procedures established under this section when the board establishes an emergency temporary speed under this subsection. A speed established under this subsection may be effective for not more than 120 days and becomes effective when appropriate signs giving notice thereof are erected upon the highway or section of highway. If the board establishes an emergency temporary speed under this subsection, the board shall determine whether the board should permanently change the speed under this section within 120 days after the emergency temporary speed becomes effective.

(9) A speed established by the board under this section shall be effective when appropriate signs giving notice thereof are erected upon the highway or section of highway.

(10) Subject to ORS 183.310 to 183.550, the board may establish rules necessary to carry out this section. [1975 c.451 §78; 1981 c.293 §2; 1983 c.329 §1]

**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 Authority for citation 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

stopped, detained and issued a citation by a police officer if the 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 detain 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; 1981 c.818 §42]

**487.505 Impeding traffic.** (1) A person commits the offense of impeding traffic if the person drives a motor vehicle, or combination of motor vehicles, in a manner that impedes or blocks the normal and reasonable movement of traffic except when the person is proceeding in a manner needed for safe operation.

(2) Impeding traffic is a Class C traffic infraction. [1975 c.451 §81; 1983 c.458 §1]

**487.510 Maximum speeds for motor trucks and passenger transport vehicles.**

(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 referred to in ORS 767.025.

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

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

(2) A person commits the offense of violating the maximum speed limit for motor trucks if the person drives a motor truck at a speed greater than 55 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 the person 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; 1983 c.740 §200]

**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, context, 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 ORS

481.075 (2)(h) 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 (1) and (2) and 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.

(6) Driving after being declared to be a habitual offender as set forth in ORS 484.740. [1975 c.451 §85; 1977 c.882 §52; 1981 c.818 §43]

Note: See note under 487.045.

**487.535 Certain major traffic offenses upon premises open to the public.**

(1) Major traffic offenses defined in ORS 487.530, failure to carry a license or to present a license to a police officer as set forth in ORS 482.655 and Class A traffic infractions 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; 1981 c.818 §44; 1983 c.664 §3]

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

(a) Has .08 percent or more by weight of alcohol in the blood of the person as shown by chemical analysis of the breath or blood of the person made under ORS 487.805 to 487.835; or

(b) Is under the influence of intoxicating liquor or a controlled substance; or

(c) Is under the influence of intoxicating liquor and a controlled substance.

(2) A person convicted of the offense described in this section is subject to ORS 487.547 in addition to this section.

(3) The offense described in this section, driving while under the influence of intoxicants, is a Class A misdemeanor. [1975 c.451 §87; 1979 c.744 §43; 1981 c.803 §15; 1981 c.806 §3; 1983 c.721 §20; 1983 c.722 §1; 1983 c.822 §1]

Note: The amendments to 487.540 by section 20, Oregon Laws 1983, take effect July 1, 1984. See section 33, chapter 721, Oregon Laws 1983. Until that time, 487.540, as amended by section 1, chapter 722 and section 1, chapter 822, Oregon Laws 1983, is set forth for the user's convenience:

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

(a) Has .08 percent or more by weight of alcohol in the blood of the person as shown by chemical analysis of the breath or blood of the person made under ORS 487.805 to 487.835; or

(b) Is under the influence of intoxicating liquor or a controlled substance; or

(c) Is under the influence of intoxicating liquor and a controlled substance.

(2) The offense described in this section, driving while under the influence of intoxicants, is a Class A misdemeanor.

(3) A court shall require a person convicted of driving under the influence of intoxicants in violation of this section to comply with this subsection in addition to any fine or other penalty imposed upon the person if the date of the commission of the present offense is within five years of either the date of conviction for a previous violation of this section or the date of entry into a diversion agreement under ORS 484.460. If a person is required to comply with this section, the person must:

(a) Complete an examination, paid at the expense of the person convicted, to determine whether the person is a problem drinker or drug-dependent person, as defined in ORS 482.477; and

(b) Complete a treatment program or information program designated by the court and paid at the expense of the person convicted.

**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 .08 percent by weight of alcohol as shown by chemical analysis of the person's breath or blood, it is indirect evidence that may be used with other evidence, if any, to determine whether or not the person was then under the influence of intoxicants.

(2) Not less than .08 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; 1981 c.806 §4; 1983 c.722 §2; 1983 c.822 §2]

**487.547 Impact of conviction for driving under influence of intoxicants; fees; examination; treatment program; no suspension of sentence.** When a person is convicted of driving under the influence of intoxicants in violation of ORS 487.540, a court shall comply with the following in addition to any fine or other penalty imposed upon the person under ORS 487.540:

(1) The court shall require the person to do all of the following:

(a) Pay to the court the fee described under ORS 487.549 in addition to any fine imposed under ORS 487.540.

(b) Complete an examination by an agency or organization designated by the court to determine whether the person is a problem drinker or drug-dependent person, as defined in ORS 482.477. The designated agencies or organizations must meet the standards set by the Mental Health Division to perform the diagnostic assessment and treatment of problem drinking, alcoholism and drug dependency and must be certified by the Mental Health Division. Wherever possible a court shall designate agencies or organizations to perform the examination that are separate from those that may be designated to carry out a program of treatment for problem drinking or drug dependency.

(c) Complete a treatment program, paid at the expense of the person convicted, as follows:

(A) If the examination required under this section shows that the person is a problem drinker or drug-dependent person, a program for rehabilitation for alcoholism or drug dependence approved by the Mental Health Division.

(B) If the examination required by this section shows that the person is not a problem drinker or drug-dependent person, an alcohol or drug information program approved by the Mental Health Division.

(2) The court must impose and not suspend execution of a sentence requiring the person either to serve at least 48-hours imprisonment or to perform community service for times specified by the court under ORS 137.129. For purposes of this subsection, a court may provide for the imprisonment to be served in jail, minimum

security facilities or in patient rehabilitation or treatment centers. [1983 c.721 §22]

**Note:** 487.547 takes effect July 1, 1984. See section 33, chapter 721, Oregon Laws 1983.

**487.549 Fee upon conviction; use.** The fee required by ORS 487.547 (1) shall comply with all of the following:

(1) Except as otherwise provided in this section, the fee shall be in the amount of \$175. The court may waive all or part of the fee in cases involving indigent defendants. The court may make provision for payment of the fee on an instalment basis.

(2) The court shall distribute the money received from the fee under this section in accordance with an expenditure plan approved by the Legislative Assembly through the budget process during the period when the Legislative Assembly is in session or by the Emergency Board during the interim period between sessions. The expenditure plan may provide for distribution of the moneys for any of the following purposes:

(a) For payment of the agency or organization providing the examination required under ORS 487.547.

(b) For the Intoxicated Driver Program Fund established under ORS 484.480.

(c) To pay for police training.

(d) To pay for the administrative expenses of governmental agencies involved in administering programs relating to persons who drive under the influence of intoxicants.

(e) To provide moneys for other programs relating to persons who drive under the influence of intoxicants as the legislative review agency determines appropriate. [1983 c.721 §23]

**Note:** 487.549 takes effect July 1, 1984. See section 33, chapter 721, Oregon Laws 1983.

**487.550 Reckless driving.** (1) A person commits the crime of reckless driving if the person recklessly, as defined in ORS 161.085 (9), drives a vehicle upon a highway in a manner that endangers the safety of persons or property.

(2) Reckless driving is a Class A misdemeanor. [1975 c.451 §90; 1981 c.818 §45]

**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 occupational license restriction.** (1) A person commits the crime of driving while suspended or revoked if the person drives a motor vehicle upon a highway during a period when the person's license or permit to drive a motor vehicle or the person's right to apply for a license to drive a motor vehicle in this state has been suspended or revoked by a court or by the division or if the person drives a motor vehicle outside the restrictions of an occupational license issued under ORS 482.475 or 484.735.

(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 the defendant's 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 the defendant had not notified the division of the defendant's address or a change in the defendant's residence as required by ORS 482.290 (3); or

(c) At a previous court appearance, the defendant had been informed by a trial judge that the judge was ordering a suspension or revocation 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 the defendant 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 484.727 or of a conviction for any of the following offenses:

(a) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle.

(b) Any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle.

(c) Failure to perform the duties of a driver involved in an accident or collision which results in physical injury or death 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; 1981 c.818 §46; 1983 c.721 §32; 1983 c.758 §11]

**Note:** The amendments to 487.560 by section 32, chapter 721, Oregon Laws 1983, take effect July 1, 1984. See section 33, chapter 721, Oregon Laws 1983. Until that time 487.560, as amended by section 11, chapter 758, Oregon Laws 1983, is set forth for the user's convenience:

**487.560** (1) A person commits the crime of driving while suspended or revoked if the person drives a motor vehicle upon a highway during a period when the person's license or permit to drive a motor vehicle or the person's right to apply for a license to drive a motor vehicle in this state has been suspended or revoked by a court or by the division or if the person drives a motor vehicle outside the restrictions of a license issued under ORS 482.475, 482.477 or 484.735.

(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 the defendant's 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 the defendant had not notified the division of the defendant's address or a change in the defendant's residence as required by ORS 482.290 (3); or

(c) At a previous court appearance, the defendant had been informed by a trial judge that the judge was ordering a suspension or revocation 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 the defendant 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 484.727 or of a conviction for any of the following offenses:

(a) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle.

(b) Any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle.

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

(d) Reckless driving.

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

(f) Driving while under the influence of intoxicants.

## 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 or within seven and one-half feet of the nearest rail at a time when the parking of vehicles would conflict with railroad operations or repair of the 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; 1979 c.498 §1]

**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 ORS 483.423 (1).

(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.** (1) 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.

(2) When a police officer or a regularly employed officer of a railroad commissioned by the Governor pursuant to ORS 131.880 finds a vehicle parked or standing upon any railroad track or within seven and one-half feet of the nearest rail in violation of ORS 487.580, the officer or railroad employe 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 more than seven and one-half feet from the nearest rail. [1975 c.451 §100; 1979 c.498 §2; 1979 c.625 §7]

**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 the driver's views to the rear, through one or more mirrors and otherwise, or to obstruct the driver's view to the front or sides or to interfere with control or with the driving mechanism; or

(b) When a person is in the driver's lap or in the driver's embrace, or where baggage or an encumbrance prevents the free unhampered operation of the vehicle by the driver.

(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) A bus trailer as defined in ORS 481.005 (2);

(b) An independently steered trailer; or

(c) A trailer towed with a fifth-wheel device if the trailer is equipped with:

(A) Safety glazing materials as defined in ORS 483.464, wherever there are windows or doors with windows on the vehicle;

(B) An auditory or visual signaling device that a passenger inside the vehicle can use to gain the attention of the motor vehicle driver towing the vehicle; and

(C) At least one unobstructed exit capable of being opened from both the interior and exterior of the vehicle.

(4) A person violating this section commits a Class C traffic infraction. [1975 c.451 §104; 1977 c.882 §59; 1981 c.110 §1]

**487.630 Opening vehicle door.** (1) A person commits the offense of unlawful opening or leaving open a vehicle door if the person does any of the following:

(a) Opens any door of a vehicle unless and until it is reasonably safe to do so and it can be done without interfering with the movement of traffic, or with pedestrians and bicycles on sidewalks or shoulders.

(b) Leaves a door open on the side of a vehicle available to traffic, or to pedestrians or bicycles on sidewalks or shoulders for a period of time longer than necessary to load or unload passengers.

(2) The offense described in this section, unlawful opening or leaving open a vehicle door, is a Class D traffic infraction. [1975 c.451 §105; 1983 c.332 §1]

**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]

**487.690** [1979 c.555 §§1, 2, 3, 4, 5; repealed by 1981 c.394 §3]

### SPECIAL RULES FOR MOTORCYCLES AND MOPEDS

**487.705 Unlawful operation of motorcycles and mopeds.** (1) A person operating a moped or motorcycle commits the offense of unlawful moped or motorcycle operation if the person:

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

(b) Carries on a moped or motorcycle a person who is not seated on a permanent and

regular seat, if the moped or motorcycle is designed to carry more than one person, or upon another seat attached to the moped or motorcycle at the rear or side of the operator's seat;

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

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

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

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

(2) Unlawful moped or motorcycle operation is a Class B traffic infraction. [1975 c.451 §114; 1979 c.871 §34]

**487.707 Operation of moped on sidewalk or bicycle trail prohibited; exception.** (1) No person shall:

(a) Operate a moped on a sidewalk.

(b) Except as provided in subsection (2) of this section, operate a moped on a bicycle trail.

(2) A person may operate a moped on a bicycle lane that is immediately adjacent to the roadway only while the moped is being exclusively powered by human power.

(3) Violation of subsection (1) of this section is a Class D traffic infraction. [1979 c.871 §41]

**487.710 Required position of handlebars on motorcycle or moped.** (1) No person shall drive any moped or motorcycle equipped with handlebars so positioned that the hands of the driver, when upon the grips, are at or above the driver's 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; 1979 c.871 §35]

**487.715 Right of motorcycle or moped to full traffic lane.** (1) A person operating a moped or motorcycle on a roadway has the right to full use of a lane thereof.

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

(3) A driver of a motor vehicle commits the offense of depriving a moped operator or motorcyclist of traffic lane if the driver drives on a roadway laned for traffic in a manner that pre-

vents a moped operator or motorcyclist from full use of a lane.

(4) Depriving a moped operator or motorcyclist of traffic lane is a Class B traffic infraction. [1975 c.451 §115; 1979 c.871 §36]

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

(a) Overtakes and passes in the same lane occupied by the vehicle the operator is overtaking, unless the vehicle being passed is a motorcycle or a moped; or

(b) Operates a moped or 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 official duties.

(3) A motorcycle operator or moped operator who unlawfully passes commits a Class B traffic infraction. [1975 c.451 §116; 1979 c.871 §37]

**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) No person under 18 years of age shall operate or ride a motorcycle or moped unless the person is wearing a protective headgear of a type approved by the Motor Vehicles Division.

(2) This section does not apply to any person who is either:

(a) Within an inclosed cab; or

(b) 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) This section does not permit passengers on mopeds in violation of ORS 487.743 or 487.746.

(4) Failure to wear protective headgear in violation of this section is a Class C traffic infraction. [1975 c.451 §118; 1977 c.410 §1; 1979 c.871 §38; 1983 c.380 §2]

**487.733 Protective headgear required for motorcycle passengers under 18.** (1) No person shall carry another person under 18 years of age on a motorcycle unless the other

person is wearing a protective headgear of a type approved by the division.

(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) Violation of this section is the offense of endangering a motorcycle passenger. Endangering a motorcycle passenger is a Class C traffic infraction. [1979 c.872 §23]

**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 483.492, 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 or mopeds as required by ORS 487.730 (1).

(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; 1983 c.380 §3]

**487.740 Head lamps of motorcycles and mopeds required to be on.** (1) A person commits the offense of failure to display lighted head lamps on a moped or motorcycle at all times, if the person operates a moped or motorcycle and does not display lighted lamps and illuminated devices specified in ORS chapter 483 at all times the motorcycle or moped is upon a highway.

(2) A person may use modulating head lamps described under ORS 483.404 during daylight without violating this section, but a person who uses such modulating head lamp at a time when ORS 483.402 requires vehicles other than motorcycles or mopeds to use head lamps is in violation of this section.

(3) This section is subject to the specific exceptions with respect to parked vehicles.

(4) A court may dismiss, without penalty, any charge for violation of this section if the court determines that:

(a) The violation was caused by a malfunction of equipment; and

(b) The equipment that malfunctioned and caused the violation has been repaired or replaced.

(5) The offense described in this section, failure to display lighted head lamps on a moped or motorcycle at all times, is a Class B traffic infraction. [1975 c.451 §120; 1979 c.379 §11; 1979 c.871 §39a; 1983 c.171 §9]

**487.743 Carrying passenger on moped prohibited.** (1) A person commits the offense of unlawfully carrying a passenger on a moped if the person operates a moped on any highway of this state with a passenger on the moped.

(2) The offense described in this section, unlawfully carrying a passenger on a moped, is a Class D traffic infraction. [1983 c.380 §6]

**487.746 Riding as passenger on moped prohibited.** (1) A person commits the offense of unlawfully riding as a passenger on a moped if the person rides any moped as a passenger on a highway of this state.

(2) The offense described in this section, unlawfully riding as a passenger on a moped, is a Class D traffic infraction. [1983 c.380 §7]

### SPECIAL RULES FOR BICYCLES

**487.750 Application of ORS chapters 483 and 487 to bicyclists.** (1) Every person riding a bicycle upon a public way is subject to the provisions applicable to and has the same rights and duties as the driver of any other vehicle under this chapter and ORS chapter 483, except:

(a) Those provisions which by their very nature can have no application.

(b) When otherwise specifically provided under this chapter or ORS chapter 483.

(2) Subject to the provisions of subsection (1) of this section, a bicycle is a vehicle for purposes of this chapter and when the term "vehicle" is used the term shall be deemed to be applicable to bicycles.

(3) The provisions of this chapter relating to the operation of bicycles do not relieve a bicyclist or motorist from the duty to exercise due care. [1975 c.451 §130, 1981 c.511 §1; 1983 c.332 §2]

**487.755** [Formerly 483.835; repealed by 1981 c.511 §4]

**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]

**487.762 Improper use of lanes; exceptions.** (1) A person commits the offense of improper use of lanes by a bicycle if the person is operating a bicycle on a roadway at less than the normal speed of traffic using the roadway at that time and place under the existing conditions and the person does not ride as close as practicable to the right curb or edge of the roadway.

(2) A person is not in violation of the offense under this section if the person is not operating a bicycle as close as practicable to the right curb or edge of the roadway under any of the following circumstances:

(a) When overtaking and passing another bicycle or vehicle that is proceeding in the same direction.

(b) When preparing to execute a left turn.

(c) When reasonably necessary to avoid hazardous conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or other conditions that make continued operation along the right curb or edge unsafe or to avoid unsafe operation in a lane on the roadway that is too narrow for a bicycle and vehicle to travel safely side by side. Nothing in this paragraph excuses the operator of a bicycle from the requirements under ORS 487.180 or from the penalties for failure to comply with those requirements.

(d) When operating within a city as near as practicable to the left curb or edge of a roadway that is designated to allow traffic to move in only one direction along the roadway. A bicycle that is operated under this paragraph is subject to the same requirements and exceptions when operating along the left curb or edge as are applicable when a bicycle is operating along the right curb or edge of the roadway.

(e) When operating a bicycle alongside not more than one other bicycle as long as the bicycles are both being operated within a single lane

and in a manner that does not impede the normal and reasonable movement of traffic.

(f) When operating on a bicycle lane or bicycle path.

(3) The offense described in this section, improper use of lanes by a bicycle, is a Class D traffic infraction. [1983 c.332 §4]

**487.764 Using available bicycle lane or path.** (1) Except as provided in subsection (2) of this section, a person commits the offense of failure to use a bicycle lane or path if the person operates a bicycle on any portion of a roadway that is not a bicycle lane or bicycle path when a bicycle lane or bicycle path is adjacent to or near the roadway.

(2) A person is not required to comply with this section unless the state or local authority with jurisdiction over the roadway finds, after public hearing, that the bicycle lane or bicycle path is suitable for safe bicycle use at reasonable rates of speed.

(3) The offense described in this section, failure to use a bicycle lane or path, is a Class D traffic infraction. [1983 c.332 §5]

**487.765** [1975 c.451 §125; repealed by 1983 c.332 §11]

**487.767 Signaling for bicycle turn.** (1) A person commits the offense of failure to signal for a bicycle turn if the person does any of the following:

(a) Stops a bicycle the person is operating without giving the appropriate hand and arm signal continuously for at least 100 feet before executing the stop.

(b) Executes a turn on a bicycle the person is operating without giving the appropriate hand and arm signal for the turn for at least 100 feet before executing the turn.

(c) Executes a turn on a bicycle the person is operating after having been stopped without giving, while stopped, the appropriate hand and arm signal for the turn.

(2) A person is not in violation of the offense under this section if the person is operating a bicycle and does not give the appropriate signal continuously for a stop or turn because circumstances require that both hands be used to safely control or operate the bicycle.

(3) The appropriate hand and arm signals for indicating turns and stops under this section are those provided for other vehicles under ORS 487.415.

(4) The offense described under this section, failure to signal for a bicycle turn, is a Class D

traffic infraction. [1983 c.332 §6]

**487.770 Use of bicycle lane by vehicles restricted; right of way on bicycle lane.** (1) No person shall operate a motor vehicle, except a moped as provided in ORS 487.707, upon a bicycle lane, except when:

(a) Making a turn;

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

(c) Required in the course of official duty; or

(d) The vehicle is an implement of husbandry, as defined in ORS 481.023, that momentarily crosses into the bicycle lane to permit other vehicles to overtake and pass the implement of husbandry.

(2) A person operating a motor vehicle, other than a moped operated under ORS 487.707, shall yield the right of way to a person operating a bicycle or moped upon a bicycle lane.

(3) Unlawful driving upon a bicycle lane or failure to yield the right of way to a bicyclist or moped operator upon a bicycle lane in violation of this section is a Class B traffic infraction. [1975 §451 §126; 1979 c.871 §42]

**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]

**487.778 Yielding right of way to bicyclist on sidewalk.** (1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a bicyclist on a sidewalk if the driver does not yield the right of way to any bicyclist on a sidewalk.

(2) The driver of a motor vehicle is not in violation of this section when a bicyclist is operating in violation of ORS 487.785. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.

(3) The offense described in this section, failure to yield the right of way to a bicyclist on a sidewalk, is a Class C traffic infraction. [1983 c.332 §10]

**487.780** [1975 c.451 §128; repealed by 1981 c.511 §4]

**487.785 Rights and duties of bicyclist on sidewalk or in crosswalk.** (1) Except as otherwise specifically provided by law, a bicyclist on a sidewalk or in a crosswalk has the same rights and duties as a pedestrian on a sidewalk or in a crosswalk.

(2) A person commits the offense of unsafe operation of a bicycle on a sidewalk if the person does any of the following:

(a) Operates the bicycle so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

(b) Operates a bicycle upon a sidewalk and does not give an audible warning before overtaking and passing a pedestrian and does not yield the right of way to all pedestrians on the sidewalk.

(c) Operates a bicycle on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property.

(d) Operates the bicycle at a speed greater than an ordinary walk when approaching or entering a crosswalk, approaching or crossing a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp. This paragraph does not require reduced speeds for bicycles either:

(A) At places on sidewalks or other pedestrian ways other than places where the path for pedestrians or bicycle traffic approaches or crosses that for motor vehicle traffic; or

(B) When motor vehicles are not present.

(3) The offense described in this section, unsafe operation of a bicycle on a sidewalk, is a Class D traffic infraction. [Formerly 483.870; 1983 c.332 §8]

**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 mopeds, bicycles or toy vehicles.** (1) No person riding upon or operating a moped, bicycle, coaster, roller skates, sled or toy vehicle shall cling to another vehicle upon a roadway or attach that which the person is riding or operating to any other vehicle upon a roadway.

(2) Clinging to a vehicle in violation of this section is a Class D traffic infraction. [1975 c.451 §10a; 1979 c.871 §43]

## IMPLIED CONSENT LAW

**487.805 Implied consent to chemical test; effect of refusal or of certain level of alcohol in blood; evidence.** (1) Any person who operates a motor vehicle upon premises open to the public as defined in ORS 487.535 or the highways of this state shall be deemed to have given consent, subject to ORS 487.805 to 487.835, to a chemical test of the person's breath for the purpose of determining the alcoholic content of the person's blood if the person is 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. Before the test is administered the person requested to take the test shall be informed of:

(a) The consequences, under this section, ORS 482.541, 482.552 and 482.555 (3)(b), if the test shows the person has a level of alcohol in the person's blood that constitutes being under the influence of intoxicating liquor under ORS 487.545.

(b) The person's rights under ORS 482.541 and 487.810.

(2) No chemical test of the person's breath shall be given, under subsection (1) of this section, to 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, if the person refuses the request of a police officer to submit to the chemical test after the person has been informed of:

(a) The consequences of a refusal under this section, ORS 482.541, 482.552 and 482.555 (3)(b); and

(b) The person's rights under ORS 482.541 and 487.810.

(3) If a person refuses to take a test under this section or if the test under this section discloses that the person, at the time of the test, had a level of alcohol in the person's blood that constitutes being under the influence of intoxicating liquor under ORS 487.545, the person's driving privileges are subject to suspension under ORS 482.541 and the police officer shall:

(a) Immediately take custody of any driver license or permit issued by this state to the person to grant driving privileges;

(b) Provide the person with a written notice of intent to suspend, on forms prepared and provided by the division, that informs the person

of both the consequences of refusing or taking the test and the person's rights under this section, ORS 482.541 and 482.552;

(c) If the person qualifies under ORS 482.555, issue to the person, on behalf of the Motor Vehicles Division, a temporary driving permit described under ORS 482.555; and

(d) Within a period of time required by the division by rule, shall report action taken under this section to the division and shall prepare and cause to be delivered to the division a sworn report along with the confiscated license or permit and a copy of the notice of intent to suspend.

(4) A sworn report required by subsection (3) of this section shall disclose all of the following:

(a) Whether the person, at the time the person 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 arrested 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 or if the person submitted to the test whether the level of alcohol in the person's blood, as shown by the test, was sufficient to constitute being under the influence of intoxicating liquor under ORS 487.545.

(d) Whether such person was informed of the consequences, under this section, ORS 482.541 and 482.552, of a refusal to submit to the test.

(e) Whether the person was informed of the person's rights under ORS 482.541 and 487.810.

(f) Whether the person was given written notice required by this section.

(g) If the arrested person took the test, a statement affirming that the person conducting the test was appropriately qualified and certified.

(h) If the arrested person took the test, a statement affirming that any methods, procedures and equipment used in the test comply with any requirements under ORS 487.815.

(5) If a person refuses to submit to a chemical test under subsection (2) of this section or refuses to consent to chemical tests as under ORS 487.835, evidence of the person's refusal is 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 premises open to the public as defined in ORS 487.535 or the highways while under the influence of intoxicants. [Formerly 483.634; 1979 c.822 §1; 1983 c.721 §2; 1983 c.822 §3]

**Note:** The amendments to 487.805 by section 2, chapter 721, Oregon Laws 1983, take effect July 1, 1984. See section 33, chapter 721, Oregon Laws 1983. Until that time, 487.805, as amended by section 3, chapter 822, Oregon Laws 1983, is set forth for the user's convenience:

**487.805** (1) Any person who operates a motor vehicle upon premises open to the public as defined in ORS 487.535 or the highways of this state shall be deemed to have given consent, subject to ORS 487.805 to 487.835, to a chemical test of the person's breath for the purpose of determining the alcoholic content of the person's blood if the person is 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) No chemical test of the person's breath shall be given, under subsection (1) of this section, to 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, if the person refuses the request of a police officer to submit to the chemical test after the person has been informed of:

(a) The consequences of a refusal under ORS 482.540 to 482.560 and this section; and

(b) The person's rights under ORS 487.810.

(3) If a person refuses a chemical test under subsection (2) of this section, 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 the person 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 and this section, of a refusal to submit to the test; and

(e) Whether the person was informed of the person's rights under ORS 487.810.

(4) If a person refuses to submit to a chemical test under subsection (2) of this section or refuses to consent to chemical tests as under ORS 487.835, evidence of the person's refusal is 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 premises open to the public as defined in ORS 487.535 or the highways while under the influence of intoxicants.

**487.810 Chemical test at request of driver.** In addition to a chemical test of the breath, blood or urine administered upon the request of a police officer pursuant to ORS 487.805 or 487.835, a person shall be permitted upon request, at the person's own expense, reasonable opportunity to have any licensed physician and surgeon, licensed professional nurse or qualified technician, chemist or other qualified person of the person's own choosing administer a chemical test or tests of the person's breath or blood for the purpose of determining the alcoholic content of the person's blood or a chemical test or tests of the person's blood or urine, or both, for the purpose of determining the presence of a controlled substance in the person. 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 or tests taken upon the request of a police officer. [Formerly 483.638; 1981 c.806 §5; 1983 c.822 §4]

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

(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 or urine.

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

(c) Issue permits to individuals according to their qualifications. Permits shall be subject to termination or revocation at the discretion of the Health Division.

(3) The Department of State Police shall:

(a) Approve techniques or methods of performing chemical analyses of a person's breath.

(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 90 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 department.

(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 Department of State Police. [Formerly 483.644; 1979 c.410 §8; 1981 c.307 §1; 1981 c.806 §6]

**Note:** Section 5, chapter 822, Oregon Laws 1983, provides:

**Sec. 5.** Notwithstanding ORS 487.815, a chemical analysis of a person's breath is not invalid under ORS 487.545 when the individual performing the analysis is doing so under authority of a permit issued by the Health Division that is valid on the effective date of this Act [October 15, 1983]. Persons performing such chemical analysis under such permit may continue to do so for purposes of ORS 487.545 and 487.815 so long as the permit remains valid as provided by the Department of State Police.

**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 487.835, except ORS 487.545, 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 482.541. [Formerly 483.648; 1983 c.721 §9]

**Note:** The amendments to 487.820 by section 9, chapter 721, Oregon Laws 1983, take effect July 1, 1984. See section 33, chapter 721, Oregon Laws 1983. Until that time, 487.820 (1981 Replacement Part) is set forth for the user's convenience:

**487.820** The provisions of the implied consent law, ORS 487.805 to 487.815, 487.825 to 487.835, except ORS 487.545 and 487.805 (3), 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.

**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 analysis of breath, blood or urine 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 that person's attorney, a 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 or by the governmental unit upon whose request the test was administered if no governmental unit's equipment is used to conduct the test. [Formerly 483.646; 1981 c.806 §7; 1983 c.822 §6]

**487.835 Chemical test with or without consent.** Nothing in ORS 487.805 is intended to preclude the administration of a chemical test described in this section. A police officer may obtain a chemical test of the blood to determine the amount of alcohol in any person's blood or a test of the person's blood or urine, or both, to determine the presence of a controlled substance in the person as provided in the following:

(1) If, when requested by a police officer, the person expressly consents to such a test.

(2) Notwithstanding subsection (1) of this section, from a person without the person's consent if:

(a) The police officer has probable cause to believe that the person was driving while under the influence of intoxicants and that evidence of the offense will be found in the person's blood or urine; and

(b) The person is unconscious or otherwise in a condition rendering the person incapable of expressly consenting to the test or tests requested. [Formerly 483.636; 1981 c.806 §8; 1983 c.822 §7]

## 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.**

(1) 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.** (1) 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 do the following:

(a) Classify, designate and mark both intra-state and interstate highways lying within the boundaries of this state.

(b) 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. The commission may include in the system signs and signals that show internationally recognized and approved symbols.

(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; 1983 c.237 §5]

**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 State Highway Engineer written findings and recommendation in support of placing or constructing the traffic control device on the state highway. If the State Highway Engineer 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 State Highway Engineer 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 State Highway Engineer 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 non-motorized traffic, motorcycles or mopeds.

(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; 1979 c.871 §44]

**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.** The Oregon Transportation Commission with reference to state highways and local authorities with reference to highways under their respective jurisdictions may do any of the following, subject to any limitations described:

(1) 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. The authority granted by this subsection is subject to the following limitations:

(a) 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.

(b) 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.

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

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

(4) 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 traveled by vehicles making turning movements at, or proceeding through, intersections.

(5) Designate locations on highways where vehicles operated by districts described under ORS chapter 267 for the purpose of providing public transportation or substantially similar vehicles used for the same purpose may proceed in directions prohibited to other traffic. Locations may be designated under this subsection only if an engineering study indicates that the movement may be made safely in the designated area. Designations under this section shall be effective when indicated by appropriate official traffic control devices. [1975 c.451 §165; 1983 c.276 §1]

**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 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, restric-

tions 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 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 or impose any other restrictions, other than speed restrictions, that in their judgment are necessary to protect any highway or section thereof from being unduly damaged, or to protect the interest and safety of the general public.

(2) Any restrictions or limitations imposed under 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.

(3) 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.

(4) In addition to any fine or term of imprisonment imposed under subsection (3) of this section, 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 (3) 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; 1979-c.628 §1; 1983 c.371 §1]

**487.907 Authority of department, city and county to reduce speeds temporarily.**

(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 reduce speeds of vehicles as necessary, in their judgment, to protect any highway or section thereof from being unduly damaged or to protect the safety of the public when hazards are created by road condi-

tions. The authority granted under this subsection:

(a) May only be exercised to reduce speeds for a specific period of time or temporarily for a specific class or type of vehicle that is causing an identified damage to highways.

(b) Shall not be used to establish any permanent speed reduction. If a permanent speed reduction is required, it may only be imposed under the procedures established under ORS 487.480, 487.485 or 487.490, as appropriate.

(c) May only be exercised if the ordinance or order, as appropriate, that imposes the speed reduction specifies the hazard or damage and is effective only for a specified time that corresponds to the hazard or damage identified.

(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.

(3) The operation of a vehicle in excess of any speed designated under this section is prima facie evidence of violation of ORS 487.465.

(4) Any restrictions or limitations imposed under 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 placed 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. [1983 c.371 §3]

**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]

**487.913 Authority of department, city and county to designate lanes for busses or high occupancy vehicles.** (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 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) Any restriction or limitation imposed under this section shall be imposed by a proper order. A sign giving notice of the restriction or limitation contained in the order shall be maintained in a conspicuous manner and shall be placed 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. Restrictions or limitations imposed under this

section shall be effective when the signs giving notice thereof are erected. [1983 c.371 §4]

## PARKING FOR DISABLED PERSONS

**487.915 Definitions for ORS 487.915 to 487.940.** As used in ORS 487.915 to 487.940, unless the context requires otherwise:

(1) "Disabled parking space" means a parking space that is on private or public property and is marked or signed to provide parking for disabled persons.

(2) "Disabled person" means a person who permanently suffers from any of the following disabilities:

(a) Loss or loss of function of one or both legs or significant limitation in the use of the legs;

(b) Inability to be mobile without the use of a wheelchair or other assistance device;

(c) Loss or loss of function of both hands;

(d) Loss of vision or substantial loss of visual acuity or visual field beyond correction;

(e) Respiratory disability that makes use of walking as a means of transportation impossible or impractical; or

(f) Cardiovascular disability that makes use of walking as a means of transportation impossible or impractical.

(3) "Government building" and "public building" have the meanings given those terms in ORS 447.210.

(4) "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; 1979 c.128 §2; 1979 c.809 §9]

**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 who complies with the provisions of ORS 487.915 to 487.940, may:

(a) Park a marked motor vehicle in any public parking zone restricted as to the length of time parking is permitted therein without incurring the penalties imposed for overtime parking in such zones; and

(b) Park a marked motor vehicle in any public parking zone with metered parking without being required to pay any parking meter fee.

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

(a) To parking in zones where stopping, parking or standing of all motor vehicles is prohibited;

(b) To late evening or overnight parking where such parking is prohibited;

(c) To parking in zones reserved for special types of motor vehicles or activities; or

(d) To parking in zones where parking is permitted only for 30 minutes or less.

(3) A person who is not disabled as defined in ORS 487.915 and who exercises the privileges granted a disabled person under this section commits a Class B traffic infraction. [Formerly 483.354; 1977 c.882 §69; 1979.c.128 §3]

**487.925 Identification of motor vehicle used by or for 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 ORS 481.075 (2)(h), to any applicant upon submission by the applicant of:

(a) A certificate by a licensed physician to the division that the applicant is a disabled person;

(b) A statement from a disabled person that the disabled person is living in the household of the applicant and a certificate by a licensed physician to the division that the disabled person is disabled; or

(c) A statement from a disabled person that the vehicle of the applicant is used primarily to transport the disabled person and a certificate by a licensed physician to the division that the disabled person is disabled.

(2) The division shall also issue, without charge, the special decal or insignia under this section for use on vehicles that are regularly used as part of a program for the transportation of disabled persons. The division shall not issue special plates to persons described under this subsection. The use of decals or insignia issued under this subsection is subject to the limitations under ORS 487.940.

(3) The Motor Vehicles Division shall determine the form, size and content of the decal, insignia or plates and promulgate rules governing their issuance, display and use necessary to carry out the provisions of ORS 487.915 to 487.940.

(4) At the option of the applicant, the division shall issue, in lieu of any decal, insignia or plate that marks a motor vehicle by being affixed

to the motor vehicle, an identifying insignia that may be displayed by placement on the dashboard of a motor vehicle.

(5) The division shall adopt rules to provide guidelines for determining:

(a) Whether a person is a disabled person within the meaning of ORS 487.915 (1).

(b) How programs for the transportation of disabled persons may qualify vehicles for special decals or insignia issued under this section.

[Formerly 483.356; 1977 c.885 §6; 1979 c.128 §4; 1981 c.272 §2]

**487.930 Parking in space reserved for disabled persons prohibited; exceptions.** (1) Except as provided in subsection (3) of this section, no person shall park a vehicle that is not a marked motor vehicle in a disabled parking space.

(2) The offense described in this section applies to vehicles parked on public or private property and is in addition to any remedies provided under ORS 487.935.

(3) Subsection (1) of this section does not apply:

(a) To a vehicle that is momentarily in a disabled parking space for purposes of allowing a disabled person to enter or leave the vehicle.

(b) To any disabled parking space that is subject to different provisions or requirements under city or county ordinance if the different provisions or requirements are clearly posted.

(4) Unless the police officer issuing the citation witnesses the parking of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section was parked by the registered owner of the vehicle and the citation issued for the violation may be placed upon the vehicle. If the parking of the vehicle is witnessed by the police officer, the operator of the vehicle is in violation of this section.

(5) A court may dismiss any charge for violation of this section if the person charged with violation establishes:

(a) That the person holds a valid special decal, identifying insignia or plates issued to the person under ORS 487.925 for use on the cited vehicle;

(b) That the decal, insignia or plates were issued at any time before the person's appearance in court; and

(c) That the person was eligible for the decal, insignia or plates at the time of the violation.

(6) Violation of subsection (1) of this section

is a Class B traffic infraction. [1979 c.809 §6; 1981 c.275 §3; 1983 c.571 §2]

**487.935 Removal and storage of vehicle unlawfully parked in space reserved for disabled persons; notice; lien.** (1) A vehicle parked on private property in violation of ORS 487.930 is subject to the provisions of ORS 98.810 and 98.812.

(2) Any state agency or political subdivision of this state may provide for the removal and storage of vehicles that violate ORS 487.930. If a vehicle is removed under this subsection, the garagekeeper or public parking operator removing the vehicle shall:

(a) Notify the local law enforcement agency of the location of the vehicle within one hour after the vehicle is placed in storage; and

(b) Unless the vehicle is claimed, give notice, within 10 days after the vehicle is placed in storage, to the vehicle owner or any other person with an interest in the vehicle, as indicated by the certificate of title. If notice under this paragraph is given by mail, it must be mailed within the 10-day period, but need not be received within that period.

(3) A vehicle that is removed under subsection (2) of this section is subject to the following if notice required under subsection (2) of this section is given:

(a) The state agency or political subdivision may require payment of reasonable costs for removal and storage of the vehicle before the vehicle is released.

(b) If the vehicle is not claimed and any fees required under paragraph (a) of this subsection are not paid within 30 days of the removal, a lien described under ORS 98.812 (3) attaches to the vehicle and its contents for the reasonable costs for removal and storage of the vehicle and contents. [1979 c.809 §7; 1983 c.436 §14]

**487.940 Misuse of disabled insignia.**

(1) A person commits the offense of misuse of special disabled insignia if the person:

(a) Is the driver of a vehicle that is being used as part of a program for the transportation of disabled persons; and

(b) Uses a decal or insignia issued under ORS 487.925 for any purpose other than helping disabled persons exercise privileges granted under ORS 487.920 and 487.930.

(2) The offense described in this section, misuse of special disabled insignia, is a Class B traffic infraction. [1981 c.272 §3]

**487.990** [Repealed by 1959 c.686 §72]