

Chapter 811

1989 EDITION

Rules of the Road for Drivers

DUTIES TO PEDESTRIANS AND BICYCLES

- 811.005 Duty to exercise due care
- 811.010 Failure to yield to pedestrian in crosswalk; penalty
- 811.015 Failure to obey traffic patrol member; penalty
- 811.020 Passing stopped vehicle at crosswalk; penalty
- 811.025 Failure to yield to pedestrian on sidewalk; penalty
- 811.030 Driving through safety zone; penalty
- 811.035 Failure to yield to blind pedestrian; penalty
- 811.040 Failure to yield to pedestrian proceeding under traffic control devices; penalty
- 811.045 Failure to yield to pedestrian when making turn at stop light; penalty
- 811.050 Failure to yield to bicycle on bicycle lane
- 811.055 Failure to yield to bicyclist on sidewalk
- 811.157 Report by driver of violation of ORS 811.155; contents
- 811.159 Law enforcement agency response to report of violation of ORS 811.155
- 811.160 Interference with streetcar operation; penalty
- 811.165 Failure to stop for passenger loading of public transit vehicle; penalty

OPEN CONTAINER VIOLATIONS

- 811.170 Violation of open container law; penalty

DRIVING WHILE SUSPENDED OR REVOKED

- 811.175 Infraction driving while suspended or revoked or in violation of permit; penalties
- 811.180 Affirmative defenses
- 811.182 Criminal driving while suspended or revoked or in violation of a permit; penalties
- 811.185 Violating habitual offender order; penalty

DRIVER OFFENSES INVOLVING PASSENGERS

- 811.190 Operation with obstructing passenger; penalty
- 811.195 Having passenger in trailer; penalty
- 811.200 Carrying dog on external part of vehicle; penalty
- 811.205 Carrying child on external part of vehicle; penalty
- 811.210 Endangering child passenger; penalty
- 811.215 Exemptions from child safety system requirements
- 811.220 Certificates of exemption from child safety system requirement

GENERAL DRIVING RULES

- 811.250 Law applicable to vehicles registered out-of-state
- 811.255 Permitting unlawful operation of vehicle; penalty

(Traffic Control Devices)

- 811.260 Appropriate driver responses to traffic control devices
- 811.265 Failure to obey traffic control device; penalty
- 811.270 Failure to obey one-way designation; penalty

(Right of Way)

- 811.275 Failure to yield right of way at uncontrolled intersection; penalty
- 811.280 Failure of driver entering roadway to yield right of way; penalty
- 811.285 Failure of merging driver to yield right of way; penalty
- 811.290 Obstructing cross traffic; penalty

(Driving on the Right)

- 811.295 Failure to drive on right; exceptions; penalty

SPEED

(Basic Rule)

- 811.100 Violation of basic speed rule; penalty
- 811.105 Speeds that are evidence of basic rule violation
- 811.108 Relationship between speed limits and basic rule

(Maximum Speeds)

- 811.110 Violation of federal maximum speed limit; penalty
- 811.112 Violation of maximum speed for rural interstate highways; penalty
- 811.115 Violation of maximum speed for trucks and passenger transport vehicles; penalty
- 811.120 Violation of maximum speed limit on ocean shore; penalty
- 811.122 Violation of maximum speed limit in residence district; penalty

(Racing)

- 811.125 Speed racing on highway; penalty

(Impeding Traffic)

- 811.130 Impeding traffic; penalty

CARELESS AND RECKLESS DRIVING

- 811.135 Careless driving; penalty
- 811.140 Reckless driving; penalty

SPECIAL SAFETY MEASURES

- 811.145 Failure to yield to emergency vehicle or ambulance; penalty
- 811.150 Interference with emergency vehicle or ambulance; penalty
- 811.155 Failure to stop for bus safety lights; penalty

OREGON VEHICLE CODE

- 811.300 Failure to drive on right of approaching vehicle; exceptions; penalty
- 811.305 Driving on left on curve or grade or at intersection or rail crossing; exceptions; penalty
- 811.310 Crossing center line on two-way, four-lane road; exceptions; penalty
- 811.315 Failure of slow driver to drive on right; exceptions; penalty
- 811.320 Failure to drive to right on divided highway; exemptions; penalty
- 811.325 Failure to keep camper, trailer or truck in right lane; exceptions; penalty
- 811.330 Driving wrong way around traffic island; penalty
- (Turning)
- 811.335 Unlawful or un signaled turn; penalty
- 811.340 Improperly executed left turn; penalty
- 811.345 Failure to use special left turn lane; penalty
- 811.350 Dangerous left turn; penalty
- 811.355 Improperly executed right turn; penalty
- 811.360 When vehicle turn permitted at stop light; improper turn at stop light; penalty
- 811.365 Illegal U-turn; penalty
- (Lane Use)
- 811.370 Failure to drive within lane; penalty
- 811.375 Unlawful or un signaled change of lane; penalty
- 811.380 Improper use of center lane on three-lane road; penalty
- 811.385 Depriving motorcycle or moped of full lane; penalty
- (Signaling)
- 811.390 Unlawful use of lights to signal for passing; penalty
- 811.395 Appropriate signals for stopping, turning, changing lanes and decelerating
- 811.400 Failure to use appropriate signal for turn, lane change or stop; penalty
- 811.405 Failure to signal with lights; exceptions; penalty
- (Passing)
- 811.410 Unsafe passing on left; penalty
- 811.415 Unsafe passing on right; penalty
- 811.420 Passing in no passing zone; exceptions; penalty
- 811.425 Failure of slower driver to yield to overtaking vehicle; penalty
- (Prohibited Places)
- 811.430 Driving on highway divider; exceptions; penalty
- 811.435 Operation of motor vehicle on bicycle trail; exemptions; penalty
- 811.440 When motor vehicles may operate on bicycle lane
- 811.445 Use of throughway when prohibited; penalty
- 811.450 Violation of posted truck routes; defense; penalty
- (Rail Crossings)
- 811.455 Failure to stop for railroad signal; penalty
- 811.460 Failure to follow rail crossing procedures for high-risk vehicles; application; penalty
- 811.465 Exemptions from high-risk vehicle rail crossing procedures
- 811.470 Improper movement of heavy equipment across rail crossing; application; penalty
- 811.475 Obstructing rail crossing; penalty
- (Miscellaneous Unsafe Practices)
- 811.480 Illegal backing; penalty
- 811.485 Following too closely; penalty
- 811.490 Improper opening or leaving open of vehicle door; penalty
- 811.495 Unlawful coasting on downgrade; exception; penalty
- 811.500 Unlawful stop or deceleration; penalty
- 811.505 Failure to stop when emerging from alley, driveway or building; penalty
- 811.510 Dangerous operation around livestock; penalty
- USE OF LIGHTS AND WARNINGS
- (Lights)
- 811.515 When lights must be displayed; kind of light; number; direction; use on certain vehicles
- 811.520 Unlawful use or failure to use lights; penalty
- 811.525 Exemptions from requirements for use of lights
- (Flares)
- 811.530 Failure to post warnings for disabled vehicle; application; penalty
- OBEYING POLICE
- 811.535 Failing to obey police officer; penalty
- 811.540 Fleeing or attempting to elude police officer; penalty
- PARKING, STOPPING AND STANDING
- (Generally)
- 811.550 Places where stopping, standing and parking prohibited
- 811.555 Illegal stopping, standing or parking; affirmative defense; penalty
- 811.560 Exemptions from prohibitions on stopping, standing and parking
- 811.565 Dangerous movement of stopped, standing or parked vehicle; penalty
- 811.570 Improperly positioning parallel parked vehicle; exception; affirmative defense; penalty
- 811.575 Violation of posted parking restrictions on state highways; affirmative defense; penalty
- 811.580 Parking vehicle on state highway for vending purposes; penalty
- 811.585 Failure to secure motor vehicle; affirmative defense; penalty
- (Winter Recreation Parking Areas)
- 811.590 Unlawful parking in winter recreation parking area; exemptions; penalty
- 811.595 Winter recreation parking permit; rules; fees
- 811.600 Fees for winter recreation parking permits
- (Parking for Disabled Persons)
- 811.602 Disabled person parking permit; issuance; fees; rules

RULES OF THE ROAD FOR DRIVERS

<p>811.604 Application for disabled person parking permit</p> <p>811.605 Contents of individual placard or decal</p> <p>811.606 Parking permit for temporarily disabled person; fees</p> <p>811.607 Program placards</p> <p>811.610 Sign required for spaces reserved for disabled persons; contents</p> <p>811.615 Unlawful parking in space reserved for disabled persons; exceptions; penalty</p> <p>811.620 Removal of vehicle illegally parked in space reserved for disabled persons</p> <p>811.625 Unlawful use of disabled person parking permit by nondisabled person; penalty</p> <p>811.630 Misuse of program placard; penalty</p> <p>811.635 Privileges granted by disabled person parking permit other than program placard</p> <p>811.637 Privileges granted by program placards</p> <p>811.640 Fees</p>	<p>State police to enforce motor vehicle laws, 181.040</p> <p>Traffic infraction conviction not admissible in civil proceeding, 153.585</p> <p>Traffic infraction procedures, classification, fines, 153.505 to 153.635</p> <p>Traffic patrols for schools, 336.450 to 336.480</p> <p>Unauthorized use of vehicle, 164.135</p> <p>Worker transport vehicles, safety code for equipment and operation, 820.030</p> <p style="text-align: center;">811.005</p> <p>Duties of pedestrians, 814.010 to 814.120</p> <p style="text-align: center;">811.120</p> <p>Restricting travel on ocean shore, 390.668</p> <p style="text-align: center;">811.140</p> <p>Occupational permit, violator not eligible without recommendation of judge, 807.250</p> <p>Reckless driving is major traffic offense, 153.500</p> <p>Suspension of driving privileges, 809.410</p> <p style="text-align: center;">811.175</p> <p>Driving while suspended or revoked is major traffic offense, 153.500</p> <p>Fee payable on conviction of driving while suspended for deposit in Motor Vehicle Records Account, 810.380</p> <p>Impoundment of vehicle on conviction of driving while suspended, 809.700</p> <p>Suspension of vehicle registration for driving while suspended, 809.010</p> <p style="text-align: center;">811.185</p> <p>Driving by habitual offender is major traffic offense, 153.500</p> <p style="text-align: center;">811.190</p> <p>Passenger obstruction of driver, 814.130</p> <p style="text-align: center;">811.200, 811.205, 811.450</p> <p>Crossing a highway under certain conditions not subject to these provisions, 374.335</p> <p style="text-align: center;">811.510</p> <p>Duties of person in charge of livestock on highway, 814.150</p> <p style="text-align: center;">811.540</p> <p>Fleeing police officer is major traffic offense, 153.500</p> <p>Occupational permit violator not eligible without recommendation of judge, 807.250</p> <p>Suspension of driving privileges, 809.410</p> <p style="text-align: center;">811.555</p> <p>Authority of railroad officer to move illegally parked vehicle, 810.550</p> <p style="text-align: center;">811.600</p> <p>Use of funds from winter recreation parking fees and fines, 802.110</p> <p style="text-align: center;">811.610 to 811.640</p> <p>State building code requirements for disabled person parking spaces, 447.233</p> <p style="text-align: center;">811.700, 811.705</p> <p>Failure to perform duties of driver is major traffic offense, 153.500</p>
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ACCIDENTS

(Duties)

<p>811.700 Failure to perform duties of driver when property is damaged; penalty</p> <p>811.705 Failure to perform duties of driver to injured persons; penalty</p> <p>811.710 Failure to perform duties of driver when animal is injured; penalty</p> <p>811.715 Failure to perform duties of witness to accident; penalty</p>	<p>Driving while suspended or revoked is major traffic offense, 153.500</p> <p>Fee payable on conviction of driving while suspended for deposit in Motor Vehicle Records Account, 810.380</p> <p>Impoundment of vehicle on conviction of driving while suspended, 809.700</p> <p>Suspension of vehicle registration for driving while suspended, 809.010</p> <p style="text-align: center;">811.185</p> <p>Driving by habitual offender is major traffic offense, 153.500</p> <p style="text-align: center;">811.190</p> <p>Passenger obstruction of driver, 814.130</p> <p style="text-align: center;">811.200, 811.205, 811.450</p> <p>Crossing a highway under certain conditions not subject to these provisions, 374.335</p> <p style="text-align: center;">811.510</p> <p>Duties of person in charge of livestock on highway, 814.150</p> <p style="text-align: center;">811.540</p> <p>Fleeing police officer is major traffic offense, 153.500</p> <p>Occupational permit violator not eligible without recommendation of judge, 807.250</p> <p>Suspension of driving privileges, 809.410</p> <p style="text-align: center;">811.555</p> <p>Authority of railroad officer to move illegally parked vehicle, 810.550</p> <p style="text-align: center;">811.600</p> <p>Use of funds from winter recreation parking fees and fines, 802.110</p> <p style="text-align: center;">811.610 to 811.640</p> <p>State building code requirements for disabled person parking spaces, 447.233</p> <p style="text-align: center;">811.700, 811.705</p> <p>Failure to perform duties of driver is major traffic offense, 153.500</p>
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(Reports)

<p>811.720 When accident must be reported</p> <p>811.725 Driver failure to report accident; penalty</p> <p>811.730 Owner failure to report accident; penalty</p> <p>811.735 Failure of vehicle occupant to make accident report; penalty</p> <p>811.740 False accident report; penalty</p>	<p>Driving by habitual offender is major traffic offense, 153.500</p> <p style="text-align: center;">811.190</p> <p>Passenger obstruction of driver, 814.130</p> <p style="text-align: center;">811.200, 811.205, 811.450</p> <p>Crossing a highway under certain conditions not subject to these provisions, 374.335</p> <p style="text-align: center;">811.510</p> <p>Duties of person in charge of livestock on highway, 814.150</p> <p style="text-align: center;">811.540</p> <p>Fleeing police officer is major traffic offense, 153.500</p> <p>Occupational permit violator not eligible without recommendation of judge, 807.250</p> <p>Suspension of driving privileges, 809.410</p> <p style="text-align: center;">811.555</p> <p>Authority of railroad officer to move illegally parked vehicle, 810.550</p> <p style="text-align: center;">811.600</p> <p>Use of funds from winter recreation parking fees and fines, 802.110</p> <p style="text-align: center;">811.610 to 811.640</p> <p>State building code requirements for disabled person parking spaces, 447.233</p> <p style="text-align: center;">811.700, 811.705</p> <p>Failure to perform duties of driver is major traffic offense, 153.500</p>
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CROSS REFERENCES

<p>Application of provisions of Ch. 811, 801.020</p> <p>Arrest without warrant for certain traffic offenses when officer has probable cause to believe person committed offense, 133.310</p> <p>Depositing vehicles into water prohibited, 468.775</p> <p>Firearms not to be discharged on highway, 166.630</p> <p>Ignition interlock device, court-ordered installation, effect, 1987 c.746</p> <p>Illegible or improperly placed traffic control device as evidence of nonviolation, 810.250</p> <p>Juvenile court, handling of motor vehicle and boating offenses, 419.535 to 419.541</p> <p>Limits on local government authority in relation to vehicle code provisions, 801.040</p> <p>Organized militia, right of way, 399.135</p> <p>Permissive use of private roadways, 801.045</p> <p>Release of defendant, application to certain traffic offenses, 135.295</p> <p>Rules, making and filing, 183.310 to 183.550</p> <p>School grounds, regulation of use of vehicles, 332.445</p> <p>State Board of Higher Education, control of traffic on property under its supervision, 352.360</p>	<p>Driving by habitual offender is major traffic offense, 153.500</p> <p style="text-align: center;">811.190</p> <p>Passenger obstruction of driver, 814.130</p> <p style="text-align: center;">811.200, 811.205, 811.450</p> <p>Crossing a highway under certain conditions not subject to these provisions, 374.335</p> <p style="text-align: center;">811.510</p> <p>Duties of person in charge of livestock on highway, 814.150</p> <p style="text-align: center;">811.540</p> <p>Fleeing police officer is major traffic offense, 153.500</p> <p>Occupational permit violator not eligible without recommendation of judge, 807.250</p> <p>Suspension of driving privileges, 809.410</p> <p style="text-align: center;">811.555</p> <p>Authority of railroad officer to move illegally parked vehicle, 810.550</p> <p style="text-align: center;">811.600</p> <p>Use of funds from winter recreation parking fees and fines, 802.110</p> <p style="text-align: center;">811.610 to 811.640</p> <p>State building code requirements for disabled person parking spaces, 447.233</p> <p style="text-align: center;">811.700, 811.705</p> <p>Failure to perform duties of driver is major traffic offense, 153.500</p>
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OREGON VEHICLE CODE

Suspension or revocation of driving privileges for failure to perform duties, 809.410

811.720 to 811.740

Accident reports, forwarding to division by police, 810.470

Investigation of accident reports for compliance with financial responsibility requirements, 806.170

Snowmobile or all-terrain vehicle accident reports required, 821.300

Status of division records as evidence, 802.240

Suspension of driving privileges for failure to file accident report, 809.410

811.720

Deaths or injuries, report to medical examiner, Ch. 146

811.725

Police report to Motor Vehicles Division required when accident investigated, 810.460

811.730

Suspension of registration of employer for lack of future responsibility filing and accident report, 809.050

Note: Chapter 636, Oregon Laws 1989 (Enrolled House Bill 2148, the commercial driver license bill), becomes operative on April 2, 1990. New sections and ORS sections amended by the Act are shown in regular, rather than note, form. If a source note indicates that a particular statute was amended by chapter 636, Oregon Laws 1989, a user who wants to know whether a particular provision of that statute was operative before April 2, 1990, should consult the session laws.

DUTIES TO PEDESTRIANS AND BICYCLES

811.005 Duty to exercise due care. None of the provisions of the vehicle code relieve a pedestrian from the duty to exercise due care or relieve a driver from the duty to exercise due care concerning pedestrians. [1983 c.338 §543]

811.010 Failure to yield to pedestrian in crosswalk; penalty. (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian in a crosswalk if:

(a) A pedestrian is crossing a roadway within a marked or unmarked crosswalk where there are no traffic control devices in place or in operation; and

(b) The driver does not stop before entering the crosswalk and yield the right of way to the pedestrian when the pedestrian is:

(A) Approaching so closely to the half of the roadway along which the driver is proceeding so as to be in a position of danger by closely approaching or reaching the center of the roadway; or

(B) On the half of the roadway on and along which the driver is proceeding.

(2) This section does not require a driver to stop and yield the right of way to a pedestrian under any of the following circumstances:

(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.

(3) The offense described in this section, failure to yield to a pedestrian in a crosswalk, is a Class B traffic infraction. [1983 c.338 §544; 1985 c.16 §279]

811.015 Failure to obey traffic patrol member; penalty. (1) The driver of a vehicle commits the offense of failure to obey a traffic patrol member if:

(a) A traffic patrol 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; and

(b) The driver does not stop and yield the right of way to students who are in or en-

tering the crosswalk from either direction on the street on which the driver is operating.

(2) Traffic patrol members described in this section are those provided under ORS 336.450 to 336.480.

(3) The offense described in this section, failure to obey a traffic patrol member, is a Class B traffic infraction. [1983 c.338 §545]

811.020 Passing stopped vehicle at crosswalk; penalty. (1) The driver of a vehicle commits the offense of passing a stopped vehicle at a crosswalk if the driver:

(a) Approaches from the rear another vehicle that is stopped at a marked or unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway; and

(b) Overtakes and passes the stopped vehicle.

(2) The offense described in this section, passing a stopped vehicle at a crosswalk, is a Class B traffic infraction. [1983 c.338 §546]

811.025 Failure to yield to pedestrian on sidewalk; penalty. (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian on a sidewalk if the driver does not yield the right of way to any pedestrian on a sidewalk.

(2) The offense described in this section, failure to yield to a pedestrian on a sidewalk, is a Class C traffic infraction. [1983 c.338 §547]

811.030 Driving through safety zone; penalty. (1) The driver of a vehicle commits the offense of driving through a safety zone if the driver at any time drives through or within any area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(2) The offense described in this section, driving through a safety zone, is a Class C traffic infraction. [1983 c.338 §548]

811.035 Failure to yield to blind pedestrian; penalty. (1) The driver of a vehicle commits the offense of failure to yield the right of way to a blind pedestrian if the driver violates any of the following:

(a) 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.

(b) Where the movement of vehicular traffic is regulated by traffic control devices, a driver approaching a 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 if the blind or blind and deaf pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of pedestrians who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, failure to yield the right of way to a blind pedestrian, is a Class B traffic infraction. [1983 c.338 §549; 1985 c.16 §280]

811.040 Failure to yield to pedestrian proceeding under traffic control devices; penalty. (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian proceeding under traffic control devices if the driver does not yield the right of way to a pedestrian who is:

(a) Proceeding under a pedestrian control signal under ORS 814.010.

(b) Lawfully within an intersection or crosswalk in accordance with any traffic control device in a manner that complies with ORS 814.010.

(2) The offense described in this section, failure to yield to a pedestrian proceeding under traffic control devices, is a Class B traffic infraction. [1983 c.338 §550; 1985 c.16 §281]

811.045 Failure to yield to pedestrian when making turn at stop light; penalty. (1) A person commits the offense of failure to yield to a pedestrian when making a turn at a stop light if the person is driving a vehicle that is making a turn at a red light permitted under ORS 811.335 and the person does not yield the right of way to pedestrians lawfully within an adjacent crosswalk.

(2) The offense described in this section, failure to yield to a pedestrian when making a turn at a stop light, is a Class B traffic infraction. [1983 c.338 §551]

811.050 Failure to yield to bicycle on bicycle lane. (1) A person commits the offense of failure of a motor vehicle operator to yield to a bicycle on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle or moped upon a bicycle lane.

(2) This section does not require persons operating mopeds to yield the right of way to bicycles if the mopeds are operated on bicycle lanes in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a bicycle on a bicycle lane, is a Class B traffic infraction. [1983 c.338 §698; 1985 c.16 §336]

811.055 Failure to yield 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 814.410. 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.338 §702; 1985 c.16 §340]

SPEED

(Basic Rule)

811.100 Violation of basic speed rule; penalty. (1) A person commits the offense of violating the basic speed rule if the person drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to all of the following:

- (a) The traffic.
- (b) The surface and width of the highway.
- (c) The hazard at intersections.
- (d) Weather.
- (e) Visibility.
- (f) Any other conditions then existing.

(2) The following apply to the offense described in this section:

(a) The offense is as applicable on an alley as on any other highway.

(b) Speeds that are prima facie evidence of violation of this section are established by ORS 811.105.

(c) This section and ORS 811.105 establish limitation on speeds that are in addition to maximum speeds established and subject to penalty as described in the following:

(A) A federal maximum speed limit under ORS 811.110.

(B) Maximum speeds for motor trucks and passenger transport vehicles under ORS 811.115.

(C) Maximum speeds on ocean shores under ORS 811.120.

(D) A maximum speed limit for rural interstate highways under ORS 811.112.

(E) A maximum speed limit in a residence district under ORS 811.122.

(3) The offense described in this section, violating the basic speed rule, is a Class B traffic infraction. [1983 c.338 §563; 1987 c.887 §9, 1989 c.592 §4]

811.105 Speeds that are evidence of basic rule violation. Any speed in excess of any of the following designated speeds is prima facie evidence of violation of the basic speed rule under ORS 811.100:

(1) Any speed posted by authority granted under ORS 810.180.

(2) If no speed is posted, any speed in excess of one of the following designated speeds is prima facie evidence of violation of the basic speed rule:

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

(b) Twenty miles per hour in a business district.

(c) Twenty miles per hour when passing school grounds or a school crosswalk if:

(A) Children are present; and

(B) Notice of the grounds or crosswalk is indicated plainly by traffic control devices conforming to the requirements established under ORS 810.200 and posted under authority granted by ORS 810.210.

(d) Twenty-five miles per hour in any public park or residence district not located within a city or within an urban growth boundary that is in a county with a population greater than 100,000.

(e) Sixty-five miles per hour on any rural interstate highway.

(f) Fifty-five miles per hour in locations not otherwise described in this section. [1983 c.338 §564; 1985 c.16 §286; 1987 c.887 §10; 1989 c.592 §5]

811.108 Relationship between speed limits and basic rule. (1) The federal maximum speed limit, the maximum speed limit for motor trucks and passenger transport vehicles and the maximum speed limit for rural interstate highways do not authorize speeds higher than those required for compliance with the basic speed rule.

(2) The basic speed rule does not authorize speeds higher than those established by the federal maximum speed limit, the maximum speed limit for motor trucks and passenger transport vehicles or the maximum speed limit for rural interstate highways. [1987 c.887 §5]

(Maximum Speeds)

811.110 Violation of federal maximum speed limit; penalty. (1) A person commits the offense of violation of the federal maximum speed limit if:

(a) A federal maximum speed limit is established under ORS 810.180; and

(b) The person operates a vehicle at a speed in excess of the federal maximum speed limit.

(2) In no event shall the division suspend or revoke a person's driving privileges in this state solely on the grounds that the person has incurred one or more convictions of a violation of the federal maximum speed limit.

(3) The offense described in this section, violation of the federal maximum speed limit, is a Class B traffic infraction. [1983 c.338 §565, 1987 c.887 §11]

811.112 Violation of maximum speed for rural interstate highways; penalty. (1) A person commits the offense of violating the maximum speed limit for rural interstate highways if the person operates a vehicle on a rural interstate highway at a speed greater than 65 miles per hour.

(2) The speed limit described in this section does not authorize the driver of a motor truck or passenger transport vehicle to exceed the maximum speed for trucks and passenger transport vehicles established by ORS 811.115.

(3) The offense described in this section, violating the maximum speed limit for rural interstate highways, is a Class B traffic infraction. [1987 c.887 §4]

811.115 Violation of maximum speed for trucks and passenger transport vehicles; penalty. (1) A person commits the offense of violation of the maximum speed for motor trucks and passenger transport vehicles if the person drives any of the following vehicles at a speed greater than 55 miles per hour on any highway:

(a) A motor truck with a loaded weight of more than 8,000 pounds.

(b) A school bus.

(c) A school activity vehicle.

(d) A worker transport bus.

(e) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(f) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 767.025 (9).

(2) This section does not apply to ambulances.

(3) The offense described in this section, violation of maximum speed for motor trucks and passenger transport vehicles, is a Class B traffic infraction. [1983 c.338 §566; 1985 c.420 §8, 1987 c.887 §12; 1989 c.457 §1; 1989 c.992 §19]

811.120 Violation of maximum speed limit on ocean shore; penalty. (1) A person commits the offense of violating the maximum speed limit on the ocean shore if the

person drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(a) Any maximum speed limit for ocean shores that is established and posted under ORS 810.180.

(b) If no speed limit is posted under ORS 810.180, 25 miles per hour.

(2) This section is subject to the provisions relating to ambulances and emergency vehicles under ORS 820.300 to 820.320.

(3) This section does not authorize speeds higher than those required for compliance with the basic speed rule.

(4) The offense described in this section, violating the maximum speed limit on the ocean shore, is a Class B traffic infraction. [1983 c.338 §567; 1987 c.887 §13]

811.122 Violation of maximum speed limit in residence district; penalty. (1) A person commits the offense of violating the maximum speed limit in a residence district if the person drives a vehicle upon a highway in a residence district located within a city or within an urban growth boundary that is in a county with a population greater than 100,000 at a speed greater than 25 miles per hour.

(2) This section does not authorize speeds higher than those required for compliance with the basic speed rule.

(3) This section does not apply:

(a) Where a designated speed other than 25 miles per hour is posted by authority granted under ORS 810.180.

(b) On a state highway.

(4) The offense described in this section, violating the maximum speed limit in a residence district, is a Class B traffic infraction. [1989 c.592 §2]

Note: 811.122 was added to and made a part of ORS chapter 811 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

(Racing)

811.125 Speed racing on highway; penalty. (1) A person commits the offense of speed racing on a highway if, on a highway in this state, the person drives a vehicle or participates in any manner in any of the following in which a vehicle is involved:

(a) A speed competition or contest.

(b) An acceleration contest.

(c) A test of physical endurance.

(d) An exhibition of speed or acceleration.

(e) The making of a speed record.

(f) A race. For purposes of this paragraph, racing is 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.

(g) A drag race. For purposes of this paragraph, drag racing is 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 the vehicle or vehicles within a certain distance or time limit.

(2) The offense described in this section, speed racing on a highway, is a Class A traffic infraction and is applicable on any premises open to the public. [1983 c.338 §568; 1985 c.16 §287]

(Impeding Traffic)

811.130 Impeding traffic; penalty. (1) A person commits the offense of impeding traffic if the person drives a motor vehicle or a combination of motor vehicles in a manner that impedes or blocks the normal and reasonable movement of traffic.

(2) A person is not in violation of the offense described under this section if the person is proceeding in a manner needed for safe operation.

(3) Proceeding in a manner needed for safe operation includes but is not necessarily limited to:

(a) Momentarily stopping to allow oncoming traffic to pass before making a right-hand or left-hand turn.

(b) Momentarily stopping in preparation of, or moving at an extremely slow pace while, negotiating an exit from the road.

(4) The offense described in this section, impeding traffic, is a Class C traffic infraction. [1983 c.338 §569; 1985 c.16 §288; 1989 c.433 §1]

CARELESS AND RECKLESS DRIVING

811.135 Careless driving; penalty. (1) A person commits the offense of careless driving if the person drives any vehicle upon a highway or other premises described in this section in a manner that endangers or would be likely to endanger any person or property.

(2) The offense described in this section, careless driving, is a Class B traffic infraction and applies on any premises open to the public. [1983 c.338 §570]

811.140 Reckless driving; penalty. (1) A person commits the offense of reckless driving if the person recklessly drives a vehicle upon a highway or other premises described in this section in a manner that endangers the safety of persons or property.

(2) The use of the term "recklessly" in this section is as defined in ORS 161.085.

(3) The offense described in this section, reckless driving, is a Class A misdemeanor and is applicable upon any premises open to the public. [1983 c.338 §571]

SPECIAL SAFETY MEASURES

811.145 Failure to yield to emergency vehicle or ambulance; penalty. (1) A person commits the offense of failure to yield to an emergency vehicle or ambulance if an ambulance or emergency vehicle that is using a visual or audible signal in a manner described under ORS 820.300 to 820.320 approaches the vehicle the person is operating and the person does not do all of the following:

(a) Yield the right of way to the ambulance or emergency vehicle.

(b) 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.

(c) Stop and remain in such position until the emergency vehicle or ambulance has passed.

(2) A person is not in violation of this section if the person is acting as otherwise directed by a police officer.

(3) 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 this section protect the driver of any such vehicle from the consequence of an arbitrary exercise of the right of way granted under this section.

(4) The offense described in this section, failure to yield to an emergency vehicle or ambulance, is a Class C traffic infraction. [1983 c 338 §582, 1985 c 16 §289]

811.150 Interference with emergency vehicle or ambulance; penalty. (1) A person commits the offense of interference with an emergency vehicle or ambulance if the person does any of the following:

(a) Drives a vehicle following at a distance closer than 500 feet any emergency vehicle or ambulance that is traveling in response to a fire alarm or emergency.

(b) Drives or parks a vehicle in a manner that interferes with the emergency vehicle

or ambulance responding to a fire alarm or emergency.

(c) Drives over an unprotected hose of a fire department laid down on any highway, private road or driveway to be used at any fire, alarm of fire or emergency.

(2) The following exemptions apply to this section:

(a) Nothing in this section prohibits a driver of an emergency vehicle or ambulance from following within 500 feet of an emergency vehicle or ambulance traveling in response to a fire alarm or emergency or from driving into or parking a vehicle in the area or vicinity where such vehicles have stopped in response to an alarm or emergency.

(b) Nothing in this section prevents any person from driving over an unprotected hose of a fire department if the person first obtains the permission of a fire department official or police officer at the scene of the fire, alarm of fire or emergency.

(3) The offense described in this section, interference with an emergency vehicle or ambulance, is a Class C traffic infraction. [1983 c.338 §584, 1985 c.16 §291; 1985 c 190 §1]

811.155 Failure to stop for bus safety lights; penalty. (1) A driver commits the offense of failure to stop for bus safety lights if the driver meets or overtakes from either direction any vehicle that is stopped on a roadway and that is operating red bus safety lights described under ORS 816.260 and the driver does not:

(a) Stop before reaching the vehicle; and

(b) Remain standing until the bus safety lights are no longer operating.

(2) The following apply to the offense described in this section:

(a) The offense described in this section does not apply if the vehicle operating the bus safety lights is not permitted under ORS 816.350 and 816.360 to operate red bus safety lights.

(b) A driver need not comply with this section if the vehicle operating red bus safety lights is stopped on a different roadway.

(3) The offense described in this section, failure to stop for bus safety lights, is a Class A traffic infraction. [1983 c.338 §583; 1985 c.16 §290]

811.157 Report by driver of violation of ORS 811.155; contents. (1) The driver of a school bus, worker transport bus or a bus issued a permit under ORS 818.260 may report a violation of ORS 811.155 to the local law enforcement agency having jurisdiction over the area where the violation is alleged to have occurred.

(2) A report under subsection (1) of this section shall be made within 72 hours of the alleged violation and shall contain:

(a) The date and time of day of the alleged violation;

(b) The name of the street on which the bus was traveling at the time of the alleged violation and either the approximate address or the name of the closest intersecting street;

(c) The direction in which the bus was traveling and the direction in which the vehicle alleged to have committed the violation was traveling;

(d) The weather conditions, including visibility, at the time of the alleged violation; and

(e) The following information about the vehicle alleged to have committed the violation:

(A) Number and state of issuance of the registration plate; and

(B) Whether the vehicle is a sedan, station wagon, van, truck, bus, motorcycle or other type of vehicle.

(3) In addition to the information required by subsection (2) of this section, the report may contain any other identifying information, including but not limited to color of the vehicle, that the reporting bus driver has about the vehicle or the driver of the vehicle alleged to have committed the violation. [1987 c 654 §2]

811.159 Law enforcement agency response to report of violation of ORS 811.155. Upon receipt of a report containing the information required by ORS 811.157 (2), the law enforcement agency shall determine the name and address of the registered owner of the vehicle and shall send the registered owner a letter informing the owner that the vehicle was observed violating ORS 811.155. The letter shall include, at a minimum, information from the report filed under ORS 811.157 specifying the time and place of the alleged violation. [1987 c.654 §3]

811.160 Interference with streetcar operation; penalty. (1) A person commits the offense of interference with streetcar operation if the person does any of the following:

(a) Drives any vehicle in front of a streetcar upon a streetcar track and fails to remove the vehicle from the track as soon as practicable after signal from the operator of the streetcar.

(b) Drives a vehicle upon or across streetcar tracks within an intersection in front of a streetcar when the streetcar has started to cross the intersection.

(c) Overtakes or passes upon the left any streetcar proceeding in the same direction whether actually in motion or temporarily at rest. This paragraph does not apply on one-way streets or on streets where the streetcar tracks are so located as to prevent compliance.

(2) This section applies to any streetcar that is any device traveling exclusively upon rails when upon or crossing a highway but does not apply to cars or trains propelled or moved by steam engine or by diesel engine.

(3) The offense described in this section, interference with streetcar operation, is a Class C traffic infraction. [1983 c 338 §585]

811.165 Failure to stop for passenger loading of public transit vehicle; penalty.

(1) A person commits the offense of failure to stop for passenger loading of a public transit vehicle if the person is the driver of a vehicle overtaking a public transit vehicle described in this section that is stopped or about to stop for the purpose of receiving or discharging any passenger and the person does not:

(a) Stop the overtaking vehicle to the rear of the nearest running board or door of the public transit vehicle; and

(b) Keep the vehicle stationary until all passengers have boarded or alighted therefrom and reached a place of safety.

(2) The following described vehicles are the public transit vehicles that the requirements of this section are applicable to:

(a) Commercial busses.

(b) Trolleys.

(c) Streetcars, including every device traveling exclusively upon rails when upon or crossing a street, other than cars or trains propelled or moved by steam engine or by diesel engine.

(3) A person is not in violation of this section if the person passes a public transit vehicle:

(a) Upon the left of any public transit vehicle described in this section on a one-way street; or

(b) At a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians when:

(A) The public transit vehicle has stopped at the curb; or

(B) Any area or space has been officially set apart within the roadway for the exclusive use of pedestrians and the area or space is so protected or marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(4) The offense described in this section, failure to stop for passenger loading of public transit vehicle, is a Class C traffic infraction. [1983 c.338 §586; 1985 c.16 §292]

OPEN CONTAINER VIOLATIONS

811.170 Violation of open container law; penalty. (1) A person commits the offense of violation of the open container law in a motor vehicle if the person does any of the following:

(a) Drinks any alcoholic liquor in a motor vehicle when the vehicle is upon a highway.

(b) Possesses on one's 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.

(c) Keeps 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. The following apply to this paragraph:

(A) This paragraph applies only to the registered owner of any motor vehicle or, if the registered owner is not then present in the vehicle, to the driver of the vehicle.

(B) This paragraph does not apply if 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.

(C) For purposes of this paragraph, a utility compartment or glove compartment is considered within the area occupied by the driver and passengers.

(D) This paragraph does not apply to the living quarters of a camper or motor home.

(2) The offense described in this section does not apply to 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.

(3) The offense described in this section, violation of the open container law in a motor vehicle, is a Class B traffic infraction. [1983 c.338 §597; 1985 c.16 §303]

DRIVING WHILE SUSPENDED OR REVOKED

811.175 Infraction driving while suspended or revoked or in violation of permit; penalties. (1) A person commits the offense of infraction driving while suspended or revoked or in violation of a hardship or

probationary permit if the person does any of the following:

(a) Drives a motor vehicle upon a highway during a period when the person's driving privileges or right to apply for driving privileges have been suspended or revoked in this state by a court or by the division.

(b) Drives a motor vehicle outside the limitations of a probationary permit issued under ORS 807.270 or a hardship driver permit issued under ORS 807.240, including any limitations placed on the permit under ORS 813.510.

(c) Drives a commercial motor vehicle upon a highway during a period when the person's commercial driver license has been suspended, regardless of whether or not the person has other driving privileges granted by this state.

(2) Affirmative defenses to the offense described in this section are established under ORS 811.180.

(3) The offense described in this section is applicable upon any premises open to the public.

(4) The offense described in this section, infraction driving while suspended or revoked or in violation of hardship or probationary permit, is a Class A traffic infraction except as otherwise provided in ORS 811.182. [1983 c.338 §598; 1985 c.16 §304; 1987 c.730 §1; 1987 c.801 §9; 1989 c.171 §91; 1989 c.636 §45]

811.180 Affirmative defenses. The following establishes affirmative defenses in prosecutions for driving while suspended or revoked or in violation of a hardship permit under ORS 811.175 or 811.182 or of a probationary permit under ORS 807.270 and describes when the affirmative defenses are not available:

(1) In addition to other defenses provided by law, including but not limited to ORS 161.200, it is an affirmative defense to the offenses described in ORS 811.175 and 811.182 that:

(a) An injury or immediate threat of injury to a human being or animal, 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 or been informed of the suspension or revocation by a trial judge who ordered a suspension or revocation of the defendant's driving privileges or right to apply.

(2) The affirmative defenses described in paragraph (b) of subsection (1) of this section are not available to a defendant under the circumstances described in this subsection. Any of the evidence specified in this sub-

section may be offered in the prosecution's case in chief. This subsection applies if any of the following circumstances exist:

(a) The defendant refused to sign a receipt for the certified mail containing the notice of suspension or revocation.

(b) The notice of suspension or revocation could not be delivered to the defendant because the defendant failed to comply with the requirements under ORS 807.560 to notify the division of a change of address or residence.

(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 driving privileges or right to apply.

(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.

(e) The defendant was provided with notice of intent to suspend under ORS 813.100. [1983 c.338 §599; 1985 c.16 §305; 1985 c.672 §18; 1985 c.744 §1; 1987 c.138 §2; 1987 c.158 §168; 1987 c.730 §20, 1987 c.801 §10]

811.182 Criminal driving while suspended or revoked or in violation of a permit; penalties. (1) A person commits the offense of criminal driving while suspended or revoked or in violation of a hardship or probationary permit if the person violates ORS 811.175 and the suspension or revocation is one described in this section, or if the hardship or probationary permit violated is based upon a suspension or revocation described in subsection (3) or (4) of this section.

(2) Affirmative defenses to the offense described in this section are established under ORS 811.180.

(3) The crime is a Class C felony if the suspension or revocation resulted from any of the following:

(a) Habitual offender status under ORS 809.640.

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

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

(d) Failure to perform the duties of a driver under ORS 811.705.

(e) Reckless driving under ORS 811.140.

(f) Fleeing or attempting to elude a police officer under ORS 811.540.

(g) Driving while under the influence of intoxicants under ORS 813.010.

(h) Use of a commercial motor vehicle in the commission of a crime punishable as a felony.

(4) The crime is a Class A misdemeanor if the suspension or revocation is any of the following:

(a) A suspension under ORS 809.410 (2) resulting from commission by the driver of any degree of recklessly endangering another person, menacing or criminal mischief, resulting from the operation of a motor vehicle.

(b) A revocation under ORS 809.410 (3) resulting from perjury or the making of a false affidavit to the Motor Vehicles Division.

(c) A suspension under ORS 813.403 or 813.410 resulting from refusal to take the test prescribed in ORS 813.100 or for taking such test the result of which discloses a blood alcohol content of .08 percent or more by weight if the person was not driving a commercial motor vehicle or .04 percent or more by weight if the person was driving a commercial motor vehicle.

(d) A suspension of a commercial driver license or right to apply for a commercial driver license under ORS 809.410 (18) resulting from failure to perform the duties of a driver under ORS 811.700 while driving a commercial motor vehicle. [1987 c.730 §§3, 3a; 1989 c.636 §46]

811.185 Violating habitual offender order; penalty. (1) A person commits the offense of violating a habitual offender order if the person has been prohibited from operating a motor vehicle in this state by an order issued under ORS 809.640 and the person operates any motor vehicle in this state while the order is in effect.

(2) This section does not apply to a person who is operating within and under a valid probationary driver permit issued to the person under ORS 807.270.

(3) The offense described in this section, violating habitual offender order, is a Class C felony and is applicable upon any premises open to the public. [1983 c.338 §600, 1985 c.16 §306]

DRIVER OFFENSES INVOLVING PASSENGERS

811.190 Operation with obstructing passenger; penalty. (1) A person commits the offense of driver operation with obstructing passenger if the person is operating a vehicle when another person is in the operator's lap or in the operator's embrace.

(2) The offense described in this section, driver operation with obstructing passenger, is a Class C traffic infraction. [1983 c.338 §601]

811.195 Having passenger in trailer; penalty. (1) A person commits the offense of having a passenger in a trailer if the person operates a vehicle on a highway while towing any type of trailer that contains a passenger.

(2) This section does not apply if the person is operating any of the following vehicles:

(a) A commercial bus trailer.

(b) An independently steered trailer.

(c) A trailer towed with a fifth wheel hitch if the trailer is equipped with all of the following:

(A) Safety glazing materials approved by the division under ORS 815.040 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.

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

(3) The offense described in this section, passenger in trailer, is a Class C traffic infraction. [1983 c.338 §602; 1985 c 16 §307]

811.200 Carrying dog on external part of vehicle; penalty. (1) A person commits the offense of carrying a dog on the external part of a vehicle if the person carries a dog upon the hood, fender, running board or other external part of any automobile or truck that is upon a highway unless the dog is protected by framework, carrier or other device sufficient to keep it from falling from the vehicle.

(2) The offense described in this section, carrying dog on external part of vehicle, is a Class C traffic infraction. [1983 c.338 §603]

811.205 Carrying child on external part of vehicle; penalty. (1) A person commits the offense of carrying a child on an external part of a motor vehicle if the person carries any child upon the hood, fender, running board or other external part of any motor vehicle that is upon a highway.

(2) The offense described in this section, carrying a child on an external part of a motor vehicle, is a Class C traffic infraction. [1983 c.338 §604]

811.210 Endangering child passenger; penalty. (1) A person commits the offense of endangering a child passenger if:

(a) The person operates a motor vehicle on the highways of this state and any passenger younger than 16 years of age is not secured with a child safety system, safety

belt or safety harness as required by subsection (2) of this section; or

(b) The person is a licensed driver 21 years of age or older accompanying a person 15 years of age who is operating a motor vehicle on the highways of this state under a permit issued pursuant to ORS 807.280 and:

(A) The person 15 years of age who is operating the motor vehicle is not secured with a safety belt or safety harness that meets requirements under ORS 815.055; or

(B) Any passenger younger than 16 years of age is not secured with a child safety system, safety belt or safety harness as required by subsection (2) of this section; or

(c) The person is younger than 16 years of age and operates a motor vehicle on the highways of this state under an emergency driver permit issued pursuant to ORS 807.220 or under a special student driver permit issued pursuant to ORS 807.230 and:

(A) The driver is not secured with a safety belt or safety harness that meets requirements under ORS 815.055; or

(B) Any passenger younger than 16 years of age is not secured with a child safety system, safety belt or safety harness as required by subsection (2) of this section.

(2) To comply with this section:

(a) A child who is under one year of age must be secured with a child safety system that meets the minimum standards and specifications established by the division under ORS 815.055 for child safety systems designed for children of 40 pounds or less; or

(b) A child who is at least one year of age but younger than 16 years of age must be secured with either:

(A) A child safety system that meets the minimum standards and specifications established by the division under ORS 815.055 for child safety systems designed for children of 40 pounds or less; or

(B) A safety belt or safety harness that meets requirements under ORS 815.055.

(3) A violation of this section shall not be considered under any circumstances to be negligence nor shall evidence of such a violation be admissible in any civil action.

(4) A court may dismiss a charge for violation of this section if proof is offered to the satisfaction of the court that circumstances surrounding the violation occurred because of an emergency.

(5) The offense described in this section, endangering a child passenger, is a Class D traffic infraction. For the first offense the court shall not impose the fine upon the showing of proof of acquisition of an ap-

proved child safety system. [1985 c.16 §309; 1985 c.619 §1]

811.215 Exemptions from child safety system requirements. ORS 811.210 does not apply to:

(1) Privately owned commercial vehicles, as defined in ORS 801.210. The exemption in this subsection does not apply to vehicles commonly known as pickup trucks that have a loaded weight of less than 8,000 pounds.

(2) Any vehicle not required to be equipped with safety belts or safety harnesses at the time the vehicle was manufactured, unless safety belts or safety harnesses have been installed in the vehicle.

(3) Any child for whom a certificate is issued by the division under ORS 811.220.

(4) A resident of another state that does not have a prohibition similar to the one under ORS 811.210.

(5) Any child who is a passenger in a vehicle if all seating positions in the vehicle are occupied by other persons. [1985 c.619 §3; 1987 c.138 §3]

811.220 Certificates of exemption from child safety system requirement. The administrator of the division shall issue a certificate of exemption required under ORS 811.215 for any person on whose behalf a statement signed by a physician is presented to the division. For a physician's statement to qualify under this section, the physician giving the statement must set forth reasons in the statement why use of a child safety system, or safety belt or safety harness by the child would be impractical or harmful to the person by reason of physical condition, medical problem or body size. [1985 c.16 §310; 1985 c.619 §4]

GENERAL DRIVING RULES

811.250 Law applicable to vehicles registered out-of-state. Any out-of-state registered vehicle is subject to all laws, rules and regulations governing the operation of such vehicles on the highways of this state. [1983 c.338 §606; 1985 c.401 §15]

811.255 Permitting unlawful operation of vehicle; penalty. (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 the person knowingly permits or requires the operation of the vehicle in violation of any of the following:

(a) The rules of the road.

(b) The laws governing equipment of motor vehicles.

(c) The laws governing weight of motor vehicles.

(d) The laws governing operator driving privileges.

(e) The laws governing registration or titling of vehicles.

(2) The offense described in this section, permitting unlawful operation of a vehicle, is a Class B traffic infraction. [1983 c.338 §607]

(Traffic Control Devices)

811.260 Appropriate driver responses to traffic control devices. This section establishes appropriate driver responses to specific traffic control devices for purposes of ORS 811.265. Authority to place traffic control devices is established under ORS 810.210. Except when acting under the direction of a police officer that contradicts this section, a driver is in violation of ORS 811.265 if the driver makes a response to traffic control devices that is not permitted under the following:

(1) Green signal. 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 within the intersection at the time the green light is shown.

(2) Green arrow. 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.

(3) Steady circular yellow signal. A driver facing a steady circular 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.

(4) Steady yellow arrow signal. A driver facing a steady yellow arrow signal, alone or in combination with other signal indications, is thereby warned that the related right of way is being terminated. Unless entering the intersection to make a movement permitted by another signal, a driver facing a steady yellow arrow signal 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.

(5) Steady circular red signal. A driver facing a steady circular 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. The driver shall remain standing until a green light is shown except when the driver is permitted to make a turn under ORS 811.360.

(6) Steady red arrow signal. A driver facing a steady red arrow signal, alone or in combination with other signal indications, shall not enter the intersection to make the movement indicated by the red arrow signal. Unless entering the intersection to make some other movement which is permitted by another signal, a driver facing a steady red arrow signal 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. The vehicle shall remain standing until a green light is shown except when the driver is permitted to make a turn under ORS 811.360, providing such turn does not conflict with the red arrow indication.

(7) Traffic control devices at places other than intersections. If a traffic control device that is a signal is erected and maintained at a place other than an intersection, the provisions of this section relating to signals 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.

(8) Flashing red signal. When a driver approaches a flashing red light used in a traffic control device or with a traffic sign, the driver 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. This subsection does not apply at railroad grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 811.455.

(9) Flashing yellow signal. When a driver approaches a flashing yellow light used as a signal in a traffic control device or with a traffic sign, the driver may proceed through the intersection or past the signal only with caution. This subsection does not apply at railroad grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 811.455.

(10) Lane direction control signals. When lane direction control signals are placed over

the individual lanes of a 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.

(11) Stop signs. 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.

(12) Yield signs. 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 required for stop signs under 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. [1983 c.338 §609; 1989 c 539 §1]

811.265 Failure to obey traffic control device; penalty. (1) A person commits the offense of driver failure to obey traffic control device if the person drives a vehicle and the person does any of the following:

(a) Fails to obey the directions of any traffic control device.

(b) Fails to obey any specific traffic control device described in ORS 811.260 in the manner required by that section.

(2) A person is not subject to this section if the person is doing any of the following:

(a) Following the directions of a police officer.

(b) Driving an emergency vehicle or ambulance in accordance with the privileges granted those vehicles under ORS 820.300.

(c) Properly executing a turn on a red light as authorized under ORS 811.360.

(3) The offense described in this section, driver failure to obey a traffic control device, is a Class B traffic infraction. [1983 c 338 §608]

811.270 Failure to obey one-way designation; penalty. (1) A person commits the offense of failure to obey a one-way designation if the person is operating a vehicle and the person proceeds upon a roadway designated for one-way traffic in a direction other than that indicated by a traffic control device.

(2) The offense described in this section, failure to obey a one-way designation, is a Class B traffic infraction. [1983 c.338 §610]

(Right of Way)

811.275 Failure to yield right of way at uncontrolled intersection; penalty. (1) A person commits the offense of failure to yield the right of way at an uncontrolled intersection if the person is operating a motor vehicle that is approaching an uncontrolled highway intersection and the person does not 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) This section is subject to the described provisions of the following sections:

(a) The provisions of ORS 811.260, relating to stop signs and yield signs.

(b) The provisions of ORS 811.285, relating to the requirements to yield the right of way upon entering a freeway or other arterial highway.

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

(4) The offense described in this section, failure to yield right of way at an uncontrolled intersection, is a Class B traffic infraction. [1983 c.338 §611; 1985 c.16 §311; 1987 c.138 §4]

811.280 Failure of driver entering roadway to yield right of way; penalty. (1) A person commits the offense of failure of a driver entering a roadway to yield the right of way if the person:

(a) Is operating a vehicle that is about to enter or cross a roadway from any private road, driveway, alley or place other than another roadway; and

(b) Does not 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) This section does not apply where the movement of traffic is otherwise directed by a traffic control device.

(3) The offense described in this section, failure of driver entering roadway to yield right of way, is a Class C traffic infraction. [1983 c.338 §612]

811.285 Failure of merging driver to yield right of way; penalty. (1) A person commits the offense of failure of a merging driver to yield the right of way if the person is operating a vehicle that is entering a freeway or other arterial highway where an acceleration or merging lane is provided for the operator's use and the operator does not look out for and give right of way to vehicles on the freeway or other arterial highway.

(2) The offense described in this section, failure of a merging driver to yield the right of way, is a Class C traffic infraction. [1983 c.338 §613]

811.290 Obstructing cross traffic; penalty. (1) A person commits the offense of obstructing cross traffic if the person is operating a vehicle and the person enters an intersection or a marked crosswalk when there is not sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians.

(2) The offense described in this section applies whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing cross traffic, is a Class C traffic infraction. [1983 c.338 §614]

(Driving on the Right)

811.295 Failure to drive on right; exceptions; penalty. (1) A person commits the offense of failure to drive on the right if the person is operating a vehicle on a roadway of sufficient width and the person does not drive on the right half of the roadway.

(2) A person is not required to drive on the right side of the roadway by this section under any of the following circumstances:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement in ORS 811.410 to 811.425.

(b) When preparing to turn left in 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 the roadway under ORS 811.380.

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

(3) The offense described in this section, failure to drive on the right, is a Class B traffic infraction. [1983 c.338 §615]

811.300 Failure to drive on right of approaching vehicle; exceptions; penalty. (1) A person commits the offense of failure to drive on the right of an approaching vehicle if the person is operating a vehicle upon a roadway having width for not more than

one lane of traffic in each direction and the person does not:

(a) Pass to the right of any other vehicle proceeding on the roadway in the opposite direction; and

(b) Give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(2) This section does not apply to a person operating a vehicle as otherwise directed by a traffic control device.

(3) The offense described in this section, failure to drive on the right of an approaching vehicle, is a Class B traffic infraction. [1983 c.338 §616]

811.305 Driving on left on curve or grade or at intersection or rail crossing; exceptions; penalty. (1) A person commits the offense of driving on the left on a curve or grade or at an intersection or rail crossing if the person is operating a vehicle upon any two-way roadway where traffic is permitted to move in both directions simultaneously and the person drives 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) This section does not prohibit a person from driving on the left side of the center of a roadway under the following circumstances:

(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) The offense described in this section, driving on the left on a curve or grade or at an intersection or rail crossing, is a Class B traffic infraction. [1983 c.338 §617]

811.310 Crossing center line on two-way, four-lane road; exceptions; penalty. (1) A person commits the offense of crossing the center line on a two-way, four-lane road if the person is operating a vehicle on a two-way roadway that has four or more lanes for moving traffic and the person drives to the left of the center line of the roadway.

(2) A person is not prohibited from driving to the left of the center line of a roadway by this section under the following circumstances:

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

(b) 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.

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

(3) The offense described in this section, crossing the center line on a two-way, four-lane road, is a Class B traffic infraction. [1983 c.338 §618]

811.315 Failure of slow driver to drive on right; exceptions; penalty. (1) A person commits the offense of failure of a slow driver to drive on the right if the person is operating a vehicle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing and the person fails to drive:

(a) In the right-hand lane available for traffic; or

(b) As close as practicable to the right-hand curb or edge of the roadway.

(2) This section does not apply under any of the following circumstances:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing passing in ORS 811.410 to 811.425.

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

(3) The offense described in this section, failure of slow driver to drive on the right, is a Class C traffic infraction. [1983 c.338 §619]

811.320 Failure to drive to right on divided highway; exemptions; penalty. (1) A person commits the offense of failure to drive to the right on a divided highway if the person is operating a vehicle 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 and the person does not drive only upon the right-hand roadway.

(2) This section does not apply if a person is operating a vehicle in accordance with traffic control devices or the directions of a

police officer that differ from the requirements of this section.

(3) The offense described in this section, failure to drive to the right on a divided highway, is a Class B traffic infraction. [1983 c.338 §620]

811.325 Failure to keep camper, trailer or truck in right lane; exceptions; penalty. (1) A person commits the offense of failure to keep a camper, trailer or truck in the right lane if the person is operating any of the vehicles described in this subsection and the person does not drive in the right lane of all roadways having two or more lanes for traffic proceeding in a single direction. This subsection applies to all of the following vehicles:

(a) Any camper.

(b) Any vehicle with a trailer.

(c) Any vehicle with a registration weight of 8,000 pounds or more.

(2) This section does not require the described vehicles to be driven in the right lane under any of the following circumstances:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement in ORS 811.410 to 811.425 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.

(e) When necessary to follow traffic control devices that direct use of a lane other than the right lane.

(3) The offense described in this section, failure to keep camper, trailer or truck in the right lane, is a Class C traffic infraction. [1983 c.338 §621; 1989 c.723 §18]

811.330 Driving wrong way around traffic island; penalty. (1) A person commits the offense of driving the wrong way around a traffic island if the person is operating a vehicle and the person drives the vehicle around a rotary traffic island in any direction except to the right of the island.

(2) The offense described in this section, driving the wrong way around a traffic island, is a Class B traffic infraction. [1983 c.338 §622]

(Turning)

811.335 Unlawful or unsignaled turn; penalty. (1) A person commits the offense of making an unlawful or unsignaled turn if the person is operating a vehicle upon a highway and the person turns the vehicle right or left when:

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

(b) The person fails to give an appropriate signal continuously during not less than the last 100 feet traveled by the vehicle before turning.

(2) Appropriate signals for use while turning are as designated under ORS 811.395 and 811.400.

(3) The offense described in this section, making an unlawful or unsignaled turn, is a Class C traffic infraction. [1983 c.338 §623]

811.340 Improperly executed left turn; penalty. (1) A person commits the offense of making an improperly executed left turn if the person operates a vehicle and is intending to turn the vehicle to the left and the person does not:

(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.

(2) The offense described in this section, improperly executing a left turn, is a Class C traffic infraction. [1983 c.338 §624; 1985 c.16 §312]

811.345 Failure to use special left turn lane; penalty. (1) A person commits the offense of failure to use a special left turn lane if the person is operating a vehicle where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by traffic control devices and the person turns the vehicle left from any other lane.

(2) The offense described in this section, failure to use special left turn lane, is a Class C traffic infraction. [1983 c.338 §625]

811.350 Dangerous left turn; penalty. (1) A person commits the offense of making a dangerous left turn if the person:

(a) Is operating a vehicle;

(b) Intends to turn the vehicle to the left within an intersection or into an alley, pri-

vate road, driveway or place from a highway; and

(c) Does not yield the right of way to a vehicle approaching from the opposite direction that is within the intersection or so close as to constitute an immediate hazard.

(2) The offense described in this section, dangerous left turn, is a Class B traffic infraction. [1983 c.338 §626; 1985 c.16 §313]

811.355 Improperly executed right turn; penalty. (1) A person commits the offense of making an improperly executed right turn if the person is operating a vehicle, is intending to turn the vehicle to the right and does not 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) The offense described in this section, improperly executed right turn, is a Class C traffic infraction. [1983 c.338 §627]

811.360 When vehicle turn permitted at stop light; improper turn at stop light; penalty. (1) The driver of a vehicle, subject to this section, who is intending to turn at an intersection where there is a traffic control device showing a red light may do any of the following without violating ORS 811.260 and 811.265:

(a) Make a right turn into a two-way street.

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

(2) A person commits the offense of improper turn at a stop light if the person does any of the following while making a turn described in this section:

(a) Fails to stop at the light as required.

(b) Fails to exercise care to avoid an accident.

(c) Disobeys the directions of a traffic control device or a police officer that prohibits the turn.

(d) Fails to yield the right of way to traffic lawfully within the intersection or approaching so close as to constitute an immediate hazard.

(3) A driver who is making a turn described in this section is also subject to the requirements under ORS 811.045 to yield to pedestrians while making the turn.

(4) The offense described in this section, improper turn at a stop light, is a Class B traffic infraction. [1983 c.338 §628]

811.365 Illegal U-turn; penalty. (1) A person commits the offense of making an illegal U-turn if the person is operating a ve-

hicle and the person turns the vehicle so as to proceed in the opposite direction in any of the following places:

(a) Within an intersection where traffic is controlled by an electrical signal. This paragraph does not apply where posted otherwise.

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

(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) The offense described in this section, illegal U-turn, is a Class C traffic infraction. [1983 c.338 §629]

(Lane Use)

811.370 Failure to drive within lane; penalty. (1) A person commits the offense of failure to drive within a lane if the person is operating a vehicle upon a roadway that is divided into two or more clearly marked lanes for traffic and the driver does not:

(a) Operate the vehicle as nearly as practicable entirely within a single lane; and

(b) Refrain from moving from that lane until the driver has first made certain that the movement can be made with safety.

(2) The offense described in this section, failure to drive within a lane, is a Class B traffic infraction. [1983 c.338 §630]

811.375 Unlawful or unsignaled change of lane; penalty. (1) A person commits the offense of unlawful or unsignaled change of lanes if the person is operating a vehicle upon a highway and the person changes lanes by moving to the right or left upon the highway when:

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

(b) The driver fails to give an appropriate signal continuously during not less than the last 100 feet traveled by the vehicle before changing lanes.

(2) Appropriate signals for use while changing lanes are as designated under ORS 811.395 and 811.400.

(3) The offense described in this section, unlawful or unsignaled change of lane, is a Class C traffic infraction. [1983 c.338 §631]

811.380 Improper use of center lane on three-lane road; penalty. (1) A person commits the offense of improper use of the center lane on a three-lane road if the person is operating a vehicle upon a roadway di-

vided into three clearly marked lanes for traffic with two-way movement of traffic permitted on the roadway and the person operates the vehicle in the center lane under any circumstances other than as permitted under the following:

(a) The driver may drive in the center lane when the center lane is allocated exclusively to traffic moving in the same direction that the driver is proceeding by a traffic control device directing the lane allocation.

(b) The driver may drive in the center lane 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.

(c) The driver may drive in the center lane when making a left turn.

(2) The offense described in this section, improper use of center lane on three-lane road, is a Class B traffic infraction. [1983 c.338 §632]

811.385 Depriving motorcycle or moped of full lane; penalty. (1) A person commits the offense of depriving a motorcycle or moped of a full lane if the person operates a motor vehicle upon a roadway laned for traffic in a manner that prevents a moped operator or motorcyclist from full use of a lane.

(2) This section does not apply to operators of motorcycles or mopeds whose use of lanes is controlled by ORS 814.240 and 814.250.

(3) The offense described in this section, depriving a motorcycle or moped of a full lane, is a Class B traffic infraction. [1983 c.338 §685]

(Signaling)

811.390 Unlawful use of lights to signal for passing; penalty. (1) A person commits the offense of unlawful use of lights to signal for passing if the person is operating a vehicle and the person flashes any lights as a courtesy or "do pass" signal to other drivers approaching from the rear.

(2) The offense described in this section, unlawful use of lights to signal for passing, is a Class C traffic infraction. [1983 c.338 §633]

811.395 Appropriate signals for stopping, turning, changing lanes and decelerating. This section establishes appropriate signals, for purposes of the vehicle code, for use when signals are required while stopping, turning, changing lanes or suddenly decelerating a vehicle. This section does not authorize the use of only hand and arm signals when the use of signal lights is required under ORS 811.405. Vehicle lighting

equipment described in this section is vehicle lighting equipment for which standards are established under ORS 816.100 and 816.120. Appropriate signals are as follows:

(1) To indicate a left turn either of the following:

(a) Hand and arm extended horizontally from the left side of the vehicle.

(b) Activation of front and rear turn signal lights on the left side of the vehicle.

(2) To indicate a right turn either of the following:

(a) Hand and arm extended upward from the left side of the vehicle. A person who is operating a bicycle is not in violation of this paragraph if the person signals a right turn by extending the person's right hand and arm horizontally.

(b) Activation of front and rear turn signal lights on the right side of the vehicle.

(3) To indicate a stop or a decrease in speed either of the following:

(a) Hand and arm extended downward from the left side of the vehicle; or

(b) Activation of brake lights on the vehicle.

(4) Change of lane by activation of both front and rear turn signal lights on the side of the vehicle toward which the change of lane is made. [1983 c.338 §635; 1985 c.16 §314]

811.400 Failure to use appropriate signal for turn, lane change or stop; penalty. (1) A person commits the offense of failure to use an appropriate signal for a turn, lane change or stop if the person is operating a vehicle that is turning, changing lanes, stopping or suddenly decelerating and the person does not make the appropriate signal under ORS 811.395 by use of signal lamps or hand signals.

(2) This section does not authorize the use of only hand signals to signal a turn, change of lane, stop or deceleration when the use of signal lights are required under ORS 811.405.

(3) The offense described in this section, failure to use appropriate signal for turn, lane change or stop, is a Class C traffic infraction. [1983 c.338 §634]

811.405 Failure to signal with lights; exceptions; penalty. (1) A person commits the offense of failure to signal with lights when required if a person is operating a vehicle and does not use the vehicle lighting equipment described under ORS 811.395 to signal when turning, changing lanes, stopping or suddenly decelerating under any of the following circumstances:

(a) During limited visibility conditions.

(b) At any time the person is operating 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 vehicle is greater than 24 inches.

(c) At any time the person is operating a vehicle or combination of vehicles in which the distance from the center of the top of the steering post to the rear limit of the body or load is greater than 14 feet.

(2) This section does not require the driver of a moped or bicycle that is not equipped with lighting equipment to use lighting equipment when required by this section. A driver of such moped or bicycle shall signal by means of appropriate hand and arm signals described under ORS 811.395 without violation of this section.

(3) The offense described in this section, failure to signal with lights when required, is a Class C traffic infraction. [1983 c 338 §636, 1985 c 16 §315]

(Passing)

811.410 Unsafe passing on left; penalty. (1) A person commits the offense of unsafe passing on the left if the person violates any of the following requirements concerning the overtaking and passing of vehicles:

(a) The driver of a vehicle that is overtaking any other vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted under ORS 811.415, the driver of an overtaken vehicle shall give way to the right in favor of an overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

(c) The driver of a vehicle 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 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.

(d) An overtaking vehicle shall return to an authorized lane of traffic as soon as practicable.

(2) This section does not authorize driving on the left side of the center of the road when prohibited under the following:

(a) Limitations on driving on the left of the center of a roadway under ORS 811.305.

(b) Passing in a no passing zone under ORS 811.420.

(c) ORS 811.295, 811.300 and 811.310 to 811.325 that require driving on the right.

(3) The offense described in this section, unsafe passing on the left, is a Class B traffic infraction: [1983 c 338 §637, 1987 c.158 §168a]

811.415 Unsafe passing on right; penalty. (1) A person commits the offense of unsafe passing on the right if the person:

(a) Drives a vehicle to overtake and pass upon the right of another vehicle at any time not permitted under this section.

(b) Drives a vehicle to overtake and pass upon the right of another vehicle at any time by driving off the paved portion of the highway.

(2) For purposes of this section, a person may drive a vehicle to overtake and pass upon the right of another vehicle under any of the following circumstances:

(a) Overtaking and passing upon the right is permitted if:

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

(B) The paved portion of the highway is of sufficient width to allow two or more lanes 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 by the overtaking vehicle to be made in safety.

(b) Overtaking and passing upon the right is permitted 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) The offense described in this section, unsafe passing on the right, is a Class B traffic infraction. [1983 c.338 §638; 1987 c.158 §169]

811.420 Passing in no passing zone; exceptions; penalty. (1) A person commits the offense of passing in a no passing zone if the person drives a vehicle on the left side of a roadway in a no passing zone that has been established and designated to prohibit such movements by appropriate signs or markings posted on the roadway.

(2) The authority to establish and post no passing zones for purposes of this section is established under ORS 810.120.

(3) The provisions of this section do not apply under any of the following circumstances:

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

(b) 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 that would constitute an immediate hazard.

(4) The offense described in this section, passing in a no passing zone, is a Class B traffic infraction. [1983 c.338 §639, 1985 c.16 §316]

811.425 Failure of slower driver to yield to overtaking vehicle; penalty. (1) A person commits the offense of failure of a slower driver to yield to overtaking vehicles if the person is driving a vehicle and the person fails to move the person's 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 811.105;

(b) The driver of the overtaking vehicle is proceeding at a speed in conformity with ORS 811.105;

(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) The offense described in this section, failure of a slower driver to yield to overtaking vehicle, is a Class C traffic infraction. [1983 c.338 §640]

(Prohibited Places)

811.430 Driving on highway divider; exceptions; penalty. (1) A person commits the offense of driving on a highway divider if the person drives a vehicle over, across or within a dividing space, barrier or section that is an intervening space, physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic and that divides a highway into two or more roadways.

(2) This section does not apply when the movement of a vehicle that is otherwise prohibited by this section is made:

(a) At an authorized crossover or intersection; or

(b) At the specific direction of a road authority.

(3) The offense described in this section, driving on a highway divider, is a Class B traffic infraction. [1983 c.338 §642]

811.435 Operation of motor vehicle on bicycle trail; exemptions; penalty. (1) A person commits the offense of operation of a motor vehicle on a bicycle trail if the person operates a motor vehicle upon a bicycle lane or a bicycle path.

(2) Exemptions to this section are provided under ORS 811.440.

(3) This section is not applicable to mopeds. ORS 811.440 and 814.210 control the operation and use of mopeds on bicycle lanes and paths.

(4) The offense described in this section, operation of a motor vehicle on a bicycle trail, is a Class B traffic infraction. [1983 c.338 §643]

811.440 When motor vehicles may operate on bicycle lane. This section provides exemptions from the prohibitions under ORS 811.435 and 814.210 against operating motor vehicles on bicycle lanes and paths. The following vehicles are not subject to ORS 811.435 and 814.210 under the circumstances described:

(1) 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.

(2) A person may operate a motor vehicle upon a bicycle lane when:

(a) Making a turn;

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

(c) Required in the course of official duty.

(3) An implement of husbandry may momentarily cross into a bicycle lane to permit other vehicles to overtake and pass the implement of husbandry. [1983 c.338 §645]

811.445 Use of throughway when prohibited; penalty. (1) A person commits the offense of use of a throughway when prohibited if any use restrictions or prohibitions are posted by appropriate signs giving notice thereof and the person violates any restriction or prohibition so posted.

(2) The authority to impose restrictions and prohibitions for purposes of this section is granted under ORS 810.020.

(3) The offense described in this section, use of throughway when prohibited, is a Class C traffic infraction. [1983 c.338 §646]

811.450 Violation of posted truck routes; defense; penalty. (1) A person commits the offense of violation of posted truck routes if appropriate signs designating truck

routes are posted and the person does not operate a vehicle in compliance with the posted requirements.

(2) Authority to establish and change truck routes for purposes of this section is established in ORS 810.040.

(3) It is a defense to a charge of violation of this section if the person so charged can establish that the person could not reach the person's destination without traveling upon the street, road or highway prohibited under the posted requirements.

(4) The offense described in this section, violation of posted truck routes, is a Class C traffic infraction. [1983 c.338 §647; 1985 c.393 §39]

(Rail Crossings)

811.455 Failure to stop for railroad signal; penalty. (1) A person commits the offense of failure to stop for a railroad signal if the person fails to comply with any of the following requirements:

(a) A person who is driving a vehicle must stop the vehicle at a clearly marked stop line on the near side of a railroad crossing or, if there is no clearly marked stop line, not less than 15 feet nor more than 50 feet from the nearest rail of the crossing under any of the following circumstances:

(A) When a clearly visible electric or mechanical signal is given by a device that warns of the immediate approach of a railroad train.

(B) Upon the lowering of a crossing gate.

(C) When a signal given by a flagperson indicates the approach or passage of a railroad train.

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

(E) When an audible signal is given by an approaching railroad train because its speed or nearness to the crossing is an immediate hazard.

(b) A driver who has stopped for the passing of a train at a railroad grade crossing in accordance with the provisions of this section shall not proceed across the railroad tracks until the driver can do so safely.

(c) A person shall not drive 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.

(2) The offense described in this section, failure to stop for a railroad signal, is a Class C traffic infraction. [1983 c.338 §648; 1985 c.16 §317]

811.460 Failure to follow rail crossing procedures for high-risk vehicles; appli-

cation; penalty. (1) A person commits the offense of failure to follow rail crossing procedures for high-risk vehicles if the person takes any vehicle described in this section across any railroad tracks at grade without doing all of the following:

(a) Stopping the vehicle at a clearly marked stop line or, if there is not a clearly marked stop line, not less than 15 feet nor more than 50 feet from the nearest rail of the railroad.

(b) While so stopped, listening and looking in both directions along the tracks for approaching trains and for signals indicating approaching trains.

(c) Proceeding across the tracks after stopping only when such movement can be performed safely in the gear of the motor vehicle that does not require manually changing gears while proceeding.

(d) Proceeding across the tracks without manually changing gears.

(2) This section applies to the following vehicles when moved across railroad tracks:

(a) A school bus.

(b) A school activity vehicle with a loaded weight of 10,000 pounds or more.

(c) A worker transport bus.

(d) Any bus operated for transporting children to and from church or an activity or function authorized by a church.

(e) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided under ORS 767.025 (9).

(f) A commercial bus.

(g) 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 Commission determines to be hazardous. For purposes of this paragraph, the Public Utility Commission may only determine a substance to be hazardous by rule. Any rules adopted by the Public Utility Commission to determine hazardous substances must be consistent with substances classified as hazardous by the United States Secretary of Transportation.

(3) Exemptions to this section are provided under ORS 811.465.

(4) The offense described in this section, failure to follow in rail crossing procedures for high-risk vehicles, is a Class C traffic infraction. [1983 c.338 §649; 1985 c.16 §318; 1985 c.420 §9; 1989 c.992 §20]

811.465 Exemptions from high-risk vehicle rail crossing procedures. This section establishes exemptions from the special crossing procedures established for high-risk vehicles under ORS 811.460. The exemptions

are partial or complete as described in the following:

(1) The vehicles are not required to comply with the procedures at a crossing of a street or highway and street railway tracks.

(2) The vehicles are not required to comply with the procedures when crossing inter-urban electric tracks where traffic control signals are in operation and give indication to approaching vehicular traffic to proceed.

(3) The vehicles are not required to comply with the procedures when crossing any railway tracks upon which operation has been abandoned and for which the Public Utility Commission has plainly marked that no stop need be made.

(4) The vehicles are not required to comply with the procedures when crossing industry track crossings across which train operations are required by law to be conducted under flag protection.

(5) The vehicles are not required to comply with the procedures when crossing industry track crossings within districts in which the designated speed of vehicles is 20 miles per hour or less.

(6) Vehicles are not required to comply with the procedures when crossing any crossing where an officer directs traffic to proceed or where an operating traffic control signal indicates that other traffic may proceed.

(7) Vehicles are not required to comply with the procedures when crossing any crossing protected by crossing gates. The exemption under this subsection does not apply to school busses or school activity vehicles which are required to stop at crossings with crossing gates under ORS 811.460.

(8) Except when a train is approaching, the driver of a commercial bus is not required to stop at crossings where the Public Utility Commission has determined and plainly marked that no stop need be made. [1983 c.338 §650; 1985 c.420 §10]

811.470 Improper movement of heavy equipment across rail crossing; application; penalty. (1) A person commits the offense of improper movement of heavy equipment across a rail crossing if the person operates or moves any equipment described in this section upon or across any tracks at a railroad grade crossing without complying with any of the following:

(a) Before moving across the tracks, the person must give notice of an intended crossing to a responsible officer of the railroad in time for protection to be given.

(b) Where the railroad has provided a flagperson, the person operating or moving

such equipment shall obey the direction of the flagperson.

(c) The person operating or moving such equipment must do all of the following:

(A) The person must stop before making the crossing at a clearly marked line or, if there is no clearly marked line, not less than 15 feet nor more than 50 feet from the nearest rail.

(B) While so stopped, the person must look and listen in both directions along the tracks for approaching trains.

(C) The person shall not proceed across the tracks unless the crossing can be made safely.

(2) This section applies to the operation of movement across railroad tracks of 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.

(3) The offense described in this section, improper movement of heavy equipment across a rail crossing, is a Class C traffic infraction. [1983 c.338 §651; 1985 c.16 §319]

811.475 Obstructing rail crossing; penalty. (1) A person commits the offense of obstructing a rail crossing if the person is operating a vehicle and the person drives onto any railroad grade crossing when there is not sufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians or railroad trains.

(2) The offense described in this section is applicable whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing rail crossings, is a Class C traffic infraction. [1983 c.338 §652]

(Miscellaneous Unsafe Practices)

811.480 Illegal backing; penalty. (1) A person commits the offense of illegal backing if the person backs a vehicle the person is driving when it is not safe to do so or when it causes interference with other traffic upon a highway.

(2) The offense described in this section, illegal backing, is a Class C traffic infraction. [1983 c.338 §653]

811.485 Following too closely; penalty. (1) A person commits the offense of following too closely if the person does any of the following:

(a) Drives a vehicle so as to follow another 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.

(b) Drives a truck, commercial 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 follows another truck, commercial bus or motor vehicle drawing another vehicle without, when conditions permit, leaving sufficient space so that an overtaking vehicle may enter and occupy the space without danger. This paragraph does not prevent a truck, commercial bus or motor vehicle drawing another vehicle from overtaking and passing a vehicle or combination of vehicles.

(c) Drives a vehicle when 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 without operating the vehicle so as to leave sufficient space between vehicles to enable a vehicle to enter and occupy the space without danger. This paragraph does not apply in the case of a funeral procession motorcade.

(2) The offense described in this section, following too closely, is a Class B traffic infraction. [1983 c.338 §654]

811.490 Improper opening or leaving open of vehicle door; penalty. (1) A person commits the offense of improper 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 interference 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, improper opening or leaving open a vehicle door, is a Class D traffic infraction. [1983 c.338 §655; 1985 c.16 §320]

811.495 Unlawful coasting on downgrade; exception; penalty. (1) A person commits the offense of unlawful coasting on a downgrade if the person is the driver of a vehicle on a downgrade and the person coasts with the gears or transmission of the motor vehicle in neutral or with the clutch disengaged.

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

(3) The offense described in this section, unlawful coasting on a downgrade, is a Class C traffic infraction. [1983 c.338 §656; 1985 c.16 §321]

811.500 Unlawful stop or deceleration; penalty. (1) A person commits the offense of unlawful stop or deceleration if the person is operating a vehicle and the person stops or suddenly decreases the speed of the vehicle without first giving an appropriate signal to the driver immediately to the rear when there is opportunity to give the signal.

(2) Appropriate signals for the purpose of this section are as designated under ORS 811.395 and 811.400.

(3) The offense described in this section, unlawful stop or deceleration, is a Class C traffic infraction. [1983 c.338 §657]

811.505 Failure to stop when emerging from alley, driveway or building; penalty.

(1) A person commits the offense of failure to stop when emerging from an alley, driveway or building if the person is operating a vehicle that is emerging from an alley, building, private road or driveway in a business or residence district and the person does not stop the vehicle as follows:

(a) If there is a sidewalk or sidewalk area, the person must stop the vehicle before driving onto the sidewalk or sidewalk area.

(b) If there is no sidewalk or sidewalk area, the person must stop at the point nearest the roadway to be entered where the driver has a view of approaching traffic.

(2) The offense described in this section, failure to stop when emerging from an alley, driveway or building, is a Class C traffic infraction. [1983 c.338 §658; 1985 c.16 §322]

811.510 Dangerous operation around livestock; penalty.

(1) A person commits the offense of dangerous operation around livestock if the person is operating a vehicle upon a highway and the person fails to do any of the following:

(a) A driver shall use caution when approaching or passing a person riding, leading or herding livestock on the highway.

(b) If a person riding or leading livestock upon a highway gives a distress signal to an approaching driver by raising a hand, the driver must promptly stop the driver's vehicle, unless movement forward is necessary to avoid an accident, and, if requested, shall turn off the engine until the livestock is under control.

(c) A driver shall yield the right of way to livestock being driven on a highway.

(2) This section is only applicable if the livestock is an animal of the species of

horses, mules, donkeys, cattle, swine, sheep or goats.

(3) The offense described in this section, dangerous operation around livestock, is a Class B traffic infraction. [1983 c.338 §666]

USE OF LIGHTS AND WARNINGS

(Lights)

811.515 When lights must be displayed; kind of light; number; direction; use on certain vehicles. This section establishes requirements for ORS 811.520. Except where an exemption under ORS 811.525 specifically provides otherwise, a vehicle that does not comply with this section is in violation of ORS 811.520. Where specific types of lighting equipment are mentioned in this section, those types are types described in ORS 816.040 to 816.290. The requirements under this section are as follows:

(1) Subject to any other provision of this section, any lighting equipment a vehicle is required to be equipped with under ORS 816.040 to 816.290 must be displayed when the vehicle is upon a highway within this state at any time limited visibility conditions exist. The provisions of this subsection apply during the times stated when the required visibility is measured on a straight, level unlighted highway.

(2) Parking lights and lights other than clearance, identification and marker lights that are mounted on the front of a vehicle and are designed to be displayed primarily when the vehicle is parked shall not be lighted when a vehicle is driven upon a highway at times when limited visibility conditions exist except when:

(a) The lights are being used as turn signals; or

(b) The headlights are also lighted at the same time.

(3) Any vehicle parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during times when limited visibility conditions exist must display parking lights.

(4) All vehicles not specifically required by ORS 816.320 to be equipped with lighting equipment shall at times when limited visibility conditions exist display exempt-vehicle safety lighting equipment. This section includes, but is not limited to, animal drawn vehicles and vehicles exempted from required lighting equipment under ORS 816.340.

(5) Tow vehicle warning lights on tow vehicles shall be activated when the tow vehicles are engaged in connecting with other vehicles and drawing such vehicles onto highways or while servicing disabled vehicles.

(6) When limited visibility conditions exist a person shall use a distribution of light or composite beam that is directed sufficiently high and that is of such intensity so as to reveal persons and vehicles on the highway at a safe distance in advance of the vehicle. A person violates this subsection if the person does not comply with the following:

(a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver must use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The use of the low beams of the vehicle headlight system is in compliance with this paragraph at all times regardless of road contour and loading of the vehicle.

(b) Except when in the act of overtaking or passing, a driver of a vehicle following another vehicle within 350 feet to the rear must use the low beams of the vehicle headlight system.

(7) When a vehicle is upon a highway a person shall light not more than a total of four lights at any one time that are mounted on the front of a vehicle and that each projects a beam of intensity greater than 300 candlepower.

(8) A light, other than a headlight, that projects a beam of light of an intensity greater than 300 candlepower shall not be operated on a vehicle:

(a) Unless the beam is so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle; or

(b) When use of the low beams of the vehicle headlight system is required under subsection (6) of this section.

(9) A spotlight shall not be lighted upon approaching another vehicle unless the spotlight is so aimed and used so that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle upon which it is mounted, more than 100 feet ahead of the vehicle.

(10) Auxiliary lights mounted higher than 54 inches shall not be lighted when the vehicle is used on a highway.

(11) A back-up light shall not be lighted when the vehicle is in forward motion.

(12) Bus safety lights shall only be operated in accordance with the following:

(a) The lights may be operated when the vehicle is stopping or has stopped for the purpose of loading or unloading students who

are going to or from any school or authorized school activity or function.

(b) The lights may be operated when the vehicle is stopping or has stopped for the purpose of loading or unloading workers from worker transport busses.

(c) The lights may be operated when the vehicle is stopping or has stopped for the purpose of loading or unloading children being transported to or from religious services or an activity or function authorized by a religious organization.

(d) The lights may be operated when the vehicle is stopping or has stopped in a place that obstructs other drivers' ability to see the bus safety lights on another vehicle.

(e) Notwithstanding any other paragraph of this subsection, the lights shall not be operated if the vehicle is stopping or has stopped at an intersection where traffic is controlled by electrical traffic control signals, other than flashing signals, or by a police officer.

(f) Notwithstanding any other paragraph of this subsection, the lights shall not be operated if the vehicle is stopping or has stopped at a loading or unloading area where the vehicle is completely off the roadway.

(13) Hazard lights shall be used only for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing.

(14) Mail delivery lights may be used only while in active service transporting United States mail for the purpose of warning other vehicle operators of the vehicle's presence and to exercise caution in approaching, overtaking or passing. A vehicle with mail delivery lights is in compliance with this subsection if the lights are flashed continuously while the vehicle is in motion in active service transporting mail or if the lights are actuated by application of the service brake while the vehicle is parked.

(15) A pilot vehicle warning light may be activated only when the vehicle equipped with the light is an escort accompanying a motor vehicle carrying or towing a load of a size or description not permitted under ORS 818.020, 818.060, 818.090 or 818.160.

(16) Fire company warning lights authorized under a permit granted under ORS 818.250 may only be used by the persons authorized under the permit while being driven to a fire station or fire location in response to a fire alarm. The lights shall be covered or otherwise concealed when not being displayed as provided in this subsection.

(17) Any lighted headlights upon a parked vehicle shall be dimmed. [1983 c.338 §660; 1985 c.71 §7; 1989 c.402 §1]

811.520 Unlawful use or failure to use lights; penalty. (1) A person commits the offense of unlawful use or failure to use lights if the person does any of the following:

(a) Drives or moves on any highway any vehicle at a time when vehicle lighting is required to be operated or is prohibited from being operated under ORS 811.515 and operates or fails to operate lighting equipment as required under ORS 811.515.

(b) Owns a vehicle or combination of vehicles and causes or knowingly permits the vehicle or combination of vehicles to be driven or moved on any highway at a time when ORS 811.515 requires or prohibits the operation of vehicle lighting equipment without compliance with the requirements under ORS 811.515.

(2) The application of this section is subject to the exemptions from this section established under ORS 811.525.

(3) The offense described in this section, unlawful use of or failure to use lights, is a Class B traffic infraction, except that violation of ORS 811.515 (3), (4), (13) or (17) is a Class C traffic infraction. [1983 c.338 §659; 1985 c.16 §323]

811.525 Exemptions from requirements for use of lights. This section establishes exemptions from ORS 811.515 and 811.520. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following:

(1) ORS 811.515 and 811.520 shall not be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of those sections.

(2) Except for the provisions relating to exempt-vehicle safety lighting equipment, ORS 811.515 and 811.520 do not apply to any of the following:

- (a) Road machinery.
- (b) Road rollers.
- (c) Farm tractors.

(d) Antique motor vehicles that are maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) Whenever motor and other vehicles are operated in combination during the time that lights are required, any lighting equipment, except the taillight, which by reason of its location on a vehicle of the combina-

tion would be obscured by another vehicle of the combination, need not be lighted. This subsection shall not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights nor the requirement that all lights on the rear of the rearmost vehicle of the combination be lighted.

(4) Lighting equipment on bicycles shall be lighted as required under ORS 815.280.

(5) Parked or stopped vehicles are not required to display parking lights if the road authority for the highway provides by ordinance or resolution that no lights need be displayed upon a vehicle parked on the highway in accordance with legal parking regulations where there is sufficient light to render clearly discernible any person or object within a distance of 500 feet from the highway.

(6) Nothing under ORS 811.515 and 811.520 limits the ability to use the following lights with any other lights during the day or at night:

- (a) Public vehicle warning lights.
- (b) Pilot vehicle warning lights.
- (c) Tow vehicle warning lights.
- (d) Police lights.

(7) Requirements for use of motorcycle and moped headlights are under ORS 814.320. [1983 c.338 §661; 1985 c.16 §324; 1985 c.71 §8]

(Flares)

811.530 Failure to post warnings for disabled vehicle; application; penalty. (1) A person commits the offense of failure to post warnings for a disabled vehicle if the person is the driver, or other person in charge of a vehicle subject to this section, and the person does not cause the placement of such roadside vehicle warning devices as the division may require under ORS 815.035 when the vehicle is disabled during limited visibility conditions and cannot immediately be removed from the main traveled portion of a highway outside of a business district or residence district.

(2) This section applies only to the following vehicles:

- (a) School busses.
- (b) School activity vehicles.
- (c) Worker transport busses.
- (d) Vehicles used in transportation of persons for hire by a nonprofit entity as provided in ORS 767.025 (9).
- (e) A bus being operated for transporting children to and from religious services or an activity or function authorized by the religious organization.

(f) Commercial busses.

(g) Motor trucks with a registration weight in excess of 8,000 pounds.

(h) Trailers with a registration weight in excess of 8,000 pounds.

(3) Requirements to be equipped with roadside vehicle warning devices are contained in ORS 815.285.

(4) The offense described in this section, failure to post warnings for a disabled vehicle, is a Class B traffic infraction. [1983 c.338 §662, 1985 c.16 §325, 1985 c.420 §11, 1989 c.992 §21]

OBEYING POLICE

811.535 Failing to obey police officer; penalty. (1) A person commits the offense of failing to obey a police officer if the person refuses or fails to comply with any lawful order, signal or direction of a police officer who:

- (a) Is displaying the police officer's star or badge; and
- (b) Has lawful authority to direct, control or regulate traffic.

(2) The offense described in this section, failing to obey a police officer, is a Class C traffic infraction. [1983 c.338 §663]

811.540 Fleeing or attempting to elude police officer; penalty. (1) A person commits the crime of fleeing or attempting to elude a police officer if:

- (a) The person is operating a motor vehicle;
- (b) A police officer who is in uniform and prominently displaying the police officer's badge of office or operating a vehicle appropriately marked showing it to be an official police vehicle gives a visual or audible signal to bring the vehicle to a stop, including any signal by hand, voice, emergency light or siren; and

(c) The person knowingly flees or attempts to elude a pursuing police officer.

(2) The offense described in this section, fleeing or attempting to elude a police officer, is a Class A misdemeanor and is applicable upon any premises open to the public. [1983 c.338 §664]

PARKING, STOPPING AND STANDING

(Generally)

811.550 Places where stopping, standing and parking prohibited. This section establishes places where stopping, standing and parking a vehicle are prohibited for purposes of the penalties under ORS 811.555. Except as provided under an exemption in ORS 811.560, a person is in violation of ORS 811.555 if a person parks, stops or leaves

standing a vehicle in any of the following places:

(1) Upon a roadway outside a business district or residence district, whether attended or unattended, when it is practicable to stop, park or leave the vehicle standing off the roadway. Exemptions under ORS 811.560 (1), (7) and (9) are applicable to this subsection.

(2) On a shoulder, whether attended or unattended, unless a clear and unobstructed width of the roadway opposite the standing vehicle is left for the passage of other vehicles and the standing vehicle is visible from a distance of 200 feet in each direction upon the roadway or the person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the standing vehicle by use of flagpersons, flags, signs or other signals. Exemptions under ORS 811.560 (9) are applicable to this subsection.

(3) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway. Exemptions under ORS 811.560 (7) are applicable to this subsection.

(4) On a sidewalk. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(5) Within an intersection. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(6) On a crosswalk. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(7) 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. For purposes of this subsection the safety zone must be an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(8) Alongside or opposite a street excavation or obstruction when stopping, standing or parking would obstruct traffic. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(9) Upon a bridge or other elevated structure upon a highway. Exemptions under ORS 811.560 (4) to (8) are applicable to this subsection.

(10) Within a highway tunnel. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(11) 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. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(12) On a throughway. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(13) In the area between roadways of a divided highway, including crossovers. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(14) At any place where traffic control devices prohibit stopping. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(15) In front of a public or private driveway. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(16) Within 10 feet of a fire hydrant. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(17) Within 20 feet of a crosswalk at an intersection. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(18) Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control device located at the side of the roadway if the standing or parking of a vehicle will obstruct the view of any traffic control device located at the side of the roadway. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(19) 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. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(20) At any place where traffic control devices prohibit standing. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(21) Within 50 feet of the nearest rail of a railroad crossing. Exemptions under ORS 811.560 (3) to (7) are applicable to this subsection.

(22) At any place where traffic control devices prohibit parking. Exemptions under ORS 811.560 (3) to (7) are applicable to this subsection.

(23) On a bicycle lane. Exemptions under ORS 811.560 are applicable to this subsection.

(24) On a bicycle path. Exemptions under ORS 811.560 are applicable to this sub-

section. [1983 c.338 §669; 1985 c.21 §1, 1985 c.334 §1, 1989 c.433 §2]

811.555 Illegal stopping, standing or parking; affirmative defense; penalty. (1) A person commits the offense of illegal stopping, standing or parking if:

(a) The person stops, parks or leaves standing a vehicle in a place where such stopping, parking or standing is prohibited under ORS 811.550; or

(b) The person is the owner of an unattended vehicle parked in a place where such parking is prohibited under ORS 811.550.

(2) Exemptions from this section are established under ORS 811.560.

(3) A police officer, under authority granted by ORS 810.430, may move or require to be moved a vehicle that is stopped, parked or left standing in violation of this section.

(4) It is an affirmative defense to a prosecution of the owner of a vehicle under paragraph (b) of subsection (1) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

(5) The offense described by this section, illegal stopping, standing or parking, is a Class D traffic infraction. [1983 c.338 §668; 1987 c.687 §4]

811.560 Exemptions from prohibitions on stopping, standing and parking. This section provides exemptions from ORS 811.550 and 811.555. The following exemptions are applicable as provided under ORS 811.550:

(1) When applicable, this subsection exempts school busses or worker transport busses stopped on a roadway to load or unload workers or children, providing that the flashing school bus safety lights on the bus are operating.

(2) When applicable, this subsection exempts vehicles stopped, standing or parked momentarily to pick up or discharge a passenger.

(3) When applicable, this subsection exempts vehicles stopped, standing or parked momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(4) When applicable, this subsection exempts 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.

(5) When applicable, this subsection exempts vehicles from the prohibitions and penalties when the driver's disregard of the prohibitions is necessary to avoid conflict with other traffic.

(6) When applicable, this subsection exempts vehicles acting in compliance with law or at the direction of a police officer or a traffic control device.

(7) When applicable, this subsection exempts the driver of a vehicle that is disabled in such manner and to such extent that the driver cannot avoid stopping or temporarily leaving the disabled vehicle in a prohibited position.

(8) When applicable, this subsection exempts vehicles owned or operated by the State Department of Fish and Wildlife when stopping, standing or parking is necessary to enable employees to release fish.

(9) When applicable, this subsection exempts vehicles momentarily stopped to allow oncoming traffic to pass before making a right-hand or left-hand turn or momentarily stopped in preparation for or while negotiating an exit from the road. [1983 c.338 §670; 1985 c.334 §2, 1989 c.433 §3]

811.565 Dangerous movement of stopped, standing or parked vehicle; penalty. (1) A person commits the offense of dangerous movement of a stopped, standing or parked vehicle if the person moves a vehicle so stopped, standing or parked when the movement cannot be made with reasonable safety.

(2) The offense described in this section, dangerous movement of a stopped, standing or parked vehicle, is a Class C traffic infraction. [1983 c.338 §675]

811.570 Improperly positioning parallel parked vehicle; exception; affirmative defense; penalty. (1) A person commits the offense of improperly positioning a parallel parked vehicle if:

(a) The person stops or parks a vehicle on a highway where parallel parking is permitted and the vehicle is not parked in accordance with the following:

(A) Upon a two-way highway, the vehicle shall be positioned 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.

(B) On a one-way highway where parallel parking is permitted on either side, a vehicle parked or stopped on the right side shall be positioned in accordance with the requirements of subparagraph (A) of this paragraph and a vehicle parked or stopped on the left side shall be positioned 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.

(C) Where marked parking spaces are provided, a vehicle shall be positioned so that it faces in the direction in which vehi-

cles 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; or

(b) The person is the owner of an unattended vehicle parked on a highway in violation of paragraph (a) of this subsection.

(2) The provisions of this section do not apply to the driver of a vehicle that 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 this section.

(3) A police officer, under authority granted by ORS 810.430, may move or require to be moved a vehicle that is parked in violation of this section.

(4) It is an affirmative defense to a prosecution of the owner of a vehicle under paragraph (b) of subsection (1) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

(5) The offense described in this section, improperly positioning a parallel parked vehicle, is a Class D traffic infraction. [1983 c.338 §671; 1987 c.687 §5]

811.575 Violation of posted parking restrictions on state highways; affirmative defense; penalty. (1) A person commits the offense of violation of posted parking restrictions on state highways if appropriate signs or markings are posted giving notice of any regulations, restrictions or prohibitions on the parking, stopping or standing of vehicles on a state highway and:

(a) The person parks, stops or stands a vehicle on a state highway in violation of any such regulations, restrictions or prohibitions; or

(b) The person is the owner of an unattended vehicle parked on a state highway in violation of any such regulations, restrictions or prohibitions.

(2) Authority to impose restrictions, regulations and prohibitions on parking, stopping or standing of vehicles on state highways is established under ORS 810.160.

(3) It is an affirmative defense to a prosecution of the owner of a vehicle under paragraph (b) of subsection (1) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

(4) The offense described in this section, violation of posted parking restrictions on state highways, is a Class D traffic infraction. [1983 c.338 §672, 1987 c.687 §6]

811.580 Parking vehicle on state highway for vending purposes; penalty. (1) A driver commits the offense of unlawful parking for vending purposes if the person 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) The offense described in this section, unlawful parking for vending purposes is a Class D traffic infraction. [1983 c.338 §674]

811.585 Failure to secure motor vehicle; affirmative defense; penalty. (1) A person commits the offense of failure to secure a motor vehicle if the person is driving or is in charge of a motor vehicle and:

(a) The person permits the vehicle to stand unattended on a highway without first doing all of the following:

(A) Stopping the engine.

(B) Turning the front wheels to the curb or side of the highway when standing upon any grade.

(C) Locking the ignition.

(D) Removing the key from the ignition.

(E) Effectively setting the brake on the vehicle; or

(b) The person is the owner of an unattended motor vehicle parked on a highway in violation of paragraph (a) of this subsection.

(2) It is an affirmative defense to a prosecution of the owner of a vehicle under paragraph (b) of subsection (1) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

(3) The offense described in this section, failure to secure a motor vehicle, is a Class C traffic infraction. [1983 c.338 §676; 1985 c.16 §326; 1987 c.687 §7]

(Winter Recreation Parking Areas)

811.590 Unlawful parking in winter recreation parking area; exemptions; penalty. (1) A person commits the offense of unlawful parking in a winter recreation parking area if the person parks a vehicle in a location designated as a winter recreation parking area under ORS 810.170 at any time from November 15 of any year to April 30 of the next year and the vehicle is not displaying a winter recreation parking permit issued under ORS 811.595.

(2) 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. If the parking of the vehicle is witnessed

by the police officer, the operator of the vehicle is in violation of this section.

(3) In addition to those vehicles displaying a winter recreation parking permit, the following vehicles are not subject to the prohibition or penalty under this section:

(a) A vehicle owned and operated by the United States, another state or a political subdivision thereof.

(b) A vehicle owned and operated by this state or by any city, district or political subdivision thereof.

(c) A vehicle owned by a resident of another state if the vehicle displays a winter area parking permit issued in accordance with the laws of the state in which the owner of the vehicle resides and that is similar to the winter recreation parking permit issued under ORS 811.595. The exemption under this paragraph is only granted to the extent that a similar exemption or privilege is granted under the laws of the other state for vehicles displaying a winter recreation parking permit issued under ORS 811.595.

(4) The offense described in this section, unlawful parking in a winter recreation parking area, is punishable by a fine of \$10. [1983 c.338 §678]

811.595 Winter recreation parking permit; rules; fees. A winter recreation parking permit is a vehicle permit that is issued as evidence of a grant of authority to park a vehicle in a winter recreation parking location established under ORS 810.170 without violation of ORS 811.590. The division shall establish a program for the issuance of winter recreation parking permits under this section. The program established by the division shall comply with all of the following:

(1) The division shall adopt rules necessary for the issuance and administration of winter recreation parking permits. The rules shall be adopted under ORS 183.310 to 183.550.

(2) The division shall include all of the following in the rules adopted under this section:

(a) The type of permit.

(b) The manner in which the permit is to be issued.

(c) The manner of displaying the permit on a vehicle.

(d) Procedures for issuance of permits by persons appointed by the division.

(3) Vehicle permits issued under this section shall be transferable from vehicle to vehicle.

(4) The fees for issuance of winter recreation parking permits are as provided under ORS 811.600. [1983 c.338 §679; 1985 c.16 §327]

811.600 Fees for winter recreation parking permits. The commission shall set the fees for issuance of a winter recreation parking permit issued under ORS 811.595 by rule. The commission shall consider recommendations of the Winter Recreation Advisory Committee in setting the fees under this subsection. The fees established for issuance of winter recreation parking permits shall not exceed the following:

(1) For winter recreation parking permits valid for a period of one day, \$2.

(2) For winter recreation parking permits valid for a period of one year beginning each November, \$10.

(3) Any additional fee established for winter recreation parking permits under ORS 802.030. [1983 c.338 §684(1); 1985 c.16 §329(1), 1985 c.139 §5(1)]

(Parking for Disabled Persons)

Note: Section 17, chapter 243, Oregon Laws 1989, provides:

Sec. 17. (1) Insignia that were issued as disabled person parking permits prior to the effective date of this Act shall cease to be valid on July 1, 1990. The Motor Vehicles Division shall notify holders of insignia who can be identified through current division records of the need to apply for a renewable individual or program placard, as appropriate. The division shall begin accepting applications for renewable placards on April 1, 1990.

(2) Special registration plates that were issued as disabled person parking permits prior to the effective date of this Act [October 3, 1989] shall cease to be valid upon expiration of the vehicle registration. The division shall notify registered owners of vehicles issued the plates of the need to reregister their vehicles and of the need to apply for an individual placard.

(3) The division shall begin accepting applications for renewable placards on the effective date of this Act and shall begin issuing the placards as soon thereafter as possible

(4) This section is repealed on July 1, 1991. [1989 c.243 §17]

811.602 Disabled person parking permit; issuance; fees; rules. (1) A disabled person parking permit is a means of identifying vehicles being used to exercise the parking privileges described in ORS 811.635. The following are disabled person parking permits:

(a) A special decal described in ORS 811.605 issued by the division to be affixed to a golf cart or substantially similar vehicle;

(b) Disabled veteran registration plates issued by the division under ORS 805.100;

(c) An individual placard, described in ORS 811.605, to be displayed by placement on the dashboard of a motor vehicle; and

(d) A program placard to be displayed by placement on the dashboard of a motor vehicle, issued by the division under ORS 811.607.

(2) The division shall issue a disabled person parking permit in the form of a decal or individual placard to any person who submits an application that complies with ORS 811.604. Nothing in this section prohibits the division from issuing a decal or individual placard to a person who has disabled veteran registration plates issued under ORS 805.100 and who qualifies for the decal or placard.

(3) The division may not issue more than one individual placard to an applicant, except that the division may issue a replacement placard upon receipt of proof satisfactory to the division that the original placard has been lost, mutilated or destroyed. Nothing in this subsection prohibits issuance of an individual placard to a person who has been issued a decal.

(4) Permits for use on vehicles that are regularly used as part of a program for the transportation of disabled persons are issued as provided in ORS 811.607.

(5) Fees for issuance of any decal or placard under this section are as provided in ORS 811.640.

(6) The division shall determine the form, size and content of any decal or placard issued under this section and shall adopt rules governing their issuance, display and use as necessary to carry out this section. [1987 c 187 §7; 1989 c.243 §2]

811.604 Application for disabled person parking permit. Application for issuance or renewal of a disabled person parking permit in the form of an individual placard or decal issued under ORS 811.602 shall include:

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

(2) The number of a current, valid driver license, golf cart driver permit or identification card issued to the applicant by the division; and

(3) The fee established in ORS 811.640. [1987 c.187 §8, 1989 c.243 §6]

811.605 Contents of individual placard or decal. An applicant for an individual placard or decal issued by the division under ORS 811.602 must have a driver license, a disability golf cart driver permit or an identification card issued by the division. The placard or decal shall be valid so long as the license, permit or identification card is valid and may be renewed when the license, permit or card is renewed. An individual placard or decal shall contain:

(1) The driver license, golf cart driver permit or identification card number of the person to whom the placard is issued; and

(2) An expiration date that is visible from outside the vehicle when the placard or decal

is displayed on or in the vehicle. The expiration date shall be the same as the expiration date of the driver license, golf cart driver permit or identification card of the holder of the placard. [1989 c.243 §4]

811.606 Parking permit for temporarily disabled person; fees. The division may issue a placard with identifying information and showing an expiration date not to exceed six months after the date of issuance for use by temporarily disabled persons upon submission by the applicant of the certificate described in ORS 811.604, accompanied by the fee as provided under ORS 811.640. The expiration date of a placard issued under this section may be extended upon advice of the attending physician for a period not to exceed three months after the date of the extension upon payment of the extension fee as provided under ORS 811.640. The fees collected under this section shall be deposited to the credit of the Motor Vehicles Division Suspense Account. [1987 c 187 §9; 1987 c.296 §4; 1989 c 243 §7]

811.607 Program placards. The division shall issue disabled person parking permits in the form of program placards for use on vehicles that are regularly used as part of a program for the transportation of disabled persons. All the following apply to placards issued under this section:

(1) The division shall determine the form, size and content of the placards except that the division shall require that a placard contain the name of the program holding the placard and the division shall require that the expiration date of a placard be visible when the placard is displayed in the vehicle.

(2) Placards issued under this section shall be valid for a period of four years from the date of issue. Upon expiration, placards may be renewed in a manner determined by the division by rule.

(3) The division shall determine by rule how programs for the transportation of disabled persons may qualify vehicles for placards issued under this section.

(4) Fees for issuance, renewal and replacement of a placard under this section are as provided in ORS 811.640. [1989 c 243 §5]

811.608 [1987 c.187 §10; repealed by 1989 c.243 §18]

811.610 Sign required for spaces reserved for disabled persons; contents. A sign shall be posted near each parking space on public or private property that is reserved for parking for disabled persons. The sign shall state the following:

Parking with D.M.V. Disabled Permit only. Violators subject to towing under ORS

811.620 and fine up to \$250 under ORS 811.615.

[1985 c.246 §2]

811.615 Unlawful parking in space reserved for disabled persons; exceptions; penalty. (1) A person commits the offense of unlawful parking in a space reserved for disabled persons if the person parks a vehicle in any parking space that is on private or public property and that is marked or signed to provide parking for disabled persons and the vehicle does not conspicuously display a disabled person parking permit described under ORS 811.602 or 811.606.

(2) This section does not apply to any of the following:

(a) Momentarily parking a vehicle in a parking space marked or signed for disabled persons for the purposes of allowing a disabled person to enter or leave the vehicle.

(b) Any parking space that is marked or signed to provide parking for disabled persons and that is subject to different provisions or requirements under city or county ordinance if the different provisions or requirements are clearly posted.

(3) 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.

(4) The penalties provided by this section are in addition to the following:

(a) A vehicle parked on private property in violation of this section is subject to removal under ORS 98.810 and to lien and sale under ORS 98.812.

(b) A vehicle parked in violation of this section may be removed and sold as provided under ORS 811.620.

(5) The offense described in this section, unlawful parking in a space reserved for disabled persons, is a Class A traffic infraction except that a person in violation of this section shall pay a minimum fine of \$100. [1983 c.338 §680, 1985 c.16 §328; 1987 c.187 §2; 1989 c.243 §8]

811.620 Removal of vehicle illegally parked in space reserved for disabled persons. If a vehicle is illegally parked in violation of ORS 811.615, the vehicle may be removed and, if notice required under subsection (3) of this section is given, is subject to costs for the removal and storage of the vehicle as provided under the following:

(1) The owner of private property may have the vehicle removed from the property in the manner provided for removal of vehicles under ORS 98.812.

(2) Subject to subsection (3) of this section, any state agency or political subdivision of this state may provide for the removal and storage of the vehicle and the vehicle shall be subject to the following:

(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 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.

(3) If a vehicle is removed under subsection (2) of this section, 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. [1983 c.338 §433, 1985 c.16 §227]

811.625 Unlawful use of disabled person parking permit by nondisabled person; penalty. (1) A person commits the offense of the unlawful use of a disabled person parking permit by a nondisabled person if the person:

(a) Is not a disabled person and is not transporting the holder of a disabled person parking permit to or from the parking location; and

(b) The person uses a disabled person parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635.

(2) The offense described in this section, unlawful use of disabled person parking permit by a nondisabled person, is a Class A traffic infraction except that a person in violation of this section shall pay a minimum fine of \$100. [1983 c.338 §681; 1987 c.187 §3; 1989 c.243 §9]

811.630 Misuse of program placard; penalty. (1) A person commits the offense of misuse of a program placard 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 program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

(2) The offense described in this section, misuse of a program placard, is a Class B traffic infraction. [1983 c.338 §682, 1987 c.187 §4; 1989 c.243 §10]

811.635 Privileges granted by disabled person parking permit other than program placard. All of the following apply to the parking privileges granted to disabled persons under a disabled person parking permit other than a program placard described in ORS 811.607:

(1) The privileges granted under a permit may be exercised notwithstanding ORS 811.575, any authority granted under ORS 810.160 or parking restrictions imposed by any city or county and without violation thereof.

(2) Subject to the limitations under subsection (3) of this section, a permit allows its holder, or another person while transporting its holder to or from the parking location, to exercise the following privileges:

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

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

(3) The privileges granted under subsection (2) of this section do not include any of the following:

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

(b) Parking in the late evening or overnight where such parking is prohibited.

(c) Parking in zones reserved for special types of motor vehicles or activities.

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

(4) In addition to other privileges granted under a permit, the person issued a permit, or another person while transporting the person issued the permit to or from the parking location, may use the permit to park in a parking space that is marked or signed to provide parking for disabled persons without violation of ORS 811.615. [1983 c.338 §683; 1985 c.139 §4; 1987 c.187 §5; 1989 c.243 §11]

811.637 Privileges granted by program placards. (1) Notwithstanding ORS 811.635,

a program placard described under ORS 811.607 confers the privileges described in this section only when disabled persons are getting into or out of the vehicle and confers only the following privileges:

(a) It authorizes the driver of a vehicle that is being used as part of the program to which the placard was issued to park the vehicle for 30 minutes or less in any public parking zone restricted as to the length of time permitted therein without incurring penalties for overtime parking in such zones;

(b) It authorizes the driver of a vehicle that is being used as part of the program to which the placard was issued to park the vehicle for 30 minutes or less in any public parking zone with metered parking without being required to pay any parking meter fee; and

(c) It authorizes the driver of a vehicle that is being used as part of the program to which the placard was issued to park the vehicle for 30 minutes or less in any parking space that is marked or signed to provide parking for disabled persons without violation of ORS 811.615, so long as the vehicle conspicuously displays the permit.

(2) The privileges granted under subsection (1) of this section do not include any of the following:

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

(b) Parking in the late evening or overnight where such parking is prohibited.

(c) Parking in zones reserved for special types of motor vehicles or activities. [1989 c.243 §13]

811.640 Fees. Fees for disabled person parking permits are as follows:

(1) Fees for disabled veteran registration plates are as provided in ORS 805.100.

(2) A fee of \$4 shall be charged for issuance, renewal or replacement of a program placard described in ORS 811.607.

(3) A fee of \$4 shall be charged for issuance, renewal or replacement of an individual placard or a decal described in ORS 811.605.

(4) A fee of \$4 shall be charged for issuance, extension or replacement of a temporary permit under ORS 811.606. [1983 c.338 §684(2); 1985 c.16 §329(2); 1985 c.139 §5(2); 1987 c.187 §11; 1989 c.243 §14]

ACCIDENTS

(Duties)

811.700 Failure to perform duties of driver when property is damaged; penalty. (1) A person commits the offense of

failure to perform the duties of a driver when property is damaged if the person is the driver of any vehicle and the person does not perform duties required under any of the following:

(a) If the person is the driver of any vehicle involved in an accident that results only in damage to a vehicle that is driven or attended by any other person the person must perform all of the following duties:

(A) Immediately stop the vehicle at the scene of the accident or as close thereto as possible. Every stop required under this subparagraph shall be made without obstructing traffic more than is necessary.

(B) Remain at the scene of the accident until the driver has fulfilled all of the requirements under this paragraph.

(C) Give to the other driver or passenger the name and address of the driver and the registration number of the vehicle that the driver is driving and the name and address of any other occupants of the vehicle.

(D) Upon request and if available, exhibit and give to the occupant of or person attending any vehicle damaged the number of any documents issued as evidence of driving privileges granted to the driver.

(b) If the person is the driver of any vehicle that collides with any vehicle that is unattended, the person shall immediately stop and:

(A) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle; or

(B) Leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

(c) If the person is the driver of any vehicle involved in an accident resulting only in damage to fixtures or property legally upon or adjacent to a highway, the person shall do all of the following:

(A) Take reasonable steps to notify the owner or person in charge of the property of such fact and of the driver's name and address and of the registration number of the vehicle the driver is driving.

(B) Upon request and if available, exhibit any document issued as official evidence of a grant of driving privileges to the driver.

(2) The offense described in this section, failure to perform the duties of a driver when property is damaged, is a Class A misdemeanor and is applicable on any premises open to the public. [1983 c.338 §572]

811.705 Failure to perform duties of driver to injured persons; penalty. (1) A person commits the offense of failure to perform the duties of a driver to injured persons if the person is the driver of any vehicle involved in an accident that results in injury or death to any person and does not do all of the following:

(a) Immediately stop the vehicle at the scene of the accident or as close thereto as possible. Every stop required under this paragraph shall be made without obstructing traffic more than is necessary.

(b) Remain at the scene of the accident until the driver has fulfilled all of the requirements under this subsection.

(c) Give to the other driver or surviving passenger or any person not a passenger who is injured as a result of the accident the name and address of the driver and the registration number of the vehicle that the driver is driving and the name and address of any other occupants of the vehicle.

(d) Upon request and if available, exhibit and give to the persons injured or to the occupant of or person attending any vehicle damaged the number of any document issued as official evidence of a grant of driving privileges.

(e) Render to any person injured in the accident reasonable assistance, including the conveying or the making of arrangements for the conveying of such person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such conveying is requested by any injured person.

(2) The offense described in this section, failure to perform the duties of a driver to injured persons, is a Class C felony and is applicable on any premises open to the public. [1983 c.338 §573]

811.710 Failure to perform duties of driver when animal is injured; penalty. (1) A person commits the offense of failure to perform the duties of a driver when an animal is injured if the person knowingly strikes and injures a domestic animal and the person does not do all of the following:

(a) Stop at once.

(b) Make a reasonable effort to determine the nature of the animal's injuries.

(c) Give reasonable attention to the animal.

(d) Immediately report the injury to the animal's owner.

(e) If unable to contact the owner of the animal, notify a police officer.

(2) The requirements under this section for a driver to stop and attend an injured

animal depend on the traffic hazards then existing.

(3) The offense described in this section, failure to perform the duties of a driver when an animal is injured, is a Class B traffic infraction. [1983 c.338 §574]

811.715 Failure to perform duties of witness to accident; penalty. (1) A person commits the offense of failure to perform the duties of a witness to an accident if the person:

(a) Witnesses an accident that results in injury or death to any person or causes damage to a vehicle that is driven or attended by any person; and

(b) Does not furnish to the driver or occupant of such vehicles or injured person, the true name and address of the witness.

(2) The offense described in this section, failure to perform the duties of a witness to an accident, is a Class B traffic infraction. [1983 c.338 §575]

(Reports)

811.720 When accident must be reported. Any accident occurring on a highway or upon premises open to the public resulting in injury or death to any person or damage to the property of any person in excess of \$400 is subject to the reporting requirements under the following sections:

(1) The reporting requirements for drivers under ORS 811.725.

(2) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

(3) The reporting requirements for owners of vehicles under ORS 811.730. [1983 c.338 §576, 1987 c.258 §11]

811.725 Driver failure to report accident; penalty. (1) The driver of a vehicle commits the offense of driver failure to report an accident if the driver does any of the following:

(a) Is driving any vehicle that is involved in an accident required to be reported under ORS 811.720 and does not, within 72 hours of the accident, complete a written report of the accident on a form approved by the division and forward the report to one of the following:

- (A) The division.
- (B) The sheriff of the county in which the accident occurs.
- (C) The chief of police of the city in which the accident occurs.

(D) Any other agency the division establishes for the purpose of receiving accident reports.

(b) Is driving a vehicle that is involved in an accident and does not submit to the division any report required by the division that is other than or in addition to the reports required by this section. The division may request a supplemental report if in the opinion of the division the original report is insufficient.

(c) Is driving any vehicle that is involved in an accident required to be reported under ORS 811.720 and does not, within 72 hours of the accident, certify to the division, on a form furnished by the division, that at the time of the accident the person was in compliance with the financial responsibility requirements.

(2) The certification of compliance with financial responsibility required under this section is subject to the prohibitions and penalties for false certification under ORS 806.050.

(3) The reports described under this section are subject to the provisions of ORS 802.220 and 802.240 relating to the use of such reports after submission. Exemptions from requirements to certify compliance with financial responsibility are established under ORS 806.020.

(4) A driver may be required to file additional accident reports with a city as provided under ORS 801.040.

(5) The offense described in this section, driver failure to report an accident, is a Class B traffic infraction. [1983 c.338 §577; 1985 c.393 §36]

811.730 Owner failure to report accident; penalty. (1) The owner of a vehicle commits the offense of owner failure to report an accident if the owner does any of the following:

(a) If the person owns a vehicle that is involved in an accident that is required to be reported under ORS 811.720 and all of the following apply:

- (A) The accident occurred while the vehicle was driven by someone other than the owner of the vehicle.
- (B) The driver of the vehicle does not make an accident report as required under ORS 811.725.

(C) The owner of the vehicle fails to report the accident to the division on a form furnished by the division as soon as the owner learns of the accident.

(b) If the person is the owner of a vehicle involved in an accident and the person does not make any additional reports the division may require.

(2) The offense described in this section, owner failure to report an accident, is a

Class B traffic infraction. [1983 c 338 §578; 1985 c 393 §37]

811.735 Failure of vehicle occupant to make accident report; penalty. (1) A person commits the offense of failure of a vehicle occupant to make an accident report if:

(a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is involved in an accident required to be reported under ORS 811.720;

(b) The driver of the vehicle is physically incapable of making an accident report required under ORS 811.725; and

(c) The occupant does not make the accident report or cause the accident report to be made.

(2) This section does not require an occupant of a vehicle who is not a driver to make any certification of compliance with financial responsibility requirements.

(3) The offense described in this section, failure of a vehicle occupant to make an accident report, is a Class B traffic infraction. [1983 c.338 §579]

811.740 False accident report; penalty. (1) A person commits the offense of giving a false accident report if the person gives information in any report required under ORS 811.725 or 811.730, knowing or having reason to believe that such information is false.

(2) The offense described in this section, giving a false accident report, is a Class B misdemeanor. [1983 c.338 §581, 1985 c 393 §38]

CHAPTER 812

[Reserved for expansion]