

Committee on Judiciary
Reference Paper

By: Marion Embick

Date: August 1974

SUBJECT: Comparison of Uniform Vehicle Code and Oregon Law

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-102—Alley.—A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (New, 1968.)

COMMENTARY

This definition was added to the UVC to clarify the rules on right of way where highways and alleys intersect and to avoid creation of an intersection at such alleys within the meaning of UVC s 11-503 (c).

Under the UVC definition of "highway," an alley is a type of highway publicly maintained and open to traffic and not under private ownership. Under the Oregon code definition of chapter 483, a highway is every public way or place used or intended for use of the general public for vehicles exclusive of roads or property in private ownership or used by agreement with an agency or licensee of an agency of the United States.

The UVC definition of "alley," used in conjunction with "highway" as defined in ORS 483.010, excludes the privately owned alley.

There is no definition in existing Oregon law for this term. The definition of "street," in subsection (k), section 3, of the Suggested Uniform Traffic Ordinance for Oregon, Bureau of Governmental Research and Service, 1970, includes alleys, sidewalks and parking areas and accessways owned or maintained by the city.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-103—Arterial street. — Any U.S. or State numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (NEW, 1954; RENUMBERED, 1968.)

OREGON LAW

NO COMPARABLE PROVISION

366.215 Creation of state highways.
The department may select, establish, adopt, lay out, locate, alter, relocate, change and realign primary and secondary state highways.

366.220 Creation of state highway system. (1) The department may select, establish, designate, construct, maintain, operate and improve or cause to be constructed, maintained, operated and improved a system of state highways within the state, which highways shall be designated by name and by the point of beginning and the terminus thereof. The system of state highways shall, in addition to such other highways as may from time to time be selected and adopted by the Department of Transportation pursuant to law and all highways adopted and classified as secondary state highways which are subject to and qualified for construction, improvement, betterment and maintenance as are other state highways, include those designated in ORS 366.225 to 366.284.

(2) The department may classify and reclassify the highways comprising the state highway system as primary and secondary highways. Secondary highways may consist of newly established highways, reclassified primary highways and county roads selected pursuant to ORS 366.290.

[Amended by 1953 c.252 §2]

UVC s 1-103; ORS 366.215, 366.220 (Cont'd.)

Analysis:

There is no comparable provision in the Oregon code to the UVC term, "arterial street," which applies to highways designated by city or county or other local bodies authorized to enact laws relating to traffic, as part of a major arterial system.

Under ORS 366.215 the Department of Transportation is authorized to select and establish primary and secondary state highways. ORS 366.220 authorizes the department to establish a system of state highways which shall include all highways designated by ORS 366.225 to 366.284 as well as the secondary highways. Secondary highways under subsection (2), ORS 366.220, may consist of newly established highways, reclassified primary highways and county roads selected pursuant to ORS 366.290. There is no definition of a primary state highway.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-104—Authorized emergency vehicle.—Such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated by the commissioner (or other appropriate state official) under § 15-111 of this act. (REVISED AND RENUMBERED, 1968.)

OREGON LAW

ORS 483.002 (1)

483.002 "Authorized emergency vehicle," "axle," "bicycle," "bicycle lane" and "bicycle path," "business district" and "bus trailer" defined. As used in this chapter, except where the context otherwise requires:

(1) "Authorized emergency vehicle" means vehicles of the fire department or fire patrol, police vehicles, emergency vehicles of municipal departments or public service corporations and ambulances while being used for emergency purposes and displaying the required lights and sounding a siren or other audible warning.

Article on General Provisions, section 9 (1):

"Section 9. (Application of speed regulation and traffic signals to emergency vehicles.) (1) As used in this section, 'emergency vehicle' means a vehicle equipped as required by paragraph (c) of subsection (1) of ORS 483.423, subsections (5) and (6) of ORS 483.432 and subsection (4) of ORS 483.446 and which is used by a publicly maintained fire or police department or airport security police or a vehicle of a federal agency which is designated as an emergency vehicle by that agency, or other vehicle authorized in writing by the Administrator of the Motor Vehicles Division. The term does not include an ambulance as defined in subsection (1) of section 10 of this Article."

UVC s 1-104; ORS 483.002 (1); 13 Alaska Adm Code s 10.020 (Cont'd.)

Article on General Provisions, section 10 (1):

"Section 10. (Application of speed regulations and traffic signals to ambulances.) (1)
As used in this section, 'ambulance' means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability. Police, fire, funeral home and other vehicles which serve a dual purpose, one of which meets the definition of 'ambulance,' when actually used for ambulance purposes, are ambulances."

Alaska Adm Code:

13 AAC 10.020. Authorized emergency vehicle. In the traffic regulations "authorized emergency vehicle" means a vehicle equipped as required by 13 AAC 04.090 and 210(d) and which is used by a publicly maintained fire or police department or the airport security police or a public or private ambulance service, or a vehicle of a federal agency which is designated as an emergency vehicle by that agency, or other vehicle authorized in writing by the commissioner. The term does not include a person's private vehicle equipped as provided by 13 AAC 04.100. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Cases:

Dodson v. Lemon, 197 Or 444, 253 P2d 900 (1953), held that under the definition of an authorized emergency vehicle as one displaying the required lights and sounding an audible warning, a police car not operating its audible warning device is not an emergency vehicle.

An Agriculture Department brand inspector, unless using a police vehicle or other type of vehicle specified in ORS 483.002 (1), is not using an authorized emergency vehicle which may lawfully be equipped with flashing red light or siren. 33 Atty Gen Op 65 (1966-68).

An FBI vehicle operated on emergency call is an emergency vehicle if displaying required light and using audible siren, but is not subject to Oregon motor vehicle traffic and equipment laws. 33 Atty Gen Op 499 (1966-68).

UVC s 1-104; ORS 483.002 (1); 13 Alaska Adm Code s 10.020
(Cont'd.)

Analysis:

The definition of "emergency vehicle" has been drawn to exclude ambulances in draft sections 9 and 10 of the Article on General Provisions for the reason that under the Oregon statutes historically the rights of the ambulance driver responding to an emergency have been far more restricted than those of the authorized emergency vehicle. The ambulance driver's right to exceed the designated speed has been limited to a differential of 10 miles per hour above the designated speed in the area. He has been required to stop where other traffic is required to stop and has not been allowed to operate the siren or warning light unless he had reasonable grounds to believe delay would jeopardize human life.

The authorized vehicle under ORS 483.002 is an authorized vehicle only if operating a required light and audible warning. The emergency vehicle under draft section 9 need not in all circumstances operate both the audible warning and required lights. The ambulance driver not only need not operate these signals but is prohibited in draft section 10 from doing so unless he is justified in believing that in so doing he is saving a person's life.

The present definition of ORS 483.002 does not require that fire department vehicles be used by a publicly maintained fire department. The draft definition of s 9 of the Article on General Provisions, and UVC s 1-104 define the vehicles either in terms of public maintenance or public ownership. Privately owned vehicles used for emergency purposes may come within the definition if so designated as emergency vehicles by the Administrator of the Motor Vehicles Division.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Axle

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 483.002 (2)

(2) "Axle" means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two vertical parallel transverse planes 40 inches apart.

Cases:

No cases interpreting this section.

California Vehicle Code

"s 230. An 'axle' is a structure or portion of a structure consisting of one or more shafts, spindles, or bearings in the same vertical transverse plane by means of which, in conjunction with wheels mounted on said shafts, spindles, or bearings, a portion of the weight of a vehicle and its load, if any, is continuously transmitted to the roadway when the vehicle is in motion."

Analysis:

To be considered with the Article on equipment of motor vehicles.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-105—Bicycle. — Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter. (REVISED AND RENUMBERED, 1968.)

OREGON LAW

ORS 483.002(5)

(5) "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter, or having three wheels, all of which are more than 14 inches in diameter.

Analysis:

Until enactment of Chapter 580, Oregon Laws 1973, there has been no statutory definition of "bicycle."

The Oregon definition includes devices with three wheels whereas the UVC definition is restricted to two wheels. It should be noted that a bicycle is not within the definition of a vehicle. ORS 483.030 (4). Haynes v. Sprague, 137 Or 23, 295 P 964 (1931). Under the UVC, an adult riding a tricycle on a highway is not required to comply with the rules of the road. An infant riding a tricycle in Oregon is so required under ORS 483.034. Since an infant cannot ordinarily be held criminally and civilly liable for a negligent failure to comply with the rules of the road, the UVC staff recommendation of the addition of the following subsection to UVC § 11-1201 should be considered:

"(d) The provisions of this article shall apply to any person at least 14 years of age propelling any conveyance by feet acting upon pedals." National Committee on Uniform Traffic Laws and Ordinances, Agenda for the Subcommittee on Operations, November 15, 1973, pp 68-69.

UVC § 1-105; ORS 483.002(5) (Cont'd.)

The Wisconsin definition of bicycle:

"'Bicycle' means every device propelled by the feet acting upon pedals and having wheels any two of which are more than 20 inches in diameter."
Wis. Stat § 340.01 (5) (1967).

The New York definition is identical to Wisconsin's.
N.Y. Vehicular Traffic Law § 102 (1960).

The California definition:

"A bicycle is a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement."
Cal. Vehicle Code § 21200 (Supp 1969).

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

OREGON LAW

ORS 483.002 (6) (6) "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles.

ORS 483.002 (7) (7) "Bicycle path" means a public way maintained for exclusive use by persons riding bicycles and designated as such by official signs or markings.
[Amended by 1973 c.580 §1]

ORS 366.514 (5) (5) As used in this section, "bicycle trail" means a publicly owned and maintained lane or way designated and signed for use as a bicycle route.
[1971 c.376 §2]

Cases:

No cases interpreting these sections.

Analysis:

The two major distinctions between the three ways or routes for bicycles are their location in relation to the roadway of a highway, and the exclusivity of right of use by bicyclists.

A "bicycle lane" need not be contiguous with the roadway designated for vehicular traffic but is a part of the highway and is designated for use by bicyclists, although not exclusively so.

A "bicycle path" is for the exclusive use by bicyclists. Its statutory definition requires no proximity to nor, in fact, any relation to a highway. It is not itself a highway inasmuch as a highway under subsection (5) of ORS 482.010

ORS 483.002 (6), (7), 366.514 (5) (Cont'd.)

and subsection (2) of ORS 483.010 is a public way for use of the public for vehicular travel, and a bicycle being moved by human power is not a vehicle.

A "bicycle trail" is neither a part of a highway nor for the exclusive use of bicyclists. The requirement of ORS 366.514 that footpaths and bicycle trails be constructed whenever a highway, road or street is being constructed or relocated appears to define the bicycle trail as part of or next to the highway, but the definition does not state this relationship.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-107—Business district.—The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (RENUMBERED, 1968.)

OREGON LAW

ORS 483.002 (3)

(3) "Business district" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business.

Cases:

Comstock v. Stewart, 257 Or 538, 480 P2d 426 (1971). Whether an intersection outside of city limits where an automobile collision occurred was in a business district so that the speed limit of 25 miles per hour rather than 55 miles per hour controlled, is to be determined by a jury only on the basis of evidence of the requisite frontages or some other evidence that the area was a residential district within the meaning of the statute.

Analysis:

Under the UVC, the types of buildings by which a business district is characterized are specified, although not limited to, hotels, banks, office buildings, railroad stations and public buildings whereas the Oregon provision simply requires the buildings to be of types used for business. Under the UVC, the buildings must be in use. Under ORS 483.002 (3), the buildings must be "used."

The minimum area required by the UVC for qualification as business district is out of a highway frontage of 600

UVC s 1-107; ORS 483.002 (3) (Cont'd.)

feet in length, 300 feet either on one side or the same measure collectively on both sides of the highway. Under subsection (3), ORS 483.002, the minimum area to be used for business is 50 percent of the frontage along one side of a length of highway of 600 feet or more, or at least 300 feet on both sides of the highway.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Bus trailer

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 481.005 (2)

(2) "Bus trailer" means any vehicle which would come within the definition of a "motor bus," in ORS 481.030, except for the fact that it has no motive power but is designed to be drawn by a motor vehicle.

ORS 483.002 (4)

(4) "Bus trailer" means any trailer designed or used for carrying human beings.

ORS 481.030

481.030 "Motor bus" defined. As used in this chapter, except where the context otherwise requires, "motor bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

(1) Taxicabs.

(2) Vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of students to or from school.

ORS 483.028 (3)

(3) "Trailer" means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

ORS 483.014 (1)

(1) "Motor bus":

(a) Means every motor vehicle designed or used for carrying passengers and their personal baggage for compensation; but

(b) Does not include taxicabs designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method or system to indicate and determine the passenger fare paid for distance traveled.

ORS 481.021 (4)

(4) "Travel trailer" (including a tent trailer) means a trailer that:

(a) Is of a type designed to be used on the highways;

(b) Is capable of being used for human habitation;

(c) Is not more than eight feet wide and is six feet or more in height from floor to ceiling. Where a trailer telescopes for travel, or has expansion sides or "tip outs", for the purpose of determining the height, the size shall apply to the trailer as fully extended and for the purposes of determining the width, the size shall apply to the trailer in the usual travel position; and

(d) Except in the case of a tent trailer, has four permanent walls when it is in the usual travel position.

UVC s 1-179

§ 1-179—Trailer.—Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

ORS 481.005 (2), 483.002 (4), 481.030, 483.028 (3), 483.014 (1),
481.021 (4); UVC s 1-179 (Cont'd.)

Analysis:

Under the definition of "bus trailer" in subsection (4), ORS 483.002, amplified by the definition of "trailer" in subsection (3), ORS 483.028, a bus trailer is a vehicle without motive power designed or used for carrying persons, and for being drawn by a motor vehicle. Under subsection (2), ORS 481.005, a bus trailer is a motor bus without motive power. ORS 481.030 and subsection (1) of ORS 483.014 define a motor bus. Reading the three statutory definitions together, a bus trailer is a vehicle without motive power, designed to be drawn by a motor vehicle to carry passengers and their baggage for compensation. Taxicabs and private passenger vehicles not operated for compensation except in transporting students to and from school are excluded from the definition of ORS 481.030. Just taxicabs are excluded from the ORS ch 483 definition.

Under the UVC definition of "trailer," the vehicle may have motive power as compared to the definition of subsection (3) of ORS 483.028 in which a trailer has no motive power.

Although the definition of "travel trailer," stated in subsection (4), ORS 481.021, does not per se conflict with the definitions of "bus trailer," there is a basic and easily distinguishable difference in the two vehicle types. Whereas the bus trailer is designed to carry persons, the travel trailer is not to be towed on the highway when containing a passenger. This rule is stated in ORS 483.538 which would be repealed and its provisions restated in section 3 of the draft Article entitled Miscellaneous Rules.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

OREGON LAW

483.004 "Chauffeur" defined. (1) As used in ORS 483.006 to 483.462, 483.538 to 483.626, and 483.990 to 483.992, except where the context otherwise requires, the term "chauffeur":

(a) Means every person who is employed by another for the principal purpose of driving a motor vehicle, and every person who drives a motor vehicle carrying persons or property for compensation; but

(b) Does not include students operating vehicles commonly known and used as private passenger vehicles, which are not operated for compensation except in the transportation of students to or from school.

(2) As used in ORS 483.502 to 483.536, 483.628, and 483.994 to 483.998, except where the context otherwise requires, the term "chauffeur" means any person who is employed by another for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle while in use as a public or common carrier of persons or property for a consideration other than the sharing of expenses.

(Consideration to be deferred)

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Combination of vehicles

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 483.006 (1)

(1) "Combination of vehicles" means two
or more vehicles coupled together.

Cases:

No cases interpreting this section.

Analysis:

To be considered in relation to equipment provisions.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Combined weight

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 481.010 (2) (a) (b)

ORS 483.006 (2)

(2) (a) "Combined weight" in the case of a vehicle other than a motor bus or bus trailer means the light weight of the vehicle plus the weight of the maximum load which the vehicle may carry but excluding loads carried under the provisions of ORS 376.305 to 376.390 or 483.528 and also excluding loads consisting of towed motor vehicles or house trailers required to be registered under this chapter.

(b) "Combined weight" in the case of a motor bus or bus trailer means the light weight plus the product of multiplying the maximum seating capacity, including the driver's seat but excluding emergency seats, times 170 pounds if the vehicle has a separate compartment for transporting baggage or express, or times 150 pounds if the vehicle has no separate compartment for transporting baggage or express. If a bus or bus trailer has a seating capacity which is not arranged for separate or individual seats, 18 lineal inches shall be deemed the equivalent of a passenger seat.

(2) "Combined weight" means the sum of the weight of the vehicle and the weight of the load resting thereon or sustained thereby.

Cases:

No cases interpreting these sections.

Analysis:

To be considered in relation to equipment provisions.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-109—Commissioner.—The commissioner of motor vehicles of this State.

OREGON LAW

ORS 483.008 (1)

(1) "Division" means the Motor Vehicles Division of the Department of Transportation.

Cases:

No cases interpreting this section.

Analysis:

The term defines and explains itself.

CHAPTER I. WORDS AND PHRASES DEFINED

§ 1-110—Controlled-access highway.—Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

OREGON LAW

483.041 Regulating use of freeway by parades, pedestrians; "freeway" defined. (1) The commission or a local authority, with respect to a freeway or a portion thereof under their respective jurisdictions, may by order, ordinance or resolution prohibit or restrict the use of the freeway:

(a) By parades or nonmotorized traffic;
or

(b) By pedestrians except to obtain emergency services for a disabled motor vehicle that is on the freeway.

(2) Such prohibitory regulation shall be effective when appropriate signs giving notice thereof are erected upon any freeway and the approaches thereto, and when such signs have been so erected no person shall disobey the restrictions stated on such signs.

(3) As used in this section, "freeway" means a highway to which all rights of access have been acquired by the public authority having jurisdiction of the highway.
[1967 c.319 §2]

374.010 "Throughway" defined. As used in ORS 374.005 to 374.095, "throughway" means a highway or street especially designed for through traffic, over, from or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air or view, by reason of the fact that their property abuts upon the throughway or for any other reason.

There is no general definition of controlled or limited access highway in the Oregon traffic laws. The definition of "freeway" of subsection (3), ORS 483.041, is limited in its application to that section only.

SUPPLEMENTARY NOTE:

Any new terms adopted and any amendments made to existing definitions will be incorporated into the final draft of the General Provisions Article.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General definitions)

§ 1-111—Crosswalk.—(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

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

OREGON LAW

ORS 483.006 (4)

(4) "Crosswalk" means:

(a) Except as provided in paragraph (b) of this subsection, that portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway to the property lines; or the prolongation of the lateral lines of a sidewalk, to the sidewalk on the opposite side of the street, if the prolongation would meet such sidewalk; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface of such roadway, conforming in design to standards prescribed by the commission. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection.

Cases:

DeWitt v. Sandy Market, 167 Or 226, 115 P2d 184 (1941), held that the purpose of the definition is to clarify the meaning of "crosswalk" as applied to an irregular intersection. If a street at an intersection

UVC s 1-111; ORS 483.006 (4) (Cont'd.)

jogs left, the crosswalk is determined by the connections of the lateral lines of the sidewalk on opposite sides of the street.

There is no unmarked crosswalk at an intersection unless there is a pedestrian walk on each of the opposite sides of the street. Leap v. Royce, 203 Or 566, 279 P2d 887 (1955).

Analysis:

Both the UVC and the Oregon code locate an intersection crosswalk in terms of connections with sidewalks.

The UVC definition defines the streetside boundary of a sidewalk as the curb or, if none, the edge of the traversable roadway. It does not specify the non-street boundary for the sidewalk except as the "lateral line."

ORS 483.006 (4) defines the boundaries of the sidewalk as from the curb or, if none, the edge of traveled roadway to property line. It defines the intersection crosswalk area in terms both of connections of lateral lines of sidewalks and of prolongation of lateral lines of a sidewalk.

Subsection (2) defines the crosswalk area of the marked crosswalk and further provides that where there is a marked crosswalk, it and no other crosswalk is lawful "at that intersection." This provision appears ambiguous and not an appropriate term of the definition.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-113—Department. —The department of motor vehicles
of this State.

OREGON LAW

ORS 483.006 (3)

(3) "Department" means the Department
of Transportation.

Cases:

No cases interpreting this section.

Analysis:

The term defines and explains itself.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-114—Driver.—Every person who drives or is in actual physical control of a vehicle.

OREGON LAW

ORS 483.008 (2)

(2) "Driver" or "operator" means any person, other than a chauffeur, who is in actual physical control of a vehicle upon the highways or streets of this state.

Cases:

No cases directly in point interpreting the definition of "driver." The term "driving" as used in ORS 163.091, negligent homicide statute, was interpreted in State v. Martinelli, 6 Or App 182, 485 P2d 647 (1971), to require that the vehicle be in motion for the offense to be committed. It appears that there is an inconsistency between "driver" and "driving" in that a driver is not only one who drives, i.e., causes the vehicle to move, but also one who is in actual physical control of a vehicle.

Analysis:

The UVC makes no distinction between a "driver" and a "chauffeur" as do the Oregon statutes. The UVC definition appears preferable as it applies both to a person moving a vehicle and a person having physical control of a vehicle.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-118—Farm tractor.—Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

OREGON LAW

ORS 483.008 (3)

(3) "Farm tractor" means any self-propelled vehicle designed primarily for use in agricultural operations for drawing or operating plows, mowing machines and other farm equipment or implements of husbandry.

Cases:

No cases interpreting this section.

Analysis:

Both the UVC and Oregon code definitions of "farm tractor" include implements of husbandry. Implements of husbandry are the subject of specific provisions in the Oregon code relating to exception from equipment requirements, minimum lighting requirements, and use of slow-moving vehicle emblem. See Reference Paper, Implements of Husbandry, July 1974.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-121—Gross weight.—The weight of a vehicle without load plus the weight of any load thereon.

OREGON LAW

ORS 483.008 (4)

(4) "Gross weight" means the weight of a vehicle or combination of vehicles, or wheel, or axle, or tandem axles or group of axles, without load plus the weight of any load thereon.

[Amended by 1955 c.287 §29; 1955 c.398 §8]

Cases:

No cases interpreting this section.

Analysis:

To be considered in conjunction with equipment and size and weight regulation.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Group of axles

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 483.010 (1)

(1) "Group of axles" means any two or more axles in sequence of one vehicle, or one or more axles of one vehicle and one or more axles of another vehicle in sequence in a combination of vehicles, so spaced longitudinally that the centers of the first and last axles of the group of axles are six feet or more apart.

Cases:

No cases interpreting this section.

Analysis:

To be considered in conjunction with equipment and size and weight regulation.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General definitions)

§ 1-122—Highway.—The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.³

OREGON LAW

ORS 483.010 (2)

(2) "Highway," "road" or "street" has the meaning given the term "highway" by ORS 481.020, except that as used in ORS 483.502 to 483.536 and 483.994 to 483.998 the terms do not include any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency, or both.
[Amended by 1953 c.691 §12; 1957 c.188 §1; 1973 c.223 §1]

481.020 "Highway" defined. As used in this chapter, except where the context otherwise requires, "highway" means every public way, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, used or intended for the use of the general public for vehicles.

Cases:

No cases on either the chapter 481 or 483 definitions of "highway" as these statutes are presently stated.

Analysis:

The current Oregon definition of "highway" does not refer to public maintenance as a factor. The definition is based on use by the general public for vehicles, including those intended for the general public's use.

The definition of "highway," until the amendment by the 1973 laws, was stated to mean the entire width between the boundary lines of every way publicly maintained when any part is open to the public's use.

The term "county highway" is defined by subsection (2), ORS 481.015, as "every highway which is not a state highway."

UVC s 1-122; ORS 483.010 (2), 481.020 (Cont'd.)

"State highway," defined by subsection (2), ORS 481.050, means "any highway designated as such by the Department of Transportation or by law."

The ORS 481.015 definition of "county highway" is patently in error as it includes the streets of a city as well as county roads. The term "highway" is synonymous with "road" and "street" under ORS 483.010. It is synonymous with "street" under the UVC definition of "street," UVC s 1-172.

ORS 483.502 to 483.536 and ORS 483.994 to 483.998 relate to restrictions on size and weight of vehicles, and the penalties for violation of size and weight restrictions. These provisions under ORS 483.010 do not apply to vehicles used on roads or property in private ownership or to roads not state or county roads used in accordance with an agreement with a federal agency or federal agency licensee.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-125—Implement of husbandry.—Every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or moved upon the highways. (REVISED, 1971.)

OREGON LAW

ORS 483.012 (1)

481.023 "Implement of husbandry" defined. As used in this chapter, except where the context otherwise requires, "implement of husbandry" means every vehicle designed exclusively for use in agricultural operations. "Implement of husbandry" does not include vehicles designed exclusively for the transportation of persons or property.
[1985 c.398 §2]

(1) "Implement of husbandry" means every vehicle designed exclusively for use in agricultural operations. "Implement of husbandry" does not include vehicles designed exclusively for the transportation of persons or property.

Cases:

No cases interpreting these sections.

Analysis:

The Oregon code definitions differ from the UVC definition in that the Oregon code definitions specifically exclude vehicles designed exclusively for the transportation of persons or property. The UVC definition would appear to include an agricultural operation vehicle designed for the transportation of property other than on a highway, whereas the Oregon definition would not.

Under ORS 481.075, implements of husbandry are excluded from the provisions of ORS ch 481 requiring registration and licensing of vehicles. Under ORS 483.032, implements of husbandry are excluded from the provisions of ORS ch 483 with respect to equipment except where a specific equipment provision is made applicable to the implement of husbandry.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-126—Intersection.—(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection. (NEW, 1968.)

OREGON LAW

ORS 483.012 (2)

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

Cases:

The area where a private road and a highway join is not an intersection. The rules for turning left at an intersection do not therefore apply to a driver turning left from a highway onto a private road. Clark v. Fazio, 191 Or 522, 230 P2d 533 (1951).

A junction where a road meets but does not cross a highway is an intersection within the statutory definition, and the rule that a vehicle driver shall not attempt to pass another vehicle at an intersection is therefore applicable. Perdue v. Pac. Tel. & Tel. Co., 213 Or 596, 326 P2d 1026 (1958).

UVC s 1-126; ORS 483.012 (2) (Cont'd.)

Analysis:

The Oregon code definition is verbatim the same as the 1930 version of the Uniform Vehicle Code. Subsection (b) of the UVC definition was added in 1944 to clarify the definition of an intersection in the situation of the divided highway. Subsection (c) regarding alleys and excluding the junction of an alley with a highway from the definition of "intersection" was added to the UVC in 1968.

Twenty-three states follow the UVC exclusive of the provision of subsection (c) re alleys. The provision of subsection (c), as well as the definition of "alley," were added to the UVC to clarify the right of way rules at junctions of alleys with highways. The provision of subsection (b) answers the question of whether the crossing of one roadway with a divided highway constitutes one or two intersections.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-130—Local authorities. — Every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this State.

OREGON LAW

ORS 481.025 (2)

(2) "Local authorities" means the representatives of political subdivisions of the state, duly elected or appointed to administer the laws and ordinances.

ORS 483.012 (3)

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

Cases:

A county board possesses power of the kind mentioned in subsection (3) of ORS 483.012. Schoenborn v. Broderick, 202 Or 634, 277 P2d 787 (1954).

Analysis:

Subsection (3) of ORS 483.012 conforms to the 1930 UVC version of the definition. The definition of subsection (2), ORS 481.025, is couched in altogether different terminology than the ORS ch 483 definition and appears to have a different meaning. It has not been interpreted judicially. The ORS ch 481 definition of "local authority" appears to exclude governing bodies with authority to enact laws and includes governing bodies with the authority to administer laws. Perhaps the definition of "local authorities" should be drawn to include authority both to enact and to administer traffic regulations.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-133—Metal tire.—Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

OREGON LAW

ORS 483.012 (4)

(4) "Metal tire" means any tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material, except that as used in ORS 483.502 to 483.536 and 483.994 to ~~483.998~~, the term means any tire made of nonelastic material.

Cases:

[Amended by 1953 c.691 §12; 1965 c.398 §9]

No cases interpreting this section.

Analysis:

To be considered with statutes on equipment of motor vehicles.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Motor bus

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 483.014 (1)

481.030 "Motor bus" defined. As used in this chapter, except where the context otherwise requires, "motor bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

- (1) Taxicabs.
- (2) Vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of students to or from school.

Cases:

Exemption of station wagon used to transport students. Atty Gen Op 1952-54, p 173. Persons operating motor busses carrying passengers are subject to payment of license fees. Atty Gen Op 1934-36, p 308.

Analysis:

The definitions in the two different ORS chapters differ only in that under the ch 481 definition, vehicles known and used as private passenger vehicles and not operated for compensation except in the transportation of students to and from school are excluded together with taxicabs. Taxicabs excluded are more closely defined in subsection (1), ORS 483.014, in terms of maximum capacity and use of device to determine fare in relation to distance traveled.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General definitions)

§ 1-135—Motorcycle.—Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. (REVISED, 1948)

OREGON LAW

ORS 483.014 (2)

(2) "Motorcycle" means every motor vehicle, except tractors, designed to travel on not more than three wheels in contact with the ground.

National Highway Traffic Safety Administration, Department of Transportation, Revision of Definition of Motorcycle in 49 CFR 571.3 (b) issued on November 19, 1973 [FR Doc 73-25107, Filed 11-26-73; 8:45 a.m.]:

"'Motorcycle' means a two-wheeled motor vehicle with motive power, or a three-wheeled motor vehicle with motive power, a handlebar for steering, and a seat that is straddled by the driver."

Analysis:

The Michigan Vehicle Code defines a motorcycle as does the UVC.

The Michigan Vehicle Code, s 257.32 (Supp 1971), includes a special definition for a "motor driven cycle" and classifies it as a type of motorcycle:

"257.32 Motor driven cycle. [MSA 9.1832]

"Sec 32. 'Motor driven cycle' means every motorcycle, with a motor that produces less than 5 gross brake horsepower, every motor scooter and every bicycle with motor attached, except a motorized wheelchair or other similar vehicle not exceeding 1,000 pounds gross weight operated by a

UVC s 1-135; ORS 483.014 (2) (Cont'd.)

physically afflicted or disabled person and except pedal bicycles with helper motors rated less than 1 brake horsepower transmitted by friction and not by gear or chain, which produce only ordinary pedaling speeds up to a maximum of 20 miles per hour."

The Michigan Vehicle Code definition of "bicycle," 1971 revision, at section 257.4, includes pedal bicycles with helper motors.

"257.4 Bicycle. [MSA 9.1804]

"Sec 4. 'Bicycle' means every device propelled by human power upon which any person may ride, having 2 tandem wheels either of which is over 20 inches in diameter. It includes pedal bicycles with helper motors rated less than 1 brake horsepower transmitted by friction and not by gear or chain, which produce only ordinary pedaling speeds up to a maximum of 20 miles per hour." Act 151, PA 1971 (11-22-71)

The Uniform Vehicle Code defines a motor-driven vehicle as follows:

"s 1-136. Motor-driven cycle. Every motor-cycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached." (Revised, 1962.)

All but 22 states have definitions of "motor-driven cycle" applicable to their rules of the road.

Wilson v. Bittner, 129 Or 122, 276 P 268 (1929), held that motorcycles are vehicles and under the law providing vehicles shall pass to the right giving half of the road to each, an oncoming motortruck driver must give half the road to a motorcyclist.

UVC CHAPTER 1. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Motor trucks

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 483.014 (3) (3) "Motor truck" means every motor vehicle designed, used or maintained primarily for the transportation of property and having a gross weight in excess of ~~6,000~~ 8,000 pounds.

481.035 "Motor truck" defined. As used in this chapter, except where the context otherwise requires, "motor truck":

(1) Means every motor vehicle designed or used for carrying, conveying or moving over the highways of this state any freight, property, article or thing, and having a combined weight of vehicle and maximum load to be carried thereon of more than ~~6,000~~ 8,000 pounds.

(2) Does not include any vehicle designed or used exclusively for carrying passengers, baggage and express.

(3) Includes farm tractors not otherwise exempt under paragraph (e) of subsection (2) of ORS 481.075 or within the classification of a fixed load vehicle under ORS 481.272.

[Amended by 1953 c.380 §3; 1965 c.398 §4]

Analysis:

The gross weight which defines a motor truck in ORS 483.014 was increased by the 1974 Special Session from 6,000 pounds to the present 8,000 pounds.

The definition of ORS 481.035 uses a weight measure which is the combined weight of the vehicle and the maximum load it will carry. Under the definition of "gross weight" stated in subsection (4), ORS 483.008, in both the chapter 481 and 483 definitions the weight criterion includes the load.

UVC CHAPTER 1. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-134—**Motor vehicle.**—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

OREGON LAW

ORS 483.014 (4)

(4) "Motor vehicle" means any vehicle which is self-propelled.

ORS 481.040 (1)

(1) "Motor vehicle" means every self-propelled vehicle and vehicle designed for self-propulsion except road rollers, farm tractors, traction engines and police ambulances.

Cases:

The definition of "motor vehicle" stated in section 55-101, Oregon Code 1930, in subsection (1) thereof, comparable to the chapter 481 definition, was held to include a mechanical device propelled by a three-fourths horsepower Maytag washing machine motor. 15 Atty Gen Op 356 (1930-32).

Analysis:

The definitions of ORS chapters 481 and 483 differ in that the ch 481 definition excludes road rollers, farm tractors, traction engines and police ambulances. The UVC definition specifically included the bus propelled by electric power from overhead wires.

UVC CHAPTER 1. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-139—Official traffic-control devices. — All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OREGON LAW

ORS 483.016 (1)

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

Cases:

The court held in Savage Adm'x v. Palmer, 204 Or 257, 280 P2d 982 (1955), that violation of the directions of official signs placed by lawful authority of the Highway Commission, plainly visible, is negligence per se.

In Southern Pac. Transp. Co. v. Sabin, 97 Adv Sh 1246, Or _____, 513 P2d 500 (1973), traffic signals installed at the direction of the Public Utility Commissioner acting pursuant to his authority under ORS 763.170 are "official" within the definition of the term "official traffic signs and signals" of ORS 483.016.

Analysis:

The Oregon code and the UVC define this term in almost exactly the same words.

The term "official traffic-control device" was adopted by the National Committee on Traffic Laws and Ordinances in 1968.

Under UVC s 11-201, subsection (a), a driver shall obey the instructions of an official traffic control device

UVC s 1-139; ORS 483.016 (1) (Cont'd.)

placed in accordance with the provisions of the Act, subject to certain exceptions. This rule is incorporated into section 1 of the draft Article, Traffic Signs, Signals and Markings, with the omission, however, of the phrase "placed in accordance with the provisions of this Act." This omission would be cured as noted in the Commentary to that section, by defining an official traffic control device as having been placed in accordance with the provisions of the Act or chapter.

It is recommended that the UVC definition be adopted with the additional provision as noted.

UVC CHAPTER 1. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-140—Owner.—A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. (REVISED, 1956; RENUMBERED, 1968.)

OREGON LAW

ORS 483.016 (2)

(2) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

ORS 481.040 (4)

(4) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

ORS 484.010 (6)

(6) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

Cases:

A lessee of a motor vehicle under a lease for 10 or more successive days is the vehicle owner. Atty Gen Op 683 (1936-38).

Incorporated cities or towns are owners of motor vehicles used and operated or controlled for municipal purposes for 10 days or more. 20 Atty Gen Op 355 (1940-42).

Analysis:

Under the Oregon definition, which is verbatim the same in each of the three ORS chapters, a lessee under a lease of 10 or more days is an owner. Under UVC s 1-140, a lessee is not an owner.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-141—Park or parking.—Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. (REVISED, 1971.)

OREGON LAW

NO COMPARABLE ORS PROVISION

Analysis:

See Article on Stopping, Standing and Parking.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Pedestrian

§ 1-143—Pedestrian.—Any person afoot.

OREGON LAW

NO COMPARABLE ORS PROVISION

Cases:

There is no definition of "pedestrian" in Oregon statutory law. Maletis v. Portland Traction Co., 160 Or 30, 83 P2d 141 (1938), used the definition of Webster's New International Dictionary of "going on foot," "one who journeys on foot," and held that a child walking on the sidewalk is as much a pedestrian as if walking on the street.

Corpus Juris Secundum, on the subject of "pedestrian" definition, offers the following:

"It is not a word of precise definition, and, while ordinarily it is understood to mean one who travels on foot, the mere circumstance that a person attaches to his feet, roller or ice skates, or that he walks on stilts or uses crutches, or is without feet and propels himself along by means of a chair or some other mechanical device, does not clothe him, in a broad general sense, with any other character than that of a pedestrian. A person while walking and pushing a bicycle is just as much a pedestrian as he would be when walking while free from any encumbrances or if the bicycle were strapped to his back or carried on his shoulder." 70 CJS 383.

It is proposed by Lester L. Rawls, Insurance Commissioner, in a letter dated May 8, 1974, to define a "pedestrian" as "one who is not occupying a motor vehicle."

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Pilot vehicle

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 483.016 (3)

(3) "Pilot vehicle" means any motor vehicle escort accompanying a motor vehicle carrying or towing a load of a size or description not permitted under ORS 483.502 to 483.526.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-145—Pneumatic tire.—Every tire in which compressed air
is designed to support the load.

OREGON LAW

ORS 481.040 (5)

(5) "Pneumatic tire" means any hollow
tire made of elastic material which is in-
flated with compressed air.

ORS 483.018 (1)

(1) "Pneumatic tire" means any tire
made of elastic material which is inflated
with compressed air.

Analysis:

ipse dixit.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

"Pole or pipe dolly or pole trailer" or "pole trailer"

§ 1-146—**Pole trailer.**—Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

OREGON LAW

ORS 483.018 (2)

(2) **"Pole or pipe dolly or pole trailer" or "pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregular-shaped loads such as logs, poles, pipes or structural members capable, generally, of sustaining themselves as beams between the towing vehicle and such pole or pipe dolly or pole trailer.**

Cases:

No cases interpreting this section.

Analysis:

Definitions of ORS and UVC are almost verbatim the same. Reconsideration with equipment size and weight limitations appropriate.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-147—Police officer.—Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

OREGON LAW

ORS 483.010 (7)

(7) "Police officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff and a city policeman.

ORS 483.018 (3)

(3) "Police officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff, and a city policeman.

Cases:

No cases interpreting these sections.

Analysis:

The Oregon code definition is in terms of job title or name whereas the UVC definition is in terms of function. The UVC definition would appear to include a fire chief of a fire department, assuming a fire chief is an officer.

Under section 5 of the draft Article on General Provisions, the offense of failure to obey a police officer is stated.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-148—Private road or driveway. — Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

OREGON LAW

ORS 483.018 (4)

(4) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from him, but not used by other persons.

Cases:

No cases interpreting this section.

Analysis:

The two definitions are almost verbatim the same. Under s 5 of the draft Article on Right of Way, a driver about to enter or cross a roadway from a private road, driveway, alley or place shall yield the right of way to all vehicles approaching on the roadway.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Railroad sign or signal

§ 1-150—Railroad sign or signal.—Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

OREGON LAW

Comparable ORS term:

ORS 763.010 (4) (4) "Protective device" means a sign, signal, gate or other device to warn or protect the public, installed at a railroad-highway crossing.

Cases:

Southern Pac. Transp. Co. v. Sabin, 97 Adv Sh 1247,
Or _____, 513 P2d 500 (1973).

Analysis:

With the definition of "protective device" of ORS ch 763 being similar to the UVC "railroad sign and signal" definition, it would appear appropriate to retain the definition "protective device" as is with the addition of the word "railroad" so that the term would be "railroad protective device."

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-154—Residence district.—The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

OREGON LAW

ORS 483.020 (1)

(1) "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of such highway for a distance of 300 feet or more is mainly occupied by dwellings, churches, public parks within cities or other residential service facilities or by dwellings and buildings used for business.

Cases:

In Slotte v. Gustin, 224 Or 426, 356 P2d 435 (1960), the court held that when there is no evidence that the scene where an automobile accident occurred was a residence area as defined by subsection (1), ORS 483.020, an instruction on speed in a residence district should not be given. However, an uncontroverted statement by a witness that a collision occurred in a residential district, is sufficient evidence to support an instruction pertaining to speed in a residential district. Dungey v. Fairview Farms, Inc., 205 Or 615, 290 P2d 181 (1955).

In Marshall v. Mullin, 212 Or 421, 320 P2d 258 (1958), the provisions of subsection (1) of ORS 483.020 prior to their amendment by ch 393, Oregon Laws 1971, were interpreted by the court. Occupancy of the frontage of the highway was held to refer to the space occupied only by buildings and not to the surrounding grounds. The word "mainly" was held to mean more than 50 percent of the total and "dwelling" to mean a building intended as a place of human habitation, reasonably capable of present occupancy. Amendment by ch 393, Oregon Laws 1971, clarified the meaning of the phrase

UVC s 1-154; ORS 483.020 (1) (Cont'd.)

"frontage on such highway for a distance of 300 feet or more"
by adding "on one or both sides."

Analysis:

The Oregon provision is more specific than UVC s 1-154 in its delineation of length of highway frontage to be occupied by buildings of the category prescribed for residential, and in its listing of residential buildings. UVC s 1-154 makes no reference to churches or public parks. It uses the word "property" instead of the word "frontage."

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-156—Right of way.—The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (REVISED, 1962.)

OREGON LAW

ORS 483.020 (2)

(2) "Right of way" means the privilege of the immediate use of the highway.

Cases:

Oregon cases on the subject of right of way cite the specific right of way provisions expressing rights and duties of motorists and pedestrians such as ORS 483.130, relating to traffic controlled by traffic control signals; ORS 483.202, drivers approaching highway intersections; ORS 483.206, drivers entering a public highway from a private road; ORS 483.210 and 483.212, respective rights and duties of motorists and pedestrians. The term "right of way" as defined in ORS 483.020 is alluded to in one case only, Brindle v. McCormick Lbr. & Mfg. Corp., 206 Or 333, 293 P2d 221 (1956), which held that any collision between two motor vehicles which occurs as the result of one of them occupying a part of the highway to which the other is entitled at the moment, may be said to be caused by a failure to yield the right of way.

Analysis:

The Oregon code definition is identical to that of the UVC prior to its 1952 revision. In 1952 "highway" was changed to "roadway." In 1962 the present definition of "right of way" was adopted. Eighteen states, including Oregon, have definitions identical to the 1926 to 1952 UVC definition.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Road tractor

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 483.020 (3)

(3) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Cases:

No cases interpreting this section.

Analysis:

To be considered with provisions on equipment.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General definitions)

§ 1-158—Roadway.—That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

OREGON LAW

ORS 483.020 (4)

(4) "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel.

Cases:

No cases interpreting this section.

Analysis:

The UVC definition of 1934 is identical to the present ORS 483.020 definition. Revision of the 1934 UVC in 1944 specifically excluded the shoulder and added the second sentence.

The word "shoulder" is not defined in either the UVC or the Oregon laws. It is defined in the proposed recodification of the Michigan Traffic Code as "that portion of the highway contiguous to the roadway for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses." Revision and Recodification of the Michigan Vehicle Code, 1970.

The delineation of the various parts of a highway is an essential prerequisite to defining the rights of the vehicular and pedestrian traffic to the different parts of the highway.

It is suggested that a definition of "shoulder" approximately conforming to the Michigan definition of "shoulder" be adopted for the revised code.

UVC s 1-158; ORS 483.020 (4) (Cont'd.)

The term "roadway," used in ORS 483.218, was interpreted to include the shoulder used for temporary or emergency travel, thereby extending the prohibition of hitchhiking by persons standing in the roadway to include persons standing on the paved or graveled shoulder, but not on a shoulder which is unsuitable for vehicular use. 35 Atty Gen Op 833 (1971).

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-159—Safety zone.—The 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.

OREGON LAW

ORS 483.020 (5)

(5) "Safety zone" means the 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.

Cases:

No cases interpreting this section.

Analysis:

The definitions of Oregon law and UVC are identical. The provision of section 10, Pedestrians' Rights and Duties, prohibits a driver from driving through a safety zone.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-160—School bus.—Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of *Minimum Standards for School Buses* ⁵ and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. (REVISED, 1962.)

OREGON LAW

ORS 482.030 (2)

(2) "School bus":

(a) Means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school; but

(b) Does not include vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of students to or from school.

ORS 483.022 (1)

(1) "School bus":

(a) Means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to and from school or privately owned and operated for compensation for the transportation of children to or from school; but

(b) Does not include vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of children to or from school.

ORS 485.010 (4)

(4) "School bus" means any motor vehicle that meets all the following provisions:

(a) Complies with standards relating to school bus construction and school bus equipment adopted by the Department of Education;

(b) Is marked in the front and in the rear, in letters eight inches high or higher and of proportionate width, with the words "School Bus";

(c) Is transporting school children, with or without their instructors, to or from school or an authorized school activity or function or activities or functions under the sponsorship of the State Board of Higher Education; and

(d) Is not subject to ORS chapter 767 or regulated by a city under ORS 221.420.

Cases:

No cases interpreting these sections.

UVC s 1-160; ORS 482.030 (2), 485.010 (4), 483.022 (1) (Cont'd.)

Analysis:

Under ORS 483.116, there is a maximum speed for school busses as they are defined by ORS 485.010. Under ORS 485.020 all motor vehicle drivers have a duty to stop when meeting or overtaking a school bus, also as defined in ORS 485.010, when stopped on the public highway with flashing red warning lights operating. The definitions of ORS chapters 482 and 483 are identical except for the use of "and" rather than "or" in the phrase "transportation of children to and from school" in ORS 483.022. However, it appears that only the ORS chapter 485 definition is used.

The UVC definition is to conform to national standards. The definition in ORS 485.010 uses the standards adopted by the State Department of Education.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Semitrailer

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 483.022 (2)

(2) "Semitrailer" means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Cases:

No cases interpreting this section.

Analysis:

To be considered with equipment provisions.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Michigan Vehicle Code

"Sec. 1-188. 'Shoulder' means that portion of the highway contiguous to the roadway for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses."

Highway shoulder

"'Shoulder' means that portion of the highway, whether paved or unpaved, contiguous to the roadway for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses."

Analysis:

This definition is derived from the 1970 proposed revision and recodification of the Motor Vehicle Code of Michigan, s 1-188. The additional language "paved or unpaved" is intended to make clear that the highway shoulder includes that portion of the highway outside the fog line intended for emergency vehicle parking and not intended for pedestrian use as a sidewalk.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General definitions)

§ 1-164—Sidewalk. — That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

OREGON LAW

ORS 483.024 (1)

(1) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Cases:

No cases interpreting this section.

Analysis:

The two provisions are identical except that the UVC definition states "use by pedestrians," and the Oregon definition states "use of pedestrians."

The Washington code definition adds the following phrase at the end of its definition: "or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians." Wash Rev Code Ann s 46.04.540 (1962).

The distinguishing or differentiating feature of "sidewalk" from "shoulder" is the phrase "intended for use by pedestrians" as opposed to the intended use of the shoulder for emergency parking. Whether the area adjoining the roadway is paved is an irrelevant feature in defining sidewalk as opposed to highway shoulder.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Sled

NO COMPARABLE UVC PROVISION

OREGON LAW

ORS 483.024 (2)

(2) "Sled" means every vehicle moving over the highways of this state, except vehicles that move exclusively on revolving wheels or rotating tracks in contact with the surface of the road.

Cases:

No cases interpreting this section.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

Stand or standing

§ 1-168—Stand or standing.—Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (NEW, 1956.)

OREGON LAW

NO COMPARABLE ORS PROVISION

Analysis:

See Article on Stopping, Standing and Parking.

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-178—Traffic-control signal.—Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. (REVISED, 1962.)

OREGON LAW

ORS 483.028 (2)

(2) "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is directed.

Cases:

The court held in Savage Adm'x v. Palmer, 204 Or 257, 280 P2d 982 (1955), that highway signs are not official signs unless lawfully placed, and to be lawfully placed, must be visible.

Analysis:

The definition of ORS 483.028 differs from the UVC definition in its briefer, more general phrase "by which traffic is directed," as compared to the UVC phrase, "by which traffic is alternately directed to stop and permitted to proceed."

The UVC definition for official traffic-control devices differs materially from the definition for "traffic control signal."

UVC CHAPTER I. (In Part) WORDS AND PHRASES DEFINED
(General Definitions)

§ 1-184—Vehicle. — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

OREGON LAW

ORS 483.030 (4)

(4) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Cases:

The court held in Rankin v. White, 258 Or 252, 482 P2d 531 (1971), that a boat trailer is a vehicle within the meaning of ORS 483.030 and 483.508 which restricts the number of vehicles in a combination.

Analysis:

The word "public" was deleted from the UVC definition and "except" changed to "excepting" in its 1934 revision. The Oregon code definition is identical to the pre-1934 UVC definition.

OTHER DEFINITIONS IN ORS

- ORS 483.024 (4) Solid rubber tire
- ORS 483.024 (5) Solid-tired vehicle
- ORS 483.024 (6) Streetcar
- ORS 483.024 (7) Tandem axles

- ORS 483.026 (1) Tire
- ORS 483.026 (2) Tire width
- ORS 483.026 (3) Total tire width
- ORS 483.026 (4) Tow car