

COMMITTEE ON JUDICIARY
Room 14, State Capitol
Salem, Oregon

O R E G O N V E H I C L E C O D E

PART I. RULES OF THE ROAD

ARTICLE 6. TURNING AND MOVING; SIGNALS ON
STOPPING AND TURNING

Preliminary Draft No. 1; April 1974

Reporter: Marion Embick

Subcommittee on Revision

NOTE: If you attend any committee meeting
regarding this draft, please bring
your copy of the draft with you.

O R E G O N V E H I C L E C O D E

#

PART ____ . RULES OF THE ROAD

ARTICLE ____ . TURNING AND MOVING; SIGNALS ON
STOPPING AND TURNING

Preliminary Draft No. 1; April 1974

#

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

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

(2) A driver intending to turn left shall:

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

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

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

(3) A driver who makes a turn in violation of subsection (1) or (2) of this section commits a _____.

COMMENTARY

A. Summary

Subsection (1) provides that a right turn and the approach to it should be made as close as practicable to the right curb or edge of the roadway.

Subsection (2) provides that a left turn should be made from the left lane available to traffic moving in the same direction as the turning vehicle, that the turn be made to the left of the center of the intersection, and after the turn the vehicle proceed in the available left lane of the roadway onto which the turn has been made.

Subsection (3) classifies the offense.

B. Derivation

This section is based on UVC s 11-601.

C. Relationship to Existing Law

ORS 483.316 applies only to the left and right turns at an intersection whereas this draft section and the 1971 revision of UVC s 11-601 apply to a driver making a turn at any place or location where the rules of the road apply. A turn from a highway onto a private road is not governed by ORS 483.316. Clark v. Fazio, 191 Or 522, 230 P2d 533 (1951); Black v. Stith, 164 Or 117, 100 P2d 485 (1940).

Paragraph (a), subsection (1) of ORS 483.316 requires that the approach for a right turn be made in the lane for traffic nearest the right-hand side of the highway. It is verbatim the same as the analogous 1930 UVC provision. The draft section and UVC s 11-601 (1971 revision) require the approach to be as close as practicable to the right curb or roadway edge. The ambiguity of ORS 483.316 and possible requirement that the approach be made in the emergency travel lane of a highway is removed because roadway, as it is defined in this draft, excludes shoulder and emergency parking lane. ORS 483.316 requires that the left-hand turn be made by proceeding beyond the center point of the intersection, to the right of the centerline of the highway entered on completing the turn. Austin v. Portland Traction Co., 181 Or 470, 182 P2d 412 (1947). It is almost verbatim the same language as was used in the 1930 uniform code.

This draft section and UVC s 11-601 on which this draft section is based, require the driver to pass to the left of the centerpoint of the intersection whenever this is practicable. This rule would bring about a major change in driving procedure.

Under existing law a driver turning left by cutting the corner and traveling thereby on the wrong side of the street is negligent. Ordeman v. Watkins, 114 Or 581, 236 P 483 (1925).

The rules of ORS 483.216 relating to right turns requiring the approach in the lane for traffic nearest the right-hand edge of the highway apply whether or not there are marked lanes of travel on the highway. Williams v. Nelson, 229 Or 200, 366 P2d 894 (1961).

The rules for right turns were held to apply to vehicles proceeding around a circular island and making turns to the right out from the circular drive onto intersecting streets. Williams v. Donohoe, 222 Or 578, 353 P2d 521 (1960).

Subsections (2) and (3) of ORS 483.316 authorize the State Highway Commission or local authorities by placing markers, buttons and other types of signals to direct drivers to proceed other than by the left and right turn rules of subsection (1) and to prohibit left and right turns at intersections. Similar authorization language, substituting the term "official traffic control device" for buttons, markers, etc, of the Oregon statute, is used in subsection (c) of UVC s 11-601 (1971 revision). The authorization rules will be included in the draft Article on General Provisions with other authorization provisions.

Under paragraph (b), subsection (1), ORS 483.316 the left-turning passenger vehicle loading or unloading passengers prior to turning left is exempted from the rules governing left turns. This provision is deleted in this draft section on the basis of hazard and unworkability.

ORS 483.316 would be repealed by this draft section.

Section 2. (U-turns prohibited.) (1) A driver commits the offense of making an illegal U-turn if he turns his vehicle so as to proceed in the opposite direction:

- (a) Upon any curve; or
- (b) Upon the approach to or near the crest of a grade; or
- (c) Upon a highway within the limits of an incorporated city between intersections; or
- (d) At any place upon a highway where the vehicle cannot be seen by another driver approaching from either direction within a distance of:

- (A) 500 feet within the incorporated limits of a city; or
- (B) 1,000 feet outside a city.

(2) Making an illegal U-turn is a _____.

COMMENTARY

This section makes no substantive change in ORS 483.318 but restates it for consistency in form. ORS 483.318 would be repealed. The analogous Uniform Vehicle Code provision allows U-turns when they can be made in safety rather than prohibiting them in specified situations as does this draft section and ORS 483.318. The committee considered that the provisions of Oregon law promote safer, more effective traffic regulation.

Section 3. (Moving a stopped, standing or parked vehicle.) (1)

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

(2) A person who moves a stopped, standing or parked vehicle in violation of subsection (1) of this section commits a _____.

COMMENTARY

A. Summary

This section prohibits a person from moving a vehicle from a stopped, standing or parked position unless such movement can be done with reasonable safety.

B. Derivation

This section is based on UVC s 11-603.

C. Relationship to Existing Law

The provisions of ORS 483.126 cover the duties of look-out and signals of the driver when starting a vehicle as well as when stopping, changing lanes or turning from a direct line. Under ORS 483.126 the driver who is starting a vehicle has the same duty as the turning and stopping driver. He must see if the movement can be made in safety, sound his horn if a pedestrian would be affected and give a proper plainly visible signal of his intention to any driver who may be affected by the movement. The analogous Uniform Vehicle Code sections, UVC ss 11-603 and 11-604 distinguish between the duties of the person starting a stopped, standing or parked vehicle from those of the driver turning or moving left or right or stopping or suddenly decreasing speed. The draft section requirement that the vehicle be moved from a stopped position only if it can be done with safety is a change of that rule of subsection (1), ORS 483.126. It restates it in the form used by the analogous UVC rule, UVC s 11-603, substituting the word "move" for the word "start," and omitting the reference to "highway" of ORS 483.126. Whether a violation of a traffic law by a driver not on a highway is in fact a violation is covered in the Article on General Provisions.

Lee v. Hoff, 163 Or 374, 97 P2d 715 (1940), held that a driver who has stopped on private property adjoining a highway and who thereafter proceeds in a straight line

across the highway, is not within the application of the rule requiring signals by drivers who stop, start or turn their vehicles upon a highway.

A driver positioned at the curb under ORS 483.126 must give an audible signal by horn if the movement of his vehicle backward would affect a pedestrian. Sears v. Goldsmith, 136 Or 151, 298 P 219 (1931). By extension, the case means that the driver moving his vehicle in reverse is subject to the same duties of care and of giving a signal as the driver moving his vehicle forward.

Section 4. (Turning and stopping movements and signals required.)

(1) A driver commits the offense of unlawful turn or change of lane if he turns or moves right or left upon a highway when such movement cannot be made with reasonable safety and:

(a) Fails to give an appropriate signal as provided in section ____ continuously during not less than the last 100 feet traveled by the vehicle before turning.

(b) Stops or suddenly decreases the speed of a vehicle without first giving an appropriate signal as provided in section ____ to the driver immediately to the rear when there is opportunity to give such signal.

(2) A driver who turns or changes lanes in violation of subsection (1) commits a _____.

(3) A driver commits the offense of unlawful use of signals if he flashes the signals [required on vehicles by section ____] as a courtesy or "do pass" signal to other drivers approaching from the rear.

(4) Unlawful use of signals is a _____.

COMMENTARY

A. Summary

Subsection (1) provides that a driver shall not turn or change lanes unless such movement can be made in safety and a signal is given continuously for the last 100 feet before the movement is made.

Subsection (2) classifies the violation.

Subsection (3) prohibits the use of signals as a courtesy or "do pass" signal and subsection (4) classifies a violation of subsection (3).

B. Derivation

This section is based on UVC s 11-604.

C. Relationship to Existing Law

Under this draft section and the 1971 revision of UVC s 11-604 a signal must be given by a driver turning or moving left or right, whereas under the rule of subsection (1), ORS 483.126, the signal need be given only if a pedestrian or the operation of another vehicle may be affected. The requirement of existing law that the driver turning or changing lanes is to sound his horn if a pedestrian would be affected is deleted. This requirement was in the earliest versions of the Uniform Vehicle Code and deleted in 1944.

Both this draft section and ORS 483.126 require that the turning and left and right movements be made only if they can be made in safety. This draft section and the comparable UVC rule qualify this phrase by using the term, "reasonable safety."

The requirement of a continuous signal for at least 100 feet of subsection (4), ORS 483.126, applies only to a vehicle turning left or right. Under this draft, the requirement applies also to the vehicle moving left or right.

Under UVC s 11-604 the signals need only be given by a driver on a roadway. This draft section, by using the term "highway" as does ORS 483.126, requires that a signal be made by a driver using the shoulder, parked in a parking lane, as well as using a publicly owned parking lot. All these areas are included in the definition of "highway."

The rule that a signal must be given to the driver of a vehicle in the rear when a driver stops or suddenly decreases speed, if there is an opportunity to signal, changes the analogous rules of existing Oregon law which make no differentiation in the requirements of signaling for a driver turning as compared to a driver stopping. The signal required of intention to suddenly decelerate is not required when a driver decelerates gradually. Jones v. Mitchell Bros., 97 Adv Sh 530, ____ Or ____, ____ P2d ____, (1973). ORS 483.126 (1) as applied to the requirement that a driver not stop unless the movement can be made safely was interpreted by McPherson v. Cochran, 243 Or 399, 414 P2d 321 (1960), to be in part for the benefit of the vehicle approaching from the rear. Under this draft section the signal is directed to the driver of the vehicle in the rear of the stopping vehicle.

Subsection (3) is a restatement of a single rule of subsection (d), UVC s 11-604, which prohibits using signals not only as a courtesy or "do pass" but also on one side only on a disabled vehicle and on one side only of a parked vehicle except as necessary to comply with the rules of the section. Currently there are many vehicles not equipped with signals other than the flashing turn signals. It appeared that use of a flashing signal on one side of a disabled vehicle in that circumstance would promote safety and outweigh any potential misleading nature of the signal.

The requirement of giving a signal under ORS 483.126 was held applicable to drivers backing a vehicle as well as those proceeding forward. Carter v. Lester, 210 Or 209, 309 P2d 1001 (1957). The requirement does not apply unless the motion is intended. Lee V. Caldwell, 229 Or 174, 366 P2d 913 (1961). It does not apply on private premises. Kroft v. Grimm, 225 Or 247, 357 P2d 499 (1960).

Section 5. (Signals by hand and arm or by signal lamps.) (1)

Except as provided in subsection (2) of this section, a driver shall give a stop or turn signal either by means of the hand and arm or by signal lamps.

(2) Notwithstanding subsection (1) of this section, a driver shall give a stop or turn signal only by signal lamps if he is driving a vehicle or combination of vehicles having the following dimensions:

(a) The distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle exceeds 24 inches; or

(b) The distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. This measurement shall apply to a single vehicle and to any combination of vehicles.

(3) A driver who fails to give a stop or turn signal in violation of subsection (1) or (2) of this section commits a _____.

COMMENTARY

A. Summary

Subsection (1) provides that a driver shall give a stop or turn signal either by hand and arm or by signal lamps, except by subsection (2), by signal lamps only.

Subsection (2) requires that the signals be made by a signal lamp only if the motor vehicle or combination of vehicles exceed specified measurements in width, from steering post to left side, or length, including length of combination of vehicles.

Subsection (3) classifies a violation of subsection (1) or (2).

B. Derivation

This section is based on UVC s 11-605.

C. Relationship to Existing Law

The requirements of subsection (2), ORS 483.126, that a signal be by mechanical or electrical signal device under certain circumstances is changed to the UVC language of "signal lamp," to eliminate mechanical devices.

The condition of paragraph (a), subsection (2), ORS 483.126, that a mechanical or electrical signal be given if the vehicle is so constructed or loaded as to prevent a hand and arm signal from being visible is eliminated by this draft section. The UVC included this rule until its 1952 revision.

Consideration was given by the committee to the exception of subsection (5), ORS 483.126, of required signal lamps for trailers, semitrailers or pole trailers of less than 3,000 pounds. The incorporation of this exception into this draft section is deferred until study of special rules pertaining to small trailers.

Section 6. (Method of giving required signals.) (1) A driver shall give the hand and arm signals required under sections 4 and 5 of this Article from the left side of the vehicle in the following manner and the signals shall indicate as follows:

- (a) Left turn - hand and arm extended horizontally;
- (b) Right turn - hand and arm extended upward;
- (c) Stop or decrease speed - hand and arm extended downward.

(2) A driver giving the signals required under sections 4 and 5 of this Article by use of signal lamps shall activate both the front and rear lamps of that side of the vehicle toward which the turn is made.

(3) A driver who fails to make a signal in the manner described in subsection (1) or (2) of this section commits a _____.

COMMENTARY

A. Summary

Subsection (1) states the manner of giving hand and arm signals.

Subsection (2) states the manner of giving a signal with a signal lamp.

Subsection (3) classifies a violation of the offense.

B. Derivation

This section is based on UVC s 11-606 and s 13 Alaska Adm. Code 02.225.

C. Relationship to Existing Law

The language for use of hand and arm signal of UVC s 11-606 is used in this draft section. ORS 483.126 would be repealed. Subsection (5) of ORS 483.126 provides for the same hand and arm signals but in a less clear and concise manner.

Turning and Moving; Signals
on Stopping and Turning
Preliminary Draft No. 1

The manner of giving a turn signal by signal lamp is stated in subsection (2) of this draft section, using the language of the Alaska code. There is no similar provision in the UVC.