

COMMITTEE ON JUDICIARY
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O R E G O N V E H I C L E C O D E

PART I. RULES OF THE ROAD

ARTICLE 10. STOPPING, STANDING AND PARKING

Preliminary Draft No. 1; June 1974

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Subcommittee on Revision

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OREGON VEHICLE CODE

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PART I. RULES OF THE ROAD

ARTICLE _____. STOPPING, STANDING AND PARKING

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Section 1. (Stopping, standing or parking outside business or residence districts.) (1) A person who parks or leaves standing any vehicle, whether attended or unattended, upon a roadway, outside a business or residence district, when it is practicable to park or leave his vehicle standing off the roadway, commits the offense of unlawfully parking in a roadway.

(2) Unlawfully parking in a roadway is a _____.

(3) A person shall not park or leave standing a vehicle, whether attended or unattended, on a highway unless:

(a) A clear and unobstructed width of the highway opposite the standing vehicle is left for the passage of other vehicles; and

(b) The standing vehicle is visible from a distance of 200 feet in each direction upon the highway.

(4) Violation of subsection (3) of this section is a _____.

COMMENTARY

A. Summary

Subsection (1) provides that a person shall not park or leave standing a vehicle on a roadway outside a business or residence district when he can leave it off the roadway.

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

Subsection (3) prohibits parking on a highway unless there is a clear unobstructed highway width for passage of

other vehicles and the standing vehicle is visible for at least 200 feet in each direction.

Subsection (4) classifies a violation of subsection (3).

B. Derivation

This section is substantially the same as subsection (1) of ORS 483.362 and UVC s 11-1001 (a). (Revised, 1971.)

C. Relationship to Existing Law

Subsection (a) of UVC s 11-1001, applies to the stopping or parking or leaving standing of a vehicle upon a roadway. Subsection (1), ORS 483.362, applies to the vehicle left standing upon the paved, improved or main traveled portion of a highway. The UVC definition of "roadway" is the part of a highway improved or ordinarily used for vehicular traffic, exclusive of the berm or shoulder. This draft section uses the term "roadway" as it is defined in the UVC and will be defined in the Article on General Provisions of this revision of the rules of the road. Use of the term "roadway," defined to exclude the shoulder, will make the application of the draft section more limited than present law which applies to the shoulder.

The terms "parking" and "standing" have not been defined in the existing Oregon statutes and will be defined in the draft. The UVC definitions for the two terms are essentially synonymous, as follows:

"UVC s 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.)

"UVC s 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.)

Since both definitions exclude the temporary stop for loading and unloading passengers, the stopping of the school bus and worker transport bus for this purpose is not a violation of UVC s 11-1001 or this draft section. These exceptions are stated in subsection (3), ORS 483.362. The exception of subsection (3), ORS 483.362, for the emergency vehicle to the prohibition against parking or leaving standing the emergency vehicle or ambulance in the roadway is already stated in the draft Article on General Provisions, sections

9 and 10. The exception is covered in ORS 483.120. Its restatement in this draft section would be redundant.

The provisions of subsection (3) of the draft section prohibiting leaving a vehicle on a highway unless there is an unobstructed width of highway available for passing traffic or an unobstructed view for 200 feet, is the same rule as existing Oregon law and UVC s 11-1001, except that the Oregon rule stipulates a width of not less than 16 feet.

"Parking" was defined in Townsend v. Jaloff, 124 Or 644, 649, 264 P349 (1928), and Dixson v. Jackson, 256 Or 525, 474 P2d 522 (1970), as the voluntary act of leaving a car on the main traveled portion of the highway when not in use. The prohibition of ORS 483.362 against standing or parking in the main traveled portion of the highway does not apply to a vehicle stopped or standing preparatory to making a left turn. Wells v. Washington County, 243 Or 246, 412 P2d 798 (1966).

Where a disabled vehicle could have been moved so as to allow 16 feet clearance space for the passage of other vehicles, and there was a reasonable opportunity to move it, albeit by means other than its own power, the disabled vehicle may not obstruct the highway for a protracted length of time. Shelton v. Lowell, 196 Or 430, 249 P2d 958 (1952).

ORS 483.362 would be repealed. The provisions of subsection (1) of ORS 483.362 are restated in the draft section. The provisions of subsection (2) would be restated in section 6 of this draft Article, those of subsection (3) (a) in draft section 4, and those of subsection (4) in draft section 5.

Section 2. (Stopping, standing or parking prohibited in specific places.) (1) A driver shall not stop, stand or park a vehicle:

- (a) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway;
 - (b) On a sidewalk;
 - (c) Within an intersection;
 - (d) On a crosswalk;
 - (e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs and markings;
 - (f) Alongside or opposite a street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (g) Upon a bridge or other elevated structure upon a highway or within a highway tunnel;
 - (h) On any railroad tracks;
 - (i) On a controlled-access highway;
 - (j) In the area between roadways of a divided highway, including crossovers; or
 - (k) At any place where official signs prohibit stopping.
- (2) A driver shall not stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger:
- (a) In front of a public or private driveway, except with owner's permission;
 - (b) Within 10 feet of a fire hydrant;
 - (c) Within 20 feet of a crosswalk at an intersection;

(d) Within 30 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control signal located at the side of the roadway;

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

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

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

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

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

(4) The restrictions and prohibitions of subsections (1), (2) and (3) of this section shall not apply when the driver's disregard thereof is necessary to avoid conflict with other traffic, or in compliance with law or at the direction of a police officer or an official traffic control device.

(5) A driver who stops, stands or parks in violation of subsection (1), (2) or (3) of this section commits a _____.

COMMENTARY

A. Summary

This section prohibits stopping, standing or parking by a driver in specific enumerated locations. Subsection (1) lists the locations where parking is at all times prohibited. Subsection (2) lists those locations where standing or parking is prohibited except momentarily to discharge or pick up a passenger. Subsection (3) lists those places or areas prohibiting parking except momentarily to unload or load property or passengers.

B. Derivation

This enumeration of prohibited parking areas is based on UVC s 11-1003. The absolute prohibitions of subsection (a) of UVC s 11-1003 are similar to ORS 483.364.

C. Relationship to Existing Law

The prohibitions of subsections (2) and (3) of the draft section against parking are based on UVC s 11-1003 and have no counterpart in the Oregon code. The distance from a fire hydrant of subsection (7), ORS 483.364, was retained at 10 feet rather than changed to the UVC distance of 15 feet as subcommittee believed that distance to be ample for safety, and that the expense of changing all parking meters and signs relating to the distance of 15 feet was not justifiable.

Adoption of the UVC prohibition against parking on a bridge or other elevated structure of paragraph (g), subsection (1) of the draft section, was done with the realization that parking would be allowed on some bridges and notice would be given by appropriate signs.

The provision of subsection (b), UVC s 11-1003, against a person moving a vehicle not lawfully under the control of that person was deleted because the illegal moving of a car is adequately covered by the Criminal Code and not the rules of the road. (See ORS 164.135, Unauthorized use of a vehicle.)

Parking in front of a public or private driveway is prohibited except when the owner gives permission under paragraph (a), subsection (2) of the draft section, and when it is only momentarily to pick up or discharge passengers. Under present law, parking in front of a driveway is prohibited at all times if the driveway was private.

The prohibition against parking within 30 feet of a flashing signal, stop sign or yield sign or traffic control signal of the UVC provision expands the similar subsection of ORS 483.364 by adding the yield sign to the other enumerated signs and signals.

Section 3. (Parking distance from curb or edge.) (1) Except where angle parking is indicated on a highway by the state or local authority having jurisdiction thereof, when a driver stops or parks a vehicle upon a two-way highway he shall position the vehicle so that the right-hand wheels are parallel to and within 12 inches of the right curb or, if none, as close as possible to the right edge of the right shoulder.

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

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

COMMENTARY

A. Summary

This section requires the driver parking or stopping his vehicle on a two-way highway to do so by positioning it parallel to the curb or right edge so that the wheels are 12 inches from the curb or right edge of the right shoulder. If he parks or stops on a one-way highway, the driver may park on the left or right side. The wheels must be 12 inches from whichever side of the highway the driver has elected. If local authorities prohibit parking on the left, then the driver may not do so. If angle parking is allowed, the driver may angle park rather than parallel park.

B. Derivation

This section is based on subsections (a) and (b) of UVC s 11-1004. (Revised, 1971.)

C. Relationship to Existing Law

This draft section has no counterpart in existing Oregon law.

Subsection (c), UVC s 11-1004, authorizes angle parking subject to obtaining permission on federal or state highways from the "State Highway Commission" based on a determination that the roadway is of sufficient width. Subsection (d), UVC s 11-1004, authorizes the "State Highway Commission" to control and regulate parking on state highways. The subject matter of these two subsections makes them more appropriately located in the Article on Powers of State and Local Authorities. The provisions of existing law stating where the authority over parking regulation reposes are ORS 483.346, 483.348 and 483.350. These sections, as redrafted, will be in the State and Local Authorities draft Article.

Section 4. (Disabled vehicle exception.) The provisions of sections 1, 2 and 3 of this Article do not apply to the driver of a vehicle which is disabled in such manner and to such extent that the driver cannot avoid stopping or temporarily leaving the disabled vehicle in a position prohibited by one or more provisions of sections 1, 2 or 3 of this Article.

COMMENTARY

A. Summary

This section allows the driver of a disabled vehicle to park or leave standing a vehicle in a manner prohibited by the first three sections of this draft Article.

B. Derivation

The rule of this section is stated in subsection (3), paragraph (a), ORS 483.362, but with application only to the prohibition against parking or standing in the roadway outside a business or residence district. Subsection (b), UVC s 11-1001, states this rule as it applies to all three sections on parking regulations.

C. Relationship to Existing Law

Under existing law the driver of a disabled vehicle may not park in any of the otherwise prohibited areas specified in ORS 483.364. This draft section allows the driver to park or temporarily leave standing a disabled vehicle in such a manner as to violate the provisions of the draft sections 1, 2 and 3.

Section 5. (Obstruction of roadway by wrecker or tow car.) The operator of a wrecker or tow car engaged in the salvaging of another vehicle may stop the wrecker or tow car where it obstructs traffic proceeding along the roadway when:

(1) The operator determines that the salvaging operation requires stopping the wrecker in the roadway; and

(2) The operator places warning signs or signals as prescribed by the Transportation Commission at a suitable distance in each direction upon the roadway; and

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

COMMENTARY

A. Summary

This section restates the rule of subsection (4), ORS 483.362, authorizing a wrecker or tow truck operator to stop the vehicle in a way that obstructs traffic in a roadway.

B. Derivation

This section has no analogy in the Uniform Vehicle Code.

C. Relationship to Existing Law

The present rule allows a wrecker or tow truck to stop in the roadway and obstruct traffic, if necessary, to salvage a vehicle and if suitable signs are put out. Paragraph (d), subsection (1), ORS 483.423, provides that a tow truck shall be equipped with an amber or red light of revolving type which the operator shall activate when connecting with another vehicle or while drawing a disabled vehicle onto a highway. Provisions for flares are stated in ORS 483.456 and their incorporation by reference may be appropriate to this draft section.

Section 6. (Police officers authorized to move vehicles.) When a police officer finds a vehicle parked or standing upon a highway in violation of section 1, 2 or 3 of this Article, the officer may move the vehicle, cause it to be moved or require the driver or person in charge of the vehicle to move it to a position permitted under section 1, 2 or 3 of this Article.

COMMENTARY

A. Summary

This section authorizes a police officer to move or cause to be moved a vehicle parked or standing upon a highway in violation of any of the prohibitions or regulations of section 1, 2 or 3 of this draft Article.

B. Derivation

This section is similar to subsection (2), ORS 483.362, and to subsection (a), as stated in the 1971 revised form, UVC s 11-1002.

C. Relationship to Existing Law

Under the provision of subsection (2), ORS 483.362, a police officer finding a vehicle on a highway, meaning from one boundary of the right of way to the other boundary, in violation of subsection (1) of ORS 483.362, outside a business or residence district, may move the vehicle or require the driver to move it, to a position not in violation of the rule of subsection (1), ORS 483.362.

The comparable UVC rule of subsection (a), UVC s 11-1002, authorizes a police officer to move a vehicle off the roadway when it is in violation of the rules of UVC s 11-1001. UVC s 11-1002 contains three additional subsections which relate respectively to authority to move an unattended vehicle illegally left standing on a highway where it obstructs traffic, to move a vehicle reported stolen or which cannot be taken care of by the person in charge of the vehicle and to move a vehicle when its driver has been arrested and must be taken before a magistrate forthwith. In these three subsections the police officer is authorized to move the vehicle to a place of safety and in the situation of the unattended illegally parked vehicle, to a garage or other place of safety. These three subsections do not concern

rules of the road as such. Similar provisions of Oregon law are ORS 483.382, which authorize the state police or sheriff to take custody of vehicles left parked or standing in excess of five days, and ORS 484.222, which authorizes impoundment of the motor vehicle of a driver convicted of driving with a suspended license in violation of ORS 482.650.

The draft section would allow a police officer finding a vehicle parked or standing in violation of the regulations or prohibitions of draft sections 1, 2 or 3, to move or have moved the vehicle to a permitted position. The rule applies whether the vehicle is parked on the roadway or on a part of the highway such as the shoulder or bicycle lane which under the circumstances is illegal. Unlike the similar UVC provision, it allows moving the vehicle if it is parked or standing either in a prohibited area under draft section 2, or not parallel to the road or highway edge and within 12 inches thereof under section 3. The rule of subsection (b), UVC s 11-1002, limits the authority of the police officer to move an illegally parked vehicle to the situation where it is impeding traffic.

Section 7. (Parking vehicle on state highway for vending purposes prohibited.) (1) A driver commits the offense of unlawful parking for vending purposes if he parks or leaves standing a vehicle on a right of way of a state highway for the purpose of advertising, selling or offering merchandise for sale.

(2) Unlawful parking for vending merchandise is a _____.

COMMENTARY

This section restates the provisions of ORS 483.347 for the purpose of consistency of style and form.

TEXT OF UNIFORM VEHICLE CODE

§ 11-1001—Stopping, standing or parking outside business or residence districts

(a) Outside a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(b) This section, § 11-1003 and § 11-1004 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. (SECTION REVISED, 1971.)

§ 11-1002—Officers authorized to remove vehicles

(a) Whenever any police officer finds a vehicle in violation of any of the provisions of § 11-1001 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway. (REVISED, 1971.)

(b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic. (REVISED, 1968.)

(c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

1. Report has been made that such vehicle has been stolen or taken without the consent of its owner, or
2. The person or persons in charge of such vehicle are unable to provide for its custody or removal, or
3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay. (NEW, 1968.)

TEXT OF UNIFORM VEHICLE CODE (Cont'd.)

§ 11-1003—Stopping, standing or parking prohibited in specified places

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:

- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- b. On a sidewalk;
- c. Within an intersection;
- d. On a crosswalk;
- e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings; (REVISED, 1968.)
- f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- h. On any railroad tracks;
- i. On any controlled-access highway; (NEW, 1971.)
- j. In the area between roadways of a divided highway, including crossovers; (NEW, 1971.)
- k. At any place where official signs prohibit stopping. (RE-LETTERED, 1971.)

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers: (REVISED, 1971.)

TEXT OF UNIFORM VEHICLE CODE (Cont'd.)

§ 11-1004—Additional parking regulations

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(c) Local authorities may permit angle parking on any roadway, except that angle parking shall not be permitted on any Federal-aid or State highway unless the (State highway commission or State highway engineer) has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The (State highway commission) with respect to highways under its jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand or park any vehicle in violation of the restrictions indicated by such devices. (SECTION REVISED, 1971.)