

Committee on Judiciary
Reference Paper

By: Marion Embick

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SUBJECT: Comparison of Uniform Vehicle Code and Oregon Law

UVC ARTICLE X. STOPPING, STANDING AND PARKING

§ 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.)

OREGON LAW

483.362 Parking vehicle on highway outside of business or residential district. (1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved, improved or main traveled portion of any highway, outside a business or residence district, when it is practicable to park or leave such vehicle standing off such portion of the highway; and in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than 16 feet upon the main traveled portion of the highway opposite such standing vehicle is left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon the highway.

(2) Whenever any police officer finds a vehicle standing upon a highway in violation of this section, he may move such vehicle or require the driver or person in charge of such vehicle to move it to a position permitted under this section.

(3) This section does not apply to:

(a) The driver of any vehicle which is disabled while on the paved, improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

(b) Emergency cars or vehicles of the police, traffic or sheriff's office, or the fire department, or ambulances, where such vehicles at the time are actually used in an emergency which necessitates a violation of this section.

UVC s 11-1001; ORS 483.362 (Cont'd.)

OREGON LAW (Cont'd.)

(c) A school bus, as defined in subsection (4) of ORS 485.010, which is operating a flashing red warning light and is stopped on the lane available for travel nearest the right-hand edge or curb of a highway for the purpose of loading or unloading school children.

(d) A worker transport bus, as defined in subsection (5) of ORS 485.010, which is operating a flashing red warning light and is stopped on the lane available for travel nearest the right-hand edge or curb of a highway for the purpose of loading and unloading any worker, as defined in ORS 485.310.

(4) Whenever the operator of a wrecker or tow car engaged in the salvaging of another vehicle finds it necessary to stop his vehicle so as to obstruct the roadway, he shall place at a suitable distance in each direction upon such roadway suitable signs or signals warning the drivers of oncoming vehicles of his operations. The signs or signals shall be of a design approved by the commission.

[Formerly 483.320; 1971 c.78 §1; 1971 c.607 §3]

Cases:

Parking was defined in Townsend v. Jaloff, 124 Or 644, 649, 264 P 349 (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 statutory prohibition against parking or leaving stand any vehicle upon the paved or main traveled portion of a highway does not apply to vehicles which have merely turned to the side of the road to avoid colliding with an approaching vehicle. Cavett v. Pac. Greyhound Lines, 178 Or 363, 167 P2d 941 (1946).

Regardless of the application of subsection (1), ORS 483.362, to areas outside business and residential districts, a driver has a common law duty to refrain from parking in such manner as to constitute a source of danger to others using the highway. Graves v. Shippey, 215 Or 616, 625, 300 P2d 442, 337 P2d 347 (1959); Parrott v. Spear, 259 Or 503, 487 P2d 71 (1971).

ORS 483.362 does not apply to a vehicle which is stopped or standing preparatory to making a left turn. Wells v. Washington County, 243 Or 246, 412 P2d 798 (1966).

A driver who has parked her vehicle half on the pavement on the left side of a two lane highway violated ORS 483.362 prohibiting parking on the highway when it is practicable to park off the highway. Smith v. Moore, 243 Or 413, 414 P2d 346 (1966).

UVC s 11-1001; ORS 483.362 (Cont'd.)

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

ORS 483.362 setting forth conditions under which a motor vehicle may and may not be stopped on a public highway applies to school busses. McLain v. Lafferty, 257 Or 553, 480 P2d 430 (1971). Regulation by an administrative department cannot authorize stopping by a school bus where prohibited by statute, namely ORS 483.362. Id. (This case was decided prior to the amendment of ORS 483.362 by Chapter 76, Oregon Laws 1971, which added the school bus exception to this law prohibiting parking on the highway.)

Analysis:

UVC s 11-1001 applies to the stopping or parking or leaving standing of a vehicle upon a roadway. Subsection (1) of ORS 483.362 prohibits parking or leaving standing a vehicle upon the paved, improved or main traveled portion of a highway. The UVC definition of roadway is the portion of a highway improved or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

The terms "parking" and "standing" are not defined in existing Oregon statutes. Parking is defined by case law as the voluntary act of leaving a car on the main traveled part of the highway when not in use. The UVC definitions 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.

The term "Stop or Stopping" is defined in the UVC to have different meanings depending on whether a stop is required or prohibited:

UVC s 11-1001; ORS 483.362 (Cont'd.)

UVC s 1-170. Stop. When required means complete cessation from movement.

UVC s 1-171. Stop or stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Under both subsection (a), UVC s 11-1001 and subsection (1), ORS 483.362, a clear view of a stopped vehicle for 200 feet in each direction of the highway is required by a person parking on the roadway or highway. Under the UVC subsection a vehicle standing on the roadway must leave an unobstructed width of highway free for passage of other vehicles, as compared to a width of not less than 16 feet in the Oregon provision.

Under subsection (b), UVC s 11-1001 as revised in 1971, the prohibitions against stopping, parking or leaving standing a vehicle contained in subsection (a) of the section and in s 11-1003 and the restrictions of s 11-1004 do not apply to a driver whose vehicle is disabled in such a manner that it is impossible to avoid stopping and temporarily leaving the vehicle "in such position." The "position" is roadway under UVC. The comparable Oregon rule, ORS 483.362 (3) (a), for "position" means paved, improved or main-traveled part of the highway.

The provisions of UVC s 11-1003 prohibiting parking in specific places are set out with certain deviations and omissions in ORS 483.364. There are no provisions in Oregon law comparable to those of subsections (a) and (b) of UVC s 11-1004 requiring that vehicles be parked within 12 inches from the curb or roadway edge.

Subsection (3) of ORS 483.362 is comparable to subsection (b), UVC s 11-1001. It excepts from the parking prohibitions of subsection (1) the drivers of disabled vehicles in the same language as is used in UVC s 11-1001 (b). It also excepts four other categories of vehicles as follows: (1) drivers of emergency vehicles, police, traffic and sheriff's office vehicles, fire department vehicles and ambulances used in an emergency necessitating a violation of the section; (2) school busses; (3) worker transport busses; and (4) wreckers or tow cars salvaging another vehicle and using proper warning signs. The exceptions for school and

UVC s 11-1001; ORS 483.362 (Cont'd.)

worker transport busses apply only when passengers are being loaded or unloaded and flashing red lights are being operated.

The Oregon law makes no exception for disabled vehicles to the parking regulations of ORS 483.364 which prohibit parking in specified locations as does the UVC. Since no Oregon provision requires parking within 12 inches of the curb, there is of course no disabled vehicle exception.

Until its 1971 revision, the exception clause of the UVC provision only excepted disabled vehicles outside business and residence districts as does paragraph (a), subsection (3) of ORS 483.362.

No state expresses a disablement exception that is as broad as the 1971 revision of the Uniform Vehicle Code.

UVC ARTICLE X. STOPPING, STANDING AND PARKING

§ 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.)

OREGON LAW

ORS 483.362 (2). Parking vehicle on highway outside of business or residential district.

(2) Whenever any police officer finds a vehicle standing upon a highway in violation of this section, he may move such vehicle or require the driver or person in charge of such vehicle to move it to a position permitted under this section.

UVC s 11-1002; ORS 483.362 (2), 483.382 and 484.222 (Cont'd.)

OREGON LAW (Cont'd.)

483.382 Taking abandoned or disabled vehicle into custody. (1) No vehicle which the Department of State Police or sheriff has reason to believe is disabled or abandoned shall be parked or left standing upon the right of way of any county road or state highway outside the corporate limits of incorporated cities or towns or upon any state property or the right of way of an interstate highway, for a period in excess of 24 hours. No vehicle shall be parked or left standing upon the right of way of any county road or state highway outside the corporate limits of incorporated cities or towns or upon any state property or the right of way of an interstate highway, for a period in excess of five days. Any vehicle so parked or left standing may be taken into custody by the Department of State Police if the same is upon the right of way of a state highway, interstate highway or state property, or by the sheriff of the county if the vehicle is upon the right of way of a county road, and held at the expense of the owner or person entitled to possession thereof. The Department of State Police or sheriff may utilize its or his own personnel, equipment and facilities for the removal and preservation of such vehicles, or may hire other personnel, equipment and facilities for that purpose. As used in this subsection, "interstate highway" means a highway that is part of the National System of Interstate and Defense Highways established pursuant to section 103(e), title 23, United States Code.

(2) Any vehicle parked or left standing upon any private property in excess of five days without the consent of the owner or person in lawful possession or control of the property may, at the request of either, be removed by the sheriff of the county in which the vehicle is located and held at the expense of the owner or person entitled to possession of the vehicle in the same manner as provided in subsection (1) of this section.

[1955 c.411 §1; 1965 c.245 §1; 1967 c.484 §1; 1973 c.441 §1]

UVC s 11-1002; ORS 483.362 (2), 483.382 and 484.222 (Cont'd.)

OREGON LAW (Cont'd.)

484.222 Impounding vehicles operated by driver convicted under ORS 482.650; redemption; suspension of registration; rights of security interest holders. (1) (a) When a person is convicted for driving a motor vehicle in violation of ORS 482.650, the court shall order impounded for not more than 120 days from judgment any motor vehicle of which the convicted person is the owner and any motor vehicle which the convicted person is operating at the time of arrest for violation of ORS 482.650. He shall be liable for the expenses incurred in the removal and storage of the vehicle under this subsection, whether or not the vehicle is returned to him. The vehicle shall be returned to the person convicted or the owner only upon payment of such expenses.

(b) If the vehicle is not reclaimed within 30 days after the time set for the return of the vehicle in the impounding order, the vehicle may be disposed of in accordance with ORS 483.380 to 483.396.

(2) (a) When a person is convicted for driving a motor vehicle in violation of ORS 482.650, the court, instead of or in addition to impoundment under subsection (1) of this section, may order the Motor Vehicles Division to suspend for not more than 120 days the registration required under ORS chapter 481 of any vehicle of which the convicted person is the owner or any vehicle which the convicted person is operating at the time of his arrest for violation of ORS 482.650. The division shall forthwith suspend the registration and require the owner to return the registration card and plates. If the vehicle has not been impounded and the owner fails to return the registration card and plates to the division within 10 days after the date notice to do so is mailed to him, return receipt requested, the division shall forthwith direct any peace officer to secure possession thereof and return the registration card and plates to the division.

(b) The division shall return the registration card and plates to the owner upon expiration of the period specified by the court in its order provided in paragraph (a) of this subsection upon payment by the owner to the division of a restoration fee of \$10.

(3) The court may order that a motor vehicle of which the convicted person is not the owner be impounded or its registration suspended under this section only if the court is satisfied by clear and convincing evidence that the owner knew or had good reason to know that the convicted person did not have a valid operator's license and knowingly consented to the operation of the motor vehicle by the convicted person.

(4) The authority of the court under this section to impound any motor vehicle shall be subject to the rights of a holder of a security interest under a security agreement executed before an arrest for violation of ORS 482.650, and the vehicle shall be released for the purpose of satisfying a security interest if:

(a) Request in writing is made to the court; and

(b) If the vehicle has been impounded, the security interest holder pays the expenses incurred in removal and storage of the vehicle; and

(c) If the registration of the vehicle has been suspended, the security interest holder takes possession of the vehicle subject to the suspension of the registration remaining in effect against the registered owner.

[1967 c.579 §4; 1971 c.501 §1]

Cases:

There are no cases in point on subsection (2), ORS 483.362, 483.382 or 484.222.

UVC s 11-1002; ORS 483.362 (2), 483.382 and 484.222 (Cont'd.)

Analysis:

Subsection (a), UVC s 11-1002 provides that a police officer may move off the roadway a vehicle found on the roadway in violation of the prohibition of s 11-1001 against parking or standing outside of business and residential districts. Subsection (2), ORS 483.362 grants the police officer the authority to move a vehicle found on the highway in violation of the section. This subsection uses the wording of the UVC in its earliest versions.

Subsection (b), UVC s 11-1002 grants authority to a police officer to remove to a place of safety an unattended vehicle left illegally standing on a highway or bridge, causeway or tunnel so as to obstruct traffic. Subsection (1) of ORS 483.382 grants authority to the State Police Department and county sheriffs respectively to take into custody any vehicle left parked or standing for more than five days on the right of way of state highways or property or the right of way of an interstate highway, or on the right of way of county roads. Subsection (1) of ORS 483.382 also prohibits the parking or leaving standing for more than 24 hours on a state or interstate or county highway right of way outside a city or town of a vehicle which the State Police or sheriff have reason to believe is disabled or abandoned.

The UVC subsection is directed toward moving a vehicle parked on the roadway which is interfering with traffic. The comparable provision of existing Oregon law is directed at the vehicle which has been left on the highway, including its shoulder, outside city limits, which may or may not be obstructing traffic, and which may be either disabled or abandoned. Hence, under the UVC subsection (b), the vehicle may be moved from the roadway onto the shoulder. Under subsection (1), ORS 483.382 the vehicle on the right of way may be taken into custody and moved by the State Police or sheriff.

Subsection (c), UVC s 11-1002 authorizes a police officer to remove to a near garage or other safe place a vehicle found on the highway when it has been reported stolen or taken without the owner's consent; when the person in charge of it cannot provide for its custody or removal; or when the driver is arrested for an alleged offense for which he must be taken before a magistrate right away.

UVC s 11-1002; ORS 483.362 (2), 483.382 and 484.222 (Cont'd.)

This subsection is intended to include the situation of a driver who is physically incapacitated as well as of a disabled vehicle.

There is no counterpart in Oregon traffic law to subsection (c) of UVC s 11-1002 except the provision of ORS 484.222 which authorizes the court convicting a person of driving with a suspended license to order impounded the convicted person's vehicle for not more than 120 days. The Criminal Procedure Code contains provisions for the preservation and return of stolen property and seizure of vehicles transporting contraband.

The adoption of UVC rules of s 11-1002 would allow the removal from the roadway of vehicles obstructing traffic, whether or not disabled, attended or unattended, and to remove from a highway, bridge, causeway or tunnel an unattended vehicle illegally left standing "in such position" which is obstructing traffic. The vehicle which is not obstructing traffic which could be removed would be the stolen vehicle, the one whose owners cannot take care of it, and the one whose driver is being taken before a magistrate.

UVC ARTICLE X. STOPPING, STANDING AND PARKING

§ 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.)

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

a. In front of a public or private driveway;

b. Within 15 feet of a fire hydrant;

c. Within 20 feet of a crosswalk at an intersection;

d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway; (REVISED, 1968.)

e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);

f. At any place where official signs prohibit standing.

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.)

a. Within 50 feet of the nearest rail of a railroad crossing;

b. At any place where official signs prohibit parking.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful. (SECTION REVISED, 1962.)

UVC s 11-1003; ORS 483.364 (Cont'd.)

OREGON LAW

483.364 Specific places where parking prohibited. No driver of a vehicle shall stop, stand or park it, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control signal, in any of the following places:

- (1) Within an intersection.
- (2) On a crosswalk.
- (3) 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 local or traffic authorities indicate a different length by signs or markings.
- (4) Within 25 feet from the intersection of curb lines, or, if none, within 15 feet of the intersection of property lines at an intersection within a business or residence district, except at alleys.
- (5) Within 30 feet upon the approach to any official flashing beacon, stop sign or traffic control signal located at the side of the roadway.
- (6) Within 15 feet of the driveway entrance to any fire station.
- (7) Within 10 feet of a fire hydrant.
- (8) In front of a private driveway.
- (9) On a sidewalk.
- (10) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a highway.
- (12) At any place where official traffic signs have been erected prohibiting standing and parking.
- (13) Within a 25 foot radius of the intersection of the center lines of a highway and a railway or interurban railway crossing. [Formerly 483.322]

Cases:

No cases interpreting this section.

Analysis:

These two sections are basically the same in that their provisions prohibit a driver from stopping, standing, or parking a vehicle in specific situations which are related to an intersection, crosswalk, railroad tracks, etc. The Oregon code provisions make an unconditional prohibition in all the situations or locations specified. The UVC draws a distinction in that it totally prohibits the stopping and parking in certain instances, and in others prohibits it except for "momentarily" to pick up or discharge passengers, and in a third category, except for "temporarily" to load or unload property or passengers.

UVC s 11-1003; ORS 483.364 (Cont'd.)

The prohibitions of UVC s 11-1003 (a) (1) (g) upon any bridge or elevated structure upon a highway or within a tunnel, and of subparagraph (h), on any railroad track, and subparagraph (i), on any controlled access highway, and subparagraph (j), between roadways of a divided highway, are not contained in ORS 483.364.

The prohibition against parking within 20 feet of a crosswalk at an intersection of subparagraph (c), UVC s 11-1003 (2) in the Oregon provision is stated in terms of distance from intersection of curb lines or property lines and applies only within a business or residence district. The Oregon provision is verbatim the same as the 1934 UVC version of this rule.

Subsection (b), UVC s 11-1003, prohibiting a person from moving a vehicle not lawfully under his control into a prohibited area has no counterpart in Oregon law.

UVC s 11-1003 (a) (2) (d), which prohibits parking within 30 feet of flashing signals, stop signs and traffic control signals, includes a yield sign with those mentioned. The Oregon counterpart does not.

UVC ARTICLE X. STOPPING, STANDING AND PARKING

§ 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.)

OREGON LAW

483.350 Authority of municipalities to control parking on state highways. Except as provided in ORS 483.346, the municipal authorities of incorporated cities and towns shall have exclusive authority to regulate, control or prohibit the parking of motor vehicles upon the right of way of any state highway within the corporate limits of an incorporated city or town, and upon any city street selected and designated as the route

of a state highway pursuant to the provisions of ORS 373.010, but shall not authorize or require angle or diagonal parking upon any such street or highway without the written consent of the State Highway Commission when a competent traffic survey made by either the State Highway Commission or the city discloses that such street or highway is too narrow to permit angle or diagonal parking and the safe and expeditious movement of traffic.

UVC s 11-1004; ORS 483.350, 483.346, 483.348 (Cont'd.)

OREGON LAW (Cont'd.)

483.346 Authority of highway commission to control parking on state highways. The State Highway Commission shall have exclusive authority to regulate, control or prohibit the parking of motor vehicles upon the right of way of any state highway outside the corporate limits of incorporated cities and towns, and upon the right of way of any section of any state highway within the corporate limits of any incorporated city or town, if access to or from said section of highway and real property abutting thereon was restricted, controlled or prohibited by the highway commission before said section of highway was included within the corporate limits of an incorporated city or town, and if said section of highway was included within the corporate limits of an incorporated city or town by incorporation, annexation or extension of corporate limits occurring after July 21, 1953.

483.348 Entry of commission's parking regulations in official records; erecting appropriate signs; regulations as having force of law. (1) All regulations, restrictions or prohibitions imposed by the State Highway Commission under authority of ORS 483.346 shall be by resolution or order entered in official records of the State Highway Commission.

(2) The commission shall place and maintain appropriate signs or markings giving notice of all such regulations, restrictions or prohibitions at such places as may be necessary to inform the public, and such regulations, restrictions or prohibitions shall be effective and shall have the force of law when the signs or markings giving notice thereof have been placed.

[1953 c.587 §3]

Cases:

No cases interpreting these sections.

Analysis:

Subsection (a), UVC s 11-1004 requires that on a two-way roadway all vehicles stopped or parked must be parallel to the right-hand curb and the right wheels within 12 inches of the curb or right edge of the right shoulder.

Subsection (b) states the same 12 inch rule as it applies to a one-way roadway, allowing vehicles to park on either side unless local law provides otherwise. Oregon has no provisions comparable to either of these rules.

Subsection (c), UVC s 11-1004 authorizes local authorities to permit angle parking except that on a Federal-aid or state highway the State Highway Commission must determine the roadway to be wide enough so that angle parking would not interfere with traffic flow. Until the 1971 revision of this subsection a resolution or order was required from the state authority to allow this angle parking.

UVC s 11-1004; ORS 483.350, 483.346, 483.348 (Cont'd.)

Subsection (d), UVC 11-1004 authorizes the State Highway Commission to place signs regulating the stopping and parking of vehicles, requires that they be based on its opinion that stopping and parking would be dangerous to highway users, and prohibits persons from stopping and parking in violation of the signs.

ORS 483.350 gives exclusive authority to incorporated cities and towns to control parking on the right of way of a state highway within the city's corporate limits and on city streets designated as a state highway route under ORS 373.010, but prohibits the city from authorizing diagonal parking on a state highway or state highway route in the city unless written consent is obtained from the State Highway Commission. The commission's consent must be given when a traffic survey made either by the commission or the city shows the highway is too narrow for the safe movement of traffic.

This requirement that consent of the state authority be obtained appears to mean the consent for any diagonal parking. It also may mean that consent is required only for a narrow street where diagonal parking would interfere with traffic.

ORS 483.346 and 483.348 relate to State Highway Commission authority over regulation of parking on state highways outside cities. ORS 483.346 gives the authority to the commission over state highways outside cities, over those sections of state highways within cities where access was restricted or prohibited by the commission before the section was annexed to the city, and over those sections of highway included in the city limits by annexations which took place after July 21, 1953.

Subsection (1) of ORS 483.348 provides that all regulations and prohibitions of the State Highway Commission made pursuant to ORS 483.346 shall be by resolution or order entered in the commission's official orders. Subsection (2) provides that the commission shall post appropriate signs giving notification of parking regulations and prohibitions made and where signs and markings are placed the regulations have the force of law.

ORS 483.346 and 483.348 are authorization provisions comparable to those of subsection (d), UVC s 11-1004. These authorization provisions are more appropriately placed in the Article on General Provisions.

OREGON LAW

483.347 Parking vehicle on state highway for vending purposes prohibited. No person shall park a vehicle on a right of way described in ORS 483.346 for the purpose of advertising, selling or offering merchandise for sale.
[1959 c.617 §2]

Cases:

No cases interpreting this section.

Analysis:

This section prohibits the parking of a vehicle on the right of way of a state highway which is under the jurisdiction of the State Highway Commission according to the provisions of ORS 483.346, for the purpose of advertising or selling merchandise.

The provisions of subsection (1), ORS 483.362 prohibit parking on a highway outside a business or residence district unless there are 16 feet of the main traveled part of the highway opposite the standing vehicle left for free passage of traffic and the vehicle may be seen for 200 feet in both directions.

The provisions of subsection (a), UVC s 11-1001 will act to restrict parking on a state highway as does ORS 483.347. However, although the rule would eliminate parking for vending purposes on a narrow or winding highway, it does not address itself to the prohibition of parking for vending purposes. There is no UVC section exactly comparable to ORS 483.347.

OREGON LAW

483.352 Definitions for ORS 483.352 to 483.356. As used in ORS 483.352 to 483.356, unless the context requires otherwise:

(1) "Disabled person" means a person who is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheel chair or who because of paralysis or loss of function of his legs is not able to cross curbs or walk further than 100 feet, or who is missing one or both legs.

(2) "Marked motor vehicle" means a motor vehicle registered to a disabled person and conspicuously displaying the decal, insignia or plates issued under the provisions of ORS 483.356.

[1963 c.525 §1; 1973 c.219 §1; 1973 c.302 §1]

483.356 Marking vehicle of disabled person for purposes of ORS 483.354. (1) The Motor Vehicles Division shall issue without charge a special decal, identifying insignia or plates for a marked motor vehicle to any disabled applicant upon submission by the applicant of a certificate by a qualified physician to the division that he is a disabled person within the meaning of ORS 483.352.

(2) The Motor Vehicles Division shall determine the form, size and content of the decal, insignia or plates and promulgate rules and regulations governing their issuance and use necessary to carry out the provisions of ORS 483.352 to 483.356.

[1963 c.525 §3]

483.354 Disabled persons may without penalty park overtime in zones where parking permitted one hour or more; exceptions.

(1) Notwithstanding the provisions of ORS 483.346 and 483.350 or the parking restrictions imposed by any city or county ordinance, a disabled person, if he complies with the provisions of ORS 483.352 to 483.356, may:

(a) When parallel parking next to a curb is provided, park a marked motor vehicle in any parking zone restricted to not less than one hour as to the length of time parking is permitted therein without incurring the penalties imposed for overtime parking in such zones; and

(b) When other than parallel parking is provided, park a marked motor vehicle in any parking zone at the end of the block or next to an alley or curb ramp without incurring the penalties imposed for overtime parking in such zones.

(2) The provisions of subsection (1) of this section do not apply to parking in zones where stopping, parking or standing of all motor vehicles is prohibited, to parking where late evening or overnight parking is prohibited or to parking in zones reserved for special types of motor vehicles or activities.

[1963 c.525 §2; 1973 c.302 §2]

There are no comparable UVC sections.
