

Committee on Judiciary  
Reference Paper

By: Marion Embick

Date: May 1974

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SUBJECT: Comparison of Uniform Vehicle Code and Oregon Law  
UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1101—Unattended motor vehicle

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. (REVISED, 1968.)

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OREGON LAW

**483.366 Precautions when vehicle allowed to stand on highway or grade.** No person having control or charge of a motor vehicle shall allow it to stand on any highway unattended without first effectively setting its brakes and stopping its motor, and when standing upon any perceptible grade, without turning the front wheels of such vehicle to the curb or side of the highway.  
[Formerly 483.324]

Cases:

No cases interpreting this section.

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Analysis:

The 1926 and 1930 editions of the UVC contained a provision on unattended motor vehicles which is almost verbatim identical to ORS 483.366. The Oregon provision contains no requirement that the driver lock the ignition and remove the key from the ignition. Section 26 of the Suggested Uniform Traffic Ordinance for Oregon, Bureau of Governmental Research and Service, covers the requirement of locking and removing key:

"Leaving Unattended Vehicle. No operator or person in charge of a motor vehicle shall

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UVC s 11-1101; ORS 483.366 (Cont'd.)

park it or allow it to be parked on a street,  
on other property open to public travel, or  
on a new or used car lot without first stopping  
the engine, locking the ignition, removing the  
ignition key from the vehicle and effectively  
setting the brake. If the vehicle is attended,  
the ignition key need not be removed."

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UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1102--Limitations on backing

(a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway. (NEW, 1962.)

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OREGON LAW

NO COMPARABLE PROVISION

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Analysis:

The UVC provision prohibits backing a vehicle unless it can be done with safety and without interfering with other traffic, and prohibits backing absolutely on a shoulder or roadway of a controlled-access highway.

Subsection (1), section 12, of the Suggested Uniform Traffic Ordinance for Oregon prohibits backing unless it can be done with reasonable safety as well as without interfering with other traffic, and requires that the driver backing his vehicle yield the right of way to moving traffic and pedestrians.

The term, "moving traffic," when traffic is defined to include pedestrians, as is done both in the UVC and subsection (1) of ORS 483.028, makes the inclusion of pedestrians redundant.

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UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1103—Driving upon sidewalk

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (NEW, 1968.)

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OREGON LAW

NO COMPARABLE PROVISION

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Analysis:

The UVC provision prohibits a person from driving any vehicle upon a sidewalk or sidewalk area except upon a driveway. The UVC definition of "sidewalk" includes both paved and unpaved and makes the use of the term "sidewalk area," not defined in the UVC, ambiguous if not superfluous.

The UVC defines "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."

It appears that some of the mowing machines designed to be ridden by a person are prohibited from using the sidewalk or sidewalk area notwithstanding the area might be planted with lawngrass and require mowing.

The Suggested Uniform Traffic Ordinance in subsection (1), section 18, provides as follows:

"(1). Damaging Sidewalks and Curbs. The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway."

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UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1104—Obstruction to driver's view or driving mechanism

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle (or streetcar) shall ride in such position as to interfere with the driver's (or motorman's) view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle (or streetcar). (REVISED, 1968.)

§ 11-1106—Riding in house trailers

No person or persons shall occupy a house trailer while it is being moved upon a public highway. (New, 1956.)

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OREGON LAW

483.538 Passengers in front seat; interfering with driver; in house trailer. (1) No driver shall operate a vehicle:

(a) Which is so loaded as to obstruct his view to the front or sides or to interfere with his control or with the driving mechanism of the vehicle.

(b) When he has in his lap or in his embrace another person, baggage or encumbrance which prevents the free and unhindered operation of such motor vehicle.

(2) No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver's or operator's view ahead or to the sides, or to interfere with the driver's or operator's control of the driving mechanism of the vehicle or streetcar.

(3) No person shall operate a vehicle on the highway while towing a mobile home or travel trailer, as defined by ORS 481.021, containing a passenger.

[Amended by 1963 c.76 §1; 1969 c.425 §1; 1973 c.440 §1]

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UVC ss 11-1104 and 11-1106; ORS 483.538 (Cont'd.)

Cases:

Clement v. Cummings, 212 Or 161, 317 P2d 579 (1957), holds that ORS 483.538 is violated when there is so much of the person of another, or of a package or any other encumbrance, on a part of the lap of the driver as to prevent the free and unhampered operation of the motor vehicle.

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Analysis:

Both subsection (a), UVC s 11-1104, and subsection (1), ORS 483.538, prohibit a person from driving a vehicle which is so loaded that the driver's view is obstructed. The UVC provision also prohibits more than three persons from riding in the front seat. The Oregon rule is subdivided into two paragraphs, the first of which is the same prohibition as the UVC against driving when the view is obstructed or control or driving mechanism interfered with, and the second, paragraph (b), prohibits the driver from driving when he has in his lap or embrace another person, baggage or encumbrance. This paragraph is not duplicated in the UVC.

Subsection (3) of ORS 483.538 prohibits a driver from towing a mobile home or travel trailer, as defined in ORS 481.021, containing a passenger. It is similar to UVC s 11-1106 in its end result, but whereas the Oregon code is a prohibition to the driver, the UVC rule is directed at the would-be passengers.

"Mobile home" and "travel trailer" are defined by subsections (3) and (4) of ORS 481.021 as follows:

"(3) 'Mobile home' (excluding a modular home, prefabricated home and tent trailer) means a trailer or structure that:

"(a) Is designed to be transported or used upon the highways;

"(b) Is capable of being used for human habitation or for business, commercial or office purposes; and

"(c) Is not a travel trailer.

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UVC ss 11-1104 and 11-1106; ORS 483.538 (Cont'd.)

"(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."

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UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1105—Opening and closing vehicle doors

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (REVISED, 1962.)

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OREGON LAW

NO COMPARABLE PROVISION

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Analysis:

This section was added to the UVC in 1956. According to Traffic Laws Annotated, 29 states do not have comparable provisions.

The Suggested Uniform Traffic Ordinance for Oregon at section 14 covers this area:

"Emerging from Vehicle. No person shall open the door of a motor vehicle into a traffic lane without first ascertaining that it can be done in safety."

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UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1107—Driving on mountain highways

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the roadway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway. (REVISED, 1971.)

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OREGON LAW

483.338 Driving through defiles, canyons, or mountain highways. The driver of a motor vehicle traversing defiles, canyons or mountain highways shall hold such vehicle under control and as near the right-hand side of the highway as reasonably possible, and upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway shall give audible warning with a horn or other warning device.

Cases:

Hornby v. Wiper, 155 Or 203, 63 P2d 204 (1936), holds that evidence that a motorist attempted to pass a preceding vehicle very close to an extremely sharp blind turn on a main highway of the state on a steep mountainside, supports a finding of negligence when he collides with the preceding vehicle.

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Analysis:

ORS 483.338 is verbatim the same as the comparable section of the 1926 and 1930 editions of the UVC.

The UVC provision qualifies the requirement of giving an audible warning when approaching a curve in that this warning is not required when the driver is proceeding entirely to the right of the center of the roadway.

The Oregon rule is stated in terms of position on the highway whereas the UVC rule is in terms of position on the

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UVC s 11-1107; ORS 483.338 (Cont'd.)

roadway. The position on roadway is more definite and specific in telling the driver where he should be.

The California rule is verbatim the same as the UVC provision but in addition requires that on narrow roadways where the width is insufficient for two vehicles to pass, the driver descending shall yield to the one ascending.

"Narrow Roadways. Whenever upon any grade the width of the roadway is insufficient to permit the passing of vehicles approaching from opposite directions at the point of meeting, the driver of the vehicle descending (sic) the grade shall yield the right-of-way to the vehicle ascending the grade and shall, if necessary, back his vehicle to a place in the highway where it is possible for the vehicles to pass." Cal Vehicle Code s 21661 (1960).

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UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1108—Coasting prohibited

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.

(b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged. (SECTION REVISED, 1968.)

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OREGON LAW

**483.336 Coasting upon down grade.** The driver of a motor vehicle when traveling upon a down grade upon any highway shall not coast with the gears of such vehicle in neutral, nor shall the driver of a motor truck coast with the clutch of such vehicle disengaged.

Cases:

No cases interpreting this section.

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Analysis:

The UVC rule provides in addition to the rule of ORS 483.336 that the driver shall not coast with the vehicle transmission in neutral, and the bus driver, in addition to the truck driver, shall not coast with clutch disengaged.

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UVC ARTICLE XI. MISCELLANEOUS RULES

**§ 11-1109—Following fire apparatus prohibited**

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm. (REVISED, 1971.)

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OREGON LAW

**483.330 Following fire apparatus or parking in vicinity of fire.** No driver of any vehicle other than one on official business shall follow closer than 500 feet any fire apparatus traveling in response to a fire alarm, or drive into or park such vehicle within two blocks of a point where fire apparatus has stopped in answer to a fire alarm, or within three blocks of a point where a fire is in progress.  
[Amended by 1961 c.547 §4]

Cases:

No cases interpreting this section.

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Analysis:

Whereas the UVC provision prohibits stopping a vehicle within 500 feet of fire apparatus stopped in answer to a fire alarm, the Oregon provision prohibits driving into or parking a vehicle within two blocks of a point where fire apparatus has stopped or three blocks of the fire itself. Both provisions prohibit following fire apparatus closer than 500 feet.

The analogous California Code provision on following fire apparatus is found in Cal Vehicle Code s 21706 (1972):

"No motor vehicle, except an authorized emergency vehicle, shall follow within 300 feet of any authorized emergency vehicle ( ) being operated under the provisions of Section 21055.

"This section shall not apply to a police or traffic officer when serving as an escort within the purview of Section 21057."

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UVC s 11-1109; ORS 483.330 (Cont'd.)

Section 21055 exempts authorized emergency vehicles from certain rules of the road when they are being operated in response to an emergency.

Section 21057 prohibits police from using a siren or driving at an illegal speed when serving as an escort vehicle, except to preserve life or during a national, state or local emergency.

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UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1110—Crossing fire hose

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. (REVISED, 1968.)

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OREGON LAW

**483.332 Driving vehicle or streetcar over fire hose.** No streetcar or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or streetcar track, for use at any fire or alarm of fire, without the consent of the fire department in command.

Cases:

No cases interpreting this section.

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Analysis:

The provisions are the same except that ORS 483.332 applies to streetcars as well as to vehicles.

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**UVC ARTICLE XI. MISCELLANEOUS RULES**

**§ 11-1111—Putting glass, etc., on highway prohibited**

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

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**OREGON LAW**

**164.785 Placing offensive substances in waters, on highways or other property prohibited.** (1) It is unlawful for any person, including a person in the possession or control of any land, to discard any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious or offensive substance into or in any other manner befall, pollute or impair the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch, cistern or pond of water.

(2) It is unlawful for any person to place or cause to be placed any polluting substance listed in this section into any road, street, alley, lane, lot, field, meadow or common. It is unlawful for an owner thereof to knowingly permit any polluting substances to remain in any of the places described in this subsection to the injury of the health or to the annoyance of any citizen of this state. Every 24 hours after conviction for violation of this subsection during which the violator permits the polluting substances to remain is an additional offense against this subsection.

(3) Nothing in this section shall apply to the storage or spreading of manure or like substance for agricultural or horticultural purposes, except that no sewage sludge shall be used for these purposes unless treated in a manner approved by the Health Division.

(4) Violation of this section is a Class A misdemeanor.

(5) In addition to and not in lieu of the criminal penalty authorized by subsection (4) of this section, the civil penalty authorized by ORS 468.140 may be imposed for violation of this section.

[Formerly 449.105]

**164.805 Offensive littering.** (1) A person commits the crime of offensive littering if he creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:

(a) Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way; or

(b) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon the land of another without permission of the owner, or upon any public way; or

(c) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he is operating; except that this subsection shall not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commissioner of Oregon or a person operating a school bus subject to ORS 485.010 to 485.060.

(2) As used in this section, "public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, a county or a local municipality for use by the general public.

(3) Offensive littering is a Class C misdemeanor.

[1971 c.743 §283]

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UVC § 11-1111; ORS 164.785 and 164.805 (Cont'd.)

Cases:

No cases interpreting these sections.

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Analysis:

Subsection (a), UVC § 11-1111, prohibits throwing or depositing any glass bottle, glass or other enumerated materials, including cans, likely to injure persons, animals or vehicles upon a highway.

Subsection (b) requires the person who has dropped, or allowed the dropping on the highway, injurious material to remove it immediately.

Subsection (c) requires the person removing a wrecked vehicle from a highway to remove glass or other injurious substance from the highway.

ORS 164.785 is directed at the discarding of carcasses and putrid materials, and includes in the list, "deleterious or offensive substance." Subsection (2) prohibits the placing of, or allowing to remain, any "polluting substance" as listed in the section, in a "road, street, alley, lane." It is the owner of the road, street, lot, meadow or common who is forbidden knowingly to allow the polluting substance to remain to the injury of the health or to the annoyance of any citizen.

ORS 164.805 defines the crime of offensive littering and classifies it as a Class C misdemeanor. Subsection (1) prohibits putting debris or refuse on the land of another or on a public way, draining sewage or septic tank or recreational vehicle waste holding tank drainage onto the land of another or onto a public way, and permitting rubbish, etc., to be thrown from a vehicle which he is operating.

Subsection (2) defines a public way to include all highways and recreational facilities operated by the state, a county or local municipality for use by the public.

Subsection (3) classifies the offense.



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UVC § 11-1111; ORS 164.785 and 164.805 (Cont'd.)

Whereas ORS 164.805 provides that the offense is committed when a person intentionally does any of the prohibited acts, the UVC provision makes no such requirement of intent.

There are no provisions in the Oregon code comparable to subsections (b) and (c) of UVC § 11-1111.

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UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1112—Stop when traffic obstructed

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed. (NEW, 1971.)

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OREGON LAW

NO COMPARABLE PROVISIONS

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Analysis:

This section was added to the UVC in 1971. It formerly appeared in all editions of the Model Traffic Ordinance from 1934 through 1968.

The Suggested Uniform Traffic Ordinance for Oregon, in subsection (5) of section 12, prohibits a driver from entering an intersection or a marked crosswalk unless there is clearance on the other side:

"(5) Rules of Road. Notwithstanding an indication by a traffic control device to proceed:

"(a) No operator of a vehicle shall enter an intersection unless there is sufficient space on the opposite side of the intersection to accommodate his vehicle without obstructing the passage of other vehicles.

"(b) No operator of a vehicle shall enter a marked crosswalk, whether or not at an intersection, unless there is sufficient space on the opposite side of the crosswalk to accommodate his vehicle without obstructing the passage of pedestrians."

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UVC ARTICLE XI. MISCELLANEOUS RULES

§ 11-1113—Snowmobile operation limited

(a) No person shall operate a snowmobile on any controlled-access highway.

(b) No person shall operate a snowmobile on any other highway except when crossing the highway at a right angle, when use of the highway by other motor vehicles is impossible because of snow, or when such operation is authorized by the authority having jurisdiction over the highway. (NEW SECTION, 1971.)

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OREGON LAW

**483.710 Operation of snowmobile to hunt; while under the influence of liquor or drugs; "dangerous drugs" defined.** (1) No person shall operate a snowmobile in a manner so as to run down, harass, chase or annoy any game animals or birds or domestic animals. No person shall hunt from a snowmobile. This subsection does not apply to officers of the State Wildlife Commission, to persons under contract to the commission in the performance of their official duties or to individuals who have secured a permit from the commission for purposes of research and study.

(2) No owner or other person having charge or control of a snowmobile shall knowingly authorize or permit any person to operate the snowmobile across a highway who is incapable by reason of age, physical or mental disability or who is under the influence of intoxicating liquor, dangerous drugs or narcotic drugs.

(3) As used in subsection (2) of this section and ORS 483.730, "dangerous drugs" means any drug designated a dangerous drug by the Drug Advisory Council under ORS 689.660.

[1969 c.593 §§10, 13; 1971 c.618 §23]

**483.725 Operator's license or certification required; age limit for operators; snowmobile safety education courses.** (1) No person shall operate a snowmobile unless:

(a) He has an operator's license issued under ORS chapter 482 or has been certified, as provided by subsection (3) of this section, as qualified to operate a snowmobile; and

(b) He has on his person at the time he is operating the snowmobile his license or evidence of such certification.

(2) No person under 12 years of age shall operate a snowmobile on or across a highway or a railroad right of way.

(3) A person who does not have an operator's license issued under ORS chapter 482 may operate a snowmobile if he has taken a snowmobile safety education course and been certified as qualified to operate a snowmobile. The course shall be one given by an instructor designated by the division as qualified to conduct such a course and issue such a certificate. The division shall adopt regulations to provide for the designation of instructors and the issuance of certificates. The division shall by regulation prescribe reasonable fees to be collected in the administration of the program. Notwithstanding subsection (1) of this section, a person may operate a snowmobile while taking such a course from an instructor. [1971 c.618 §18]

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UVC § 11-1113; ORS 483.710, 483.725, 483.730, 483.735,  
483.740 and 483.755 (Cont'd)

OREGON LAW (Cont'd.)

**483.730 Prohibited acts.** It shall be unlawful for any person to operate any snowmobile:

(1) At a rate of speed greater than reasonable and proper under the existing conditions.

(2) While under the influence of intoxicating liquor, dangerous drugs or narcotic drugs.

(3) In a negligent manner so as to endanger the person or property of another, or to cause injury or damage to either.

(4) Without a lighted headlight and tail-light.

(5) Without an adequate braking device which may be operated either by hand or foot.

(6) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of 82 decibels or below on the "A" scale at 100 feet under testing procedures established by the Department of State Police; however, snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

(7) Upon the paved portion or upon the shoulder or inside bank or slope of any highway, or upon the median of any divided highway or upon any portion of a highway right of way under construction, except as provided in ORS 483.735 and 483.740.

(8) On or across a railroad right of way, except as provided by ORS 483.735 and 483.740; however, this subsection does not apply to snowmobiles being operated by officers or employees or authorized contractors or agents of a railroad in the course of their employment.

(9) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage or destroy trees or growing crops.

(10) With a firearm in his possession, unless the firearm is unloaded, or with a bow, unless the bow is unstrung.

[1971 c.618 §15]

**483.735 Crossing two or three lane highways.** It shall be lawful to drive or operate a snowmobile across a two or three lane highway or a railroad right of way when:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway or railroad right of way and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before entering the highway or railroad right of way;

(3) The operator of the snowmobile yields the right of way to vehicles using the highway or equipment using the railroad tracks; and

(4) The crossing is made at an established public railroad crossing or at a place that is greater than 100 feet from any highway intersection.

[1971 c.618 §16]

**483.740 Operation of snowmobile upon highway or railroad right of way.** (1) Notwithstanding subsection (2) of ORS 483.735 and ORS 483.735, it shall be lawful to operate a snowmobile upon a highway:

(a) Where the highway is completely covered with snow or ice and has been closed to motor vehicle traffic during the winter months;

(b) For the purpose of loading or unloading when such operation is performed with safety and without causing a hazard to vehicular traffic approaching from either direction on the highway;

(c) Where the highway is posted to permit snowmobiles;

(d) In an emergency during the period of time when and at locations where snow upon the highway renders travel by automobile impractical; or

(e) When traveling along a designated snowmobile trail.

(2) Notwithstanding subsection (2) of ORS 483.725 and ORS 483.735, it shall be lawful to operate a snowmobile upon a railroad right of way:

(a) Where the right of way is posted to permit snowmobiles; or

(b) In an emergency.  
[1971 c.618 §17]

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UVC § 11-1113; ORS 483.710, 483.725, 483.730, 483.735,  
483.740 and 483.755 (Cont'd.)

OREGON LAW (Cont'd.)

483.755 Regulation of snowmobiles by cities, counties, political subdivisions and state agencies. Notwithstanding any of the provisions of ORS 483.725 to 483.740 and subsection (14) of ORS 483.991, any city, county or other political subdivision, or any state agency, may regulate the operation of snowmobiles on public lands, waters and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, if such regulations are not inconsistent with ORS 483.725 to 483.740 and subsection (14) of ORS 483.991.  
[1971 c.618 §22]

Cases:

No cases interpreting these sections.

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Analysis:

The UVC forbids operation of a snowmobile on a controlled-access highway and on any other highway except when crossing the highway at right angles, when snow on the highway precludes its use by any other vehicle, or when snowmobile operation is authorized by the authority having jurisdiction over the highway.

Subsection (1) of ORS 483.710 forbids hunting or chasing an animal or bird with a snowmobile, unless authorized by the State Wildlife Commission.

Subsection (2), ORS 483.710, forbids the owner or person having control of a snowmobile from permitting any person to operate a snowmobile across a highway who is incapable because of age, physical or mental disability or drug or liquor influence. Subsection (3) defines "dangerous drugs."

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UVC § 11-1113; ORS 483.710, 483.725, 483.730, 483.735,  
483.740 and 483.755 (Cont'd.)

Subsection (2), ORS 483.725, prohibits a person under 12 years of age from operating a snowmobile on or across a highway.

ORS 483.730 states 10 prohibited acts by a driver of a snowmobile. Subsection (1) prohibits a speed greater than reasonable and proper. Subsection (7) prohibits operation on the paved portion or on the shoulder or inside bank, slope or median strip of a highway or any part of a highway right of way.

ORS 483.735 provides that crossing a two or three lane highway or a railroad right of way is lawful when the crossing is made at a 90° angle and no obstruction prevents a quick, safe crossing, when the snowmobile is stopped before making the crossing, when the operator yields the right of way to other vehicles and railroad equipment, and when the crossing is at an established railroad crossing or greater than 100 feet from a highway intersection.

ORS 483.740 states exceptions to the prohibition of subsection (2), ORS 483.725 and 483.735, against use of snowmobiles. The exceptions are when the highway is closed to motor vehicle traffic for the winter, when the snowmobile is loaded or unloaded safely, where the highway is posted to permit snowmobiles, in an emergency when snow makes automobile operation impractical, when traveling a designated snowmobile trail, and, in the case of railroad right of way, when it is permitted by posting and in an emergency.

ORS 483.755 is the provision designating what authority may regulate the operation of snowmobiles. This authorization provision would, for consistency, be placed in the Article on General Provisions with similar authorization provisions.

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EXISTING ORS SECTIONS

**483.326 Stopping for streetcars and busses.** (1) Except on one-way streets or on streets where the tracks are so located as to prevent compliance, the driver of a vehicle shall not overtake and pass upon the left any streetcar proceeding in the same direction, whether actually in motion or temporarily at rest.

(2) The driver of a vehicle overtaking any streetcar, trolley bus or motor bus stopped or about to stop for the purpose of receiving or discharging any passenger, shall stop such vehicle to the rear of the nearest running board or door of such streetcar or bus and keep it stationary until all passengers have boarded or alighted therefrom and reached a place of safety. However, where a safety zone has been established in the street area, or the trolley bus or motor bus has stopped at the curb, a vehicle need not be stopped before passing such streetcar or bus, but may proceed past it at a speed not greater than is reasonable and proper, and with due caution for the safety of pedestrians. This subsection does not apply to passing upon the left any streetcar, trolley bus or motor bus on a one-way street.

**483.328 Driving or crossing in front of streetcars.** (1) No driver of any vehicle proceeding upon any streetcar track in front of a streetcar upon a street shall fail to remove such vehicle from the track as soon as practicable after signal from the operator of the streetcar.

(2) When a streetcar has started to cross an intersection, no driver of a vehicle shall drive upon or cross the car tracks, within the intersection in front of the streetcar.

**483.532 Public bodies authorized to restrict use of highways.** (1) The State Highway Commission, the governing body of a county and the city council, with respect to highways or streets under their respective jurisdictions, may:

(a) Prohibit the operation thereon of any or all vehicles or any class or kind of vehicles.

(b) Impose limits as to any gross weight or any dimension of any vehicle or combination of vehicles.

(c) Reduce speeds of vehicles.

(d) Impose any other restrictions that in their judgment are necessary to protect any highway or section thereof from being unduly damaged.

(2) The State Highway Commission, the governing body of a county and the city council, with respect to highways or streets under their respective jurisdictions, may designate speeds for vehicles upon any portion of the highway or street upon which temporary conditions constituting a danger to the public exist or above, below or upon which construction or maintenance work is being carried on so close to the roadway as to be a danger to passing traffic or to be endangered by passing traffic. The operation of a vehicle in excess of any speed designated under this subsection shall be prima facie evidence of violation of ORS 483.102.

(3) Any restrictions or limitations imposed under subsection (1) or (2) of this section shall be imposed by a proper order. A sign giving notice of the restrictions or limitations contained in the order shall be maintained in a conspicuous manner and place at each end of the highway or section of highway affected thereby, and at such other places as may be necessary to inform the public. Such restrictions or limitations shall be effective when the signs giving notice thereof are erected, and no person shall operate any vehicle or combination of vehicles in violation thereof.

[Amended by 1953 c.691 §12; 1971 c.273 §1]