

Committee on Judiciary
Reference Paper

By: Marion Embick

Date: June 1974

Article #12.

SUBJECT: Comparison of Uniform Vehicle Code and Oregon Law

UVC ARTICLE XIII. SPECIAL RULES FOR MOTORCYCLES

§ 11-1301--Traffic laws apply to persons operating motorcycles

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this act, except as to special regulations in this article and except as to those provisions of this act which by their nature can have no application. (NEW, 1968)

OREGON LAW

NO COMPARABLE PROVISION

Analysis:

Since a motorcycle as defined by ORS 483.014 (2) is included in the definition of "vehicle," as stated in ORS 483.030 (4), the rule of UVC s 11-1301 that motorcyclists are subject to traffic laws is already stated in section 2 of the Article on General Provisions, which is itself derived from UVC s 11-101. The repetition of this rule, according to the Historical Note following this section in Traffic Laws Annotated, recognizes that the section is not essential but also that for driver education it may be beneficial.

UVC ARTICLE XIII. SPECIAL RULES FOR MOTORCYCLES

§ 11-1302—Riding on motorcycles

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator. (FORMERLY § 11-1103; REVISED, 1968.)

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator. (NEW, 1968)

OREGON LAW

NO COMPARABLE PROVISION

Analysis:

Subsection (a) of this section requires a motorcycle operator to ride only upon the permanent and regular seat, and carry no other person unless the motorcycle is designed to carry more than one person. The passenger must sit on a seat firmly attached to the motorcycle beside or behind the operator. This rule has been adopted by 31 jurisdictions. Oregon is one of four states that have no comparable law.

Subsection (b) requires a person riding a motorcycle to face forward, sit astride with one leg on each side of the cycle. This prohibition against riding side saddle has been adopted by 22 states.

Subsection (c) prohibits a motorcycle operator from carrying any article which prevents him from keeping both hands on the handlebars.

UVC s 11-1302 (Cont'd.)

Subsection (d) prohibits the operator from carrying any person in such a position as to interfere with control or view of the operator. A person who is riding a motorcycle as passenger is likewise prohibited from interfering with control or view. This rule duplicates the rule of section 3 on the draft Article on Miscellaneous Rules which is a restatement of the rule of ORS 483.538, if it can be assumed that a rule applying to a vehicle driver applies as well to a motorcycle operator.

UVC ARTICLE XIII. SPECIAL RULES FOR MOTORCYCLES

§ 11-1303—Operating motorcycles on roadways laned for traffic

(a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties. (NEW SECTION, 1968)

OREGON LAW

NO COMPARABLE PROVISION

Analysis:

This section was added to the Uniform Vehicle Code in 1968. A motorcyclist has the right to the full width of a traffic lane except when he is operating his motorcycle in a single lane shared with a second motorcycle. This rule of subsection (a) supplements the rule of UVC s 11-309 (a) for driving on roadways with clearly marked lanes and UVC s 11-303, requiring passing at a safe distance to the left of any overtaken vehicle. Those rules are stated in draft sections 12 and 7 of the Article on Driving on Right Side of Roadway; Overtaking and Passing; Use of Roadway.

Subsection (b) prohibits motorcyclists from passing in the same lane occupied by the overtaken vehicle. The rules on passing of draft sections 7 and 8 of the Article on Driving on Right Side of Roadway are supplemented by this rule.

Subsection (c) prohibits operating a motorcycle between standing or moving lines or rows of vehicles as well as between lanes.

UVC s 11-1303 (Cont'd.)

Subsection (d) prohibits operation of more than two motorcycles abreast in a single lane.

Subsection (e) excepts police officers operating motorcycles from rules against passing other vehicles in the same lane and operating between adjacent lines or rows of vehicles.

UVC ARTICLE XIII. SPECIAL RULES FOR MOTORCYCLES

§ 11-1304—Clinging to other vehicles

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle (or streetcar) on a roadway.
NEW, 1968)

OREGON LAW

NO COMPARABLE PROVISION

Analysis:

This section was added to the UVC in 1968. ORS 483.845 applies only to bicycles, coasters, roller skates and toy vehicles.

UVC ARTICLE XIII. SPECIAL RULES FOR MOTORCYCLES

§ 11-1305--Footrests and handlebars

(a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(b) No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator. (NEW SECTION, 1968)

OREGON LAW

NO COMPARABLE PROVISION

Analysis:

Thirty-four jurisdictions have laws comparable to subsection (a). Twenty-seven have laws comparable to subsection (b). The California rule requires the handgrips to be below shoulder height. The same statute requires the seat to be so positioned that the driver when seated astride the seat can reach the ground with his feet.

"Required Position of Equipment.

"27801. No person shall drive any two-wheel motorcycle:

"(a) Equipped with a seat so positioned that the driver, when sitting astride the seat, cannot reach the ground with his feet.

"(b) Equipped with handlebars so positioned that the hands of the driver, when upon the grips, are at or above his shoulder height when sitting astride the seat." Cal Vehicle Code, Supp 1973 (p 425).

UVC ARTICLE XIII. SPECIAL RULES FOR MOTORCYCLES

§ 11-1306—Equipment for motorcycle riders

(a) No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the commissioner.

(b) No person shall operate a motorcycle unless he is wearing an eye-protective device of a type approved by the commissioner, except when the motorcycle is equipped with a windscreen.

(c) This section shall not apply to persons riding within an enclosed cab or on a golf cart. (REVISED, 1971.)

(d) The commissioner is hereby authorized to approve or disapprove protective headgear and eye-protective devices required herein, and to issue and enforce regulations establishing standards and specifications for the approval thereof. The commissioner shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved by him. (NEW SECTION, 1968)

OREGON LAW

483.443 Motorcyclist required to wear protective headgear; exception; approval of headgear by division. (1) Except as provided in subsection (4) of this section, no person shall operate or ride on a motorcycle unless he is wearing protective headgear of a type approved by the division.

(2) The division shall:

(a) Set up a procedure, similar to the procedure provided by ORS 483.482 to 483.488, which will be followed for approval of protective headgear.

(b) Establish standards for safe protective headgear to be worn by persons operating or riding on motorcycles.

(3) Standards established by the division under this section shall conform, in so far as practicable, to the safety standards for such headgear issued by the Federal Government and, to the extent there are no such federal standards, to the safety standards promulgated by the United States of America Standards Institute.

(4) This section does not apply to any person who is operating or riding on a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour.

[1967 c.383 §2; 1971 c.380 §1]

Cases:

State v. Fetterly, 254 Or 47, 456 P2d 996 (1969), held that the statute requiring wearing of protective headgear by an operator of a motorcycle is a proper exercise of the police power of the state and is constitutional.

UVC s 11-1306; ORS 483.443 (Cont'd.)

Analysis:

The rule of subsection (a), UVC s 11-1306, requiring the motorcycle operator or passenger to wear protective headgear complying with standards established by the appropriate state body is identical to that of subsection (1), ORS 483.443.

The requirement of UVC s 11-1306 (b) that the operator wear an approved eye-protective device except when there is a windscreen has no counterpart in Oregon law. Approximately 34 jurisdictions do require the use of eye-protective devices.

The proposed Revision and Recodification of the Michigan Vehicle Code, subsection (b) of section 11-1307, requires eye protection devices to be worn in position at speeds above 35 miles per hour.

"Sec. 11-1307. (b) The operator of a motor-driven cycle or a motorcycle operated on the highways of this state at speeds in excess of 35 miles an hour shall wear in position to provide the intended protection, goggles, a face shield, or eye glasses, all of which shall be of transparent, shatterproof material and of sufficient size to protect his eyes against insects, other airborne material, highway surface water or debris. The provisions of this subsection do not apply when the motorcycle or motor-driven cycle is equipped with a windshield as provided in section 12-511."

Under subsection (c), UVC s 11-1306, the requirements of headgear and eye-protective devices do not apply to persons riding within an enclosed cab or on a golf cart. The rule is similar to that of subsection (4), ORS 483.443, which exempts three-wheeled vehicles designed to travel at less than 15 miles per hour from the protective headgear requirement.

Subsection (d), UVC s 11-1306, authorizes the "commissioner" to set standards for protective headgear and eye protection devices, issue regulations, and publish a list of the names and types of those approved. This authorization to the appropriate state agency, in Oregon, the Motor Vehicles Division, is stated in subsection (2), ORS 483.443. The state standards are to conform to the federal government's standards as far as practicable under subsection (3), ORS 483.443.

UVC ARTICLE XIII. SPECIAL RULES FOR MOTORCYCLES

§ 12-102—Authority of commissioner ⁴

(a) The commissioner is hereby required to approve or disapprove any lighting device or other safety equipment, components or assemblies of a type for which approval is specifically required in this act within a reasonable time after such approval has been requested. Such approvals may be based upon certificates of approval and test reports furnished to the commissioner by the American Association of Motor Vehicle Administrators.

(b) The commissioner is further authorized to establish the procedure to be followed when request for approval of any lighting device or other safety equipment, component or assembly is submitted under this section. Such procedure may provide for submission of such device, component or assembly to the American Association of Motor Vehicle Administrators in lieu of submission of such device, component or assembly to the commissioner.

(c) The commissioner shall maintain and publish lists of all such devices, components or assemblies which have been approved by him or under authority contained in this act. (NEW SECTION, 1968.)

⁴Since its inception in 1926, the *Uniform Vehicle Code* has contemplated that lighting devices and certain other essential items of equipment be approved prior to their sale and use to assure that such devices conform to minimum standards and will perform their intended function. This new section provides a procedure to simplify securing such approval. Prior editions of the Code have also indicated that motor vehicle lighting and equipment technology is a constantly changing area and that standards and specifications should be revised whenever necessary to reflect improvements or new developments. Further, this necessary and desirable change makes such standards and specifications a more appropriate subject for regulatory treatment by the executive branch of state government than by the legislatures because of the comparative inflexibility of laws.

In large part because of the adoption by Congress in 1966 of the National Traffic and Motor Vehicle Safety Act, the element of change in equipment standards has assumed a new, and as yet partially undefined, dimension. Clearly, insofar as they reflect the newest and best technical developments, federal standards promulgated under this Act should be considered in the administrative formulation of certain equipment regulations in each state. But, in connection with the relationship of state regulations to equipment on most new vehicles and to equipment made to replace that original equipment, it should be noted that the 1966 Federal Act provides:

Whenever a federal motor vehicle safety standard established under this title is in effect, no state or political subdivision of a state shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment, any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the federal standard. (15 USCA § 1392(d) (Supp. 1967).)

The extent and nature of limitations placed on the power of a state to establish equipment requirements, standards or approval procedures for new equipment or equipment on new vehicles by the above provision is as yet largely undefined and the subject of current litigation. Whatever the ultimate resolution of the many legal issues may be, it is thus imperative that any federal standard be taken into account, when pertinent and appropriate, in the formulation of state equipment standards. See California

UVC ss 12-102; 12-501, 12-508, 12-509; ORS 483.402, 483.404,
483.436 and 483.444 (Cont'd.)

Vehicle Code § 2402.5, as amended by Gen. Laws 1968, ch. 812, CCH ASLR 939, and Va. Gen. Laws 1968, ch. 172, CCH ASLR 213, which provide for the administrative adoption of federal motor vehicle safety standards.

In addition to the adoption of standards for new vehicles and replacement equipment, it should be noted that the federal Act requires the establishment of uniform federal motor vehicle safety standards applicable to all used motor vehicles. 15 USCA § 1397(b)(1) (Supp. 1967). When such standards are adopted, they should also be considered.

§ 12-501—Head lamps

(a) Every motorcycle and every motor-driven cycle shall be equipped with at least one head lamp which shall comply with the requirements and limitations of this article. (REVISED, 1971.)

(b) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in § 12-202(b). (NEW, 1968)

§ 12-508—Brake equipment required

Every motorcycle and motor-driven cycle shall comply with the provisions of §§ 12-301 (a)-(c), except that: (REVISED, 1971.)

(a) Motorcycles and motor-driven cycles need not be equipped with parking brakes.

(b) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this article. (NEW, 1968)

§ 12-509—Performance ability of brakes

Every motorcycle and motor-driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(a) Developing a braking force that is not less than 43.5 percent of its gross weight;

(b) Decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second per second; and

(c) Stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material. (NEW, 1968)

UVC ss 12-102; 12-501, 12-508, 12-509; ORS 483.402, 483.404,
483.436 and 483.444 (Cont'd.)

OREGON LAW

483.402 When lights are required to be on; application of visibility and height provisions. (1) Subject to the specific exceptions with respect to parked vehicles, lighted lamps and illuminating devices as specified in ORS 483.402 to 483.442 shall be displayed by:

(a) Every vehicle upon a highway within this state at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible on such highway at a distance of 500 feet ahead.

(b) Every motorcycle upon a highway within this state at all times.

(2) Whenever ORS 483.402 to 483.442 specify:

(a) The distance from which lamps and devices shall render objects visible or within which lamps or devices shall be visible, such provisions shall apply during the times stated in subsection (1) of this section upon a straight, level unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(b) The mounted height of lamps or devices, they mean from the center of such lamp or device to the level ground upon which the vehicle stands.

[Amended by 1957 c.165 §3; 1967 c.490 §1]

483.436 Approval of lamps by Motor Vehicles Division. (1) No person shall sell or offer for sale for use upon or as part of the equipment of a motor vehicle, trailer, semitrailer or pole trailer, or shall use upon any such vehicle, any head lamp, auxiliary lamp, spot lamp, fog lamp, tail lamp, signal lamp or reflector required by this chapter, or any part for such a lamp or reflector which tends to change the original design or performance, unless it is of a type which has been approved by the Motor Vehicles Division.

(2) No person shall sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer or pole trailer, any lamp or device mentioned in this section which has been approved by the Motor Vehicles Division unless such lamp or device bears thereon the trademark or name and serial number under which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer, semitrailer or pole trailer any lamps mentioned in this section unless they are mounted, adjusted and aimed in accordance with the instructions of the Motor Vehicles Division.

[Amended by 1955 c.124 §3]

ORS 483.404 (1), (2)

483.404 Head lights required; lighting equipment on bicycles. (1) Every motor vehicle other than a motorcycle shall be equipped with at least two head lamps, at least one on each side of the front of the vehicle.

(2) Every motorcycle shall be equipped with at least one and not more than two head lamps.

UVC ss 12-102; 12-501, 12-508, 12-509, ORS 483.402, 483.404,
483.436 and 483.444 (Cont'd.)

483.444 Brakes required. (1) Every motor vehicle other than a motorcycle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2) Any combination of motor vehicle, trailer, semitrailer or other vehicle shall be equipped with brakes upon one or more of such vehicles adequate to stop such combination of vehicles within the distance specified for motor vehicles under the regulations set forth in subsection (5) of this section.

(3) Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be provided with at least one brake, which may be operated by hand or foot.

(4) All brakes shall be maintained in good working order and shall conform to the regulations set forth in subsection (5) of this section.

(5) The brakes of a motor vehicle or combination of vehicles shall be deemed adequate when, on a dry, hard, approximately level stretch of highway, free from loose material, such brakes are capable of stopping the motor vehicle or combination of vehicles, when operating at speeds set forth in the following table, within the distances set opposite such speeds:

Miles per Hour	Stopping Distance
10	9.3 feet
15	20.8 feet
20	37.0 feet
25	58.0 feet
30	83.3 feet

(6) The test to be used in determining that vehicles meet the performance requirements set forth in subsection (5) of this section shall be conducted as prescribed by the Motor Vehicles Division. The test may be conducted by the use of instruments suitable for the purpose approved by the United States Bureau of Standards. No vehicle may be tested for brake efficiency at a speed higher than that permitted by law for such vehicle.

Cases:

No cases interpreting these sections.

Analysis:

The rules relating to motorcycles and motor-driven cycles in the Uniform Vehicle Code are stated in two parts of the code, in chapter 11, the Rules of the Road, and chapter 12, Equipment of Vehicles. The rules included in the first of these two chapters include equipment requirements for footrests, handlebar height, protective headgear and eye-protective devices. The rules in chapter 12 include requirements for head lamps, tail lamps, reflectors, stop

UVC ss 12-102, 12-501, 12-508, 12-509, ORS 483.402, 483.404,
483.436 and 483.444 (Cont'd.)

lamps, lamps on parked vehicles, multiple-beam road-lighting equipment, lighting equipment for motor-driven cycles, brake equipment, and by incorporation by reference, horn, mufflers, and mirror requirements applicable to motor vehicles in general.

General authority is granted to the appropriate state official by UVC s 12-102 to approve or disapprove any lighting device or other safety equipment, component or assembly. Similar authority for types of lamps and reflectors is granted to the Motor Vehicles Division under ORS 483.436.

The rules which specifically apply to motorcycles in the Oregon code are located in the rules on Equipment on Vehicles. The rules which apply generally to motor vehicles also apply to motorcycles because they are defined as a motor vehicle under subsection (2) of ORS 483.014. The only special equipment rules for motorcycles are briefly summarized as follows, and when there is an analogous UVC provision, the comparison is made:

Under subsection (1), ORS 483.402, a motorcycle must display lighted lamps and illuminated devices at all times when it is upon a highway. There is no comparable UVC rule.

Under ORS 483.404 every motorcycle shall be equipped with at least one and not more than two head lamps. UVC s 12-501 in its 1971 revised form, requires at least one head lamp complying with the requirements of the Article, which shall be located at a certain height.

Subsection (1), ORS 483.444, provides what degree of control of movement and ability to stop and hold a vehicle is required of the brakes of all motor vehicles exclusive of motorcycles. Under subsection (3) every motorcycle and bicycle with motor attached shall be provided with at least one brake. Subsection (4) requires that all brakes be maintained in good working order.

Subsection (5) states required stopping distances for motor vehicles moving at different speeds. There is no specific set of rules for motorcycles.

Subsection (6) authorizes the Motor Vehicles Division to determine the manner of conducting the tests.

UVC ss 12-102, 12-501, 12-508, 12-509, ORS 483.402, 483.404,
483.436 and 483.444 (Cont'd.)

Comparable UVC rules are stated in ss 12-508 and 12-509. UVC s 12-508 applies both to motorcycles and motor-driven cycles. Parking brakes are not required, and the wheel of a sidecar and the front wheel need not be equipped with brakes. The general provisions on brakes of UVC s 12-301 (a) and (c) apply to motorcycles and motor-driven cycles under UVC s 12-508.

Under UVC s 12-509 performance ability of brakes are stated in terms of stopping distances and deceleration ability. These provisions are comparable to ORS 483.444 except the UVC requires stopping from 20 miles per hour in not more than 30 feet while the Oregon provision permits 37.0, which is, of course, for a motor vehicle or combination of vehicles, including motorcycles.
