VEHICLE CODE AND SAFETY SUBCOMMITTEE
May 20, 2019 Meeting: Terminology for Autonomous Vehicles

DEFINITIONS

Drive, Driver

“Drive” and “Driver” are not defined in the Oregon Vehicle Code.

- State v. Cruz, 121 Or App 241, 192-93 (1993): For the purpose of a DUII, “the legislature intended that a person who ‘operates’ a motor vehicle, within the meaning of ORS 813.100, also ‘drives,’ under ORS 813.010.”
- __ Op Atty Gen __ (No. OP-8280, Nov 4, 2004): Opined that the plain, natural and ordinary meaning of “drive” is “to operate the mechanism and controls and direct the course of (as a motor vehicle or speedboat).” Opinion applied Cruz to accident report filing requirements under ORS 811.725. (Police officers are not obligated to file accident reports when the officer intentionally damages a vehicle by an act such as placing a spiked barrier across the highway or shooting out the tires of a vehicle, i.e., an act that does not involve the officer driving a vehicle.)

Operation

ORS 801.370 “Operation.” “Operation” means any operation, towing, pushing, movement or otherwise propelling. [1983 c.338 §66]

Prior to 1983:
- ORS 481.040(3) “Operator” means any person who is in actual physical control of a vehicle. [repealed 1983 c.338 §978]
- ORS 481.100 “Towing, pushing or otherwise propelling a vehicle upon a highway when any part of the vehicle touches the highway, is considered the operation or movement of the vehicle on the highway within the provisions of this chapter.” [repealed 1983 c.338 §978]
- ORS 487.005(5) “Driver” or “operator” means any person who is in actual physical control of a vehicle. (Applies to ORS chapters 483 and 487, Motor Vehicle Equipment, Size, Weight; Abandoned Vehicles and Rules of the Road, respectively) [repealed 1983 c.338 §978]

“In 1983, the legislature undertook a comprehensive revision of the vehicle code. At that time, the legislature explained that the intent behind those revisions was not to change the law but, rather, to simplify the code.” State v. Danby, 256 Or. App. 599, 602, (2013) (internal citations omitted).
Passenger

“Passenger” is not defined in the Oregon Vehicle Code.

- *Sweeney v. SMC Corp.*, 178 Or App 576, 579-80 (2002): For the purpose of the Lemon Law, ORS 646.315 to 646.375, “passenger” means “persons other than the driver.”

Person

ORS 174.100: As used in the statute laws of this state, unless the context or a specially applicable definition requires otherwise:

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(6) “Person” includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies.

SAMPLE STATUTE:

ORS 811.370 Failure to drive within lane; exception; penalty. (1) Except as provided in subsection (2) of this section, a person commits the offense of failure to drive within a lane if the person is operating a vehicle upon a roadway that is divided into two or more clearly marked lanes for traffic and the driver does not:

(a) Operate the vehicle as nearly as practicable entirely within a single lane; and

(b) Refrain from moving from that lane until the driver has first made certain that the movement can be made with safety.

(2) A person who operates a commercial motor vehicle within a multilane roundabout that is divided into two or more clearly marked lanes for traffic may operate the commercial motor vehicle in more than one lane when it is not practicable to remain entirely within one lane.

(3) The offense described in this section, failure to drive within a lane, is a Class B traffic violation. [1983 c.338 §630; 2011 c.85 §2]