

A-Engrossed
Senate Bill 938

Ordered by the Senate March 29
Including Senate Amendments dated March 29

Sponsored by COMMITTEE ON JUDICIARY (at the request of Bicycle Transportation Alliance)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

- Provides exception for bicycles for offense of unsafe passing on right.
- Modifies prohibited bicycle speed for purposes of offense of unsafe operation of bicycle on sidewalk.
- Provides exception for offense of failure to use bicycle lane or path.

A BILL FOR AN ACT

1
2 Relating to offenses involving bicycles; creating new provisions; and amending ORS 811.415, 814.410
3 and 814.420.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 811.415 is amended to read:

6 811.415. (1) A person commits the offense of unsafe passing on the right if the person:

7 (a) Drives a vehicle to overtake and pass upon the right of another vehicle at any time not
8 permitted under this section.

9 (b) Drives a vehicle to overtake and pass upon the right of another vehicle at any time by
10 driving off the paved portion of the highway.

11 (2) For purposes of this section, a person may drive a vehicle to overtake and pass upon the
12 right of another vehicle under any of the following circumstances:

13 (a) Overtaking and passing upon the right is permitted if:

14 (A) The overtaken vehicle is making or the driver has signaled an intention to make a left turn;

15 (B) The paved portion of the highway is of sufficient width to allow two or more lanes of vehi-
16 cles to proceed lawfully in the same direction as the overtaking vehicle; and

17 (C) The roadway ahead of the overtaking vehicle is unobstructed for a sufficient distance to
18 permit passage by the overtaking vehicle to be made in safety.

19 (b) Overtaking and passing upon the right is permitted if the overtaken vehicle is proceeding
20 along a roadway in the left lane of two or more clearly marked lanes allocated exclusively to ve-
21 hicular traffic moving in the same direction as the overtaking driver.

22 (c) **Overtaking and passing upon the right is permitted if the overtaking vehicle is a bi-
23 cycle that may safely make the passage under the existing conditions.**

24 (3) The offense described in this section, unsafe passing on the right, is a Class B traffic vio-
25 lation.

26 **SECTION 2.** ORS 814.410 is amended to read:

27 814.410. (1) A person commits the offense of unsafe operation of a bicycle on a sidewalk if the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 person does any of the following:

2 (a) Operates the bicycle so as to suddenly leave a curb or other place of safety and move into
3 the path of a vehicle that is so close as to constitute an immediate hazard.

4 (b) Operates a bicycle upon a sidewalk and does not give an audible warning before overtaking
5 and passing a pedestrian and does not yield the right of way to all pedestrians on the sidewalk.

6 (c) Operates a bicycle on a sidewalk in a careless manner that endangers or would be likely to
7 endanger any person or property.

8 (d) Operates the bicycle at a speed [*greater than an ordinary walk*] **that is in excess of a speed**
9 **that is reasonable under the existing conditions** when approaching or entering a crosswalk, ap-
10 proaching or crossing a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is
11 approaching the crosswalk, driveway, curb cut or pedestrian ramp. This paragraph does not require
12 reduced speeds for bicycles [*either:*]

13 [(A)] at places on sidewalks or other pedestrian ways other than places where the path for pe-
14 destrians or bicycle traffic approaches or crosses that for motor vehicle traffic. [*; or*]

15 [(B) *When motor vehicles are not present.*]

16 (e) Operates an electric assisted bicycle on a sidewalk.

17 (2) Except as otherwise specifically provided by law, a bicyclist on a sidewalk or in a crosswalk
18 has the same rights and duties as a pedestrian on a sidewalk or in a crosswalk.

19 (3) The offense described in this section, unsafe operation of a bicycle on a sidewalk, is a Class
20 D traffic violation.

21 **SECTION 3.** ORS 814.420 is amended to read:

22 814.420. (1) Except as provided in [*subsection (2)*] **subsections (2) and (3)** of this section, a
23 person commits the offense of failure to use a bicycle lane or path if the person operates a bicycle
24 on any portion of a roadway that is not a bicycle lane or bicycle path when a bicycle lane or bicycle
25 path is adjacent to or near the roadway.

26 (2) A person is not required to comply with this section unless the state or local authority with
27 jurisdiction over the roadway finds, after public hearing, that the bicycle lane or bicycle path is
28 suitable for safe bicycle use at reasonable rates of speed.

29 **(3) A person is not in violation of the offense under this section if the person is able to**
30 **safely move out of the bicycle lane or path for the purpose of:**

31 **(a) Overtaking and passing another bicycle, a vehicle or a pedestrian that is in the bicycle**
32 **lane or path and passage cannot safely be made in the lane or path.**

33 **(b) Preparing to execute a left turn at an intersection or into a private road or driveway.**

34 **(c) Avoiding debris or other hazardous conditions.**

35 **(d) Preparing to execute a right turn where a right turn is authorized.**

36 **(e) Continuing straight at an intersection where the bicycle lane or path is to the right**
37 **of a lane from which a motor vehicle must turn right.**

38 [(3)] (4) The offense described in this section, failure to use a bicycle lane or path, is a Class
39 D traffic violation.

40 **SECTION 4. The amendments to ORS 811.415, 814.410 and 814.420 by sections 1 to 3 of this**
41 **2005 Act apply to offenses committed on or after the effective date of this 2005 Act.**