

B-Engrossed
Senate Bill 108

Ordered by the House June 7
Including Senate Amendments dated May 4 and House Amendments dated
June 7

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of State Police)

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.

[Creates offense of operation without forward crossview mirror. Punishes by fine not exceeding \$180.]

Creates offense of unsafe passing of person operating bicycle. Punishes by fine not exceeding \$360.

Clarifies that offense of following too closely applies to persons driving motor vehicles.

A BILL FOR AN ACT

Relating to traffic offenses; creating new provisions; and amending ORS 811.485.

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

SECTION 1. Section 2 of this 2007 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) A driver of a motor vehicle commits the offense of unsafe passing of a person operating a bicycle if the driver violates any of the following requirements:

(a) The driver of a motor vehicle may only pass a person operating a bicycle by driving to the left of the bicycle at a safe distance and returning to the lane of travel once the motor vehicle is safely clear of the overtaken bicycle. For the purposes of this paragraph, a "safe distance" means a distance that is sufficient to prevent contact with the person operating the bicycle if the person were to fall off the bicycle into the driver's lane of traffic. This paragraph does not apply to a driver operating a motor vehicle:

(A) In a lane that is separate from and adjacent to a designated bicycle lane;

(B) At a speed not greater than 35 miles per hour; or

(C) When the driver is passing a person operating a bicycle on the person's right side and the person operating the bicycle is turning left.

(b) The driver of a motor vehicle may drive to the left of the center of a roadway to pass a person operating a bicycle proceeding in the same direction only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of a roadway when prohibited under ORS 811.295, 811.300 or 811.310 to 811.325.

(c) The driver of a motor vehicle that passes a person operating a bicycle shall return to an authorized lane of traffic as soon as practicable.

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 **(2) Passing a person operating a bicycle in a no passing zone in violation of ORS 811.420**
2 **constitutes prima facie evidence of commission of the offense described in this section, un-**
3 **safe passing of a person operating a bicycle, if the passing results in injury to or the death**
4 **of the person operating the bicycle.**

5 **(3) The offense described in this section, unsafe passing of a person operating a bicycle,**
6 **is a Class B traffic violation.**

7 **SECTION 3.** ORS 811.485 is amended to read:

8 811.485. (1) A person commits the offense of following too closely if the person does any of the
9 following:

10 (a) Drives a **motor** vehicle so as to follow another vehicle more closely than is reasonable and
11 prudent, having due regard for the speed of the vehicles and the traffic upon, and condition of, the
12 highway.

13 (b) Drives a truck, commercial bus or motor vehicle drawing another vehicle when traveling
14 upon a roadway outside of a business or residence district or upon a freeway within the corporate
15 limits of a city and follows another truck, commercial bus or motor vehicle drawing another vehicle
16 without, when conditions permit, leaving sufficient space so that an overtaking vehicle may enter
17 and occupy the space without danger. This paragraph does not prevent a truck, commercial bus or
18 motor vehicle drawing another vehicle from overtaking and passing a vehicle or combination of ve-
19 hicles.

20 (c) Drives a **motor** vehicle when traveling upon a roadway outside of a business or residence
21 district or upon a freeway within the corporate limits of a city in a caravan or motorcade whether
22 or not towing another vehicle without operating the vehicle so as to leave sufficient space between
23 vehicles to enable a vehicle to enter and occupy the space without danger.

24 (2) This section does not apply in the case of a funeral procession. Except for the funeral lead
25 vehicle, vehicles participating in a funeral procession shall follow the preceding vehicle as closely
26 as is reasonable and safe.

27 (3) The offense described in this section, following too closely, is a Class B traffic violation.

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