

# Enrolled Senate Bill 108

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CHAPTER .....

AN ACT

Relating to traffic offenses; creating new provisions; and amending ORS 811.485 and 825.024.

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

**SECTION 1.** Sections 2 and 3 of this 2007 Act are 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 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.

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

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

**SECTION 3.** (1) As used in this section, “forward crossview mirror” means a mirror or device that enables the driver of a motor truck to have a clear and unobstructed view of persons or objects directly in front of the motor truck.

(2) A person commits the offense of failure to inspect if the person operates a motor truck with a combined weight of more than 10,000 pounds used in commercial delivery and the person:

(a) Operates the motor truck without a forward crossview mirror; or

(b) Fails to visually inspect the intended path of the vehicle to verify that the path is free of persons or objects before the person reenters the motor truck.

(3) This section does not apply to:

(a) Commercial buses;

(b) Tow vehicles;

(c) Vehicles owned or operated by the United States or by any governmental jurisdiction within the United States except when owned or operated as a carrier of property for hire;

(d) Vehicles owned or operated by a mass transit district created under ORS chapter 267;

or

(e) Vehicles used for solid waste or recycling collection.

(4) The offense described in this section, failure to inspect, is a Class C traffic violation.

**SECTION 4.** ORS 825.024 is amended to read:

825.024. (1) Except as provided in ORS 825.026 or as otherwise provided in this section, this chapter and section 3 of this 2007 Act do [does] not apply to a motor vehicle or combination owned or leased by a farmer who meets the qualifications under ORS 805.310 if the vehicle or combination:

(a) Is used for transportation described under ORS 805.390.

(b) Is used for transporting sand, gravel, rock, dirt, debris, cinders or asphaltic concrete mix to a project of a district or corporation organized under ORS chapter 545, 547 or 554 when the project is being constructed on land owned or leased by the farmer and the materials are directly related to the construction of the project.

(c) Has three or fewer permanent axles and is used in part to provide transportation services for hire when such services relate to the farm of another and are services that the vehicle owner could perform in the operation of the owner’s farm under farm vehicle registration issued under ORS 805.300 or with the farm device issued under ORS 805.400. For purposes of this paragraph, a single drop axle is not a permanent axle.

(d) Is a combination of a pickup truck and a trailer and is used in part to provide transportation services for hire when such services relate to the farm of another and are services that the vehicle owner could perform in the operation of the owner’s farm under farm vehicle registration issued under ORS 805.300 or with the farm device issued under ORS 805.400.

(2) Vehicles or combinations that either are registered under ORS 805.300 or have a farm device issued under ORS 805.400 are subject to the provisions of ORS 825.210, 825.250 and 825.252 if the vehicles or combinations:

(a) Are operating in interstate commerce; or

(b) Have a combined weight of more than 80,000 pounds.

(3) Any farmer with a vehicle registered under ORS 805.300, or with a farm device issued under ORS 805.400, may obtain a permit under ORS 825.102 that will authorize partial use of the vehicle to provide transportation services for hire.

(4) Any person issued a permit as described in subsection (3) of this section must comply with record keeping requirements and reporting requirements that the Department of Transportation determines necessary for the department to administer this section. The department may deny the exemptions from provisions of this chapter provided to persons issued permits as described in subsection (3) of this section if a person fails to comply with record keeping requirements.

**SECTION 5.** ORS 811.485 is amended to read:

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

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

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

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

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

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

**Passed by Senate May 11, 2007**

**Received by Governor:**

**Repassed by Senate June 24, 2007**

.....M.,....., 2007

**Approved:**

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Secretary of Senate

.....M.,....., 2007

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President of Senate

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Governor

**Passed by House June 13, 2007**

**Filed in Office of Secretary of State:**

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Speaker of House

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Secretary of State