

## HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 108

By COMMITTEE ON TRANSPORTATION

June 7

1 In line 2 of the printed A-engrossed bill, after “offenses” insert “; creating new provisions; and  
2 amending ORS 811.485”.

3 Delete lines 6 through 19 and insert:

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

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

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

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

14 **“(C) When the driver is passing a person operating a bicycle on the person’s right side  
15 and the person operating the bicycle is turning left.**

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

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

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

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

30 **“SECTION 3. ORS 811.485 is amended to read:**

31 **“811.485. (1) A person commits the offense of following too closely if the person does any of the  
32 following:**

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

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

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

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

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

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