

# Senate Bill 299

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 Senate Interim Committee on Judiciary for 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 **as introduced**.

Creates offense of unsafe operation of bicycle on crosswalk. Punishes by fine of \$90.  
Allows operation of bicycle on sidewalk at reasonable speed rather than at ordinary walk.  
Creates additional exceptions allowing motor vehicles to operate on bicycle lane.  
Creates offense of unsafe passing of person operating bicycle. Punishes by fine of \$360.  
Specifies that drivers may cross into no passing zone to avoid bicyclists.

## A BILL FOR AN ACT

1  
2 Relating to bicycles; creating new provisions; and amending ORS 811.420, 811.440 and 814.410.

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

4 **SECTION 1. Sections 2 and 3 of this 2007 Act are added to and made a part of the Oregon**  
5 **Vehicle Code.**

6 **SECTION 2. (1) A person commits the offense of unsafe operation of a bicycle on a**  
7 **crosswalk if the person operates the bicycle at a speed greater than an ordinary walk when**  
8 **approaching or entering a crosswalk and a motor vehicle is approaching. This section does**  
9 **not require reduced speeds when a bicycle has completely entered the crosswalk.**

10 **(2) Except as otherwise specifically provided by law, a bicyclist on a crosswalk has the**  
11 **same rights and duties as a pedestrian on a crosswalk.**

12 **(3) The offense described in this section, unsafe operation of a bicycle on a crosswalk, is**  
13 **a Class D traffic violation.**

14 **SECTION 3. (1) The driver of a motor vehicle commits the offense of unsafe passing of**  
15 **a person operating a bicycle if, when passing or overtaking a person operating a bicycle**  
16 **proceeding in the same direction, the driver fails to leave at least three feet between the**  
17 **motor vehicle and the person operating the bicycle.**

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

20 **SECTION 4. ORS 814.410 is amended to read:**

21 814.410. (1) A person commits the offense of unsafe operation of a bicycle on a sidewalk if the  
22 person does any of the following:

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

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

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

**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 (d) Operates the bicycle at a speed [*greater than an ordinary walk when approaching or entering*  
 2 *a crosswalk,*] **that is greater than is reasonable under the existing conditions when** approaching  
 3 or crossing a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is approaching  
 4 the [*crosswalk,*] driveway, curb cut or pedestrian ramp. This paragraph does not require reduced  
 5 speeds for bicycles at places on sidewalks or other pedestrian ways other than places where the  
 6 path for pedestrians or bicycle traffic approaches or crosses that for motor vehicle traffic.

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

8 (2) Except as otherwise specifically provided by law, a bicyclist on a sidewalk [*or in a*  
 9 *crosswalk*] has the same rights and duties as a pedestrian on a sidewalk [*or in a crosswalk*].

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

12 **SECTION 5.** ORS 811.420 is amended to read:

13 811.420. (1) A person commits the offense of passing in a no passing zone if the person drives  
 14 a vehicle on the left side of a roadway in a no passing zone that has been established and designated  
 15 to prohibit such movements by appropriate signs or markings posted on the roadway.

16 (2) The authority to establish and post no passing zones for purposes of this section is estab-  
 17 lished under ORS 810.120.

18 (3) The provisions of this section do not apply under any of the following circumstances:

19 (a) When a driver turns left into or from an alley, intersection, private road or driveway.

20 (b) When an obstruction or condition exists making it necessary to drive to the left of the center  
 21 of the roadway provided that a driver doing so shall yield the right of way to all vehicles traveling  
 22 in the proper direction upon the unobstructed portion of the roadway within a distance that would  
 23 constitute an immediate hazard.

24 **(c) When a roadway is too narrow for a driver of a motor vehicle and a bicyclist to travel**  
 25 **safely side by side, making it necessary to drive the motor vehicle to the left of the center**  
 26 **of the roadway to avoid the bicyclist, provided that the driver of the motor vehicle yields the**  
 27 **right of way to all vehicles traveling in the proper direction upon the left side of the roadway.**

28 (4) The offense described in this section, passing in a no passing zone, is a Class B traffic vio-  
 29 lation.

30 **SECTION 6.** ORS 811.440 is amended to read:

31 811.440. This section provides exemptions from the prohibitions under ORS 811.435 and 814.210  
 32 against operating motor vehicles on bicycle lanes and paths. The following vehicles are not subject  
 33 to ORS 811.435 and 814.210 under the circumstances described:

34 (1) A person may operate a moped on a bicycle lane that is immediately adjacent to the roadway  
 35 only while the moped is being exclusively powered by human power.

36 (2) A person may operate a motor vehicle upon a bicycle lane when:

37 (a) Making a turn;

38 (b) Entering or leaving an alley, private road or driveway; [*or*]

39 (c) Required in the course of official duty[.];

40 **(d) Avoiding an obstacle or other hazardous condition; or**

41 **(e) Subject to ORS 811.415, overtaking and passing on the right a vehicle signaling an**  
 42 **intention to make a left turn.**

43 (3) An implement of husbandry may momentarily cross into a bicycle lane to permit other vehi-  
 44 cles to overtake and pass the implement of husbandry.

45 (4) A person may operate a motorized wheelchair on a bicycle lane or path.

- 1 (5) A person may operate a motor assisted scooter on a bicycle lane or path.  
2 (6) A person may operate an electric personal assistive mobility device on a bicycle lane or path.  
3 \_\_\_\_\_