

# Senate Bill 420

Sponsored by Senator GIROD

## 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**.

Alters definition of "electric assisted bicycle." Requires that electric assisted bicycle be equipped with horn and lighting equipment.

## A BILL FOR AN ACT

1  
2 Relating to electric assisted bicycles; amending ORS 801.258, 811.525, 814.320, 815.230, 815.280,  
3 816.050, 816.310, 816.320 and 816.340.

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

5 **SECTION 1.** ORS 801.258 is amended to read:

6 801.258. "Electric assisted bicycle" means a vehicle that:

7 (1) Is designed to be operated on the ground on wheels;

8 (2) Has a seat or saddle for use of the rider;

9 (3) Is designed to travel with not more than three wheels in contact with the ground;

10 (4) Has both fully operative pedals for human propulsion and an electric motor; *[and]*

11 (5) Is equipped with an electric motor that:

12 (a) Has a power output of *[not more than 1,000 watts]* **five horsepower or less**; and

13 (b) Is incapable of propelling the vehicle at a speed of greater than *[20]* **35** miles per hour on  
14 level ground*[,]*; **and**

15 **(6) Has tires that are at least eight inches in diameter.**

16 **SECTION 2.** ORS 815.230 is amended to read:

17 815.230. (1) A person commits the offense of violation of vehicle sound equipment requirements  
18 if the person drives or moves on any highway or owns and causes or knowingly permits to be driven  
19 on any highway any vehicle that violates any of the following equipment provisions:

20 (a) A motor vehicle **or an electric assisted bicycle** must be equipped with a horn in good  
21 working order, capable of emitting sounds audible under normal conditions from a distance of not  
22 less than 200 feet.

23 (b) *[No vehicle shall]* **A vehicle may not** be equipped with any bell, siren, compression or ex-  
24 haust whistle.

25 (2) This section is subject to the exemptions under this subsection in addition to any exemptions  
26 under ORS 801.026. The exemptions under this subsection are partial or complete as described in the  
27 following:

28 (a) Authorized emergency vehicles are subject to sound equipment requirements and limitations  
29 as provided in ORS 820.370 and 820.380.

30 (b) Vehicles of special interest that are registered under ORS 805.020 are not subject to this  
31 section if the vehicles are:

**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 (A) Equipped with original manufacturer’s equipment and accessories, or their equivalent, and  
 2 are maintained in safe operating condition; or

3 (B) Street rods that conform to ORS 815.107.

4 (c) **Except as provided in subsection (1)(a) of this section, electric assisted bicycles and**  
 5 bicycles are subject to requirements and limitations on sound equipment as provided under ORS  
 6 815.280.

7 (d) Antique vehicles are not subject to the requirements if the vehicles are maintained as col-  
 8 lectors’ items and used for exhibitions, parades, club activities and similar uses, but not used pri-  
 9 marily for the transportation of persons or property.

10 (e) The requirements do not apply to road machinery, road rollers and farm tractors.

11 (f) Electric personal assistive mobility devices are subject to requirements and limitations on  
 12 sound equipment as provided under ORS 815.284.

13 (3) The offense described in this section, violation of vehicle sound equipment requirements, is  
 14 a Class C traffic violation.

15 **SECTION 3.** ORS 816.310 is amended to read:

16 816.310. This section establishes exemptions from ORS 816.040 to 816.300. The exemptions under  
 17 this section are in addition to any exemptions under ORS 801.026. The exemptions established under  
 18 this section are partial or complete as described in the following:

19 (1) ORS 816.040 to 816.300 [*shall*] **may** not be construed to prohibit the use of additional parts  
 20 and accessories on any vehicle not inconsistent with the provisions of those sections.

21 (2) Lighting equipment used on vehicles of special interest that are registered under ORS  
 22 805.020 shall be deemed in compliance with ORS 816.040 to 816.300 if the equipment is original  
 23 manufacturer’s equipment and accessories, or their equivalent and if the equipment is maintained in  
 24 safe operating condition.

25 (3) ORS 816.040 to 816.300 do not apply to equipment on any of the following:

26 (a) Road machinery.

27 (b) Road rollers.

28 (c) Farm tractors.

29 (d) Antique motor vehicles that are maintained as a collector’s item and used for exhibitions,  
 30 parades, club activities and similar uses, but not used primarily for the transportation of persons  
 31 or property.

32 (e) Motorized wheelchairs when used as permitted under ORS 811.440.

33 (4) On any combination of vehicles, only the lighting equipment on the rearmost vehicle in the  
 34 combination of vehicles need be visible from distances specified under ORS 816.040 to 816.290 for  
 35 lighting equipment on the rear of vehicles.

36 (5) Lighting equipment on bicycles, **other than electric assisted bicycles**, shall meet the re-  
 37 quirements established for such equipment under ORS 815.280.

38 **(6) Lighting equipment on electric assisted bicycles shall meet the requirements estab-**  
 39 **lished in ORS 816.320 (1) and 816.330.**

40 [(6)] (7) Vehicle lighting equipment requirements for ambulances and emergency vehicles are  
 41 established in ORS 820.350.

42 [(7)] (8) Lighting equipment on electric personal assistive mobility devices shall meet the re-  
 43 quirements established in ORS 815.284.

44 **SECTION 4.** ORS 816.320 is amended to read:

45 816.320. This section establishes requirements for ORS 816.330. Where specific types of lighting

1 equipment are mentioned by this section, those types are types described under ORS 816.040 to  
 2 816.290. Except where an exemption under ORS 816.340 specifically provides otherwise, a vehicle  
 3 that does not comply with this section is in violation of ORS 816.330:

4 (1) **In addition to any other requirements under this section**, a [motor] vehicle shall be  
 5 equipped with all of the following [*in addition to any other requirements under this section*]:

6 (a) Headlights. Motor vehicles other than motorcycles or mopeds shall be equipped with at least  
 7 two. **Electric assisted bicycles**, motorcycles or mopeds shall be equipped with at least one.

8 (b) Taillights. Motor vehicles other than motorcycles shall be equipped with two taillights.  
 9 **Electric assisted bicycles and** motorcycles are [*only*] required to be equipped with **only** one  
 10 taillight.

11 (c) Registration plate light.

12 (d) Brake lights. Motor vehicles other than motorcycles and mopeds shall be equipped with at  
 13 least two brake lights. **Electric assisted bicycles**, motorcycles and mopeds are [*only*] required to  
 14 be equipped with **only** one brake light.

15 (e) Turn signal lights.

16 (f) Rear reflectors.

17 (2) **In addition to any other requirements under this section**, all trailers shall be equipped  
 18 with all of the following in addition to any other requirements under this section:

19 (a) Taillights. Trailers are required to be equipped with two taillights.

20 (b) Registration plate lights.

21 (c) Two brake lights.

22 (d) Turn signal lights.

23 (e) Two rear reflectors.

24 (3) **In addition to any requirements under subsection (1) of this section**, the motor vehicles  
 25 described in this subsection shall be equipped with forward and rearward side reflectors on each  
 26 side of the vehicle and forward and rearward side marker lights on each side of the vehicle [*in ad-*  
 27 *dition to any requirements under subsection (1) of this section*]. This subsection applies to the follow-  
 28 ing vehicles:

29 (a) School buses.

30 (b) Worker transport buses.

31 (c) Vehicles used in transportation of persons for hire by a nonprofit entity as provided in ORS  
 32 825.017 (9).

33 (d) A bus being operated for transporting children to and from religious services or an activity  
 34 or function authorized by the religious organization.

35 (e) Commercial buses.

36 (f) Motor trucks with a registration weight in excess of 8,000 pounds.

37 (4) In addition to any other requirements under this section, any motor truck with a registration  
 38 weight in excess of 8,000 pounds, commercial bus or trailer that is 80 inches or more in overall  
 39 width and less than 30 feet in overall length shall be equipped with the following:

40 (a) Two front and two rear clearance lights.

41 (b) Front and rear identification lights.

42 (5) In addition to any other requirements under this section, any motor truck with a registration  
 43 weight of more than 8,000 pounds, commercial bus or trailer that is more than 30 feet in overall  
 44 length, regardless of its width shall be equipped with the following:

45 (a) Two front and two rear clearance lights.

1 (b) Front and rear identification lights.

2 (c) Intermediate side marker lights and intermediate side reflectors on each side of the vehicle.

3 (6) Every motor vehicle that has multiple-beam lighting equipment shall be equipped with a high  
4 beam indicator.

5 (7) Tow vehicles shall be equipped with tow vehicle warning lights.

6 **SECTION 5.** ORS 816.340 is amended to read:

7 816.340. This section establishes exemptions from ORS 816.320 and 816.330. The exemptions es-  
8 tablished under this section are in addition to any exemptions under ORS 801.026. The exemptions  
9 under this section are partial or complete as described in the following:

10 (1) ORS 816.320 and 816.330 [*shall*] **may** not be construed to prohibit the use of additional parts  
11 and accessories on any vehicle consistent with the provisions of those sections.

12 (2) Motor vehicles of special interest that are registered under ORS 805.020 shall be deemed in  
13 compliance with ORS 816.320 and 816.330 if:

14 (a) The vehicles are equipped with original manufacturer's equipment and accessories, or their  
15 equivalent, and if the equipment is maintained in safe operating condition; or

16 (b) The vehicles are street rods that conform to ORS 815.107.

17 (3) ORS 816.320 and 816.330 do not apply to any of the following vehicles:

18 (a) Road machinery.

19 (b) Road rollers.

20 (c) Farm tractors, implements of husbandry and farm trailers.

21 (d) Antique motor vehicles that are maintained as a collector's item and used for exhibitions,  
22 parades, club activities and similar uses, but not used primarily for the transportation of persons  
23 or property.

24 (4) Motorcycles manufactured before 1973 are not required to be equipped with turn signals if  
25 the motorcycle is not driven during limited visibility conditions under ORS 811.405 and 811.515.

26 (5) Truck tractors are not required to be equipped with rear reflectors.

27 (6) Pole trailers are not required to be equipped with side reflectors, side marker lights, clear-  
28 ance lights or identification lights.

29 (7) Motor vehicles registered in this state on or before January 1, 1940, are not required to be  
30 equipped with a high-beam indicator.

31 (8) Bicycles, **other than electric assisted bicycles**, shall be equipped with lighting equipment  
32 as required under ORS 815.280.

33 (9) Requirements for warning lights on ambulances are provided under ORS 820.350 and 820.360.

34 (10) Electric personal assistive mobility devices shall be equipped with lighting equipment as  
35 required under ORS 815.284.

36 **SECTION 6.** ORS 814.320 is amended to read:

37 814.320. (1) A person commits the offense of failure to display lighted headlights on [*a*] **an**  
38 **electric assisted bicycle**, moped or motorcycle at all times, if the person operates [*a*] **an electric**  
39 **assisted bicycle**, moped or motorcycle and does not display lights and illuminated devices specified  
40 under ORS 816.320 and 816.330 at all times the **electric assisted bicycle**, motorcycle or moped is  
41 upon a highway.

42 (2) A person may use modulating headlights described under ORS 816.050 during daylight with-  
43 out violating this section, but a person who uses such modulating headlights during limited visibility  
44 conditions is in violation of this section.

45 (3) This section does not apply when specific exceptions with respect to parked vehicles are

1 made under ORS 811.525.

2 (4) A court may dismiss, without penalty, any charge for violation of this section if the court  
3 determines that:

4 (a) The violation was caused by a malfunction of equipment; and

5 (b) The equipment that malfunctioned and caused the violation has been repaired or replaced.

6 (5) The offense described in this section, failure to display lighted headlights on [a] **an electric**  
7 **assisted bicycle**, moped or motorcycle at all times, is a Class B traffic violation.

8 **SECTION 7.** ORS 816.050 is amended to read:

9 816.050. Each of the following is a requirement for headlights as described:

10 (1) On vehicles required to be equipped with two or more headlights under ORS 816.320 and  
11 816.330 the headlights shall be equally distributed on each side of the front of the vehicle. This  
12 subsection does not apply to **electric assisted bicycles**, motorcycles and mopeds.

13 (2) Headlights shall show a continuously burning light except that:

14 (a) When permitted under ORS 814.320, headlights for **electric assisted bicycles**, motorcycles  
15 or mopeds may have an upper beam that can be modulated between a high and lower brightness at  
16 a rate of 200 to 280 pulses per minute.

17 (b) A federally approved headlight flashing system may be used as emergency vehicle lights on  
18 police, fire, emergency or ambulance vehicles.

19 (3) Headlights shall show a white light described in Standard Number 108 of the Federal Motor  
20 Vehicle Safety Standards.

21 (4) Headlights shall show the light forward.

22 (5) The Department of Transportation shall adopt and enforce rules establishing minimum stan-  
23 dards and specifications for headlights. The rules shall conform, insofar as practicable, to safety  
24 standards and specifications for vehicle lighting issued by the federal government or to standards  
25 and recommendations established by the Society of Automotive Engineers.

26 (6) When multiple beam headlights are used or when headlights are used in combination with  
27 auxiliary lights or passing lights, the lights shall be arranged on the vehicle so that the selection  
28 between distributions of light projected to different elevations may be selected by the driver at will  
29 or so that the selection can be made automatically.

30 (7) Headlights shall be aimed in accordance with rules adopted by the department. If headlights  
31 provide only a single distribution of light and are not supplemented by auxiliary lights, the single  
32 beam headlights shall be so aimed that when the vehicle is not loaded, none of the high intensity  
33 portion of the light shall, at a distance of 25 feet ahead of the vehicle, project higher than five  
34 inches below the level of the center of the lamp from which it comes, or higher than 42 inches above  
35 the level on which the vehicle stands at a distance of 75 feet ahead of the vehicle.

36 (8) The intensity of the light of single beam headlights shall be sufficient to reveal persons and  
37 vehicles upon a street or highway at a distance of at least 200 feet ahead of the vehicle to which  
38 they are attached.

39 (9) Headlights that are required under ORS 816.320 and 816.330 must be mounted, adjusted and  
40 aimed in accordance with standards adopted by the department under ORS 816.010.

41 (10) Headlights that are required under ORS 816.320 and 816.330 and any part for such headlight  
42 that tends to change the original design or performance must be of a type that complies with stan-  
43 dards adopted by the department under ORS 816.010.

44 (11) Single beam headlights that are not supplemented by auxiliary lights shall be permitted on  
45 a motor vehicle in lieu of multiple beam headlights only if the single distribution of lights complies

1 with any requirements for single beam headlights under this section.

2 **SECTION 8.** ORS 811.525 is amended to read:

3 811.525. This section establishes exemptions from ORS 811.515 and 811.520. The exemptions un-  
4 der this section are in addition to any exemptions under ORS 801.026. The exemptions established  
5 under this section are partial or complete as described in the following:

6 (1) ORS 811.515 and 811.520 [*shall*] **may** not be construed to prohibit the use of additional parts  
7 and accessories on any vehicle not inconsistent with the provisions of those sections.

8 (2) Except for the provisions relating to exempt-vehicle safety lighting equipment, ORS 811.515  
9 and 811.520 do not apply to any of the following:

10 (a) Road machinery.

11 (b) Road rollers.

12 (c) Farm tractors.

13 (d) Antique motor vehicles that are maintained as a collector’s item and used for exhibitions,  
14 parades, club activities and similar uses, but not used primarily for the transportation of persons  
15 or property.

16 (3) Whenever motor and other vehicles are operated in combination during the time that lights  
17 are required, any lighting equipment, except the taillight, which by reason of its location on a ve-  
18 hicle of the combination would be obscured by another vehicle of the combination, need not be  
19 lighted. This subsection [*shall*] **does** not affect the requirement that lighted clearance lights be dis-  
20 played on the front of the foremost vehicle required to have clearance lights nor the requirement  
21 that all lights on the rear of the rearmost vehicle of the combination be lighted.

22 (4) Lighting equipment on bicycles, **other than electric assisted bicycles**, shall be lighted as  
23 required under ORS 815.280.

24 (5) Parked or stopped vehicles are not required to display parking lights if the road authority  
25 for the highway provides by ordinance or resolution that no lights need be displayed upon a vehicle  
26 parked on the highway in accordance with legal parking regulations where there is sufficient light  
27 to render clearly discernible any person or object within a distance of 500 feet from the highway.

28 (6) Nothing under ORS 811.515 and 811.520 limits the ability to use the following lights with any  
29 other lights during the day or at night:

30 (a) Public vehicle warning lights.

31 (b) Pilot vehicle warning lights.

32 (c) Tow vehicle warning lights.

33 (d) Police lights.

34 (e) Warning lights on vehicles at the scene of an actual or potential release of hazardous ma-  
35 terials, as described in ORS 816.280.

36 (f) Warning lights on vehicles being used by medical examiners to reach the scene of an accident  
37 or of a death investigation, as described in ORS 816.280.

38 (g) Commercial vehicle warning lights.

39 (7) Requirements for use of **electric assisted bicycle**, motorcycle and moped headlights are  
40 under ORS 814.320.

41 (8) Requirements for lighting equipment for an electric personal assistive mobility device are  
42 under ORS 815.284.

43 **SECTION 9.** ORS 815.280 is amended to read:

44 815.280. (1) A person commits the offense of violation of bicycle equipment requirements if the  
45 person does any of the following:

1 (a) Operates on any highway a bicycle in violation of the requirements of this section.

2 (b) Is the parent or guardian of a minor child or ward and authorizes or knowingly permits the  
3 child or ward to operate a bicycle on any highway in violation of the requirements of this section.

4 (2) A bicycle is operated in violation of the requirements of this section if any of the following  
5 requirements are violated:

6 (a) A bicycle must be equipped with a brake that enables the operator of the bicycle to stop the  
7 bicycle within 15 feet from a speed of 10 miles per hour on dry, level, clean pavement.

8 (b) A person [*shall*] **may** not install or use any siren or whistle upon a bicycle. This paragraph  
9 does not apply to bicycles used by police officers.

10 (c) At the times described in the following, **except as provided in subsection (3) of this sec-**  
11 **tion**, a bicycle or its rider must be equipped with lighting equipment that meets the described re-  
12 quirements:

13 (A) The lighting equipment must be used during limited visibility conditions.

14 (B) The lighting equipment must show a white light visible from a distance of at least 500 feet  
15 to the front of the bicycle.

16 (C) The lighting equipment must have a red reflector or lighting device or material of such size  
17 or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when  
18 directly in front of lawful lower beams of headlights on a motor vehicle.

19 **(3) An electric assisted bicycle must meet the lighting equipment requirements estab-**  
20 **lished under ORS 816.320 (1) and 816.330.**

21 [(3)] (4) Nothing contained in this section shall be construed to prohibit the use of additional  
22 parts and accessories on any bicycle consistent with this section.

23 [(4)] (5) This section does not apply to electric personal assistive mobility devices. Equipment  
24 requirements for electric personal assistive mobility devices are provided in ORS 815.284.

25 [(5)] (6) The offense described in this section, violation of bicycle equipment requirements, is a  
26 Class D traffic violation.

27