

House Bill 2732

Sponsored by Representative BUCKLEY

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**.

Defines "multiuse trail."

Creates offense of failure of motor vehicle operator to yield on multiuse trail. Punishes by maximum fine of \$1,000.

Expands certain traffic offenses to include multiuse trails.

Eliminates certain exceptions to offense of unsafe passing of person operating bicycle.

Creates offense of wearing headphones while operating bicycle. Punishes by presumptive fine of \$25.

Modifies offense of failure to use bicycle lane or path.

A BILL FOR AN ACT

Relating to traffic violations; creating new provisions; and amending ORS 153.633, 811.060, 811.065, 811.435, 811.440, 811.550, 814.210, 814.420, 814.526, 814.552 and 815.282.

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

DEFINITION OF MULTIUSE TRAIL

SECTION 1. Section 2 of this 2013 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. "Multiuse trail" means a public way, not part of a highway, that is designated by official signs or markings as being available for use by pedestrians, bicyclists and horseback riders except as otherwise specifically provided by law.

TRAFFIC OFFENSES AND MULTIUSE TRAILS

SECTION 3. Section 4 of this 2013 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 4. (1) A person commits the offense of failure of a motor vehicle operator to yield on a multiuse trail if the operator does not yield the right of way to a person on a multiuse trail who is:

(a) A pedestrian;

(b) Riding a horse; or

(c) Operating a bicycle, electric assisted bicycle, electric personal assistive mobility device, moped, motor assisted scooter or motorized wheelchair.

(2) This section does not require a person operating a moped to yield the right of way to a bicycle or a motor assisted scooter if the moped is operated on a multiuse trail in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield on

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 multiuse trail, is a Class B traffic violation.**

2 **SECTION 5.** ORS 811.435 is amended to read:

3 811.435. (1) **Except as provided in ORS 811.440**, a person commits the offense of operation of
4 a motor vehicle on a bicycle trail if the person operates a motor vehicle *[upon]* **on** a bicycle lane,
5 **a multiuse trail** or a bicycle path.

6 *[(2) Exemptions to this section are provided under ORS 811.440.]*

7 *[(3) This section is not applicable to mopeds. ORS 811.440 and 814.210 control the operation and*
8 *use of mopeds on bicycle lanes and paths.]*

9 *[(4)]* (2) The offense described in this section, operation of a motor vehicle on a bicycle trail, is
10 a Class B traffic violation.

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

12 811.440. This section provides exemptions from the prohibitions under ORS 811.435 and 814.210
13 against operating motor vehicles on bicycle lanes and paths. The following vehicles are not subject
14 to ORS 811.435 and 814.210 under the circumstances described:

15 (1) A person may operate a moped on a bicycle lane that is immediately adjacent to the
16 roadway, **or operate a moped on a multiuse trail**, *[only while]* **if** the moped is being exclusively
17 powered by human power.

18 (2) A person may operate a motor vehicle *[upon]* **on** a bicycle lane when:

19 (a) Making a turn;

20 (b) Entering or leaving an alley, private road or driveway; or

21 (c) Required in the course of official duty.

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

24 (4) A person may operate a motorized wheelchair on a **multiuse trail**, bicycle lane or **bicycle**
25 path.

26 (5) A person may operate a motor assisted scooter on a **multiuse trail**, bicycle lane or **bicycle**
27 path.

28 (6) A person may operate an electric personal assistive mobility device on a **multiuse trail**,
29 bicycle lane or **bicycle** path.

30 **SECTION 7.** ORS 814.210 is amended to read:

31 814.210. (1) **Except as provided in ORS 811.440**, a person commits the offense of operation of
32 a moped on a sidewalk or bicycle trail if the person operates a moped upon a sidewalk, a bicycle
33 path, *[or]* a bicycle lane **or multiuse trail**.

34 *[(2) Exemptions to this section are provided under ORS 811.440.]*

35 *[(3)]* (2) The offense described in this section, operation of a moped on a sidewalk or bicycle
36 trail, is a Class D traffic violation.

37 **SECTION 8.** ORS 811.060 is amended to read:

38 811.060. (1) For the purposes of this section, “recklessly” has the meaning given that term in
39 ORS 161.085.

40 (2) A person commits the offense of vehicular assault of a bicyclist or pedestrian if:

41 (a) The person recklessly operates a vehicle upon a highway **or multiuse trail** in a manner that
42 results in contact between the person’s vehicle and a bicycle operated by a person, a person oper-
43 ating a bicycle or a pedestrian; and

44 (b) The contact causes physical injury to the person operating a bicycle or the pedestrian.

45 (3) The offense described in this section, vehicular assault of a bicyclist or pedestrian, is a Class

1 A misdemeanor.

2 **SECTION 9.** ORS 811.550 is amended to read:

3 811.550. [*This section establishes places where stopping, standing and parking a vehicle are pro-*
4 *hibited for purposes of the penalties under ORS 811.555.*] Except as provided [*under an exemption*] in
5 ORS 811.560, a person is in violation of ORS 811.555 if a person parks, stops or leaves standing a
6 vehicle in any of the following places:

7 (1) Upon a roadway outside a business district or residence district, whether attended or unat-
8 tended, when it is practicable to stop, park or leave the vehicle standing off the roadway. Ex-
9 emptions under ORS 811.560 (1), (7) and (9) are applicable to this subsection.

10 (2) On a shoulder, whether attended or unattended, unless a clear and unobstructed width of the
11 roadway opposite the standing vehicle is left for the passage of other vehicles and the standing ve-
12 hicle is visible from a distance of 200 feet in each direction upon the roadway or the person, at least
13 200 feet in each direction upon the roadway, warns approaching motorists of the standing vehicle
14 by use of flaggers, flags, signs or other signals. Exemptions under ORS 811.560 (9) are applicable to
15 this subsection.

16 (3) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway. Ex-
17 emptions under ORS 811.560 (7) are applicable to this subsection.

18 (4) On a sidewalk. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

19 (5) Within an intersection. Exemptions under ORS 811.560 (4) to (7) are applicable to this sub-
20 section.

21 (6) On a crosswalk. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

22 (7) Between a safety zone and the adjacent curb or within 30 feet of points on the curb imme-
23 diately opposite the ends of a safety zone, unless a different length is indicated by signs and
24 markings. For purposes of this subsection the safety zone must be an area or space officially set
25 apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked
26 or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
27 Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

28 (8) Alongside or opposite a street excavation or obstruction when stopping, standing or parking
29 would obstruct traffic. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

30 (9) Upon a bridge or other elevated structure upon a highway. Exemptions under ORS 811.560
31 (4) to (8) are applicable to this subsection.

32 (10) Within a highway tunnel. Exemptions under ORS 811.560 (4) to (7) are applicable to this
33 subsection.

34 (11) On any railroad or rail fixed guideway system tracks or within seven and one-half feet of
35 the nearest rail at a time when the parking of vehicles would conflict with operations or repair of
36 the tracks. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

37 (12) On a throughway. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

38 (13) In the area between roadways of a divided highway, including crossovers. Exemptions under
39 ORS 811.560 (4) to (7) are applicable to this subsection.

40 (14) At any place where traffic control devices prohibit stopping. Exemptions under ORS 811.560
41 (4) to (7) are applicable to this subsection.

42 (15) In front of a public or private driveway. Exemptions under ORS 811.560 (2) and (4) to (7)
43 are applicable to this subsection.

44 (16) Within 10 feet of a fire hydrant. Exemptions under ORS 811.560 (2) and (4) to (7) are appli-
45 cable to this subsection.

1 (17) Within 20 feet of a crosswalk at an intersection. Exemptions under ORS 811.560 (2) and (4)
 2 to (7) are applicable to this subsection.

3 (18) Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic
 4 control device located at the side of the roadway if the standing or parking of a vehicle will obstruct
 5 the view of any traffic control device located at the side of the roadway. Exemptions under ORS
 6 811.560 (2) and (4) to (7) are applicable to this subsection.

7 (19) Within 15 feet of the driveway entrance to a fire station and on the side of a street opposite
 8 the entrance to a fire station, within 75 feet of the entrance. Exemptions under ORS 811.560 (2) and
 9 (4) to (7) are applicable to this subsection.

10 (20) At any place where traffic control devices prohibit standing. Exemptions under ORS 811.560
 11 (2) and (4) to (7) are applicable to this subsection.

12 (21) Within 50 feet of the nearest rail of a railroad or rail fixed guideway system crossing. Ex-
 13 emptions under ORS 811.560 (3) to (7) are applicable to this subsection.

14 (22) At any place where traffic control devices prohibit parking. Exemptions under ORS 811.560
 15 (3) to (7) are applicable to this subsection.

16 (23) On a bicycle lane. [*Exemptions under ORS 811.560 are applicable to this subsection.*]

17 (24) On a bicycle path. [*Exemptions under ORS 811.560 are applicable to this subsection.*]

18 **(25) On a multiuse trail.**

19 **SECTION 10.** ORS 814.526 is amended to read:

20 814.526. (1) A person commits the offense of unsafe operation of a motor assisted scooter on a
 21 **multiuse trail**, bicycle path or bicycle lane if the person operates a motor assisted scooter on a
 22 **multiuse trail**, bicycle path or bicycle lane and does not give an audible warning before overtaking
 23 and passing a pedestrian or does not yield the right of way to all pedestrians on the **multiuse trail**,
 24 bicycle path or bicycle lane.

25 (2) The offense described in this section, unsafe operation of a motor assisted scooter on a
 26 **multiuse trail**, bicycle path or bicycle lane, is a Class D traffic violation.

27 **SECTION 11.** ORS 814.552 is amended to read:

28 814.552. (1) A person commits the offense of unsafe operation of an electric personal assistive
 29 mobility device if:

30 (a) The person is operating an electric personal assistive mobility device on a highway that has
 31 a designated or posted speed limit greater than 35 miles per hour or that has no designated or
 32 posted speed limit, and the person is not in a bicycle lane or crossing the highway;

33 (b) The person is operating an electric personal assistive mobility device on a **multiuse trail**,
 34 bicycle lane, bicycle path or any part of a highway at a speed greater than 15 miles per hour;

35 (c) The person is operating an electric personal assistive mobility device on a sidewalk in a
 36 careless manner that endangers or would be likely to endanger any person or property;

37 (d) The person is operating an electric personal assistive mobility device on a **multiuse trail**,
 38 bicycle lane, bicycle path, sidewalk or other premises open to the public and the person carries
 39 another person on the electric personal assistive mobility device;

40 (e) The person is operating an electric personal assistive mobility device at a speed greater than
 41 an ordinary walk when approaching a crosswalk, approaching or entering a driveway or crossing a
 42 curb cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb cut
 43 or pedestrian ramp; or

44 (f) The person is operating an electric personal assistive mobility device on a sidewalk **or**
 45 **multiuse trail** and does not give an audible warning before overtaking and passing a pedestrian and

1 does not yield the right of way to all pedestrians on the sidewalk **or multiuse trail.**

2 (2) The offense described in this section, unsafe operation of an electric personal assistive mo-
3 bility device, is a Class D traffic violation.

4 **SECTION 12.** ORS 815.282 is amended to read:

5 815.282. (1) A person commits the offense of operating a motorized wheelchair on a **multiuse**
6 **trail**, bicycle lane or path without proper lighting equipment if the person operates a motorized
7 wheelchair on a **multiuse trail**, bicycle lane or path and the person is not equipped with lighting
8 equipment required of bicyclists under ORS 815.280.

9 (2) This section applies at the times described in ORS 815.280 for application of the lighting
10 requirements of that section to bicyclists.

11 (3) The offense described in this section, operating a motorized wheelchair on a **multiuse trail**,
12 bicycle lane or path without proper lighting equipment, is a Class D traffic violation.

13
14 **OFFENSE OF UNSAFE PASSING OF A PERSON**
15 **OPERATING A BICYCLE**

16
17 **SECTION 13.** ORS 811.065 is amended to read:

18 811.065. (1) A driver of a motor vehicle commits the offense of unsafe passing of a person oper-
19 ating a bicycle if the driver violates any of the following requirements:

20 (a) The driver of a motor vehicle may only pass a person operating a bicycle by driving to the
21 left of the bicycle at a safe distance and returning to the lane of travel once the motor vehicle is
22 safely clear of the overtaken bicycle. For the purposes of this paragraph, a “safe distance” means
23 a distance that is sufficient to prevent contact with the person operating the bicycle if the person
24 were to fall into the driver’s lane of traffic. *[This paragraph does not apply to a driver operating a*
25 *motor vehicle:]*

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

27 *[(B) At a speed not greater than 35 miles per hour; or]*

28 *[(C) When the driver is passing a person operating a bicycle on the person’s right side and the*
29 *person operating the bicycle is turning left.]*

30 (b) The driver of a motor vehicle may drive to the left of the center of a roadway to pass a
31 person operating a bicycle proceeding in the same direction only if the roadway to the left of the
32 center is unobstructed for a sufficient distance to permit the driver to pass the person operating the
33 bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize
34 driving on the left side of the center of a roadway when prohibited under ORS 811.295, 811.300 or
35 811.310 to 811.325.

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

38 (2) Passing a person operating a bicycle in a no passing zone in violation of ORS 811.420 con-
39 stitutes prima facie evidence of commission of the offense described in this section, unsafe passing
40 of a person operating a bicycle, if the passing results in injury to or the death of the person oper-
41 ating the bicycle.

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

44
45 **OFFENSE OF WEARING HEADPHONES**

WHILE OPERATING A BICYCLE

SECTION 14. Section 15 of this 2013 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 15. (1) A person commits the offense of wearing headphones while operating a bicycle if the person operates a bicycle while wearing headphones or earbuds.

(2) A person does not commit the offense of wearing headphones while operating a bicycle if the person:

(a) Has only one ear covered while wearing the headphones; or

(b) Is wearing only one earbud.

(3) The offense described in this section, wearing headphones while operating a bicycle, is a specific fine traffic violation. The presumptive fine for wearing headphones while operating a bicycle is \$25.

OFFENSE OF FAILURE TO USE A BICYCLE LANE OR PATH

SECTION 16. ORS 814.420 is amended to read:

814.420. (1) Except as provided in subsections (2) and (3) of this section, a person commits the offense of failure to use a bicycle lane or path if the person operates a bicycle on any portion of a roadway that is not a bicycle lane or bicycle path when a bicycle lane or bicycle path is adjacent to or near the roadway.

(2) A person is not required to comply with this section unless the state or local authority with jurisdiction over the roadway finds, after public hearing, that the bicycle lane or bicycle path is suitable for safe bicycle use at reasonable rates of speed.

(3) A person is not in violation of the offense under this section if the person is able to safely move out of the bicycle lane or path for the purpose of:

(a) Overtaking and passing another bicycle, a vehicle or a pedestrian that is in the bicycle lane or path and passage cannot safely be made in the lane or path.

(b) Preparing to execute a left turn at an intersection or into a private road or driveway.

(c) Avoiding debris or other hazardous conditions.

(d) Preparing to execute a right turn where a right turn is authorized.

(e) Continuing straight at an intersection where the bicycle lane or path is to the right of a lane from which a motor vehicle *[must]* **may** turn right.

(4) The offense described in this section, failure to use a bicycle lane or path, is a Class D traffic violation.

MISCELLANEOUS

SECTION 17. ORS 153.633, as amended by section 15, chapter 89, Oregon Laws 2012, is amended to read:

153.633. (1) In any criminal action in which a fine is imposed, the lesser of the following amounts is payable to the state before any other distribution of the fine is made:

(a) \$60; or

(b) The amount of the fine if the fine is less than \$60.

(2) A justice or municipal court shall forward the amount prescribed under subsection (1) of this

1 section to the Department of Revenue for deposit in the Criminal Fine Account.

2 (3) The provisions of this section do not apply to fines imposed in justice and municipal courts
3 under ORS 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1) **or section 15 of this**
4 **2013 Act.**

5
6 **APPLICABILITY**

7
8 **SECTION 18. The amendments to ORS 811.060, 811.065, 811.435, 811.440, 811.550, 814.210,**
9 **814.420, 814.526, 814.552 and 815.282 by sections 5 to 13 and 16 of this 2013 Act apply to vio-**
10 **lations committed on or after the effective date of this 2013 Act.**

11
12 **CAPTIONS**

13
14 **SECTION 19. The unit captions used in this 2013 Act are provided only for the conven-**
15 **ience of the reader and do not become part of the statutory law of this state or express any**
16 **legislative intent in the enactment of this 2013 Act.**

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