

A-Engrossed
Senate Bill 998

Ordered by the Senate April 26
Including Senate Amendments dated April 26

Sponsored by COMMITTEE ON JUDICIARY

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.

[Directs State Court Administrator to study violations. Requires report to interim committee of Legislative Assembly related to judiciary.]

[Sunsets January 2, 2020.]

[Declares emergency, effective on passage.]

Permits person operating bicycle to enter intersection controlled by specified traffic control devices without stopping. Permits person operating bicycle to turn without stopping at intersection with specified traffic control devices.

Creates offense of improper entry into intersection where traffic is controlled by stop sign. Punishes by maximum fine of \$250.

Creates offense of improper entry into intersection where traffic is controlled by flashing red signal. Punishes by maximum fine of \$250.

A BILL FOR AN ACT

1
2 Relating to violations; creating new provisions; and amending ORS 811.260 and 811.265.

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

4 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS 814.410**
5 **to 814.480.**

6 **SECTION 2. (1) A person operating a bicycle who is approaching an intersection where**
7 **traffic is controlled by a stop sign may, without violating ORS 811.265, do any of the following**
8 **without stopping if the person slows the bicycle to a safe speed:**

9 (a) **Proceed through the intersection.**

10 (b) **Make a right or left turn into a two-way street.**

11 (c) **Make a right or left turn into a one-way street in the direction of traffic upon the**
12 **one-way street.**

13 (2) **A person commits the offense of improper entry into an intersection where traffic is**
14 **controlled by a stop sign if the person does any of the following while proceeding as described**
15 **in subsection (1) of this section:**

16 (a) **Fails to yield the right of way to traffic lawfully within the intersection or approach-**
17 **ing so close as to constitute an immediate hazard;**

18 (b) **Disobeys the directions of a police officer or flagger, as defined in ORS 811.230;**

19 (c) **Fails to exercise care to avoid an accident; or**

20 (d) **Fails to yield the right of way to a pedestrian in an intersection or crosswalk under**
21 **ORS 811.028.**

22 (3) **The offense described in this section, improper entry into an intersection where**
23 **traffic is controlled by a stop sign, is a Class D traffic violation.**

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 **SECTION 3.** (1) A person operating a bicycle who is approaching an intersection where
2 traffic is controlled by a flashing red signal may, without violating ORS 811.265, do any of the
3 following without stopping if the person slows the bicycle to a safe speed:

4 (a) Proceed through the intersection.

5 (b) Make a right or left turn into a two-way street.

6 (c) Make a right or left turn into a one-way street in the direction of traffic upon the
7 one-way street.

8 (2) A person commits the offense of improper entry into an intersection where traffic is
9 controlled by a flashing red signal if the person does any of the following while proceeding
10 as described in subsection (1) of this section:

11 (a) Fails to yield the right of way to traffic lawfully within the intersection or approach-
12 ing so close as to constitute an immediate hazard;

13 (b) Disobeys the directions of a police officer;

14 (c) Fails to exercise care to avoid an accident; or

15 (d) Fails to yield the right of way to a pedestrian in an intersection or crosswalk under
16 ORS 811.028.

17 (3) The offense described in this section, improper entry into an intersection where
18 traffic is controlled by a flashing red signal, is a Class D traffic violation.

19 **SECTION 4.** ORS 811.260 is amended to read:

20 811.260. Except as provided in ORS 811.265 (2), a driver is in violation of ORS 811.265 if the
21 driver makes a response to traffic control devices that is not permitted under the following:

22 (1) Green signal. A driver facing a green light may proceed straight through or turn right or left
23 unless a sign at that place prohibits either turn. A driver shall yield the right of way to other ve-
24 hicles within the intersection at the time the green light is shown.

25 (2) Green arrow. A driver facing a green arrow signal light, shown alone or in combination with
26 another signal, may cautiously enter the intersection only to make the movement indicated by such
27 arrow or such other movement as is permitted by other signals shown at the same time.

28 (3) Green bicycle signal. A bicyclist facing a green bicycle signal may proceed straight through
29 or turn right or left unless a sign at that place prohibits either turn. The bicyclist shall yield the
30 right of way to other vehicles within the intersection at the time the green bicycle signal is shown.

31 (4) Steady circular yellow signal. A driver facing a steady circular yellow signal light is thereby
32 warned that the related right of way is being terminated and that a red or flashing red light will
33 be shown immediately. A driver facing the light shall stop at a clearly marked stop line, but if none,
34 shall stop before entering the marked crosswalk on the near side of the intersection, or if there is
35 no marked crosswalk, then before entering the intersection. If a driver cannot stop in safety, the
36 driver may drive cautiously through the intersection.

37 (5) Steady yellow arrow signal. A driver facing a steady yellow arrow signal, alone or in com-
38 bination with other signal indications, is thereby warned that the related right of way is being ter-
39 minated. Unless entering the intersection to make a movement permitted by another signal, a driver
40 facing a steady yellow arrow signal shall stop at a clearly marked stop line, but if none, shall stop
41 before entering the marked crosswalk on the near side of the intersection, or if there is no marked
42 crosswalk, then before entering the intersection. If a driver cannot stop in safety, the driver may
43 drive cautiously through the intersection.

44 (6) Steady yellow bicycle signal. A bicyclist facing a steady yellow bicycle signal is thereby
45 warned that the related right of way is being terminated and that a red bicycle signal will be shown

1 immediately. A bicyclist facing a steady yellow bicycle signal shall stop at a clearly marked stop
 2 line, but if none, shall stop before entering the marked crosswalk on the near side of the inter-
 3 section, or if there is no marked crosswalk, then before entering the intersection. If a bicyclist
 4 cannot stop in safety, the bicyclist may proceed cautiously through the intersection.

5 (7) Steady circular red signal. A driver facing a steady circular red signal light alone shall stop
 6 at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side
 7 of the intersection, or if there is no marked crosswalk, then before entering the intersection. The
 8 driver shall remain stopped until a green light is shown except when the driver is permitted to
 9 proceed under ORS 811.360.

10 (8) Steady red arrow signal. A driver facing a steady red arrow signal, alone or in combination
 11 with other signal indications, may not enter the intersection to make the movement indicated by the
 12 red arrow signal. Unless entering the intersection to make some other movement which is permitted
 13 by another signal, a driver facing a steady red arrow signal shall stop at a clearly marked stop line,
 14 but if none, before entering the marked crosswalk on the near side of the intersection, or if there
 15 is no marked crosswalk, then before entering the intersection. The vehicle shall remain stopped until
 16 a green light is shown except when the driver is permitted to proceed under ORS 811.360.

17 (9) Steady red bicycle signal. A bicyclist facing a steady red bicycle signal shall stop at a clearly
 18 marked stop line, but if none, before entering the marked crosswalk on the near side of the inter-
 19 section, or if there is no marked crosswalk, then before entering the intersection. The bicyclist shall
 20 remain stopped until a green bicycle signal is shown except when the bicyclist is permitted to pro-
 21 ceed under ORS 811.360.

22 (10) Traffic control devices at places other than intersections. If a traffic control device that is
 23 a signal is erected and maintained at a place other than an intersection, the provisions of this sec-
 24 tion relating to signals shall be applicable. A required stop shall be made at a sign or marking on
 25 the roadway indicating where the stop shall be made, but in the absence of such sign or marking
 26 the stop shall be made at the signal.

27 (11) Flashing red signal. When a driver approaches a flashing red light used in a traffic control
 28 device or with a traffic sign, the driver shall stop at a clearly marked stop line, but if none, before
 29 entering the marked crosswalk on the near side of the intersection, or if there is no marked cross-
 30 walk, then at the point nearest the intersecting roadway where the driver has a view of approaching
 31 traffic on the intersecting roadway before entering it. The right to proceed shall be subject to the
 32 rules applicable after making a stop at a stop sign. This subsection does not apply to:

33 **(a) A person operating a bicycle; or**

34 **(b) Drivers** at railroad grade crossings. Conduct of a driver approaching a railroad grade
 35 crossing is governed by ORS 811.455.

36 (12) Flashing circular yellow signal. When a driver approaches a flashing circular yellow light
 37 used as a signal in a traffic control device or with a traffic sign, the driver may proceed through
 38 the intersection or past the signal only with caution. This subsection does not apply at railroad
 39 grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS
 40 811.455.

41 (13) Flashing yellow arrow signal. A driver facing a flashing yellow arrow signal, alone or in
 42 combination with other signal indications, may cautiously enter the intersection only to make the
 43 movement indicated by the flashing yellow arrow signal or the movement permitted by other signals
 44 shown at the same time. A driver shall yield the right of way to other vehicles within the inter-
 45 section at the time the flashing yellow arrow signal is shown. In addition, a driver turning left shall

1 yield the right of way to other vehicles approaching from the opposite direction so closely as to
2 constitute an immediate hazard during the time when the turning vehicle is moving across or within
3 the intersection.

4 (14) Lane direction control signals. When lane direction control signals are placed over the in-
5 dividual lanes of a highway, a person may drive a vehicle in any lane over which a green signal
6 light is shown, but may not enter or travel in any lane over which a red signal light is shown.

7 (15) Stop signs. A driver approaching a stop sign shall stop at a clearly marked stop line, but
8 if none, before entering the marked crosswalk on the near side of the intersection or, if there is no
9 marked crosswalk, then at the point nearest the intersecting roadway where the driver has a view
10 of approaching traffic on the intersecting roadway before entering it. After stopping, the driver shall
11 yield the right of way to any vehicle in the intersection or approaching so *closely* **close** as to
12 constitute an immediate hazard during the time when the driver is moving across or within the
13 intersection. **This subsection does not apply to a person operating a bicycle.**

14 (16) Yield signs. A driver approaching a yield sign shall slow the driver's vehicle to a speed
15 reasonable for the existing conditions and if necessary for safety, shall stop at a line as required for
16 stop signs under this section, and shall yield the right of way to any vehicles in the intersection or
17 approaching so closely as to constitute an immediate hazard.

18 **SECTION 5.** ORS 811.265 is amended to read:

19 811.265. (1) A person commits the offense of driver failure to obey a traffic control device if the
20 person drives a vehicle and the person does any of the following:

21 (a) Fails to obey the directions of any traffic control device.

22 (b) Fails to obey any specific traffic control device described in ORS 811.260 in the manner re-
23 quired by that section.

24 (2) A person is not subject to this section if the person is doing any of the following:

25 (a) Following the directions of a police officer.

26 (b) Driving an emergency vehicle or ambulance in accordance with the privileges granted those
27 vehicles under ORS 820.300.

28 (c) Properly proceeding on a red light as authorized under ORS 811.360.

29 (d) Driving in a funeral procession led by a funeral lead vehicle or under the direction of the
30 driver of a funeral escort vehicle.

31 **(e) Properly entering an intersection or executing a turn at a stop sign as authorized**
32 **under section 2 of this 2019 Act.**

33 **(f) Properly entering an intersection or executing a turn at a flashing red signal as au-**
34 **thorized under section 3 of this 2019 Act.**

35 (3) The offense described in this section, driver failure to obey a traffic control device, is a Class
36 B traffic violation.

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