

HB 2314-2  
(LC 919)  
3/7/19 (HE/ps)

Requested by Representative WILSON

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2314**

1 On page 1 of the printed bill, line 3, after “811.375,” insert “811.385,”.

2 In line 13, delete “Subject to subsection (4)” and insert “Notwithstanding  
3 subsection (1) of this section, except as provided in subsections (4) and (5)”  
4 and delete “or moped operator”.

5 In line 17, delete “or moped operator”.

6 In line 18, delete “or a moped with two wheels”.

7 In line 19, after “traffic” insert “traveling in the same direction”.

8 In line 30, delete “or moped”.

9 On page 2, after line 10, insert:

10 “(5) Nothing in subsection (3) of this section authorizes a motorcycle op-  
11 erator to drive:

12 “(a) On the right of a motor vehicle that is traveling in the far right lane  
13 on a roadway that has two or more lanes for traffic proceeding in a single  
14 direction; or

15 “(b) On the left of a motor vehicle that is traveling in the far left lane  
16 on a roadway that has two or more lanes for traffic proceeding in a single  
17 direction.”.

18 In line 11, delete “(5)” and insert “(6)”.

19 Delete lines 13 through 45.

20 On page 3, delete lines 1 through 36 and insert:

21 **“SECTION 2.** ORS 811.415 is amended to read:

1 “811.415. (1) A person commits the offense of unsafe passing on the right  
2 if the person:

3 “(a) Drives a vehicle to overtake and pass upon the right of another ve-  
4 hicle at any time not permitted under this section.

5 “(b) Drives a vehicle to overtake and pass upon the right of another ve-  
6 hicle at any time by driving off the paved portion of the highway.

7 “(2) For purposes of this section, a person may drive a vehicle to overtake  
8 and pass upon the right of another vehicle under any of the following cir-  
9 cumstances:

10 “(a) Overtaking and passing upon the right is permitted if:

11 “(A) The overtaken vehicle is making or the driver has signaled an in-  
12 tention to make a left turn;

13 “(B) The paved portion of the highway is of sufficient width to allow two  
14 or more lanes of vehicles to proceed lawfully in the same direction as the  
15 overtaking vehicle; and

16 “(C) The roadway ahead of the overtaking vehicle is unobstructed for a  
17 sufficient distance to permit passage by the overtaking vehicle to be made  
18 in safety.

19 “(b) Overtaking and passing upon the right is permitted if the overtaken  
20 vehicle is proceeding along a roadway in the left lane of two or more clearly  
21 marked lanes allocated exclusively to vehicular traffic moving in the same  
22 direction as the overtaking driver.

23 “(c) Overtaking and passing upon the right is permitted if the overtaking  
24 vehicle is a bicycle that may safely make the passage under the existing  
25 conditions.

26 “(d) **When overtaking and passing upon the right under the rules**  
27 **governing this movement in ORS 814.240.**

28 “(3) The offense described in this section, unsafe passing on the right, is  
29 a Class B traffic violation.

30 “**SECTION 3.** ORS 811.295 is amended to read:

1 “811.295. (1) A person commits the offense of failure to drive on the right  
2 if the person is operating a vehicle on a roadway of sufficient width and the  
3 person does not drive on the right half of the roadway.

4 “(2) A person is not required to drive on the right side of the roadway  
5 by this section under any of the following circumstances:

6 “(a) When overtaking and passing another vehicle proceeding in the same  
7 direction under the rules governing this movement in ORS 811.410 to  
8 811.425, [or] 811.808 **or 814.240.**

9 “(b) When preparing to turn left in an intersection, alley or private road  
10 or driveway.

11 “(c) When an obstruction or condition exists making it necessary to drive  
12 to the left of the center of the roadway, provided that a driver doing so shall  
13 yield the right of way to all vehicles traveling in the proper direction upon  
14 the unobstructed portion of the roadway within a distance as to constitute  
15 an immediate hazard.

16 “(d) Upon a roadway divided into three marked lanes for traffic under the  
17 rules applicable on the roadway under ORS 811.380.

18 “(e) Upon a roadway restricted to one-way traffic.

19 “(3) The offense described in this section, failure to drive on the right, is  
20 a Class B traffic violation.

21 **“SECTION 4.** ORS 811.370 is amended to read:

22 “811.370. (1) Except as provided in [*subsection (2)*] **subsections (2) and**  
23 **(3)** of this section, a person commits the offense of failure to drive within a  
24 lane if the person is operating a vehicle upon a roadway that is divided into  
25 two or more clearly marked lanes for traffic and the driver does not:

26 “(a) Operate the vehicle as nearly as practicable entirely within a single  
27 lane; and

28 “(b) Refrain from moving from that lane until the driver has first made  
29 certain that the movement can be made with safety.

30 “(2) A person who operates a commercial motor vehicle within a multi-

1 lane roundabout that is divided into two or more clearly marked lanes for  
2 traffic may operate the commercial motor vehicle in more than one lane  
3 when it is not practicable to remain entirely within one lane.

4 **“(3) A person may operate a motorcycle within a lane under the**  
5 **rules governing the movement of motorcycles in ORS 814.240.**

6 “[3] (4) The offense described in this section, failure to drive within a  
7 lane, is a Class B traffic violation.

8 **“SECTION 5.** ORS 811.375 is amended to read:

9 “811.375. (1) A person commits the offense of unlawful or unsignaled  
10 change of lanes if the person is operating a vehicle upon a highway and the  
11 person changes lanes by moving to the right or left upon the highway when:

12 “(a) The movement cannot be made with reasonable safety; or

13 “(b) The driver fails to give an appropriate signal continuously during  
14 not less than the last 100 feet traveled by the vehicle before changing lanes.

15 “(2) Appropriate signals for use while changing lanes are as designated  
16 under ORS 811.395 and 811.400.

17 **“(3) A person who operates a motorcycle under the rules governing**  
18 **the movement of motorcycles in ORS 814.240 does not commit the of-**  
19 **fense of unlawful or unsignaled change of lanes.**

20 “[3] (4) The offense described in this section, unlawful or unsignaled  
21 change of lane, is a Class D traffic violation.

22 **“SECTION 6.** ORS 811.385 is amended to read:

23 “811.385. (1) A person commits the offense of depriving a motorcycle or  
24 moped of a full lane if the person operates a motor vehicle upon a roadway  
25 laned for traffic in a manner that prevents a moped operator or motorcyclist  
26 from full use of a lane.

27 “(2) This section does not apply to operators of motorcycles or mopeds  
28 whose use of lanes is controlled by ORS 814.240 (1) and (2) and 814.250.

29 **“(3) Notwithstanding subsection (1) of this section, a person does**  
30 **not commit the offense of depriving a motorcycle or moped of a full**

1 **lane if:**

2 **“(a) The person is driving a motor vehicle that is not a motorcycle;**  
3 **and**

4 **“(b) The motorcycle operator is driving between lanes of traffic as**  
5 **authorized under ORS 814.240.**

6 “[3] (4) The offense described in this section, depriving a motorcycle or  
7 moped of a full lane, is a Class B traffic violation.”.

8 In line 37, delete “6” and insert “7” and after “811.375,” insert “811.385.”.

9 In line 38, delete “5” and insert “6”.

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