Senate Bill 301

Sponsored by Senator THATCHER (at the request of David Samuel Hill) (Presession filed.)

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.

Provides that person operating bicycle may not treat stop signs and flashing red lights as yield signs if bicyclist slows bicycle to safe speed.

A BILL FOR AN ACT

Relating to traffic violations; creating new provisions; amending ORS 811.260 and 811.265; and repealing ORS 814.414 and 814.416.

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

SECTION 1. ORS 811.265 is amended to read:

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

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

(b) Fails to obey any specific traffic control device described in ORS 811.260 in the manner required by that section.

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

(a) Following the directions of a police officer.

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

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

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

(e) Properly entering an intersection or executing a turn at a stop sign as authorized under ORS 814.414.

(f) Properly entering an intersection or executing a turn at a flashing red signal as authorized under ORS 814.416.

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

SECTION 2. ORS 811.260 is amended to read:

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

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

(2) Green arrow. A driver facing a green arrow signal light, shown alone or in combination with another signal, may cautiously enter the intersection only to make the movement indicated by such signal.
(3) Green bicycle signal. A bicyclist facing a green bicycle signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. The bicyclist shall yield the right of way to other vehicles within the intersection at the time the green bicycle signal is shown.

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

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

(6) Steady yellow bicycle signal. A bicyclist facing a steady yellow bicycle signal is thereby warned that the related right of way is being terminated and that a red bicycle signal will be shown immediately. A bicyclist facing a steady yellow bicycle signal shall stop at a clearly marked stop line, but if none, shall stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then before entering the intersection. If a bicyclist cannot stop in safety, the bicyclist may proceed cautiously through the intersection.

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

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

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

(10) Traffic control devices at places other than intersections. If a traffic control device that is a signal is erected and maintained at a place other than an intersection, the provisions of this section relating to signals shall be applicable. A required stop shall be made at a sign or marking on the roadway indicating where the stop shall be made, but in the absence of such sign or marking the stop shall be made at the signal.
(11) Flashing red signal. When a driver approaches a flashing red light used in a traffic control device or with a traffic sign, the driver shall stop at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign. This subsection does not apply to:

[(a) A person operating a bicycle; or]

[(b)] drivers at railroad grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 811.455.

(12) Flashing circular yellow signal. When a driver facing a flashing circular yellow signal approaches an intersection, the driver may cautiously enter the intersection to proceed straight through, turn right or turn left except as such movement is modified by lane use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications or other traffic control devices. This subsection does not apply at railroad grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 811.455.

(13) Flashing yellow arrow signal. A driver facing a flashing yellow arrow signal, alone or in combination with other signal indications, may cautiously enter the intersection only to make the movement indicated by the flashing yellow arrow signal or the movement permitted by other signals shown at the same time. A driver shall yield the right of way to other vehicles within the intersection at the time the flashing yellow arrow signal is shown. In addition, a driver turning left shall yield the right of way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when the turning vehicle is moving across or within the intersection.

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

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

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

(17) Flashing yellow beacon. When a flashing yellow beacon is used to supplement another traffic control device, a driver shall pay extra attention to the message provided by the beacon and follow the requirements of the other traffic control device, which might not be otherwise applicable at all times.

SECTION 3. ORS 814.414 and 814.416 are repealed.

SECTION 4. The amendments to ORS 811.260 and 811.265 by sections 1 and 2 of this 2023 Act and the repeal of ORS 814.414 and 814.416 by section 3 of this 2023 Act apply to offenses occurring on or after the effective date of this 2023 Act.