

House Bill 2314

Sponsored by Representatives WILSON, POWER, Senator DEMBROW, Representative POST, Senator HANSELL; Representatives BARKER, HELM, LIVELY, MCLAIN, NEARMAN, NOBLE, NOSSE, STARK, Senators FAGAN, GELSER, OLSEN, RILEY, THOMSEN (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**.

Allows operator of motorcycle or moped to travel between lanes of traffic under certain conditions.

A BILL FOR AN ACT

1
2 Relating to vehicle filtering in traffic slowdowns; creating new provisions; and amending ORS
3 811.295, 811.370, 811.375, 811.415 and 814.240.

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

5 **SECTION 1.** ORS 814.240 is amended to read:

6 814.240. (1) A motorcycle operator or moped operator commits the offense of motorcycle or
7 moped unlawful passing in a lane with a vehicle if the operator does any of the following:

8 (a) Overtakes and passes in the same lane occupied by the vehicle the operator is overtaking,
9 unless the vehicle being passed is a motorcycle or a moped.

10 (b) Operates a moped or motorcycle between lanes of traffic [*or between adjacent lines or rows*
11 *of vehicles*].

12 (2) This section does not apply to a police officer in the performance of official duties.

13 (3) **Subject to subsection (4) of this section, a motorcycle operator or moped operator**
14 **does not commit the offense of motorcycle or moped unlawful passing in a lane with a vehicle**
15 **under the following conditions:**

16 (a) **Traffic is stopped or has slowed to a speed of 10 miles per hour or less; and**

17 (b) **The motorcycle operator or moped operator:**

18 (A) **Operates a motorcycle with two wheels or a moped with two wheels between lanes**
19 **of traffic;**

20 (B) **Travels at a speed of no more than 10 miles per hour greater than the speed of**
21 **traffic;**

22 (C) **Operates in a prudent manner that does not impede the normal and reasonable**
23 **movement of traffic;**

24 (D) **Overtakes a vehicle that is proceeding in the same direction;**

25 (E) **Merges with the regular traffic flow when traffic begins traveling at a speed of more**
26 **than 10 miles per hour; and**

27 (F) **Is driving on a highway for which the speed limit established in ORS 811.111 or the**
28 **designated speed posted under ORS 810.180 is 50 miles per hour or higher.**

29 (4) **The exception described in subsection (3) of this section does not apply when a mo-**
30 **torcycle or moped operator is traveling in a school zone if the school zone is:**

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) A segment of highway described in ORS 801.462 (1)(a) and:

2 (A) The school zone has a flashing light used as a traffic control device and operated as
3 provided under ORS 810.243; or

4 (B) If the school zone does not have a flashing light used as a traffic control device, the
5 person drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in ses-
6 sion.

7 (b) A crosswalk described in ORS 801.462 (1)(b) and:

8 (A) A flashing light is used as a traffic control device and operated as provided under
9 ORS 810.243; or

10 (B) Children are present, as described in ORS 811.124.

11 [(3)] (5) The offense described in this section, motorcycle or moped unlawful passing in a lane
12 with a vehicle, is a Class B traffic violation.

13 **SECTION 2.** ORS 811.415 is amended to read:

14 811.415. (1) A person commits the offense of unsafe passing on the right if the person:

15 (a) Drives a vehicle to overtake and pass upon the right of another vehicle at any time not
16 permitted under this section.

17 (b) Drives a vehicle to overtake and pass upon the right of another vehicle at any time by
18 driving off the paved portion of the highway.

19 (2) For purposes of this section, a person may drive a vehicle to overtake and pass upon the
20 right of another vehicle under any of the following circumstances:

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

22 (A) The overtaken vehicle is making or the driver has signaled an intention to make a left turn;

23 (B) The paved portion of the highway is of sufficient width to allow two or more lanes of vehi-
24 cles to proceed lawfully in the same direction as the overtaking vehicle; and

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

27 (b) Overtaking and passing upon the right is permitted if the overtaken vehicle is proceeding
28 along a roadway in the left lane of two or more clearly marked lanes allocated exclusively to ve-
29 hicular traffic moving in the same direction as the overtaking driver.

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

32 (d) **Overtaking and passing upon the right is permitted if the overtaking vehicle is a
33 motorcycle or moped that may safely make the passage under the conditions described in
34 ORS 814.240 (3).**

35 (3) The offense described in this section, unsafe passing on the right, is a Class B traffic vio-
36 lation.

37 **SECTION 3.** ORS 811.295 is amended to read:

38 811.295. (1) A person commits the offense of failure to drive on the right if the person is oper-
39 ating a vehicle on a roadway of sufficient width and the person does not drive on the right half of
40 the roadway.

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

43 (a) When overtaking and passing another vehicle proceeding in the same direction under the
44 rules governing this movement in ORS 811.410 to 811.425, [or] 811.808 or 814.240 (3).

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

1 (c) When an obstruction or condition exists making it necessary to drive to the left of the center
2 of the roadway, provided that a driver doing so shall yield the right of way to all vehicles traveling
3 in the proper direction upon the unobstructed portion of the roadway within a distance as to con-
4 stitute an immediate hazard.

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

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

8 (3) The offense described in this section, failure to drive on the right, is a Class B traffic vio-
9 lation.

10 **SECTION 4.** ORS 811.370 is amended to read:

11 811.370. (1) Except as provided in [subsection (2)] **subsections (2) and (3)** of this section, a
12 person commits the offense of failure to drive within a lane if the person is operating a vehicle upon
13 a roadway that is divided into two or more clearly marked lanes for traffic and the driver does not:

14 (a) Operate the vehicle as nearly as practicable entirely within a single lane; and

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

17 (2) A person who operates a commercial motor vehicle within a multilane roundabout that is
18 divided into two or more clearly marked lanes for traffic may operate the commercial motor vehicle
19 in more than one lane when it is not practicable to remain entirely within one lane.

20 **(3) A person who operates a motorcycle or moped under the conditions described in ORS**
21 **814.240 (3) does not commit the offense of failure to drive within a lane.**

22 [(3)] (4) The offense described in this section, failure to drive within a lane, is a Class B traffic
23 violation.

24 **SECTION 5.** ORS 811.375 is amended to read:

25 811.375. (1) A person commits the offense of unlawful or unsignaled change of lanes if the person
26 is operating a vehicle upon a highway and the person changes lanes by moving to the right or left
27 upon the highway when:

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

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

31 (2) Appropriate signals for use while changing lanes are as designated under ORS 811.395 and
32 811.400.

33 **(3) A person who operates a motorcycle or moped under the conditions described in ORS**
34 **814.240 (3) does not commit the offense of unlawful or unsignaled change of lanes.**

35 [(3)] (4) The offense described in this section, unlawful or unsignaled change of lane, is a Class
36 D traffic violation.

37 **SECTION 6. The amendments to ORS 811.295, 811.370, 811.375, 811.415 and 814.240 by**
38 **sections 1 to 5 of this 2019 Act apply to conduct occurring on or after the effective date of**
39 **this 2019 Act.**

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