

SB 895 STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 03/20/23

Action: Do pass.

Vote: 4-0-1-0

Yeas: 4 - Gelser Blouin, Linthicum, Manning Jr, Prozanski

Exc: 1 - Thatcher

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

Prepared By: Adrienne Anderson, LPRO Analyst

Meeting Dates: 3/8, 3/20

WHAT THE MEASURE DOES:

Allows a person to pass in a no passing zone if an obstruction exists and the person drives at a speed that is at least five miles per hour under the posted speed limit. Clarifies that the term "obstruction" includes a person who is riding a bicycle or operating another type of vehicle and is traveling at a speed of less than one-half of the posted speed limit. Provides that the Act applies to offenses committed after the effective date of the Act.

ISSUES DISCUSSED:

- Current law unclear whether vehicle can pass bicycle in a no passing zone
- Distance for safe passing already in statute

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 811.065, if a person passes a bicycle in a no passing zone in violation of the current statute, ORS 811.420, and it causes injury or death to the bicyclist, it constitutes prime facie evidence that the person has committed unsafe passing of a person operating a bicycle. Currently, the statute does not define an obstruction and does not make clear that a person can pass in a no passing zone if there is a bicyclist in the roadway.

Senate Bill 895 permits a person to pass in a no passing zone if there is an obstruction, which includes a bicyclist or another vehicle traveling at less than one-half of the posted speed, and the person drives at least five miles under the posted speed limit in the lane left of the center of the roadway.