

# Senate Bill 422

Sponsored by Senators DEMBROW, GELSER BLOUIN, Representatives MCLAIN, GRAYBER, OWENS; Senators SOLLMAN, WEBER, Representatives EVANS, LEVY B, LIVELY, NELSON, SCHARF (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 motorcycle operator to travel between lanes of traffic under certain conditions.

## A BILL FOR AN ACT

1  
2 Relating to motorcycles; creating new provisions; and amending ORS 811.295, 811.370, 811.375,  
3 811.385, 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) **Notwithstanding subsection (1) of this section and except as provided in subsections**  
14 **(4), (5) and (6) of this section, a motorcycle operator does not commit the offense of motor-**  
15 **cycle or moped unlawful passing in a lane with a vehicle 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:**

18 (A) **Operates a motorcycle with two wheels between lanes of traffic traveling in the same**  
19 **direction;**

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

22 (C) **Operates the motorcycle in a prudent manner that does not impede the normal and**  
23 **reasonable 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 operating the motorcycle on a highway for which the speed limit established in**  
28 **ORS 811.111 or the 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 operator is operating a motorcycle in a school zone if the school zone:**

31 (a) **Is a segment of highway described in ORS 801.462 (1)(a) and the school zone:**

**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) Has a flashing light used as a traffic control device that is operated as provided under  
 2 ORS 810.243; or

3 (B) Does not have a flashing light used as a traffic control device and operated as pro-  
 4 vided under ORS 810.243 and the motorcycle operator operates the motorcycle in the school  
 5 zone between 7 a.m. and 5 p.m. on a day when school is in session.

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

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

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

10 (5) The exception described in subsection (3) of this section does not apply when a mo-  
 11 torcycle operator is operating a motorcycle in a highway work zone as defined in ORS  
 12 811.230.

13 (6) Nothing in subsection (3) of this section authorizes a motorcycle operator to operate  
 14 a motorcycle:

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

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

19 [(3)] (7) The offense described in this section, motorcycle or moped unlawful passing in a lane  
 20 with a vehicle, is a Class B traffic violation.

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

22 811.415. (1) A person commits the offense of unsafe passing on the right if the person:

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

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

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

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

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

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

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

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

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

40 (d) **When overtaking and passing upon the right under the rules governing this move-**  
 41 **ment in ORS 814.240.**

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

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

45 811.295. (1) A person commits the offense of failure to drive on the right if the person is oper-

1 ating a vehicle on a roadway of sufficient width and the person does not drive on the right half of  
2 the roadway.

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

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

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

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

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

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

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

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

18 811.370. (1) Except as provided in [*subsection (2)*] **subsections (2) and (3)** of this section, a  
19 person commits the offense of failure to drive within a lane if the person is operating a vehicle upon  
20 a roadway that is divided into two or more clearly marked lanes for traffic and the driver does not:

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

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

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

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

29 [(3)] (4) The offense described in this section, failure to drive within a lane, is a Class B traffic  
30 violation.

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

32 811.375. (1) A person commits the offense of unlawful or unsignaled change of lanes if the person  
33 is operating a vehicle upon a highway and the person changes lanes by moving to the right or left  
34 upon the highway when:

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

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

38 (2) Appropriate signals for use while changing lanes are as designated under ORS 811.395 and  
39 811.400.

40 **(3) A person who operates a motorcycle under the rules governing the movement of**  
41 **motorcycles in ORS 814.240 does not commit the offense of unlawful or unsignaled change**  
42 **of lanes.**

43 [(3)] (4) The offense described in this section, unlawful or unsignaled change of lane, is a Class  
44 D traffic violation.

45 **SECTION 6.** ORS 811.385 is amended to read:

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

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

6       **(3) Notwithstanding subsection (1) of this section, a person does not commit the offense**  
7 **of depriving a motorcycle or moped of a full lane if:**

8       **(a) The person is driving a motor vehicle that is not a motorcycle; and**

9       **(b) The motorcycle operator is operating the motorcycle between lanes of traffic as au-**  
10 **thorized under ORS 814.240.**

11       [(3)] (4) The offense described in this section, depriving a motorcycle or moped of a full lane, is  
12 a Class B traffic violation.

13       **SECTION 7. The amendments to ORS 811.295, 811.370, 811.375, 811.385, 811.415 and 814.240**  
14 **by sections 1 to 6 of this 2023 Act apply to conduct occurring on or after the effective date**  
15 **of this 2023 Act.**