

# Oregon Pedestrian, Bicyclist and Driver

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# **R U L E S**

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**Together,  
we roll.**

**LET'S ALL  
GET THERE  
SAFELY.**



**SHARE THE ROAD**

**The Way to Go.** Transportation Safety - ODOT



**PEDESTRIAN:** "Pedestrian" means any person afoot or confined in a wheelchair.

ORS 801.385 [1983 c.338 §69]

# Oregon Vehicle Code

## PEDESTRIANS

### **814.010 Appropriate responses to traffic control devices.**

This section establishes appropriate pedestrian responses to specific traffic control devices for purposes of ORS 814.020. Authority to place traffic control devices is established under ORS 810.210. Except when acting under the direction of a police officer, a pedestrian is in violation of ORS 814.020 if the pedestrian makes a response to a traffic control device that is not permitted under the following:

- (1) A pedestrian facing a traffic control device with a green light may proceed across the roadway within any marked or unmarked crosswalk unless prohibited from doing so by other traffic control devices.
- (2) A pedestrian facing a traffic control device with a green arrow signal light may proceed across the roadway within any marked or unmarked crosswalk unless prohibited from doing so by other traffic control devices.
- (3) A pedestrian facing a traffic control device with a steady yellow light shall not enter the roadway unless otherwise directed by a pedestrian control signal.

- (4) A pedestrian facing a traffic control device with a steady red light shall not enter the roadway unless otherwise directed by a pedestrian control signal.
- (5) If a traffic control device is erected and maintained at a place other than an intersection, the provisions of this section are applicable.
- (6) When a pedestrian control signal showing the words "Walk" and "Wait" or "Don't Walk" or any other pedestrian symbol approved by the Oregon Transportation Commission under ORS 810.200 and 810.210 for the purpose of controlling pedestrian crossing is in place, the signal indicates and applies as follows:
  - (a) If a pedestrian is facing a "Walk" signal or other symbol approved under ORS 810.200 and 810.210 indicating that the pedestrian may proceed, the pedestrian may proceed across the roadway in the direction of the signal.
  - (b) A pedestrian shall not start to cross the roadway in the direction of a signal showing a "Wait" or "Don't Walk" or any other symbol approved under ORS 810.200 and 810.210 indicating that the pedestrian may not proceed. A pedestrian who has started crossing a roadway on a signal showing "Walk" or any other approved symbol to proceed shall proceed with dispatch to a sidewalk or safety island while a signal is showing "Wait" or "Don't Walk" or any other approved symbol indicating not to proceed. [1983 c.338 §553; 1985 c.16 §282]



**814.020 Failure to obey traffic control device;**  
penalty.

- (1) A pedestrian commits the offense of pedestrian failure to obey traffic control devices if the pedestrian does any of the following:
  - (a) Fails to obey any traffic control device specifically applicable to the pedestrian.
  - (b) Fails to obey any specific traffic control device described in ORS 814.010 in the manner required by that section.
- (2) A pedestrian is not subject to the requirements of this section if the pedestrian complies with directions of a police officer.
- (3) The offense described in this section, pedestrian failure to obey traffic control devices, is a Class D traffic violation. [1983 c.338 §552; 1995 c.383 §82]

**814.030 Failure to obey bridge or railroad signal;**  
penalty.

- (1) A pedestrian commits the offense of pedestrian failure to obey bridge or railroad signal if the pedestrian does any of the following:
  - (a) Enters or remains upon a bridge or approach to a bridge beyond the bridge signal, gate or barricade after a bridge operation signal has been given.

- (b) Passes through, around, over or under any crossing gate or barrier at a bridge or railroad grade crossing while the gate or barrier is closed or being opened or closed.
- (2) The offense described in this section, pedestrian failure to obey bridge or railroad signal, is a Class D traffic violation. [1983 c.338 §554; 1995 c.383 §83]

**814.040 Failure to yield to vehicle; penalty.**

- (1) A pedestrian commits the offense of pedestrian failure to yield to a vehicle if the pedestrian does any of the following:
  - (a) Suddenly leaves a curb or other place of safety and moves into the path of a vehicle that is so close as to constitute an immediate hazard.
  - (b) Fails to yield the right of way to a vehicle upon a roadway when the pedestrian is crossing the roadway at any point other than within a marked crosswalk or an unmarked crosswalk at an intersection.
  - (c) Except as otherwise provided under the vehicle code, fails to yield the right of way to all vehicles upon the roadway.
- (2) The offense described in this section, pedestrian failure to yield to a vehicle, is a Class D traffic violation. [1983 c.338 §555; 1995 c.383 §84]

### **814.050 Failure to yield to ambulance or emergency vehicle; penalty.**

- (1) A pedestrian commits the offense of pedestrian failure to yield to an ambulance or emergency vehicle if the pedestrian does not yield the right of way to:
  - (a) An ambulance used in an emergency situation; or
  - (b) An emergency vehicle or an ambulance upon the approach of the vehicle using a visual signal or audible signal or both according to requirements under ORS 820.300 or 820.320.
- (2) This section does not relieve the driver of an ambulance or emergency vehicle from the duty to:
  - (a) Drive with due regard for the safety of all persons using the highway; and
  - (b) Exercise due care to avoid colliding with any pedestrian.
- (3) The offense described in this section, pedestrian failure to yield to an ambulance or emergency vehicle, is a Class D traffic violation. [1983 c.338 §556; 1995 c.209 §4; 1995 c.383 §85]

### **814.060 Failure to use pedestrian tunnel or overhead crossing; penalty.**

- (1) A pedestrian commits the offense of failure to use pedestrian tunnel or overhead crossing if the pedestrian crosses a roadway other than by means of a pedestrian tunnel or overhead pedestrian crossing

when a tunnel or overhead crossing serves the place where the pedestrian is crossing the roadway.

- (2) The offense described in this section, failure to use pedestrian tunnel or overhead crossing, is a Class D traffic violation. [1983 c.338 §557]

### **814.070 Improper position upon or improperly proceeding along highway; penalty.**

- (1) A pedestrian commits the offense of pedestrian with improper position upon or improperly proceeding along a highway if the pedestrian does any of the following:
- (a) Takes a position upon or proceeds along and upon the roadway where there is an adjacent usable sidewalk or shoulder.
  - (b) Does not take a position upon or proceed along and upon the shoulder, as far as practicable from the roadway edge, on a highway that has an adjacent shoulder area on one or both sides.
  - (c) Except in the case of the divided highway, does not take a position upon or proceed along and upon the left shoulder and as far as practicable from the roadway edge on a two-way highway that has no sidewalk and that does have an adjacent shoulder area. This paragraph does not apply to:
    - (A) A hitchhiker who takes a position upon or proceeds along and upon the right shoulder

so long as the hitchhiker does so facing the vehicles using the adjacent lane of the roadway; or

- (B) A member of a group that has adopted that section of highway under the provisions of ORS 366.158 who is obeying the rules of the Department of Transportation for picking up litter or removing noxious weeds on either side of the roadway.
  - (d) Does not take a position upon or proceed along and upon the right highway shoulder, as far as practicable from the roadway edge, on a divided highway that has no sidewalk and does have a shoulder area. This paragraph does not apply to a member of a group that has adopted that section of highway under the provisions of ORS 366.158 who is obeying the rules of the Department of Transportation for picking up litter or removing noxious weeds on either side of the roadway.
  - (e) Fails to take a position upon or proceed along and upon a highway that has neither sidewalk nor shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway is a two-way roadway, only on the left side of it.
- (2) This section is subject to the provisions of ORS 814.100.
  - (3) A pedestrian does not commit the offense of pedestrian with improper position upon or improperly proceeding along a highway if the pedestrian:

- (a) Does not impede traffic or create a traffic hazard;
  - (b) Posts advance warning signs in compliance with standards adopted by the Oregon Transportation Commission under ORS 810.200;
  - (c) Wears high-visibility safety apparel in compliance with standards adopted by the Oregon Transportation Commission under ORS 810.200; and
  - (d) Has a permit or belongs to a group that has a permit issued under ORS 814.072.
- (4) A pedestrian does not commit the offense of pedestrian with improper position upon or improperly proceeding along a highway when the pedestrian is on a narrow residential roadway if:
- (a) The pedestrian does not create a traffic hazard; and
  - (b) Signs are posted giving notice that pedestrians may be present upon or along the narrow residential roadway. Signs posted under this paragraph shall be posted at each end of the portion of the narrow residential roadway where pedestrians may be present.
- (5) The offense described in this section, pedestrian with improper position upon or improperly proceeding along a highway, is a Class D traffic violation.

[1983 c.338 §558; 1991 c.486 §4; 1995 c.383 §86; 2008 c.47 §§1,2; 2009 c.547 §§2,3; 2011 c.507 §3]

**801.368:** “Narrow residential roadway.” “Narrow residential roadway” means a two-way roadway that is:

- (1) Located in a residence district; and
- (2) Not more than 18 feet wide at any point between two intersections or between an intersection and the end of the roadway. [2007 c.367 §2]

### **814.080 Unlawful hitchhiking; penalty.**

- (1) A person commits the offense of unlawful hitchhiking if the person is on a roadway for the purpose of soliciting a ride.
- (2) The offense described in this section, unlawful hitchhiking, is a Class D traffic violation. [1983 c.338 §559; 1995 c.383 §87]

### **814.100 Rights of driver and passengers of disabled vehicle on freeway.**

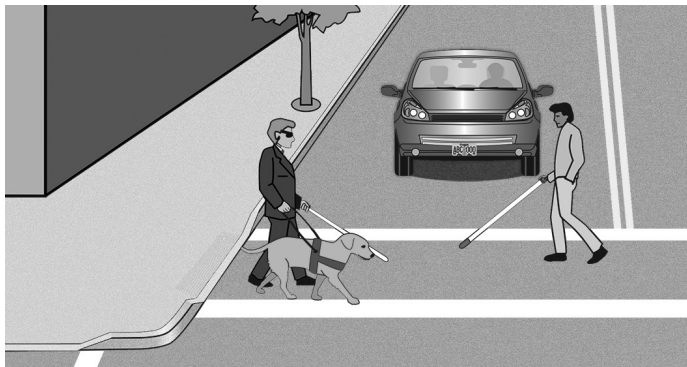
On a freeway on which pedestrian traffic is prohibited, the driver and passengers of a disabled vehicle stopped on the freeway may walk to the nearest exit, in either direction, on that side of the freeway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available. [1983 c.338 §561]

## **814.110 Rights for persons who are blind or who are blind and deaf.**

- (1) This section establishes rights for pedestrians who are blind or blind and deaf. The rights established by this section are enforced by ORS 811.035 and 814.120. The following definitions apply to this section and to ORS 811.035 and 814.120:
  - (a) "Dog guide" means a dog that is wearing a dog guide harness and is trained to lead or guide a person who is blind.
  - (b) "Person who is blind" means a person who has 20/200 vision or less, or a visual field of 20 degrees or less.
  - (c) "White cane" means a cane or walking stick that is white in color or white with a red tip.
- (2) This section and ORS 811.035 and 814.120 grant and enforce the following rights for pedestrians who are blind or blind and deaf:
  - (a) A person who is blind or blind and deaf may carry and use a white cane on the highways and other public places of this state for the purposes of identification and mobility.
  - (b) Any person who is blind and deaf may use a white cane marked by a six-inch wide chartreuse colored strip at the tip end.



- (3) A pedestrian who is blind or blind and deaf and who is not carrying a white cane or not accompanied by a dog guide has all the rights and privileges granted by law to all pedestrians. [1985 c.16 §284; 2007 c.70 §344]



### **814.120 Unlawful use of white cane; penalty.**

- (1) A person commits the offense of unlawful use of a white cane if the person uses or carries a white cane on the highways or any other public place of this state and the person is not blind or blind and deaf.
- (2) This section is subject to the provisions and definitions relating to the rights of pedestrians who are blind or blind and deaf under ORS 814.110.
- (3) The offense described in this section, unlawful use of a white cane, is a Class D traffic violation. [1983 c.338 §562; 1985 c.16 §285; 1995 c.383 §89; 2007 c.70 §345]



**BICYCLE:** "Bicycle" means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter.

ORS 801.150 [1983 c.338 §22] **See also,**  
**ORS 814.484,** Meaning of "bicycle," and  
"operating or riding on a highway," pg. 20

# BICYCLES

## **811.260 Appropriate driver responses to traffic control devices.**

Except as provided in ORS 811.265 (Driver failure to obey traffic control device) (2), a driver is in violation of ORS 811.265 (Driver failure to obey traffic control device) 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 arrow or such other movement as is permitted by other signals shown at the same time.
- (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 (Vehicle turns permitted at stop light).
- (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 (Vehicle turns permitted at stop light).
- (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 (Vehicle turns permitted at stop light).

- (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 (Failure to stop for railroad signal).

- (12) Flashing circular yellow signal. When a driver approaches a flashing circular yellow light used as a signal in a traffic control device or with a traffic sign, the driver may proceed through the intersection or past the signal only with caution. This subsection does not apply at railroad grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 811.455 (Failure to stop for railroad signal).
- (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. [1983 c.338 §609; 1989 c.539 §1; 1997 c.507 §6; 2003 c.278 §6; 2011 c.168 §1; 2015 c.147 §2; 2019 c.683 §4]

### **811.265 Driver failure to obey traffic control device.**

- (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 (Appropriate driver responses to traffic control devices) 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 section 2 of this 2019 Act\*.
  - (f) Properly entering an intersection or executing a turn at a flashing red signal as authorized under section 3 of this 2019 Act\*\*.
- (3) The offense described in this section, driver failure to obey a traffic control device, is a Class B traffic violation.

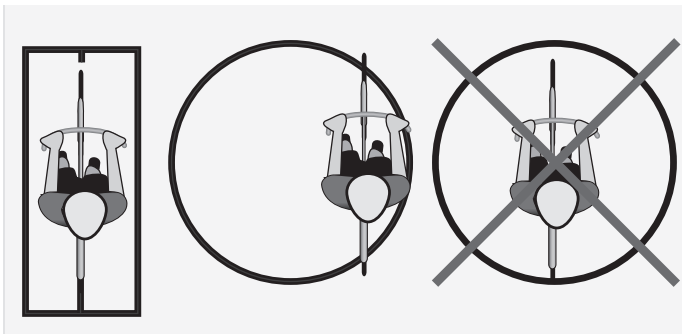
**\*Section 2:** (1) A person operating a bicycle who is approaching an intersection where traffic is controlled by a stop sign may, without violating ORS 811.265, do any of the following without stopping if the person slows the bicycle to a safe speed: (a) Proceed through the intersection. (b) Make a right or left turn into a two-way street. (c) Make a right or left turn into a one-way street in the direction of traffic upon the oneway street. (2) A person commits the offense of improper entry into an intersection where traffic is controlled by a stop sign if the person does any of the following while proceeding as described in subsection (1) of this section: (a) Fails to yield the right of way to traffic lawfully within the intersection or approaching so close as to constitute an immediate hazard; (b) Disobeys the directions of a police officer or flagger, as defined in ORS 811.230; (c) Fails to exercise care to avoid an accident; or (d) Fails to yield the right of way to a pedestrian in an intersection or crosswalk under ORS 811.028. (3) The offense described in this section, improper entry into an intersection where traffic is controlled by a stop sign, is a Class D traffic violation.

**\*\*Section 3:** (1) A person operating a bicycle who is approaching an intersection where traffic is controlled by a flashing red signal may, without violating ORS 811.265, do any of the following without stopping if the person slows the bicycle to a safe speed: (a) Proceed through the intersection. (b) Make a right or left turn into a two-way street. (c) Make a right or left turn into a one-way street in the direction of traffic upon the oneway street. (2) A person commits the offense of improper entry into an intersection where traffic is controlled by a flashing red signal if the person does any of the following while proceeding as described in subsection (1) of this section: (a) Fails to yield the right of way to traffic lawfully within the intersection or approaching so close as to constitute an immediate hazard; (b) Disobeys the directions of a police officer; (c) Fails to exercise care to avoid an accident; or (d) Fails to yield the right of way to a pedestrian in an intersection or crosswalk under ORS 811.028. (3) The offense described in this section, improper entry into an intersection where traffic is controlled by a flashing red signal, is a Class D traffic violation.

**811.360 Vehicle turns permitted at stop light; proceeding against traffic control device; improperly proceeding at stop light; penalty.**

- (1) The driver of a vehicle, subject to this section, who is intending to turn at an intersection where there is a traffic control device showing a steady circular red signal, a steady red bicycle signal or a steady red arrow signal may do any of the following without violating ORS 811.260 and 811.265:
  - (a) Make a right turn into a two-way street.
  - (b) Make a right or left turn into a one-way street in the direction of traffic upon the one-way street.
- (2) In addition to the provisions of subsection (1) of this section, a bicyclist or motorcyclist does not violate ORS 811.260 and 811.265 if:
  - (a) The bicyclist or motorcyclist approaches an intersection where there is a traffic control device showing a steady circular red signal, a steady red bicycle signal or a steady red arrow signal;
  - (b) The traffic control device is controlled by a vehicle detection device;
  - (c) The bicyclist or motorcyclist comes to a complete stop and waits for the traffic control device to complete one full cycle; and

- (d) After the vehicle detection device fails to detect the presence of the bicycle or motorcycle and change the traffic control device to a green signal, the bicyclist or motorcyclist proceeds with caution through the intersection.
- (3) A person commits the offense of improperly proceeding at a stop light if the person does any of the following while proceeding as described in this section:
- (a) Fails to stop at the light as required.
  - (b) Fails to exercise caution to avoid an accident.
  - (c) Disobeys the directions of another traffic control device, other than the device described in subsections (1) and (2) of this section, or a police officer that prohibits the driver, motorcyclist or bicyclist from proceeding.
  - (d) Fails to yield the right of way to traffic lawfully within the intersection or approaching so close to the intersection as to constitute an immediate hazard.
- (4) A driver, motorcyclist or bicyclist who is proceeding as described in this section is also subject to the requirements under ORS 811.028 to stop for a pedestrian before proceeding.
- (5) The offense described in this section, improperly proceeding at a stop light, is a Class B traffic violation. [1983 c.338 §628; 1997 c.507 §7; 2003 c.278 §7; 2005 c.746 §3; 2011 c.168 §2; 2015 c.147 §1]



How to trigger loop detection to get a green light.

### **814.400 Application of vehicle laws to bicycles.**

- (1) Every person riding a bicycle upon a public way is subject to the provisions applicable to and has the same rights and duties as the driver of any other vehicle concerning operating on highways, vehicle equipment and abandoned vehicles, except:
  - (a) Those provisions which by their very nature can have no application.
  - (b) When otherwise specifically provided under the vehicle code.
- (2) Subject to the provisions of subsection (1) of this section:
  - (a) A bicycle is a vehicle for purposes of the vehicle code; and

- (b) When the term “vehicle” is used the term shall be deemed to be applicable to bicycles.
- (3) The provisions of the vehicle code relating to the operation of bicycles do not relieve a bicyclist or motorist from the duty to exercise due care. [1983 c.338 §697; 1985 c.16 §335]

### **814.405 Status of electric assisted bicycle.**

An electric assisted bicycle shall be considered a bicycle, rather than a motor vehicle, for purposes of the Oregon Vehicle Code, except when otherwise specifically provided by statute. [1997 c.400 §4]

### **814.410 Unsafe operation of bicycle on sidewalk; penalty.**

- (1) A person commits the offense of unsafe operation of a bicycle on a sidewalk if the person does any of the following:
- (a) Operates the bicycle so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.
  - (b) Operates a bicycle upon a sidewalk and does not give an audible warning before overtaking and passing a pedestrian and does not yield the right of way to all pedestrians on the sidewalk.
  - (c) Operates a bicycle on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property.

- (d) Operates the bicycle at a speed greater than an ordinary walk when approaching or entering a crosswalk, approaching or crossing a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp. This paragraph does not require reduced speeds for bicycles at places on sidewalks or other pedestrian ways other than places where the path for pedestrians or bicycle traffic approaches or crosses that for motor vehicle traffic.
  - (e) Operates an electric assisted bicycle on a sidewalk.
- (2) Except as otherwise specifically provided by law, a bicyclist on a sidewalk or in a crosswalk has the same rights and duties as a pedestrian on a sidewalk or in a crosswalk.
  - (3) The offense described in this section, unsafe operation of a bicycle on a sidewalk, is a Class D traffic violation. [1983 c.338 §699; 1985 c.16 §337; 1997 c.400 §7; 2005 c.316 §2]

### **814.420 Failure to use bicycle lane or path; exceptions; penalty.**

- (1) Except as provided in subsections (2) and (3) of this section, a person commits the offense of failure to use a bicycle lane or path if the person operates a bicycle on any portion of a roadway that is not a bicycle lane or bicycle path when a bicycle lane or bicycle path is adjacent to or near the roadway.

- (2) A person is not required to comply with this section unless the state or local authority with jurisdiction over the roadway finds, after public hearing, that the bicycle lane or bicycle path is suitable for safe bicycle use at reasonable rates of speed.
- (3) A person is not in violation of the offense under this section if the person is able to safely move out of the bicycle lane or path for the purpose of:
- (a) Overtaking and passing another bicycle, a vehicle or a pedestrian that is in the bicycle lane or path and passage cannot safely be made in the lane or path.
  - (b) Preparing to execute a left turn at an intersection or into a private road or driveway.
  - (c) Avoiding debris or other hazardous conditions.
  - (d) Preparing to execute a right turn where a right turn is authorized.
  - (e) Continuing straight at an intersection where the bicycle lane or path is to the right of a lane from which a motor vehicle must turn right.
- (4) The offense described in this section, failure to use a bicycle lane or path, is a Class D traffic violation. [1983 c.338 §700; 1985 c.16 §338; 2005 c.316 §3]

**\*801.155 "Bicycle lane":** "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. A bicycle lane exists in an intersection if the bicycle lane is marked on opposite sides of the intersection in the same direction of travel. [1983 c.338 §23; 2019 c.120 §1]



**814.430 Improper use of lanes;  
exceptions; penalty.**

- (1) A person commits the offense of improper use of lanes by a bicycle if the person is operating a bicycle on a roadway at less than the normal speed of traffic using the roadway at that time and place under the existing conditions and the person does not ride as close as practicable to the right curb or edge of the roadway.
- (2) A person is not in violation of the offense under this section if the person is not operating a bicycle as close as practicable to the right curb or edge of the roadway under any of the following circumstances:
  - (a) When overtaking and passing another bicycle or vehicle that is proceeding in the same direction.
  - (b) When preparing to execute a left turn.
  - (c) When reasonably necessary to avoid hazardous conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or other conditions that make continued operation along the right curb or edge unsafe or to avoid unsafe operation in a lane on the roadway that is too narrow for a bicycle and vehicle to travel safely side by side. Nothing in this paragraph excuses the operator of a bicycle from the requirements under ORS 811.425 or from the penalties for failure to comply with those requirements.

- (d) When operating within a city as near as practicable to the left curb or edge of a roadway that is designated to allow traffic to move in only one direction along the roadway. A bicycle that is operated under this paragraph is subject to the same requirements and exceptions when operating along the left curb or edge as are applicable when a bicycle is operating along the right curb or edge of the roadway.
  - (e) When operating a bicycle alongside not more than one other bicycle as long as the bicycles are both being operated within a single lane and in a manner that does not impede the normal and reasonable movement of traffic.
  - (f) When operating on a bicycle lane or bicycle path.
- (3) The offense described in this section, improper use of lanes by a bicycle, is a Class D traffic violation.  
[1983 c.338 §701; 1985 c.16 §339]

**814.440 Failure to signal turn; exceptions;**  
penalty.

- (1) A person commits the offense of failure to signal for a bicycle turn if the person does any of the following:
  - (a) Stops a bicycle the person is operating without giving the appropriate hand and arm signal continuously for at least 100 feet before executing the stop.

- (b) Executes a turn on a bicycle the person is operating without giving the appropriate hand and arm signal for the turn for at least 100 feet before executing the turn.
  - (c) Executes a turn on a bicycle the person is operating after having been stopped without giving, while stopped, the appropriate hand and arm signal for the turn.
- (2) A person is not in violation of the offense under this section if the person is operating a bicycle and does not give the appropriate signal continuously for a stop or turn because circumstances require that both hands be used to safely control or operate the bicycle.
- (3) The appropriate hand and arm signals for indicating turns and stops under this section are those provided for other vehicles under ORS 811.395 and 811.400.
- (4) The offense described under this section, failure to signal for a bicycle turn, is a Class D traffic violation. [1983 c.338 §703; 1985 c.16 §341]



**stop**



**left turn**



**right turn**



**alternate  
right**

### **814.450 Unlawful load on bicycle;** penalty.

- (1) A person commits the offense of having an unlawful load on a bicycle if the person is operating a bicycle and the person carries a package, bundle or article which prevents the person from keeping at least one hand upon the handlebar and having full control at all times.
- (2) The offense described in this section, unlawful load on a bicycle, is a Class D traffic violation. [1983 c.338 §704]

### **814.460 Unlawful passengers on bicycle;** penalty.

- (1) A person commits the offense of unlawful passengers on a bicycle if the person operates a bicycle and carries more persons on the bicycle than the number for which it is designed or safely equipped.
- (2) The offense described in this section, unlawful passengers on a bicycle, is a Class D traffic violation. [1983 c.338 §705]

### **814.470 Failure to use bicycle seat;** penalty.

- (1) A person commits the offense of failure to use a bicycle seat if the person is operating a bicycle and the person rides other than upon or astride a permanent and regular seat attached to the bicycle.
- (2) The offense described in this section, failure to use a bicycle seat, is a Class D traffic violation. [1983 c.338 §706; 2003 c.341 §13; 2015 c.138 §26]
- (3) The offense described in this section, failure to use bicycle seat, is a Class D traffic violation. [1983 c.338 §706; 2003 c.341 §13]

## **814.480 Non-motorized vehicle clinging to another vehicle; penalty.**

- (1) A person commits the offense of non motorized vehicle clinging to another vehicle if the person is riding upon or operating a bicycle, coaster, roller skates, sled or toy vehicle and the person clings to another vehicle upon a roadway or attaches that which the person is riding or operating to any other vehicle upon a roadway.
- (2) The offense described in this section, non-motorized vehicle clinging to another vehicle, is a Class D traffic violation. [1983 c.338 §707]

## **814.484 Meaning of "bicycle" and "operating or riding on a highway."**

- (1) For purposes of ORS 814.485, 814.486, 815.052 and 815.281, "bicycle" has the meaning given in ORS 801.150 except that:
  - (a) It also includes vehicles that meet the criteria specified in ORS 801.150 (1) to (4) but that have wheels less than 14 inches in diameter.
  - (b) It does not include tricycles designed to be ridden by children.
- (2) For purposes of the offenses defined in ORS 814.485, 814.486 and 815.281 (2), a person shall not be considered to be operating or riding on a bicycle on a highway or on premises open to the public if the person is operating or riding on a three-wheeled

non-motorized vehicle on a beach while it is closed to motor vehicle traffic. [1993 c.408 § 3a, 3b; 2015 c.138 §28]

### **814.485 Failure to wear protective headgear; penalty.**



- (1) A person commits the offense of failure of a bicycle operator or rider to wear protective headgear if the person is under 16 years of age, operates or rides on a bicycle on a highway or on premises open to the public and is not wearing protective headgear of a type approved under ORS 815.052.\*
- (2) Exemptions from this section are as provided in ORS 814.487.
- (3) The offense described in this section, failure of a bicycle operator or rider to wear protective headgear, is a traffic violation. The presumptive fine for failure of a bicycle operator or rider to wear protective headgear is \$25. [1993 c.408 §2; 1995 c.581 §1; 2011 c.597 §103]

**\*815.052/OAR 735-102-0030:** ODOT adopts mandatory national safety standard of Consumer Product Safety Commission (CPSC), and voluntary standards and specifications of Snell Memorial Foundation and ASTM International for protective headgear for bicyclists, skateboarders, scooter riders, and in-line skaters. Protective headgear for bicycle helmets must be labeled certifying compliance with U.S. CPSC standards.

## **814.486 Endangering bicycle operator or passenger; penalty.**



- (1) A person commits the offense of endangering a bicycle operator or passenger if:
  - (a) The person is operating a bicycle on a highway or on premises open to the public and the person carries another person on the bicycle who is under 16 years of age and is not wearing protective headgear of a type approved under ORS 815.052; or
  - (b) The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age and the child operates or rides on a bicycle on a highway or on premises open to the public without wearing protective head gear of a type approved under ORS 815.052.
- (2) Exemptions from this section are as provided in ORS 814.487.
- (3) The offense described in this section, endangering a bicycle operator or passenger, is a traffic violation. The presumptive fine for endangering a bicycle operator or passenger is \$25. [1993 c.408 §3; 1995 c.581 §2; 2011 c.597 §104]

### **814.487 Exemptions from protective headgear requirements.**

A person is exempt from the requirements under ORS 814.485 and 814.486 to wear protective headgear, if wearing the headgear would violate a religious belief or practice of the person. [1995 c.581 §4]

### **814.488 Citations; exemption from requirement to pay fine.**

- (1) If a child in violation of ORS 814.485 is 11 years of age or younger, any citation issued shall be issued to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 814.486, rather than to the child for violation of ORS 814.485.
- (2) If a child in violation of ORS 814.485 is at least 12 years of age and is under 16 years of age, a citation may be issued to the child for violation of ORS 814.485 or to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 814.486, but not to both.
- (3) The first time a person is convicted of an offense described in ORS 814.485 or 814.486, the person shall not be required to pay a fine if the person proves to the satisfaction of the court that the person has protective headgear of a type approved under ORS 815.052. [1993 c.408 § 3 c.7]



## **814.489 Use of evidence of lack of protective headgear on bicyclist.**

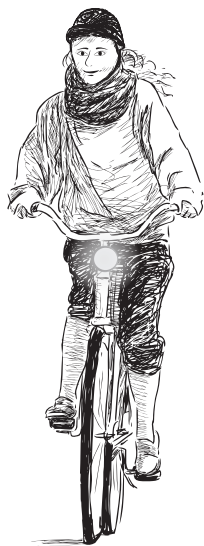
Evidence of violation of ORS 814.485 or 814.486 and evidence of lack of protective headgear shall not be admissible, applicable or effective to reduce the amount of damages or to constitute a defense to an action for damages brought by or on behalf of an injured bicyclist or bicycle passenger or the survivors of a deceased bicyclist or passenger if the bicyclist or passenger was injured or killed as a result in whole or in part of the fault of another. [1993 c.408 §8]

## **815.280 Violation of bicycle equipment requirements; penalty.**

- (1) A person commits the offense of violation of bicycle equipment requirements if the person does any of the following:
  - (a) Operates on any highway a bicycle in violation of the requirements of this section.
  - (b) Is the parent or guardian of a minor child or ward and authorizes or knowingly permits the child or ward to operate a bicycle on any highway in violation of the requirements of this section.
- (2) A bicycle is operated in violation of the requirements of this section if any of the following requirements are violated:
  - (a) A bicycle must be equipped with a brake that enables the operator of the bicycle to stop the

bicycle within 15 feet from a speed of 10 miles per hour on dry, level, clean pavement.

- (b) A person shall not install or use any siren or whistle upon a bicycle. This paragraph does not apply to bicycles used by police officers.
- (c) At the times described in the following, a bicycle or its rider must be equipped with lighting equipment that meets the described requirements:
  - (A) The lighting equipment must be used during limited visibility conditions.
  - (B) The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the bicycle.
  - (C) The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.
- (3) Nothing contained in this section shall be construed to prohibit the use of additional parts and accessories on any bicycle consistent with this section.
- (4) The offense described in this section, violation of bicycle equipment requirements, is a Class D traffic violation. [1983 c.338 §502; 1985 c.16 §260; 1985 c.69 §5; 2003 c.158 §15; 2003 c.341 §17; 2007 c.821 §1; 2015 c.138 §27]



## NON-MOTORIZED VEHICLES OTHER THAN BICYCLES



### **814.600 Failure of skateboarder, scooter rider or in-line skater to wear protective headgear; penalty.**

- (1) A person commits the offense of failure of a skateboarder, scooter rider or in-line skater to wear protective headgear if the person is under 16 years of age, rides on a skateboard or scooter or uses in-line skates on a highway or on premises open to the public and is not wearing protective headgear of a type approved under ORS 815.052.
- (2) The offense described in this section, failure of a skateboarder, scooter rider or in-line skater to wear protective headgear, is a traffic violation punishable by a maximum fine of \$25. The presumptive fine for failure of a skateboarder, scooter rider or in-line skater to wear protective headgear is \$25. [2003 c.106 §1; 2011 c.597 §107]

**\*815.052 and OAR 735-102-0030:** See information on boxed footnote, page 24.

# **DRIVER'S DUTIES TO PEDESTRIANS AND BICYCLES**

## **811.005 Duty to exercise due care.**

None of the provisions of the vehicle code relieve a pedestrian from the duty to exercise due care or relieve a driver from the duty to exercise due care concerning pedestrians. [1983 c.338 §543]

## **811.015 Failure to obey traffic patrol member; penalty.**

- (1) The driver of a vehicle commits the offense of failure to obey a traffic patrol member if:
  - (a) A traffic patrol member makes a cautionary sign or signal to indicate that students have entered or are about to enter the crosswalk under the traffic patrol member's direction; and
  - (b) The driver does not stop and remain stopped for students who are in or entering the crosswalk from either direction on the street on which the driver is operating.
- (2) Traffic patrol members described in this section are those provided under ORS 339.650 to 339.665.
- (3) The offense described in this section, failure to obey a traffic patrol member, is a Class A traffic violation. [1983 c.338 §545; 1995 c.383 §12; 2003 c.278 §2]

**811.017 Failure to yield to traffic patrol member;**  
penalty.

- (1) The driver of a vehicle commits the offense of failure to yield to a traffic patrol member if the driver fails to stop and yield the right of way to a traffic patrol member who:
  - (a) Has entered a crosswalk for the purpose of directing students who have entered or are about to enter the crosswalk; and
  - (b) Is carrying a flag or wearing something that identifies the person as a traffic patrol member.
- (2) For purposes of this section, "traffic patrol" has the meaning given that term in ORS 339.650.
- (3) The offense described in this section, failure to yield to a traffic patrol member, is a Class A traffic violation. [2003 c.557 §2]

**811.020 Passing stopped vehicle at crosswalk;**  
penalty.

- (1) The driver of a vehicle commits the offense of passing a stopped vehicle at a crosswalk if the driver:
  - (a) Approaches from the rear another vehicle that is stopped at a marked or an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway; and
  - (b) Overtakes and passes the stopped vehicle.

- (2) The offense described in this section, passing a stopped vehicle at a crosswalk, is a Class B traffic violation. [1983 c.338 §546]

**811.025 Failure to yield to pedestrian on sidewalk;** penalty.

- (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian on a sidewalk if the driver does not yield the right of way to any pedestrian on a sidewalk.
- (2) The offense described in this section, failure to yield to a pedestrian on a sidewalk, is a Class B traffic violation. [1983 c.338 §547; 1995 c.383 §42]

**811.028 Failure to stop and remain stopped for pedestrian;** penalty.

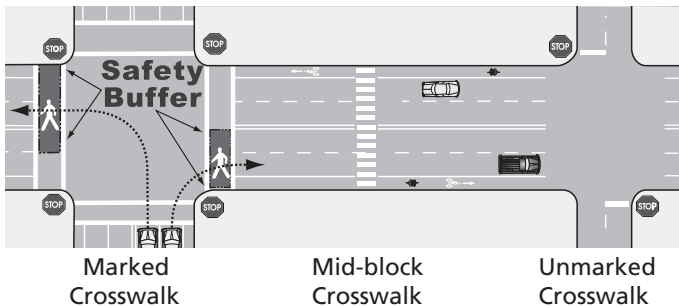
- (1) The driver of a vehicle commits the offense of failure to stop and remain stopped for a pedestrian if the driver does not stop and remain stopped for a pedestrian when the pedestrian is:
- (a) Proceeding in accordance with a traffic control device as provided under ORS 814.010 or crossing the roadway in a crosswalk; and
  - (b) In any of the following locations:
    - (A) In the lane in which the driver's vehicle is traveling;
    - (B) In a lane adjacent to the lane in which the driver's vehicle is traveling;

- (C) In the lane into which the driver's vehicle is turning;
  - (D) In a lane adjacent to the lane into which the driver's vehicle is turning, if the driver is making a turn at an intersection that does not have a traffic control device under which a pedestrian may proceed as provided under ORS 814.010; or
  - (E) Less than six feet from the lane into which the driver's vehicle is turning, if the driver is making a turn at an intersection that has a traffic control device under which a pedestrian may proceed as provided under ORS 814.010.
- (2) For the purpose of this section, a bicycle lane or the part of a roadway where a vehicle stops, stands or parks that is adjacent to a lane of travel is considered to be part of that adjacent lane of travel.
- (3) This section does not require a driver to stop and remain stopped for a pedestrian under any of the following circumstances:
- (a) Upon a roadway with a safety island, if the driver is proceeding along the half of the roadway on the far side of the safety island from the pedestrian; or
  - (b) Where a pedestrian tunnel or overhead crossing has been provided at or near a crosswalk.
- (4) For the purposes of this section, a pedestrian is crossing the roadway in a crosswalk when any part or



extension of the pedestrian, including but not limited to any part of the pedestrian's body, wheelchair, cane, crutch or bicycle, moves onto the roadway in a crosswalk with the intent to proceed.

- (5) The offense described in this section, failure to stop and remain stopped for a pedestrian, is a Class B traffic violation. [2005 c.746 §2; 2011 c.507 §1]



### **811.030 Driving through safety zone; penalty.**

- (1) The driver of a vehicle commits the offense of driving through a safety zone if the driver at any time drives through or within any area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (2) The offense described in this section, driving through a safety zone, is a Class B traffic violation. [1983 c.338 §548; 1995 c.383 §43]

## **811.035 Failure to stop and remain stopped for pedestrian who is blind; penalty.**

- (1) The driver of a vehicle commits the offense of failure to stop and remain stopped for a pedestrian who is blind if the driver violates any of the following:
  - (a) A driver approaching a pedestrian who is blind or blind and deaf, who is carrying a white cane or accompanied by a dog guide, and who is crossing or about to cross a roadway, shall stop and remain stopped until the pedestrian has crossed the roadway.
  - (b) Where the movement of vehicular traffic is regulated by traffic control devices, a driver approaching a pedestrian who is blind or blind and deaf shall stop and remain stopped until the pedestrian has vacated the roadway if the pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.
- (2) This section is subject to the provisions and definitions relating to the rights of pedestrians who are blind or blind and deaf under ORS 814.110.
- (3) For the purposes of this section, a pedestrian is crossing the roadway when any part or extension of

the pedestrian, including but not limited to any part of the pedestrian's body, wheelchair, cane, crutch, bicycle or leashed animal, moves onto the roadway with the intent to proceed.

- (4) The offense described in this section, failure to stop and remain stopped for a pedestrian who is blind, is a Class B traffic violation. [1983 c.338 §549; 1985 c.16 §280; 2003 c.278 §3; 2007 c.70 §329; 2011 c.507 §2]

### **811.050 Failure to yield to rider on bicycle lane; penalty.**

- (1) A person commits the offense of failure of a motor vehicle operator to yield to a rider on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle, electric assisted bicycle, electric personal assistive mobility device, moped, motor assisted scooter or motorized wheelchair upon a bicycle lane.
- (2) This section does not require a person operating a moped to yield the right of way to a bicycle or a motor assisted scooter if the moped is operated on a bicycle lane in the manner permitted under ORS 811.440.
- (3) The offense described in this section, failure of a motor vehicle operator to yield to a rider on a bicycle lane, is a Class B traffic violation. [1983 c.338 §698; 1985 c.16 §336; 1991 c.417 §4; 1997 c.400 §8; 2001 c.749 §23; 2003 c.341 §7]

### **811.055 Failure to yield to bicyclist on sidewalk;** penalty.

- (1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a bicyclist on a sidewalk if the driver does not yield the right of way to any bicyclist on a sidewalk.
- (2) The driver of a motor vehicle is not in violation of this section when a bicyclist is operating in violation of ORS 814.410. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.
- (3) The offense described in this section, failure to yield the right of way to a bicyclist on a sidewalk, is a Class B traffic violation. [1983 c.338 §702; 1985 c.16 §340; 1995 c.383 §44]

### **811.060 Vehicular assault of bicyclist or pedestrian;** penalty.

- (1) For the purposes of this section, “recklessly” has the meaning given that term in ORS 161.085.\*

**\*161.085** “Recklessly,” when used with respect to a result or to a circumstance described by a statute defining an offense, means that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

- (2) A person commits the offense of vehicular assault of a bicyclist or pedestrian if:
  - (a) The person recklessly operates a vehicle upon a highway in a manner that results in contact between the person's vehicle and a bicycle operated by a person, a person operating a bicycle or a pedestrian; and
  - (b) The contact causes physical injury to the person operating a bicycle or the pedestrian.
- (3) The offense described in this section, vehicular assault of a bicyclist or pedestrian, is a Class A misdemeanor.  
[2001 c.635 §5]

### **811.065 Unsafe passing of person operating bicycle; penalty.**

- (1) A driver of a motor vehicle commits the offense of unsafe passing of a person operating a bicycle if the driver violates any of the following requirements:
  - (a) The driver of a motor vehicle may only pass a person operating a bicycle by driving to the left of the bicycle at a safe distance and returning to the lane of travel once the motor vehicle is safely clear of the overtaken bicycle. For the purposes of this paragraph, a "safe distance" means a distance that is sufficient to prevent contact with the person operating the bicycle if the person were to fall into the driver's lane of traffic. This paragraph does not apply to a driver operating a motor vehicle:

- (A) In a lane that is separate from and adjacent to a designated bicycle lane;
  - (B) At a speed not greater than 35 miles per hour; or
  - (C) When the driver is passing a person operating a bicycle on the person's right side and the person operating the bicycle is turning left.
- (b) The driver of a motor vehicle may drive to the left of the center of a roadway to pass a person operating a bicycle proceeding in the same direction only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of a roadway when prohibited under ORS 811.295, 811.300 or 811.310 to 811.325.
- (c) The driver of a motor vehicle that passes a person operating a bicycle shall return to an authorized lane of traffic as soon as practicable.
- (2) Passing a person operating a bicycle in a no passing zone in violation of ORS 811.420 constitutes prima facie evidence of commission of the offense described in this section, unsafe passing of a person operating a bicycle, if the passing results in injury to or the death of the person operating the bicycle.

- (3) The offense described in this section, unsafe passing of a person operating a bicycle, is a Class B traffic violation. [2007 c.794 §2]



### **811.135 Careless driving; penalty.**

- (1) A person commits the offense of careless driving if the person drives any vehicle upon a highway or other premises described in this section in a manner that endangers or would be likely to endanger any person or property.

- (2) The offense described in this section, careless driving, applies on any premises open to the public and is a Class B traffic violation unless commission of the offense contributes to an accident. If commission of the offense contributes to an accident, the offense is a Class A traffic violation.
- (3) In addition to any other penalty imposed for an offense committed under this section, if the court determines that the commission of the offense described in this section contributed to the serious physical injury or death of a vulnerable user\* of a public way, the court shall:
- (a) Impose a sentence that requires the person to:
- (A) Complete a traffic safety course; and
  - (B) Perform between 100 and 200 hours of community service, notwithstanding ORS 137.129 (Length of community service

**\*801.608 "Vulnerable user of a public way."**

"Vulnerable user of a public way" means a pedestrian, a highway worker, a person riding an animal or a person operating any of the following on a public way, crosswalk or shoulder of the highway:

- (1) A farm tractor or implement of husbandry;
- (2) A skateboard;
- (3) Roller skates;
- (4) In-line skates;
- (5) A scooter; or
- (6) A bicycle. [2007 c.784 §2; 2009 c.301 §1]



sentence). The community service must include activities related to driver improvement and providing public education on traffic safety;

- (b) Order, but suspend on the condition that the person complete the requirements of paragraph (a) of this subsection:
    - (A) A fine of up to \$12,500, notwithstanding ORS 153.018 (Maximum fines); and
    - (B) A suspension of driving privileges for one year as provided in ORS 809.280; and
  - (c) Set a hearing date up to one year from the date of sentencing.
- (4) At the hearing described in subsection (3)(c) of this section, the court shall:
- (a) If the person has successfully completed the requirements described in subsection (3)(a) of this section, dismiss the penalties ordered under subsection (3)(b) of this section; or
  - (b) If the person has not successfully completed the requirements described in subsection (3)(a) of this section:
    - (A) Grant the person an extension based on good cause shown; or
    - (B) Order the penalties under subsection (3)(b) of this section.
- (5) When a court orders a suspension under subsection (4) of this section, the court shall prepare and send to the

Department of Transportation an order of suspension of driving privileges of the person. Upon receipt of an order under this subsection, the department shall take action as directed under ORS 809.280.

- (6) The police officer issuing the citation for an offense under this section shall note on the citation if the cited offense appears to have contributed to the serious physical injury or death of a vulnerable user of a public way. [1983 c.338 §570; 1995 c.383 §20; 2007 c.784 §3; 2011 c.355 §11; 2011 c.423 §1]

### **811.140 Reckless driving; penalty.**

- (1) A person commits the offense of reckless driving if the person recklessly drives a vehicle upon a highway or other premises described in this section in a manner that endangers the safety of persons or property.
- (2) The use of the term "recklessly" in this section is as defined in ORS 161.085.
- (3) The offense described in this section, reckless driving, is a Class A misdemeanor and is applicable upon any premises open to the public. [1983 c.338 §571]

### **811.410 Unsafe passing on left; penalty.**

- (1) A person commits the offense of unsafe passing on the left if the person violates any of the following requirements concerning the overtaking and passing of vehicles:
  - (a) The driver of a vehicle that is overtaking any other vehicle proceeding in the same direction

shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

- (b) Except when overtaking and passing on the right is permitted under ORS 811.415, the driver of an overtaken vehicle shall give way to the right in favor of an overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.
  - (c) The driver of a vehicle shall not drive to the left side of the center of the roadway in overtaking and passing a vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the operation of a vehicle approaching from the opposite direction or a vehicle overtaken.
  - (d) An overtaking vehicle shall return to an authorized lane of traffic as soon as practicable.
- (2) This section does not authorize driving on the left side of the center of the road when prohibited under the following:
- (a) Limitations on driving on the left of the center of a roadway under ORS 811.305.
  - (b) Passing in a no passing zone under ORS 811.420.

- (c) ORS 811.295, 811.300 and 811.310 to 811.325 that require driving on the right.
- (3) The offense described in this section, unsafe passing on the left, is a Class B traffic violation. [1983 c.338 §637; 1987 c.158 §168a]

### **811.415 Unsafe passing on right; penalty.**

- (1) A person commits the offense of unsafe passing on the right if the person:
  - (a) Drives a vehicle to overtake and pass upon the right of another vehicle at any time not permitted under this section.
  - (b) Drives a vehicle to overtake and pass upon the right of another vehicle at any time by driving off the paved portion of the highway.
- (2) For purposes of this section, a person may drive a vehicle to overtake and pass upon the right of another vehicle under any of the following circumstances:
  - (a) Overtaking and passing upon the right is permitted if:
    - (A) The overtaken vehicle is making or the driver has signaled an intention to make a left turn;
    - (B) The paved portion of the highway is of sufficient width to allow two or more lanes of vehicles to proceed lawfully in the same direction as the overtaking vehicle; and

- (C) The roadway ahead of the overtaking vehicle is unobstructed for a sufficient distance to permit passage by the overtaking vehicle to be made in safety.
  - (b) Overtaking and passing upon the right is permitted if the overtaken vehicle is proceeding along a roadway in the left lane of two or more clearly marked lanes allocated exclusively to vehicular traffic moving in the same direction as the overtaking driver.
  - (c) Overtaking and passing upon the right is permitted if the overtaking vehicle is a bicycle that may safely make the passage under the existing conditions.
- (3) The offense described in this section, unsafe passing on the right, is a Class B traffic violation. [1983 c.338 §638; 1987 c.158 §169; 2005 c.316 §1]

### **811.420 Passing in no passing zone; exceptions; penalty.**

- (1) A person commits the offense of passing in a no passing zone if the person drives a vehicle on the left side of a roadway in a no passing zone that has been established and designated to prohibit such movements by appropriate signs or markings posted on the roadway.
- (2) The authority to establish and post no passing zones for purposes of this section is established under ORS 810.120.

- (3) The provisions of this section do not apply under any of the following circumstances:
  - (a) When a driver turns left into or from an alley, intersection, private road or driveway.
  - (b) When an obstruction or condition exists making it necessary to drive to the left of the center of the roadway provided that a driver doing so shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within a distance that would constitute an immediate hazard.
- (4) The offense described in this section, passing in a no passing zone, is a Class B traffic violation. [1983 c.338 §639; 1985 c.16 §316]

### **811.425 Failure of slower driver to yield to overtaking vehicle; penalty.**

- (1) A person commits the offense of failure of a slower driver to yield to overtaking vehicle if the person is driving a vehicle and the person fails to move the person's vehicle off the main traveled portion of the highway into an area sufficient for safe turnout when:
  - (a) The driver of the overtaken vehicle is proceeding at a speed less than a speed established in ORS 811.105 as prima facie evidence of violation of the basic speed rule;
  - (b) The driver of the overtaking vehicle is proceeding at a speed in conformity with ORS 811.105;

- (c) The highway is a two directional, two-lane highway; and
  - (d) There is no clear lane for passing available to the driver of the overtaking vehicle.
- (2) This section does not apply to the driver of a vehicle in a funeral procession.
  - (3) The offense described in this section, failure of a slower driver to yield to overtaking vehicle, is a Class B traffic violation. [1983 c.338 §640; 1991 c.482 §16; 1995 c.383 §68; 2001 c.104 §307; 2003 c.819 §15]

### **811.435 Operation of motor vehicle on bicycle trail; exemptions; penalty.**

- (1) A person commits the offense of operation of a motor vehicle on a bicycle trail if the person operates a motor vehicle upon a bicycle lane or a bicycle path.
- (2) Exemptions to this section are provided under ORS 811.440.
- (3) This section is not applicable to mopeds. ORS 811.440 and 814.210 control the operation and use of mopeds on bicycle lanes and paths.
- (4) The offense described in this section, operation of a motor vehicle on a bicycle trail, is a Class B traffic violation. [1983 c.338 §643]

## **811.440 When motor vehicles may operate on bicycle lane.**

This section provides exemptions from the prohibitions under ORS 811.435 and 814.210 against operating motor vehicles on bicycle lanes and paths. The following vehicles are not subject to ORS 811.435 and 814.210 under the circumstances described:

- (1) A person may operate a moped on a bicycle lane that is immediately adjacent to the roadway only while the moped is being exclusively powered by human power.
- (2) A person may operate a motor vehicle upon a bicycle lane when:
  - (a) Making a turn;
  - (b) Entering or leaving an alley, private road or driveway; or
  - (c) Required in the course of official duty.
- (3) An implement of husbandry may momentarily cross into a bicycle lane to permit other vehicles to overtake and pass the implement of husbandry.
- (4) A person may operate a motorized wheelchair on a bicycle lane or path.
- (5) A person may operate a motor assisted scooter on a bicycle lane or path.
- (6) A person may operate an electric personal assistive mobility device on a bicycle lane or path. [1983 c.338 §645; 1991 c.417 §1; 2001 c.749 §24; 2003 c.341 §8]



## **811.485 Following too closely; penalty.**

- (1) A person commits the offense of following too closely if the person does any of the following:
  - (a) Drives a motor vehicle so as to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon, and condition of, the highway.
  - (b) Drives a truck, commercial bus or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city and follows another truck, commercial bus or motor vehicle drawing another vehicle without, when conditions permit, leaving sufficient space so that an overtaking vehicle may enter and occupy the space without danger. This paragraph does not prevent a truck, commercial bus or motor vehicle drawing another vehicle from overtaking and passing a vehicle or combination of vehicles.
  - (c) Drives a motor vehicle when traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city in a caravan or motorcade whether or not towing another vehicle without operating the vehicle so as to leave sufficient space between vehicles to enable a vehicle to enter and occupy the space without danger.

- (2) This section does not apply in the case of a funeral procession. Except for the funeral lead vehicle, vehicles participating in a funeral procession shall follow the preceding vehicle as closely as is reasonable and safe.
- (3) The offense described in this section, following too closely, is a Class B traffic violation. [1983 c.338 §654; 1991 c.482 §20; 2007 c.794 §5]

### **811.490 Improper opening or leaving open of vehicle door; penalty.**

- (1) A person commits the offense of improper opening or leaving open a vehicle door if the person does any of the following:
  - (a) Opens any door of a vehicle unless and until it is reasonably safe to do so and it can be done without interference with the movement of traffic, or with pedestrians and bicycles on sidewalks or shoulders.
  - (b) Leaves a door open on the side of a vehicle available to traffic, or to pedestrians or bicycles on sidewalks or shoulders for a period of time longer than necessary to load or unload passengers.
- (2) The offense described in this section, improper opening or leaving open a vehicle door, is a Class D traffic violation. [1983 c.338 §655; 1985 c.16 §320] (per ORS 810.030 and OAR 734-020-0045)

**Bicycles and Pedestrians are banned  
on the following segments of freeway  
(OAR 734-020-0045):**

**PORTLAND AREA**

- A) I-84:** From I-5 (MP 0.00) to  
Eastbound: 122nd Street (MP 10.25)  
Westbound: Sandy Blvd. (MP 15.14).
- B) US 26:** East of the Jefferson Street On/Off Ramps  
(MP 73.35), through the Vista Ridge Tunnel,  
up to I-405.
- C) I-5:** From the Kruse Way / OR 217 Interchange  
(MP 292.20) to the Delta Park Interchange  
(MP 306.70).
- D) I-205:** North of the OR 43 (West Linn) Interchange  
(MP 8.82).
- E) I-405:** Whole length.
- F) US 30:** From I-405 (MP 0.00) to 23rd Street  
(MP 1.99).

**MEDFORD AREA**

- A) I-5:** From the South Medford (Barnett Road)  
Interchange (MP 27.58) to the North Medford  
(OR 238 / OR 62 - Crater Lake Highway)  
Interchange (MP 30.29).

Share the Road. ***The Way To Go.***

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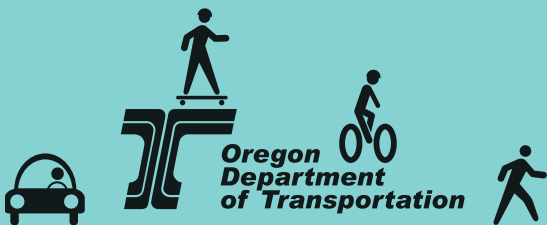
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