

Chapter 814

1993 EDITION

Pedestrians, Passengers, Livestock, Motorcycles, Mopeds, Bicycles, Motorized Wheelchairs

PEDESTRIANS

(Traffic Control Devices)

- 814.010 Appropriate responses to traffic control devices
- 814.020 Failure to obey traffic control device; penalty
- 814.030 Failure to obey bridge or railroad signal; penalty

(Pedestrian Yield)

- 814.040 Failure to yield to vehicle; penalty
- 814.050 Failure to yield to ambulance or emergency vehicle; penalty

(Roadway Use)

- 814.060 Failure to use pedestrian tunnel or overhead crossing; penalty
- 814.070 Improper position upon or improperly proceeding along highway; penalty
- 814.080 Unlawful hitchhiking; penalty
- 814.090 Unlawful solicitation on or near highway; penalty

(Miscellaneous Rights)

- 814.100 Rights of driver and passengers of disabled vehicle on freeway
- 814.110 Rights for blind or blind and deaf pedestrians
- 814.120 Unlawful use of white cane; penalty

PASSENGERS

- 814.130 Passenger obstruction of driver; penalty

LIVESTOCK

- 814.140 Application of vehicle laws to animal on roadway
- 814.150 Failure to perform duties of person in charge of livestock on highway; penalty

MOPEDS AND MOTORCYCLES

- 814.200 Unlawful operation of motorcycle or moped; penalty
- 814.210 Operation of moped on sidewalk or bicycle trail; penalty
- 814.220 Motorcyclist clinging to another vehicle; penalty
- 814.230 Moped operator or rider clinging to other vehicle; penalty
- 814.240 Motorcycle or moped unlawful passing; penalty
- 814.250 Moped or motorcycle operating more than two abreast; penalty
- 814.260 Failure of moped operator to wear protective headgear; penalty
- 814.269 Failure of motorcycle operator to wear protective headgear; penalty
- 814.275 Failure of motorcycle passenger to wear protective headgear; penalty

- 814.280 Endangering motorcycle passenger; penalty
- 814.290 Exemptions from protective headgear requirements
- 814.300 Illegal motorcycle or moped handlebars; penalty
- 814.310 Illegal alteration of moped; penalty
- 814.320 Failure to display lighted headlights; exceptions; penalty
- 814.325 Carrying passenger on motorcycle; penalty
- 814.330 Carrying passenger on moped; penalty
- 814.340 Riding as passenger on moped; penalty

BICYCLES

- 814.400 Application of vehicle laws to bicycles
- 814.410 Unsafe operation of bicycle on sidewalk; penalty
- 814.420 Failure to use bicycle lane or path; exceptions; penalty
- 814.430 Improper use of lanes; exceptions; penalty
- 814.440 Failure to signal turn; exceptions; penalty
- 814.450 Unlawful load on bicycle; penalty
- 814.460 Unlawful passengers on bicycle; penalty
- 814.470 Failure to use bicycle seat; penalty
- 814.480 Nonmotorized vehicle clinging to another vehicle; penalty

(Bicycle Helmet Law)

(The bicycle helmet law is set forth in a note following ORS 814.480. See note for explanation)

MOTORIZED WHEELCHAIRS

- 814.500 Rights and duties of person riding motorized wheelchair on bicycle lane or path

CROSS REFERENCES

- Illegible or improperly placed traffic control device as evidence of nonviolation, 810.250
- Juvenile court, handling of motor vehicle and boating offenses, 419C.372, 419C.374
- Rules of the road, generally, Ch. 811
 - 814.010 to 814.120
- Driver duties to pedestrians, 811.005 to 811.045
- Duty of pedestrian to exercise due care, 811.005
 - 814.130
- Driver operation with obstructing passenger, penalty, 811.190
 - 814.200 to 814.480
- Bicycle racing on highway, authority, 810.090
- Drain construction for bicycle safety, 810.150
- Driver duty to use caution around livestock, 811.510
- Driver failure to yield to rider on sidewalk or bicycle lane, 811.050, 811.055
- Equipment, specific requirements for bicycles, 815.280

OREGON VEHICLE CODE

Restriction of animal traffic by certain road authorities,
810.100

PEDESTRIANS**(Traffic Control Devices)**

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 C traffic infraction. [1983 c.338 §552]

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 C traffic infraction. [1983 c.338 §554]

(Pedestrian Yield)

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 C traffic infraction. [1983 c.338 §555]

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, 820.310 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 C traffic infraction. [1983 c.338 §556]

(Roadway Use)

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 infraction. [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 and who is obeying the rules of the Department of Transportation for picking up litter 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 and who is obeying the rules of the Department of Transportation for picking up litter 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) The offense described in this section, pedestrian with improper position upon or improperly proceeding along a highway, is a Class C traffic infraction. [1983 c.338 §558; 1991 c.486 §4]

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 C traffic infraction. [1983 c.338 §559]

814.090 Unlawful solicitation on or near highway; penalty. (1) A person commits the offense of unlawful solicitation on or near a highway if the person:

(a) Is on a highway to solicit employment or business or for selling or soliciting contributions from persons in a vehicle; or

(b) Is on or near a highway for the purpose of soliciting the watching or guarding of a vehicle while parked or about to be parked on a highway.

(2) The offense described in this section, unlawful solicitation on or near a highway, is a Class C traffic infraction. [1983 c.338 §560]

(Miscellaneous Rights)

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 blind or blind and deaf pedestrians. (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) "Blind person" means a person who has 20/200 vision or less, or a visual field of 20 degrees or less.

(b) "Dog guide" means a dog that is wearing a dog guide harness and is trained to lead or guide a blind person.

(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 blind or blind and deaf person 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 blind person who is deaf may use a white cane marked by a six-inch wide chartreuse colored strip at the tip end.

(3) A blind or blind and deaf pedestrian 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]

814.120 Unlawful use of white cane; penalty. (1) A person commits the offense of unlawful use of a white cane by a sighted person 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 by a sighted person, is a Class C traffic infraction. [1983 c.338 §562; 1985 c.16 §285]

PASSENGERS

814.130 Passenger obstruction of driver; penalty. (1) A person commits the offense of passenger obstruction of a driver if the person is a passenger in a vehicle and the person rides in a position that interferes with all of the operator's views to the rear, through one or more mirrors and otherwise, or that interferes with the operator's view to the front or sides or the operator's control of the driving mechanism.

(2) The offense described in this section, passenger obstruction of driver, is a Class C traffic infraction. [1983 c.338 §605]

LIVESTOCK

814.140 Application of vehicle laws to animal on roadway. Every person riding an animal upon a roadway and every person driving or leading any animal is subject to the provisions of the vehicle code concerning vehicle equipment and operation of vehicles except those provisions which by their very nature can have no application. [1983 c.338 §665]

814.150 Failure to perform duties of person in charge of livestock on highway; penalty. (1) A person commits the offense of failure to perform the duties of a person in charge of livestock on a highway if the person fails to do any of the following:

(a) When riding or leading a horse or other livestock on the highway, a person must keep a lookout for vehicles and use caution to keep the animal under control.

(b) A person in charge of driving a herd of livestock on or across a highway shall position a person at the front of the herd to warn drivers that the herd is approaching.

(c) A person in charge of livestock being driven on a highway shall use reasonable care and diligence to open the roadway for vehicular traffic.

(d) If a horse or other livestock becomes frightened on a highway, the person riding or leading the livestock shall give a distress signal to an approaching driver by raising the person's hand.

(2) This section is only applicable if the livestock is an animal of the species of horses, mules, donkeys, cattle, swine, sheep or goats.

(3) The offense described in this section, failure to perform duties of a person in charge of livestock on a highway, is a Class B traffic infraction. [1983 c.338 §667]

MOPEDS AND MOTORCYCLES

814.200 Unlawful operation of motorcycle or moped; penalty. (1) A person operating a moped or motorcycle commits the

offense of unlawful moped or motorcycle operation if the person does any of the following:

(a) Fails to sit on a permanent and regular seat attached to the moped or motorcycle.

(b) Fails to sit astride the moped or motorcycle seat facing forward and with one leg on each side of the moped or motorcycle.

(c) Carries a package, bundle or other article which prevents the person from keeping both hands on the handlebars.

(2) The offense described in this section, unlawful moped or motorcycle operation, is a Class B traffic infraction. [1983 c.338 §686; 1987 c.138 §6]

814.210 Operation of moped on sidewalk or bicycle trail; penalty. (1) A person commits the offense of operation of a moped on a sidewalk or bicycle trail if the person operates a moped upon a sidewalk, a bicycle path or a bicycle lane.

(2) Exemptions to this section are provided under ORS 811.440.

(3) The offense described in this section, operation of a moped on a sidewalk or bicycle trail, is a Class D traffic infraction. [1983 c.338 §644]

814.220 Motorcyclist clinging to another vehicle; penalty. (1) A person commits the offense of motorcyclist clinging to another vehicle if the person is riding upon a motorcycle that is not disabled and being towed and the person attaches a part of the person's self or the motorcycle to any other vehicle on a roadway.

(2) The offense described in this section, motorcyclist clinging to another vehicle, is a Class C traffic infraction. [1983 c.338 §687; 1985 c.16 §330]

814.230 Moped operator or rider clinging to other vehicle; penalty. (1) A person commits the offense of moped operator or rider clinging to another vehicle if the person is riding upon or operating a moped and the person clings to another vehicle upon a roadway or attaches the moped to any other vehicle upon a roadway.

(2) The offense described in this section, moped operator or rider clinging to another vehicle, is a Class D traffic infraction. [1983 c.338 §688]

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

(a) Overtakes and passes in the same lane occupied by the vehicle the operator is

overtaking, unless the vehicle being passed is a motorcycle or a moped.

(b) Operates a moped or motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

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

(3) The offense described in this section, motorcycle or moped unlawful passing in a lane with a vehicle, is a Class B traffic infraction. [1983 c.338 §689]

814.250 Moped or motorcycle operating more than two abreast; penalty. (1) A person commits the offense of operating a moped or motorcycle more than two abreast if the person is operating a moped or motorcycle on a roadway laned for traffic and the person is riding abreast of more than one other motorcycle or moped in the same lane for traffic.

(2) The offense described in this section, moped or motorcycle operating more than two abreast, is a Class B traffic infraction. [1983 c.338 §690]

814.260 Failure of moped operator to wear protective headgear; penalty. (1) A person commits the offense of failure of a moped rider to wear protective headgear if the person:

(a) Operates or rides on a moped; and

(b) Is not wearing a protective headgear of a type approved under ORS 815.050.

(2) Exemptions from this section are established under ORS 814.290.

(3) This section does not permit passengers on mopeds in violation of ORS 814.330 or 814.340.

(4) The offense described in this section, failure of a moped rider to wear protective headgear, is a Class C traffic infraction. [1983 c.338 §691; 1985 c.16 §331; 1987 c.910 §4]

814.269 Failure of motorcycle operator to wear protective headgear; penalty. (1) A person commits the offense of failure of a motorcycle operator to wear protective headgear if the person operates a motorcycle and is not wearing protective headgear of a type approved under ORS 815.050.

(2) Exemptions from this section are established in ORS 814.290.

(3) The offense described in this section, failure of a motorcycle operator to wear protective headgear, is a Class C traffic infraction. [1987 c.910 §2]

814.270 [1983 c.338 §696; 1985 c.16 §333; repealed by 1987 c.910 §7]

814.275 Failure of motorcycle passenger to wear protective headgear; penalty. (1) A person commits the offense of failure of a motorcycle passenger to wear protective

headgear if the person rides as a passenger on a motorcycle and is not wearing protective headgear of a type approved under ORS 815.050.

(2) Exemptions from this section are established in ORS 814.290.

(3) The offense described in this section, failure of a motorcycle passenger to wear protective headgear, is a Class C traffic infraction. [1987 c.910 §3; 1989 c.283 §1]

814.280 Endangering motorcycle passenger; penalty. (1) A person commits the offense of endangering a motorcycle passenger if the person is operating a motorcycle and the person carries another person on the motorcycle who is not wearing a protective headgear of a type approved under ORS 815.050.

(2) Exemptions from this section are established under ORS 814.290.

(3) The offense described in this section, endangering a motorcycle passenger, is a Class C traffic infraction. [1983 c.338 §692; 1987 c.910 §5]

814.290 Exemptions from protective headgear requirements. This section establishes exemptions from the requirements and penalties relating to the use of protective headgear under ORS 814.260 to 814.280. A person is not in violation of ORS 814.260, 814.269, 814.275 or 814.280 if the person is any of the following:

(1) Within an enclosed cab.

(2) Operating or riding a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour. [1983 c.338 §693; 1987 c.910 §6]

814.300 Illegal motorcycle or moped handlebars; penalty. (1) A person commits the offense of operating with illegal motorcycle or moped handlebars if the person drives any moped or motorcycle equipped with handlebars so positioned that the hands of the driver, when upon the grips, are at or above the driver's shoulder height when sitting astride the seat.

(2) The offense described in this section, illegal motorcycle or moped handlebars, is a Class C traffic infraction. [1983 c.338 §694]

814.310 Illegal alteration of moped; penalty. (1) A person commits the offense of illegal alteration of a moped if the person alters or modifies in any manner a vehicle registered in this state so that:

(a) The displacement of the engine is increased beyond that allowable for a moped under ORS 801.345; or

(b) The vehicle is capable of moving, unassisted, at a speed of more than 30 miles per hour on a level road surface.

(2) The offense described in this section, illegal alteration of a moped, is a Class C traffic infraction. [1983 c.338 §285; 1985 c.16 §117; 1985 c.401 §13]

814.320 Failure to display lighted headlights; exceptions; penalty. (1) A person commits the offense of failure to display lighted headlights on a moped or motorcycle at all times, if the person operates a moped or motorcycle and does not display lights and illuminated devices specified under ORS 816.320 and 816.330 at all times the motorcycle or moped is upon a highway.

(2) A person may use modulating headlights described under ORS 816.050 during daylight without violating this section, but a person who uses such modulating headlights during limited visibility conditions is in violation of this section.

(3) This section does not apply when specific exceptions with respect to parked vehicles are made under ORS 811.525.

(4) A court may dismiss, without penalty, any charge for violation of this section if the court determines that:

(a) The violation was caused by a malfunction of equipment; and

(b) The equipment that malfunctioned and caused the violation has been repaired or replaced.

(5) The offense described in this section, failure to display lighted headlights on a moped or motorcycle at all times, is a Class B traffic infraction. [1983 c.338 §695; 1985 c.16 §332]

814.325 Carrying passenger on motorcycle; penalty. (1) A person commits the offense of unlawfully carrying a passenger on a motorcycle if the person does any of the following:

(a) Carries on a motorcycle a person who is not seated on a permanent and regular seat, if the motorcycle is designed to carry more than one person, or upon another seat attached to the motorcycle at the rear or side of the operator's seat.

(b) Carries a person in a position that interferes with the operation or control of the motorcycle or the operator's view.

(c) Carries a person, other than in a sidecar or enclosed cab, on a motorcycle with no footrests for that person.

(2) The offense described in this section, unlawfully carrying a passenger on a motorcycle is a Class B traffic infraction. [1987 c.138 §8]

814.330 Carrying passenger on moped; penalty. (1) A person commits the offense of unlawfully carrying a passenger on a moped if the person operates a moped on any high-

way of this state with a passenger on the moped.

(2) The offense described in this section, unlawfully carrying a passenger on a moped, is a Class D traffic infraction. [Formerly 487.743]

814.340 Riding as passenger on moped; penalty. (1) A person commits the offense of unlawfully riding as a passenger on a moped if the person rides any moped as a passenger on a highway of this state.

(2) The offense described in this section, unlawfully riding as a passenger on a moped, is a Class D traffic infraction. [Formerly 487.746]

BICYCLES

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]

814.410 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, ap-

proaching 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 either:

(A) 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; or

(B) When motor vehicles are not present.

(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 infraction. [1983 c.338 §699; 1985 c.16 §337]

814.420 Failure to use bicycle lane or path; exceptions; penalty. (1) Except as provided in subsection (2) 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) The offense described in this section, failure to use a bicycle lane or path, is a Class D traffic infraction. [1983 c.338 §700; 1985 c.16 §338]

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 lim-

ited 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 along side 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 infraction. [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 infraction. [1983 c.338 §703; 1985 c.16 §341]

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 infraction. [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 infraction. [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 bicycle seat, is a Class D traffic infraction. [1983 c.338 §706]

814.480 Nonmotorized vehicle clinging to another vehicle; penalty. (1) A person commits the offense of nonmotorized 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, nonmotorized vehicle clinging to another vehicle, is a Class D traffic infraction. [1983 c.338 §707]

(Bicycle Helmet Law)

Note Chapter 408, Oregon Laws 1993, the bicycle helmet law, was enacted by the Legislative Assembly but has become the subject of a referendum petition. On the date that this volume of ORS was sent to the printer it was not known whether the referendum would succeed. If the referendum petition succeeds, chapter 408, Oregon Laws 1993, will not become law. If the referendum fails, chapter 408, Oregon Laws 1993, will become effective 30 days after the date of the election at which it is referred.

Chapter 408, Oregon Laws 1993, is set forth for the user's convenience:

Sec. 1. Sections 2, 3, 3a, 3b, 3c and 7 of this Act are added to and made a part of ORS chapter 814. [1993 c.408 §1]

Sec. 2. (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 section 6 of this 1993 Act.

(2) The offense described in this section, failure of a bicycle operator or rider to wear protective headgear, is a traffic infraction punishable by a maximum fine of \$25. [1993 c.408 §2]

Sec. 3. (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 section 6 of this 1993 Act; 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 headgear of a type approved under section 6 of this 1993 Act.

(2) The offense described in this section, endangering a bicycle operator or passenger, is a traffic infraction punishable by a maximum fine of \$25. [1993 c.408 §3]

Sec. 3a. For purposes of sections 2, 3, 5 and 6 of this 1993 Act, "bicycle" has the meaning given in ORS 801.150 except that:

(1) 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.

(2) It does not include tricycles designed to be ridden by children. [1993 c.408 §3a]

Sec. 3b. For purposes of the offenses defined in sections 2, 3 and 5 (2) of this 1993 Act, 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 §3b]

Sec. 3c. (1) If a child in violation of section 2 of this 1993 Act 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 section 3 of this 1993 Act, rather than to the child for violation of section 2 of this 1993 Act.

(2) If a child in violation of section 2 of this 1993 Act 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 section 2 of this 1993 Act or to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of section 3 of this 1993 Act, but not to both. [1993 c.408 §3c]

Sec. 4. Sections 5 and 6 of this Act are added to and made a part of ORS chapter 815. [1993 c.408 §4]

Sec. 5. (1) A person commits the offense of selling unapproved bicycle equipment if the person sells or offers for sale any bicycle headgear that is not approved by the Department of Transportation under section 6 of this 1993 Act.

(2) A person commits the offense of unlawfully renting or leasing a bicycle to another if the person:

(a) Is in the business of renting or leasing bicycles; and

(b) Does not have bicycle headgear approved under section 6 of this 1993 Act available for rental for use by persons under 16 years of age.

(3) The offenses described in this section are Class D traffic infractions. [1993 c.408 §5]

Sec. 6. The Department of Transportation shall adopt and enforce rules establishing minimum standards and specifications for safe protective headgear to be worn by people operating bicycles and by passengers on bicycles. The rules shall conform, insofar as practicable, to safety standards and specifications for such headgear issued by the American National Standards Institute, Snell or the United States Department of Transportation. [1993 c.408 §6]

Sec. 7. The first time a person is convicted of an offense described in section 2 or 3 of this 1993 Act, 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 section 6 of this 1993 Act. [1993 c.408 §7]

Sec. 8. Evidence of violation of section 2 or 3 of this Act 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]

Sec. 9. This Act becomes operative on July 1, 1994. Prior to that time, the Department of Transportation shall adopt and publish the rules described in section 6 of this Act. [1993 c.408 §9]

MOTORIZED WHEELCHAIRS

814.500 Rights and duties of person riding motorized wheelchair on bicycle lane or path. Every person riding a motorized wheelchair on a bicycle lane or path is subject to the provisions applicable to and has the same rights and duties as the driver of a bicycle when operating on a bicycle lane or path, except:

(1) When those provisions which by their very nature can have no application.

(2) When otherwise specifically provided under the vehicle code. [1991 c.417 §3]