

House Bill 2820

Sponsored by Representative WHISNANT, Senator EDWARDS; Representatives BARKER, HUFFMAN, LIVELY, OLSON, Senator HANSELL

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits motorcycle driver to proceed at stop light under certain conditions.

A BILL FOR AN ACT

1
2 Relating to authority to proceed at a stop light; creating new provisions; and amending ORS 811.260,
3 811.265 and 811.360.

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

5 **SECTION 1.** ORS 811.360 is amended to read:

6 811.360. (1) The driver of a vehicle, subject to this section, who is intending to turn at an
7 intersection where there is a traffic control device showing a steady circular red signal, a steady
8 red bicycle signal or a steady red arrow signal may do any of the following without violating ORS
9 811.260 and 811.265:

10 (a) Make a right turn into a two-way street.

11 (b) Make a right or left turn into a one-way street in the direction of traffic upon the one-way
12 street.

13 **(2) The driver of a motorcycle does not violate ORS 811.260 and 811.265 if:**

14 **(a) The driver approaches an intersection where there is a traffic control device showing**
15 **a steady circular red signal, a steady red bicycle signal or a steady red arrow signal;**

16 **(b) The traffic control device is controlled by a vehicle detection device;**

17 **(c) The driver comes to a complete stop and waits for the traffic control device to com-**
18 **plete one full cycle; and**

19 **(d) After the vehicle detection device fails to detect the presence of the motorcycle and**
20 **change the traffic control device to a green signal, the driver proceeds through the inter-**
21 **section with caution.**

22 [(2)] **(3)** A person commits the offense of [*improper turn at a*] **improperly proceeding at a** stop
23 light if the person does any of the following while [*making a turn*] **proceeding as** described in this
24 section:

25 (a) Fails to stop at the light as required.

26 (b) Fails to exercise care to avoid an accident.

27 (c) Disobeys the directions of [*a*] **another** traffic control device, **other than the device de-**
28 **scribed in subsections (1) and (2) of this section**, or a police officer that prohibits the turn.

29 (d) Fails to yield the right of way to traffic lawfully within the intersection or approaching so
30 close as to constitute an immediate hazard.

31 [(3)] **(4)** A driver who is [*making a turn*] **proceeding as** described in this section is also subject

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 to the requirements under ORS 811.028 to stop for a pedestrian [*while making the turn*] **before**
 2 **proceeding.**

3 [(4)] (5) The offense described in this section, [*improper turn*] **improperly proceeding** at a stop
 4 light, is a Class B traffic violation.

5 **SECTION 2.** ORS 811.260 is amended to read:

6 811.260. Except as provided in ORS 811.265 (2), a driver is in violation of ORS 811.265 if the
 7 driver makes a response to traffic control devices that is not permitted under the following:

8 (1) Green signal. A driver facing a green light may proceed straight through or turn right or left
 9 unless a sign at that place prohibits either turn. A driver shall yield the right of way to other ve-
 10 hicles within the intersection at the time the green light is shown.

11 (2) Green arrow. A driver facing a green arrow signal light, shown alone or in combination with
 12 another signal, may cautiously enter the intersection only to make the movement indicated by such
 13 arrow or such other movement as is permitted by other signals shown at the same time.

14 (3) Green bicycle signal. A bicyclist facing a green bicycle signal may proceed straight through
 15 or turn right or left unless a sign at that place prohibits either turn. The bicyclist shall yield the
 16 right of way to other vehicles within the intersection at the time the green bicycle signal is shown.

17 (4) Steady circular yellow signal. A driver facing a steady circular yellow signal light is thereby
 18 warned that the related right of way is being terminated and that a red or flashing red light will
 19 be shown immediately. A driver facing the light shall stop at a clearly marked stop line, but if none,
 20 shall stop before entering the marked crosswalk on the near side of the intersection, or if there is
 21 no marked crosswalk, then before entering the intersection. If a driver cannot stop in safety, the
 22 driver may drive cautiously through the intersection.

23 (5) Steady yellow arrow signal. A driver facing a steady yellow arrow signal, alone or in com-
 24 bination with other signal indications, is thereby warned that the related right of way is being ter-
 25 minated. Unless entering the intersection to make a movement permitted by another signal, a driver
 26 facing a steady yellow arrow signal shall stop at a clearly marked stop line, but if none, shall stop
 27 before entering the marked crosswalk on the near side of the intersection, or if there is no marked
 28 crosswalk, then before entering the intersection. If a driver cannot stop in safety, the driver may
 29 drive cautiously through the intersection.

30 (6) Steady yellow bicycle signal. A bicyclist facing a steady yellow bicycle signal is thereby
 31 warned that the related right of way is being terminated and that a red bicycle signal will be shown
 32 immediately. A bicyclist facing a steady yellow bicycle signal shall stop at a clearly marked stop
 33 line, but if none, shall stop before entering the marked crosswalk on the near side of the inter-
 34 section, or if there is no marked crosswalk, then before entering the intersection. If a bicyclist
 35 cannot stop in safety, the bicyclist may proceed cautiously through the intersection.

36 (7) Steady circular red signal. A driver facing a steady circular red signal light alone shall stop
 37 at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side
 38 of the intersection, or if there is no marked crosswalk, then before entering the intersection. The
 39 driver shall remain stopped until a green light is shown except when the driver is permitted to
 40 [*make a turn*] **proceed** under ORS 811.360.

41 (8) Steady red arrow signal. A driver facing a steady red arrow signal, alone or in combination
 42 with other signal indications, may not enter the intersection to make the movement indicated by the
 43 red arrow signal. Unless entering the intersection to make some other movement which is permitted
 44 by another signal, a driver facing a steady red arrow signal shall stop at a clearly marked stop line,
 45 but if none, before entering the marked crosswalk on the near side of the intersection, or if there

1 is no marked crosswalk, then before entering the intersection. The vehicle shall remain stopped until
2 a green light is shown except when the driver is permitted to [*make a turn*] **proceed** under ORS
3 811.360.

4 (9) Steady red bicycle signal. A bicyclist facing a steady red bicycle signal shall stop at a clearly
5 marked stop line, but if none, before entering the marked crosswalk on the near side of the inter-
6 section, or if there is no marked crosswalk, then before entering the intersection. The bicyclist shall
7 remain stopped until a green bicycle signal is shown except when the bicyclist is permitted to [*make*
8 *a turn*] **proceed** under ORS 811.360.

9 (10) Traffic control devices at places other than intersections. If a traffic control device that is
10 a signal is erected and maintained at a place other than an intersection, the provisions of this sec-
11 tion relating to signals shall be applicable. A required stop shall be made at a sign or marking on
12 the roadway indicating where the stop shall be made, but in the absence of such sign or marking
13 the stop shall be made at the signal.

14 (11) Flashing red signal. When a driver approaches a flashing red light used in a traffic control
15 device or with a traffic sign, the driver shall stop at a clearly marked stop line, but if none, before
16 entering the marked crosswalk on the near side of the intersection, or if there is no marked cross-
17 walk, then at the point nearest the intersecting roadway where the driver has a view of approaching
18 traffic on the intersecting roadway before entering it. The right to proceed shall be subject to the
19 rules applicable after making a stop at a stop sign. This subsection does not apply at railroad grade
20 crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 811.455.

21 (12) Flashing circular yellow signal. When a driver approaches a flashing circular yellow light
22 used as a signal in a traffic control device or with a traffic sign, the driver may proceed through
23 the intersection or past the signal only with caution. This subsection does not apply at railroad
24 grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS
25 811.455.

26 (13) Flashing yellow arrow signal. A driver facing a flashing yellow arrow signal, alone or in
27 combination with other signal indications, may cautiously enter the intersection only to make the
28 movement indicated by the flashing yellow arrow signal or the movement permitted by other signals
29 shown at the same time. A driver shall yield the right of way to other vehicles within the inter-
30 section at the time the flashing yellow arrow signal is shown. In addition, a driver turning left shall
31 yield the right of way to other vehicles approaching from the opposite direction so closely as to
32 constitute an immediate hazard during the time when the turning vehicle is moving across or within
33 the intersection.

34 (14) Lane direction control signals. When lane direction control signals are placed over the in-
35 dividual lanes of a highway, a person may drive a vehicle in any lane over which a green signal
36 light is shown, but may not enter or travel in any lane over which a red signal light is shown.

37 (15) Stop signs. A driver approaching a stop sign shall stop at a clearly marked stop line, but
38 if none, before entering the marked crosswalk on the near side of the intersection or, if there is no
39 marked crosswalk, then at the point nearest the intersecting roadway where the driver has a view
40 of approaching traffic on the intersecting roadway before entering it. After stopping, the driver shall
41 yield the right of way to any vehicle in the intersection or approaching so closely as to constitute
42 an immediate hazard during the time when the driver is moving across or within the intersection.

43 (16) Yield signs. A driver approaching a yield sign shall slow the driver's vehicle to a speed
44 reasonable for the existing conditions and if necessary for safety, shall stop at a line as required for
45 stop signs under this section, and shall yield the right of way to any vehicles in the intersection or

1 approaching so closely as to constitute an immediate hazard.

2 **SECTION 3.** ORS 811.265 is amended to read:

3 811.265. (1) A person commits the offense of driver failure to obey a traffic control device if the
4 person drives a vehicle and the person does any of the following:

5 (a) Fails to obey the directions of any traffic control device.

6 (b) Fails to obey any specific traffic control device described in ORS 811.260 in the manner re-
7 quired by that section.

8 (2) A person is not subject to this section if the person is doing any of the following:

9 (a) Following the directions of a police officer.

10 (b) Driving an emergency vehicle or ambulance in accordance with the privileges granted those
11 vehicles under ORS 820.300.

12 (c) Properly [*executing a turn*] **proceeding** on a red light as authorized under ORS 811.360.

13 (d) Driving in a funeral procession led by a funeral lead vehicle or under the direction of the
14 driver of a funeral escort vehicle.

15 (3) The offense described in this section, driver failure to obey a traffic control device, is a Class
16 B traffic violation.

17 **SECTION 4. The amendments to ORS 811.260, 811.265 and 811.360 by sections 1 to 3 of this**
18 **2015 Act apply to offenses occurring on or after the effective date of this 2015 Act.**

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