

Overview of HB2314 amendment

All of the changes merely *clarify* legislative intent; they do not modify the core concepts of the bill as introduced:

Road constraints:

- permitted only on roads with a posted speed limit of 50MPH or higher

Traffic on the road:

- must be stopped, or moving at less than 10 mph

The rider must:

- lane share between traffic lanes moving in the same direction
- travel less than 10 mph faster than traffic
- safely merge with traffic, if traffic speed exceeds 10 mph
- not impede the normal and reasonable movement of traffic

Riders cannot lane share:

- between a traffic lane and the curb, bicycle lane, fog line, shoulder (on either side)
- between a traffic lane and a row of parked vehicles (on either side)
- in a school zone

The amendment consists of four main changes. Each of the four changes is detailed below, with a description and explanation. The primary changes are to 814.240 and 811.385.

Please note that there are no conceptual changes to 811.295, 811.370, 811.375, and 811.415; the minor changes in these sections were recommended by Legislative Counsel to simplify the wording and align language with other statutes.

Concern: *"... the bill allows mopeds to exercise this practice, which is limited to roads signed for speeds of 50 MPH or greater. By law, mopeds may operate at 30 MPH maximum."*(ODOT written testimony)

Resolution: References to mopeds are deleted from the appropriate parts of 814.240. This change effectively prohibits mopeds from lane sharing. With mandated speed limits of 30 mph, mopeds should not operate on roads with speed limits of 50 mph or higher.

Please note that you'll still see the word "moped" in 814.240. Some instances of the word must remain, because 814.240 defines "the offense of motorcycle or moped unlawful passing in a lane with a vehicle".

Concern: "... as written, the bill would allow a rider on a two-lane road (one lane going one direction, a second lane going the opposite direction) to pass a vehicle on the right if that vehicle were traveling at 10 mph or less or was stopped".(GAC-MS written testimony)

Resolution: Add a clarification to 814.240:

(5) Nothing in subsection (3) of this section authorizes a motorcycle operator to drive:

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

This new language explicitly forbids lane sharing both on the rightmost side of the right lane (between the rightmost side of the rightmost lane of traffic and the fog line, bicycle lane, curb lane, row of parked vehicles, shoulder, etc.), and the leftmost side of the left lane (between the leftmost side of the leftmost lane of traffic and the fog line, bicycle lane, curb lane, row of parked vehicles, shoulder, etc.).

Please note that the *current version* of the bill already forbids this behavior. Per Legislative Counsel, neither the shoulder, curb lane, etc., are legal "lanes of traffic", so riders are not permitted to pass on the right of a vehicle that is traveling in the rightmost lane. (See lines 18-19 on page 1 of the original bill: "[The rider] ... operates a motorcycle with two wheels or a moped with two wheels between lanes of traffic."). For the same reasons, riders are also not permitted to pass on the left of a vehicle traveling in the leftmost lane.

This addition is a "belt and suspenders" resolution of the concern, but we welcome the clarification.

Concern: *HB2314 may permit lane sharing in the face of oncoming traffic. Though ODOT's written testimony does not explicitly state this behavior would be legal under HB2314, ODOT writes generally of lane sharing: "A motorcycle travelling ... near the center line next to oncoming traffic that may be going at normal speed, is vulnerable ..."*(ODOT written testimony)

Resolution: Add "traveling in the same direction" to 814.240. This change clarifies that the two lanes the motorcycle travels between must be lanes traveling in the same direction.

This change clarifies that lane sharing would *not* be permitted in the face of oncoming traffic, such as on country two-lane roads, with one lane traveling in one direction, the other lane traveling in the opposite direction.

Concern: *"The proposed legislation sends mixed messages to other drivers ... under current law, motorists are not permitted to deprive a motorcycle or moped of a full lane (ORS 811.385)."*(ODOT)

Resolution: Add language to 811.385, to ensure that drivers who are being passed by lane-sharing riders do *not* violate 811.385:

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

- (a) The person is driving a motor vehicle that is not a motorcycle; and*
- (b) The motorcycle operator is driving between lanes of traffic as authorized under ORS 814.240.*

If it weren't for this change, as soon as a rider lane-shared with a car, the car would automatically violate 811.385. This change makes it so the driver does not violate 811.385 when being passed by a lane-sharing motorcycle.

(A note on the legalese in the proposed addition to 811.385(3): in that section "the person ... driving a motor vehicle that is not a motorcycle" is the driver of the car or truck who is getting passed by the motorcycle.)

Resources

Original bill language:

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2314/Introduced>

ODOT written testimony:

<https://olis.leg.state.or.us/liz/2019R1/Downloads/CommitteeMeetingDocument/161968>

GAC written testimony:

<https://olis.leg.state.or.us/liz/2019R1/Downloads/CommitteeMeetingDocument/161965>

How do citizens help draft a bill?

1. Write down in plain English your “Legislative Intent”: what you want your bill to do. For HB2314, our legislative intent included the constraints noted above:

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- in a school zone

2. Get approval from a legislator to work with Legislative Counsel (LC). LC is a team of nonpartisan professional lawyers in Salem. They write bills for our Senators and Representatives. You can learn more about them here: <https://www.oregonlegislature.gov/lc>

3. Provide your legislative intent to Legislative Counsel. LC then “translates” your legislative intent into a bill. They are experts in Oregon law, and know what needs changed where in the Oregon Revised Statutes.

4. Confirm your legislative intent matches the bill’s wording. This takes time, because bills are written in “legalese” that can try your patience. LC are helpful and easy to work with, however, which makes it easier. In the case of HB2314, we had plenty of phone calls back and forth with LC, to make sure they’d captured our intent. It took a few versions before we wound up with the first version of HB2314. LC were just as careful and good to work with on the amended version.

5. Gather sponsors for your bill. HB2314 has 20 sponsors (over 1/5 of the entire Oregon legislature support the bill so much they’re willing to put their name on it). Sponsors are almost equally split between Democrats and Republicans, House and Senate, from a good mix of urban, rural, and suburban districts.

6. File the bill with the Chief Clerk.