

COMMITTEE ON JUDICIARY
Room 14, State Capitol
Salem, Oregon

O R E G O N V E H I C L E C O D E

PART I. RULES OF THE ROAD

ARTICLE 12. SPECIAL RULES FOR MOTORCYCLES

Preliminary Draft No. 1; August 1974

Reporter: Marion Embick

Subcommittee on Revision

NOTE: If you attend any committee meeting
regarding this draft, please bring
your copy of the draft with you.

OREGON VEHICLE CODE

#

PART ____ . RULES OF THE ROAD

ARTICLE ____ . SPECIAL RULES FOR MOTORCYCLES

Preliminary Draft No. 1; August 1974

#

Section 1. (Unlawful motorcycle operation.) (1) A person operating a motorcycle commits the offense of unlawful motorcycle operation if he:

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

(b) Carries a person on the motorcycle 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; or

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

(d) Carries a package, bundle or other article which prevents him from keeping both hands on the handlebars; or

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

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

(2) Unlawful motorcycle operation is a _____.

COMMENTARY

A. Summary

Subsection (1) provides that a person operating a motorcycle must sit on a permanent and regular seat, must carry a passenger only on a seat firmly attached to the motorcycle behind or to the side of the operator, and must face forward, sitting astride, with one leg on each side of the motorcycle. He must not carry any objects which prevent him from keeping both hands on the handlebars, or a passenger in a position that interferes with his control or visibility. He must not carry a passenger other than in a sidecar or enclosed cab, without footrests for that passenger.

Subsection (2) classifies a violation of subsection (1).

B. Derivation

This section is based on those provisions of UVC s 11-1302 and subsection (a) of s 11-1305 which direct the motorcycle operator. Those rules of UVC s 11-1302 which are prohibitions directed at the motorcycle operator's passengers are stated in section 2 of this draft Article.

C. Relationship to Existing Law

There is no similar provision in the Oregon traffic code.

Section 2. (Unlawful motorcycle riding by passenger.) (1) A person riding a motorcycle as passenger commits the offense of unlawful riding on a motorcycle if he:

(a) Fails to sit on a seat firmly attached to the motorcycle at the rear or side of the operator of the motorcycle; or

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

(2) Unlawful motorcycle riding by a passenger is a _____.

COMMENTARY

A. Summary

Subsection (1) prohibits a motorcycle passenger from riding other than on a seat firmly attached to the motorcycle to the rear or side of the operator and in a position that interferes with the operator's view or control.

Subsection (2) classifies a violation of subsection (1).

B. Derivation

This section is based on those provisions of UVC s 11-1302 which make it an offense for a motorcycle passenger, as opposed to the motorcycle operator, to travel on a motorcycle other than on a regular seat or interfere with the operator's vision or control.

C. Relationship to Existing Law

There is no comparable provision in the Oregon code.

Section 3. (Motorcyclist's right to full traffic lane.) (1) A person operating a motorcycle on a roadway has the right to full use of a lane thereof.

(2) Notwithstanding subsection (1) of this section, persons may operate motorcycles two abreast in a single lane.

(3) A driver commits the offense of depriving a motorcyclist of traffic lane if he drives his motor vehicle on a roadway laned for traffic in a manner that prevents a motorcyclist from full use of a lane.

(4) Depriving a motorcyclist of traffic lane is a _____.

COMMENTARY

A. Summary

Subsection (1) provides that a person operating a motorcycle has the right to a full lane of the roadway.

Subsection (2) allows motorcyclists to proceed two abreast in a single lane.

Subsection (3) prohibits a driver from depriving a motorcyclist of use of a full traffic lane.

Subsection (4) classifies a violation of subsection (3).

B. Derivation

This section is based on subsections (a) and (d) of UVC s 11-1303 which give the motorcyclist the right to a full traffic lane but also allow him to drive two abreast in a lane if he wishes, and prohibit a driver from depriving the motorcyclist of the full traffic lane use.

C. Relationship to Existing Law

UVC s 11-1303 was added to the UVC in 1968. The rule of subsection (a) is restated in subsections (1), (3) and (4) of this draft section. It supplements the rules of UVC s 11-309 (a) for driving on roadways with clearly

marked lanes and UVC s 11-303 requiring passing at a safe distance to the left of any overtaken vehicle. Those rules are stated in draft sections 7 and 12 of the Article on Driving on Right Side of Roadway; Overtaking and Passing; Use of Roadway.

Section 4. (Unlawful passing or moving in lane with vehicle.)

(1) A motorcycle operator commits the offense of unlawful passing if he:

(a) Overtakes and passes in the same lane occupied by the vehicle which he is overtaking; or

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

(2) Subsection (1) of this section does not apply to a police officer in the performance of his official duties.

(3) A person operating a motorcycle who unlawfully passes commits a _____.

COMMENTARY

A. Summary

Subsection (1) provides that a person operating a motorcycle commits the offense of unlawfully passing if when he passes another vehicle he uses the same lane as the vehicle he is passing or he proceeds between lanes of traffic or adjacent lines of vehicles.

Subsection (2) states exceptions to the rules of subsection (1) for the police officer performing his official duties.

Subsection (3) classifies a violation of subsection (1).

B. Derivation

This section is based on the provisions of subsections (b), (c) and (e) of UVC s 11-1303.

C. Relationship to Existing Law

There is no similar provision in the Oregon traffic code. The rule prohibiting passing in the same lane as the overtaken vehicle occupies, supplements the rules on passing of sections 7 and 8 of the draft Article, Driving on Right Side of Roadway.

Section 5. (Clinging to other vehicles.) (1) A person riding upon a motorcycle commits the offense of clinging to other vehicles if he attaches himself or the motorcycle to any other vehicle on a roadway.

(2) A person who violates subsection (1) of this section commits a _____.

COMMENTARY

There is no comparable Oregon provision pertaining to motorcycles although the rule against clinging of ORS 483.845 which applies to bicycles, coasters, roller-skates and toy vehicles is similar.

Section 6. (Protective headgear and eye device required.) (1)

A person commits the offense of failure to wear protective headgear if he fails to wear protective headgear of a type approved by the Motor Vehicles Division while he operates or rides on a motorcycle.

(2) A person commits the offense of failure to wear eye-protective device if he fails to wear eye-protective device of a type approved by the Motor Vehicles Division while he operates a motorcycle which has no windscreen.

(3) Failure to wear protective headgear or eye-protective device is a _____.

(4) This section does not apply to any person who is operating or riding on a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour.

COMMENTARY

A. Summary

Subsection (1) requires persons operating or riding on a motorcycle to wear protective headgear approved by the Motor Vehicles Division.

Subsection (2) requires the operator of a motorcycle to wear an eye-protective device unless the motorcycle is equipped with a windscreen.

Subsection (3) classifies violation of subsections (1) and (2).

Subsection (4) states an exception to the requirements of headgear and eye-protective device for the person either operating or riding a three wheel vehicle designed to travel at less than 15 miles per hour.

B. Derivation

The requirement for protective headgear of ORS 483.443 is restated in subsection (1). The requirement

*As amended
for meeting
of 8/29/74*

Section 6. (Protective headgear and eye device required.) (1)

A person commits the offense of failure to wear protective headgear if he fails to wear protective headgear of a type approved by the Motor Vehicles Division while he operates or rides on a motorcycle.

(2) A person commits the offense of failure to wear eye-protective device if he fails to wear eye-protective device of a type approved by the Motor Vehicles Division while he operates a motorcycle which has no windscreen.

(3) Failure to wear protective headgear or eye-protective device is a _____.

(4) This section does not apply to any person who is operating or riding on a vehicle [~~designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour.~~] within an enclosed cab.

COMMENTARY

A. Summary

Subsection (1) requires persons operating or riding on a motorcycle to wear protective headgear approved by the Motor Vehicles Division.

Subsection (2) requires the operator of a motorcycle to wear an eye-protective device unless the motorcycle is equipped with a windscreen.

Subsection (3) classifies violation of subsections (1) and (2).

Subsection (4) states an exception to the requirements of headgear and eye-protective device for the person either operating or riding a three wheel vehicle designed to travel at less than 15 miles per hour.

B. Derivation

The requirement for protective headgear of ORS 483.443 is restated in subsection (1). The requirement

for eye-protective device of subsection (b), UVC s 11-1306, is stated in subsection (2) of this draft section. The exception stated in subsection (4) is that of subsection (4), ORS 483.443.

C. Relationship to Existing Law

Protective headgear is required by subsection (1), ORS 483.443. The Oregon traffic code has not previously had a requirement for the operator of a motorcycle to wear an eye-protective device. There are 34 jurisdictions which have laws requiring the use of an approved eye-protective device.

The provisions of subsection (2), ORS 483.443, that the Motor Vehicles Division shall set up procedures for approval of headgear and eye-protective devices and establish standards are stated in section 7 of this draft Article.

Under subsection (c), UVC s 11-1306, the requirements of headgear and eye-protective devices do not apply to persons riding within an enclosed cab or on a golf cart. The rule is similar to that of subsection (4), ORS 483.443, which exempts three wheeled vehicles designed to travel at less than 15 miles per hour from the protective headgear requirement.

ORS 483.443 would be repealed.

Section 7. (Division to establish standards for protective headgear and eye-protective devices.) (1) The Motor Vehicles Division shall:

(a) Set up a procedure, similar to the procedure provided by ORS 483.482 to 483.488, which will be followed for approval of protective headgear and eye-protective devices.

(b) Establish standards for safe protective headgear and eye-protective device to be worn by persons operating or riding on motorcycles as required by subsections (1) and (2) of section 6 of this Article.

(2) Standards established by the division under this section shall conform, in so far as practicable, to the safety standards for such headgear and eye-protective devices issued by the Federal Government and, to the extent there are no such federal standards, to the safety standards promulgated by the United States of America Standards Institute.

COMMENTARY

A. Summary

This section restates the provision of subsection (2), ORS 483.443, that the Motor Vehicles Division shall set standards for approval of protective headgear, and also includes the eye-protective device required by section 6 of this Article, under the division's standard-setting authority.

B. Derivation

This section is based on subsection (2), ORS 483.443 and subsection (d), UVC s 11-1306.

C. Relationship to Existing Law

The rule of this section adds to the Motor Vehicles Division standard-setting authority for motorcycle equipment. The division will approve and establish standards for eye-protective devices in addition to the headgear it already approves or disapproves.

TEXT OF UNIFORM VEHICLE CODE

§ 11-1302—Riding on motorcycles

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator. (FORMERLY § 11-1103; REVISED, 1968.)

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

§ 11-1303—Operating motorcycles on roadways laned for traffic

(a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

§ 11-1305—Footrests and handlebars

(a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(b) No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator.

TEXT OF UNIFORM VEHICLE CODE (Cont'd.)

§ 11-1306—Equipment for motorcycle riders

(a) No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the commissioner.

(b) No person shall operate a motorcycle unless he is wearing an eye-protective device of a type approved by the commissioner, except when the motorcycle is equipped with a windscreen.

(c) This section shall not apply to persons riding within an enclosed cab or on a golf cart. (REVISED, 1971.)

(d) The commissioner is hereby authorized to approve or disapprove protective headgear and eye-protective devices required herein, and to issue and enforce regulations establishing standards and specifications for the approval thereof. The commissioner shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved by him.