

Committee on Judiciary
Reference Paper

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Article 13

SUBJECT: Comparison of Uniform Vehicle Code and Oregon Law

UVC ARTICLE XII. OPERATION OF BICYCLES AND PLAY VEHICLES

UVC Chapter 1. (In Part). WORDS AND PHRASES DEFINED

§ 1-105—Bicycle. — Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter. (REVISED AND RENUMBERED, 1968.)

OREGON LAW

ORS 483.002 (5)

483.002 "Authorized emergency vehicle," "axle," "bicycle," "bicycle lane" and "bicycle path," "business district" and "bus trailer" defined. As used in this chapter, except where the context otherwise requires:

(5) "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter, or having three wheels, all of which are more than 14 inches in diameter.

Cases:

No cases interpreting this section. (New subsection enacted by Chapter 580, Oregon Laws 1973.)

Analysis:

Until enactment of Chapter 580, Oregon Laws 1973, there has been no statutory definition of "bicycle."

The Oregon definition includes devices with three wheels whereas the UVC definition is restricted to two wheels. It should be noted that a bicycle is not within the definition of a vehicle. ORS 483.030 (4). Haynes v. Sprague, 137 Or 23,

UVC s 1-105; ORS 483.002 (5) (Cont'd.)

295 P 964 (1931). Under the UVC, an adult riding a tricycle on a highway is not required to comply with the rules of the road. An infant riding a tricycle in Oregon is so required under ORS 483.034. Since an infant cannot ordinarily be held criminally and civilly liable for a negligent failure to comply with the rules of the road, the UVC staff recommendation of the addition of the following subsection to UVC s 11-1201 should be considered:

"(d) The provisions of this article shall apply to any person at least 14 years of age propelling any conveyance by feet acting upon pedals." National Committee on Uniform Traffic Laws and Ordinances, Agenda for the Subcommittee on Operations, November 15, 1973, pp 68-69.

The Wisconsin definition of bicycle:

"'Bicycle' means every device propelled by the feet acting upon pedals and having wheels any two of which are more than 20 inches in diameter." Wis. Stat s 340.01 (5) (1967).

The New York definition is identical to Wisconsin's. N.Y. Vehicular Traffic Law s 102 (1960).

The California definition:

"A bicycle is a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement." Cal. Vehicle Code s 21200 (Supp 1969).

UVC ARTICLE XII. OPERATION OF BICYCLES AND PLAY VEHICLES

§ 11-1201—Effect of regulations

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this act.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

OREGON LAW

483.830 Parent or guardian prohibited from permitting child or ward to violate bicycle laws. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate the provisions of ORS 483.404 or 483.830 to 483.870.

[1973 c.580 §4]

483.835 Applicability of chapter to bicycle operation. The regulations in this chapter applicable to bicycles shall apply whenever a bicycle is operated upon any highway, bicycle lane or bicycle path.

[1973 c.580 §5]

Cases:

No Oregon cases interpreting these provisions which were enacted as part of Chapter 580, Oregon Laws 1973.

UVC s 11-1201; ORS 483.830, 483.835 (Cont'd.)

Analysis:

UVC s 11-1201 (a). There is no provision in Oregon law comparable to this subsection classifying as a misdemeanor any violation of the provisions of the Article.

Subsection (b), UVC s 11-1201, places responsibility for a violation by a child of the rules of the Article on bicycle operation on the child's parent or guardian if he authorizes or knowingly permits the violation. ORS 483.830 states the same rule except that in addition to the rules of ORS 483.830 to 483.870, it also cites the provisions of ORS 483.404 which are the requirements of lights for bicycles. The UVC light requirements for bicycles are included in the Article on bicycles and not in the Article on equipment as in the Oregon code.

Subsection (c), UVC s 11-1201, and ORS 483.835 are similar except that the UVC subsection in its statement of locations where bicycle rules apply, describes the rules as "these regulations applicable to bicycles" which means those set forth in the Article, whereas the analogous ORS provision describes them as "the regulations in this chapter," which means Chapter 483 of the Oregon Revised Code.

The UVC bicycle regulations apply when a bicycle is operated on a highway or any path set aside for the exclusive use of bicycles. The Oregon rules apply when a bicycle is operated on a highway, bicycle lane or bicycle path. The latter two terms are defined as follows in ORS 483.002:

"(6) 'Bicycle lane' means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles."

"(7) 'Bicycle path' means a public way maintained for exclusive use by persons riding bicycles and designated as such by official signs or markings."

There are no UVC definitions for "bicycle lane" or "bicycle path."

UVC ARTICLE XII. OPERATION OF BICYCLES AND PLAY VEHICLES

§ 11-1202—Traffic laws apply to persons riding bicycles

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this act, except as to special regulations in this article and except as to those provisions of this act which by their nature can have no application.

OREGON LAW

483.034 Application of chapter to bicyclists and to persons riding, driving or leading animal. Every person riding a bicycle or an animal upon a roadway and every person driving or leading any animal is subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

Cases:

Copenhaver, Admtr'x v. Tripp, 187 Or 662, 213 P2d 450 (1950), interpreted the provision of ORS 483.034, formerly OCLA 115-305, to make applicable to bicyclists the rules of the road except those which by their very nature cannot apply. Under Spence, Adm'x v. Rasmussen, 190 Or 662, 226 P2d 819 (1951), the applicable provisions of the statute governing the overtaking and passing of vehicles were held to apply to a bicycle being overtaken and passed in the same manner as if the overtaken bicycle were a vehicle by virtue of the rule of ORS 483.034.

Analysis:

Under the UVC section a bicyclist on a roadway is not only subject to all the duties of a driver but also is granted all the rights of a driver. Excepted from the two sections are those rules which are not applicable. The provision of ORS 483.034 is verbatim that of the Uniform Vehicle Code until 1938 when it was revised to grant all

UVC s 11-1202; ORS 483.034 (Cont'd.)

the rights of the driver to a person riding a bicycle as well as to subject the bicyclist to the duties of the driver.

With the exclusion of a bicycle from the definition of vehicle, it appears that under ORS 483.034 the person riding a bicycle has none of the rights of the driver. One of these rights would be right of way.

UVC ARTICLE XII. OPERATION OF BICYCLES AND PLAY VEHICLES

§ 11-1203—Riding on bicycles

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
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OREGON LAW

483.840 Bicyclists required to use permanent seat; prohibition against transporting more persons than bicycle is designed and equipped for. (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
[1973 c.580 §6]

Cases:

This section was enacted by Chapter 580, Oregon Laws 1973, and has not to date been interpreted by Oregon case law.

Analysis:

The UVC and Oregon sections are identical.

UVC ARTICLE XII. OPERATION OF BICYCLES AND PLAY VEHICLES

§ 11-1204—Clinging to vehicles

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any (streetcar or) vehicle upon a roadway. (REVISED, 1968.)

OREGON LAW

483.845 Attaching by rider of bicycle or other coaster device to vehicle on roadway prohibited. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.
[1973 c.580 §7]

Cases:

This section was enacted by Chapter 580, Oregon Laws 1973, and has not been interpreted by Oregon case law.

Analysis:

The UVC and Oregon sections are identical.

UVC ARTICLE XII. OPERATION OF BICYCLES AND PLAY VEHICLES

§ 11-1205—Riding on roadways and bicycle paths

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

OREGON LAW

483.850 Bicyclists required to use right side of roadway; riding abreast or single file; use of bicycle lanes. (1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, except when the highway is restricted to one-way traffic, and shall exercise due care when passing a standing vehicle or one proceeding in the same direction.

(2) Except as provided in subsection (3) of this section, persons riding bicycles upon a roadway shall not ride more than two abreast.

(3) Upon roadways where the designated speed exceeds 25 miles per hour, persons riding bicycles shall ride in single file.

(4) Wherever a bicycle lane has been provided adjacent to a roadway, bicycle riders shall use that lane and shall not use the roadway.

[1973 c.580 §8]

Cases:

This section was enacted by Chapter 580, Oregon Laws 1973, and has not been interpreted by Oregon case law.

UVC s 11-1205; ORS 483.850 (Cont'd.)

Analysis:

Subsection (a), UVC s 11-1205, differs from subsection (1), ORS 483.850, in the important respect that under the Oregon provision a bicyclist need not remain as close to the right side of the roadway as practicable when the highway is restricted to one-way traffic.

The Statutory Annotation of Traffic Laws Annotated, pp 745-746 (1972), cites no comparable exception among the states with provisions comparable to UVC s 11-1205 (a). In 1972, California adopted a law allowing a one-way highway exception:

"Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction." Cal Vehicle Code s 21202 (b) (1972).

The staff of the National Council on Uniform Traffic Laws and Ordinances proposed in its 1973 agenda a revision of this Uniform code section to allow bicycles to be operated near the left edge of a one-way roadway in urban districts.

The provisions of subsection (b), UVC s 11-1205, differ from those of subsections (2) and (3), ORS 483.850, in that under the Oregon provisions bicyclists may not ride more than two abreast on a roadway having a designated speed limit not greater than 25 miles per hour and must proceed in single file when the speed limit exceeds 25 miles per hour. Under the UVC subsection, bicyclists may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Subsection (c), UVC s 11-1205, differs from subsection (4), ORS 483.850, in that the UVC provision requires use of a "usable path" adjacent to a roadway, to the exclusion of use of a roadway, while the Oregon provision requires use of a bicycle lane adjacent to a roadway. A bicycle lane, defined in subsection (6), ORS 483.002, is a part of the highway adjacent to the roadway designated by signs for bicycle use. It seems likely that the bicyclist is restricted from using the roadway to a greater extent under the Oregon provision as the bicyclist need not use the shoulder or any path adjacent to the roadway unless it is officially marked as a bicycle lane.

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§ 11-1206—Carrying articles

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

OREGON LAW

483.855 Bicyclists prohibited from carrying article that interferes with bicycle operation. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars and having full control at all times.

[1973 c.580 §9]

Cases:

The provision of ORS 483.855 was enacted as a part of Chapter 580, Oregon Laws 1973.

Analysis:

The two provisions are identical except that the Oregon provision further qualifies the prohibition of the UVC against carrying a package that prevents the bicyclist from keeping at least one hand on the handlebars by requiring that the package not prevent the bicyclist from having full control at all times.

UVC ARTICLE XII. OPERATION OF BICYCLES AND PLAY VEHICLES

§ 11-1207—Lamps and other equipment on bicycles

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. (REVISED, 1968.)

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

OREGON LAW

483.404 Head lights required; lighting and braking equipment on bicycles. (1) Every motor vehicle other than a motorcycle shall be equipped with at least two head lamps, at least one on each side of the front of the vehicle.

(2) Every motorcycle shall be equipped with at least one and not more than two head lamps.

(3) When a bicycle is in use at nighttime the bicycle or its rider shall be equipped with a lamp exhibiting a white light visible from a distance of at least 500 feet to the front of such bicycle, and a red reflector, of such size or characteristics and so mounted as to be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to the rear reflector.

(4) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

[Amended by 1957 c.266 §1; 1973 c.580 §2]

ORS 483.446 (5). Horns and other sound equipment.

(5) No person shall install or use any siren or whistle upon a bicycle.

Cases:

Landis v. Wick, 154 Or 199, 57 P2d 759, 59 P2d 403 (1936), held that a person riding a bicycle not equipped with proper lights is not thereby a trespasser on the highway nor has his

UVC § 11-1207; ORS 483.404 and 483.446 (5) (Cont'd.)

failure to display the required reflector converted him to a nuisance so as to preclude recovery for injuries he sustains. The purpose of requiring head lamps and reflectors on bicycles is to make the presence of the bicycle known to drivers whereas head lamps on motor vehicles are mandatory for the purpose of affording good visibility to the driver. Spence v. Rasmussen, 190 Or 662, 226 P2d 819 (1951).

Analysis:

Subsection (a) of UVC § 11-1207 differs from subsection (3), ORS 483.404, only in that under the UVC rule the lamp which is to be used at night must be on the front of the bicycle while under the Oregon rule the bicycle need not be so equipped if the rider is. Secondly, the red reflector which must be visible to the rear of the bicycle, under the UVC must be on the rear of the bicycle whereas under the Oregon rule the bicycle or its rider must be equipped with the red reflector.

Subsection (c), UVC s 11-1207, and subsection (4), ORS 483.404, are identical.

The NCUTLO staff proposes in the 1973 report that the standard for braking be revised so that the determinative factor would be the number of feet traveled by the bicycle after application of brakes, related to the initial speed of the bicycle. The HEW has proposed regulations for braking performance standards of this type.

Subsection (b), UVC § 11-1207, requires a bicycle to be equipped with a bell or other device which can give a signal audible at 100 feet, but prohibits a siren or whistle. ORS 483.446 (5) prohibits installation or use of a siren or whistle on a bicycle.

The NCUTLO staff proposes revision of requirements for audible warning devices, and suggests that the audible device might be a whistle carried by the bicyclist.

California, Georgia, Illinois and Rhode Island require pedals on new bicycles or new replacement pedals to have reflectorized edges.

UVC. NO COMPARABLE PROVISION

OREGON LAW

483.860 Use of bicycle lane by vehicles restricted; vehicle operators required to yield to bicyclists in bicycle lane. No driver of a vehicle shall drive upon a bicycle lane except when passing another vehicle on the right as provided in paragraph (a) of subsection (3) of ORS 483.310 and until he has first ascertained that such movement can be made with safety. The driver of a vehicle shall give right of way to bicycles being operated upon the bicycle lane.
[1973 c.580 §10]

Cases:

No cases interpreting this section.

Analysis:

This section was enacted as a part of Chapter 580, Oregon Laws 1973. It forbids a driver from driving on a bicycle lane except when passing on the right of a vehicle turning left on a highway that has space for two or more lanes of traffic moving in the direction the vehicles are proceeding. The driver so passing on the right must first make sure he can do so safely, and he must yield the right of way to bicycles operated on the bicycle lane.

Under the draft section replacing ORS 483.310 and stating rules for a driver passing on the right, a driver so passing may not go off the roadway onto the shoulder for this purpose. Under ORS 483.310 (3) (a), a driver passing on the right can use the shoulder when it provides space for a lane of traffic.

The provision of ORS 483.860 appears to prohibit a driver from crossing a bicycle lane to enter an alley, private road or driveway and from parking or stopping or standing on a bicycle lane when disabled.

Both the greatly increased use of bicycles and the establishment of bicycle lanes raise some problems or questions concerning right of way, speed and other rules of the road that may require statutory direction.

ORS 483.860 (Cont'd.)

Some relevant answers are suggested in the sections of the bicycle ordinance of Santa Maria, California, quoted below:

Sec. 5-16. Bicyclists--yield right-of-way, emerging.

The driver of a bicycle emerging from an alley, driveway, or building, upon approaching a sidewalk or the sidewalk area, shall yield the right-of-way to any pedestrian approaching on said sidewalk or sidewalk area, and upon entering a bicycle lane shall yield the right-of-way to all bicycles approaching upon said lane, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Sec. 5-20. Bicyclists--when pedestrian.

Bicycles may be walked subject to all provisions of law applicable to pedestrians.

Sec. 5-24. Bicyclists--right-of-way at intersections.

Upon approaching a controlled intersection any person riding or operating a bicycle shall yield the right-of-way to all vehicles within or approaching such intersection except that all vehicles which must stop before entering an intersection because of a stop sign and all vehicles making a lefthand turn at an intersection shall not proceed into said intersection nor make such a turn without first yielding the right-of-way to all bicycles within or approaching said intersection, and shall proceed only when it is safe to do so.

Sec. 5-25. Bicyclists--leaving bicycle lanes.

Once having entered a bicycle lane, no person riding or operating a bicycle shall leave such lane except at intersections. Provided, however, that such person may leave a bicycle lane upon dismounting from a bicycle, walking the same, and being subject then to all laws applicable to pedestrians. Provided further, that such person may leave the bicycle lane between intersections in order to make a U-turn, where such a turn is permissible for vehicular traffic or to turn into driveways on the right or lefthand side of the bicycle lane. Upon leaving a bicycle lane, the rider or operator of such bicycle shall yield the right-of-way to all vehicles, and shall not leave the bicycle lane until it is safe to do so.

ORS 483.860 (Cont'd.)

Sec. 5-26. Bicycle lanes--vehicles crossing or driving upon.

No person shall drive a vehicle upon or across a bicycle lane except to enter or exit a driveway, and except to park such vehicle or leave a parking space. No person shall drive or cross a bicycle lane, as permitted by this section, except after giving the right-of-way to all bicycles within the lane.

Sec. 5-27. Bicycle lanes--motor vehicles, motorcycles, motor-driven cycles, equestrians and pedestrians prohibited.

No person shall walk, loiter, ride or lead any equine animal or operate a motor vehicle, motorcycle or motor-driven cycle in or upon any designated bicycle lane or path except as otherwise provided herein.
