**811.065¹**

**Unsafe passing of person operating bicycle**

* **• penalty**

**(1)**A driver of a motor vehicle commits the offense of unsafe passing of a person operating a bicycle if the driver violates any of the following requirements:

**(a)**The driver of a motor vehicle may only pass a person operating a bicycle by driving to the left of the bicycle at a safe distance and returning to the lane of travel once the motor vehicle is safely clear of the overtaken bicycle. For the purposes of this paragraph, a safe distance means a distance that is sufficient to prevent contact with the person operating the bicycle if the person were to fall into the drivers lane of traffic. This paragraph does not apply to a driver operating a motor vehicle:

**(A)**In a lane that is separate from and adjacent to a designated bicycle lane;

**(B)**At a speed not greater than 35 miles per hour; **or**

**(C)**When the driver is passing a person operating a bicycle on the persons right side and the person operating the bicycle is turning left.

**(b)**The driver of a motor vehicle may drive to the left of the center of a roadway to pass a person operating a bicycle proceeding in the same direction only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of a roadway when prohibited under ORS [**811.295(Failure to drive on right)**](http://www.oregonlaws.org/ors/811.295), [**811.300 (Failure to drive on right of approaching vehicle)**](http://www.oregonlaws.org/ors/811.300) or [**811.310 (Crossing center line on two-way, four-lane road)**](http://www.oregonlaws.org/ors/811.310) to [**811.325(Failure to keep camper, trailer or truck in right lane)**](http://www.oregonlaws.org/ors/811.325).

**(c)**The driver of a motor vehicle that passes a person operating a bicycle shall return to an authorized lane of traffic as soon as practicable.

**(2)**Passing a person operating a bicycle in a no passing zone in violation of ORS [**811.420 (Passing in no passing zone)**](http://www.oregonlaws.org/ors/811.420)constitutes prima facie evidence of commission of the offense described in this section, unsafe passing of a person operating a bicycle, if the passing results in injury to or the death of the person operating the bicycle.

**(3)**The offense described in this section, unsafe passing of a person operating a bicycle, is a Class B traffic violation. [2007 c.794 §2]

Note: [**811.065 (Unsafe passing of person operating bicycle)**](http://www.oregonlaws.org/ors/811.065) was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 811 or any series therein.

