

Enrolled
Senate Bill 1084

Sponsored by Senator DEVLIN; Senators BATES, COURTNEY, HASS, MONNES ANDERSON, MORRISETTE, Representatives BEYER, HUNT, NOLAN, ROBLAN, SHIELDS, TOMEI (Pre-session filed.)

CHAPTER

AN ACT

Relating to pedestrians; creating new provisions; amending ORS 814.070; and declaring an emergency.

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

SECTION 1. ORS 814.070 is amended to read:

814.070. (1) A pedestrian commits the offense of pedestrian with improper position upon or improperly proceeding along a highway if the pedestrian does any of the following:

(a) Takes a position upon or proceeds along and upon the roadway where there is an adjacent usable sidewalk or shoulder.

(b) Does not take a position upon or proceed along and upon the shoulder, as far as practicable from the roadway edge, on a highway that has an adjacent shoulder area on one or both sides.

(c) Except in the case of the divided highway, does not take a position upon or proceed along and upon the left shoulder and as far as practicable from the roadway edge on a two-way highway that has no sidewalk and that does have an adjacent shoulder area. This paragraph does not apply to:

(A) A hitchhiker who takes a position upon or proceeds along and upon the right shoulder so long as the hitchhiker does so facing the vehicles using the adjacent lane of the roadway; or

(B) A member of a group that has adopted that section of highway under the provisions of ORS 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on either side of the roadway.

(d) Does not take a position upon or proceed along and upon the right highway shoulder, as far as practicable from the roadway edge, on a divided highway that has no sidewalk and does have a shoulder area. This paragraph does not apply to a member of a group that has adopted that section of highway under the provisions of ORS 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on either side of the roadway.

(e) Fails to take a position upon or proceed along and upon a highway that has neither sidewalk nor shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway is a two-way roadway, only on the left side of it.

(2) This section is subject to the provisions of ORS 814.100.

(3) A pedestrian does not commit the offense of pedestrian with improper position upon or improperly proceeding along a highway if the pedestrian:

(a) Does not impede traffic or create a traffic hazard;

(b) Posts advance warning signs in compliance with standards adopted by the Oregon Transportation Commission under ORS 810.200;

(c) Wears high-visibility safety apparel in compliance with standards adopted by the Oregon Transportation Commission under ORS 810.200; and

(d) Has a permit or belongs to a group that has a permit issued under section 5 of this 2008 Act.

[3] (4) The offense described in this section, pedestrian with improper position upon or improperly proceeding along a highway, is a Class D traffic violation.

SECTION 2. ORS 814.070, as amended by section 1 of this 2008 Act, is amended to read:

814.070. (1) A pedestrian commits the offense of pedestrian with improper position upon or improperly proceeding along a highway if the pedestrian does any of the following:

(a) Takes a position upon or proceeds along and upon the roadway where there is an adjacent usable sidewalk or shoulder.

(b) Does not take a position upon or proceed along and upon the shoulder, as far as practicable from the roadway edge, on a highway that has an adjacent shoulder area on one or both sides.

(c) Except in the case of the divided highway, does not take a position upon or proceed along and upon the left shoulder and as far as practicable from the roadway edge on a two-way highway that has no sidewalk and that does have an adjacent shoulder area. This paragraph does not apply to:

(A) A hitchhiker who takes a position upon or proceeds along and upon the right shoulder so long as the hitchhiker does so facing the vehicles using the adjacent lane of the roadway; or

(B) A member of a group that has adopted that section of highway under the provisions of ORS 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on either side of the roadway.

(d) Does not take a position upon or proceed along and upon the right highway shoulder, as far as practicable from the roadway edge, on a divided highway that has no sidewalk and does have a shoulder area. This paragraph does not apply to a member of a group that has adopted that section of highway under the provisions of ORS 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on either side of the roadway.

(e) Fails to take a position upon or proceed along and upon a highway that has neither sidewalk nor shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway is a two-way roadway, only on the left side of it.

(2) This section is subject to the provisions of ORS 814.100.

[3] *A pedestrian does not commit the offense of pedestrian with improper position upon or improperly proceeding along a highway if the pedestrian:]*

[(a) Does not impede traffic or create a traffic hazard;]

[(b) Posts advance warning signs in compliance with standards adopted by the Oregon Transportation Commission under ORS 810.200;]

[(c) Wears high-visibility safety apparel in compliance with standards adopted by the Oregon Transportation Commission under ORS 810.200; and]

[(d) Has a permit or belongs to a group that has a permit issued under section 5 of this 2008 Act.]

[4] (3) The offense described in this section, pedestrian with improper position upon or improperly proceeding along a highway, is a Class D traffic violation.

SECTION 3. The amendments to ORS 814.070 by section 2 of this 2008 Act become operative on January 2, 2012.

SECTION 4. Section 5 of this 2008 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 5. (1) A road authority may issue a permit that authorizes a pedestrian or a group to be positioned upon or to proceed along a highway if the pedestrian or group shows to the satisfaction of the road authority:

(a) Proof of liability insurance in an amount of not less than \$1 million; and

(b) That the pedestrian or group will meet the public safety requirements adopted by the Department of Transportation by rule.

(2) Upon issuance of a permit, the permit holder shall provide a copy of the permit to any applicable local jurisdiction.

SECTION 6. Section 5 of this 2008 Act is repealed on January 2, 2012.

SECTION 7. A road authority may not issue a permit under section 5 of this 2008 Act after July 1, 2011.

SECTION 8. This 2008 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect on its passage.

Passed by Senate February 15, 2008

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Secretary of Senate

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President of Senate

Passed by House February 22, 2008

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Speaker of House

Received by Governor:

.....M,....., 2008

Approved:

.....M,....., 2008

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Governor

Filed in Office of Secretary of State:

.....M,....., 2008

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Secretary of State