

**A-Engrossed**  
**Senate Bill 1084**

Ordered by the Senate February 13  
Including Senate Amendments dated February 13

Sponsored by Senator DEVLIN (Pre-session filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows [*certain pedestrians*] **pedestrian or group** with permit from [*Department of Transportation to position themselves*] **road authority to be positioned** upon or proceed along highway [*for purpose of soliciting contributions*].

**Sunsets January 2, 2012.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to pedestrians; creating new provisions; amending ORS 814.070; and declaring an emer-  
3 gency.

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

5 **SECTION 1.** ORS 814.070 is amended to read:

6 814.070. (1) A pedestrian commits the offense of pedestrian with improper position upon or im-  
7 properly proceeding along a highway if the pedestrian does any of the following:

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

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

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

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

18 (B) A member of a group that has adopted that section of highway under the provisions of ORS  
19 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on  
20 either side of the roadway.

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

26 (e) Fails to take a position upon or proceed along and upon a highway that has neither sidewalk

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 nor shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway  
2 is a two-way roadway, only on the left side of it.

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

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

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

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

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

11 **(d) Has a permit or belongs to a group that has a permit issued under section 5 of this**  
12 **2008 Act.**

13 [(3)] (4) The offense described in this section, pedestrian with improper position upon or im-  
14 properly proceeding along a highway, is a Class D traffic violation.

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

16 814.070. (1) A pedestrian commits the offense of pedestrian with improper position upon or im-  
17 properly proceeding along a highway if the pedestrian does any of the following:

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

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

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

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

28 (B) A member of a group that has adopted that section of highway under the provisions of ORS  
29 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on  
30 either side of the roadway.

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

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

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

40 [(3) *A pedestrian does not commit the offense of pedestrian with improper position upon or im-*  
41 *properly proceeding along a highway if the pedestrian:]*

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

43 [*(b) Posts advance warning signs in compliance with standards adopted by the Oregon Transpor-*  
44 *tation Commission under ORS 810.200;]*

45 [*(c) Wears high-visibility safety apparel in compliance with standards adopted by the Oregon*

1 *Transportation Commission under ORS 810.200; and]*

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

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

6 **SECTION 3. The amendments to ORS 814.070 by section 2 of this 2008 Act become oper-**  
7 **ative on January 2, 2012.**

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

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

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

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

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

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

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

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

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