

Senate Bill 1084

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 **as introduced**.

Allows certain pedestrians with permit from Department of Transportation to position themselves upon or proceed along highway for purpose of soliciting contributions.

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

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

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

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 **(a) Does not impede traffic or create a traffic hazard;**
- 2 **(b) Posts advance warning signs in compliance with ORS 810.200; and**
- 3 **(c) Has a permit issued under section 3 of this 2008 Act.**

4 [(3)] (4) 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 2. Section 3 of this 2008 Act is added to and made a part of the Oregon Vehicle**
7 **Code.**

8 **SECTION 3. The Department of Transportation shall issue a permit that authorizes a**
9 **pedestrian to be positioned upon or to proceed along a highway for the purpose of soliciting**
10 **contributions if the pedestrian shows to the satisfaction of the department that:**

11 **(1) The pedestrian is a member of a group and is soliciting contributions on behalf of the**
12 **group as part of a fundraising drive for the benefit of an organization.**

13 **(2) The organization for which the pedestrian is soliciting contributions has liability in-**
14 **surance in an amount of at least \$1 million.**

15 **SECTION 4. This 2008 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect**
17 **on its passage.**