

SENATE AMENDMENTS TO SENATE BILL 1084

By COMMITTEE ON TRANSPORTATION

February 13

1 On page 2 of the printed bill, delete lines 2 and 3 and insert:

2 “(b) Posts advance warning signs in compliance with standards adopted by the Oregon Trans-
3 portation Commission under ORS 810.200;

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

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

8 Delete lines 6 through 17 and insert:

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

10 “814.070. (1) A pedestrian commits the offense of pedestrian with improper position upon or im-
11 properly proceeding along a highway if the pedestrian does any of the following:

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

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

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

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

22 “(B) A member of a group that has adopted that section of highway under the provisions of ORS
23 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on
24 either side of the roadway.

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

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

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

34 “[3] *A pedestrian does not commit the offense of pedestrian with improper position upon or im-
35 properly proceeding along a highway if the pedestrian.*]

1 “[(a) Does not impede traffic or create a traffic hazard;]
2 “[(b) Posts advance warning signs in compliance with standards adopted by the Oregon Trans-
3 portation Commission under ORS 810.200;]
4 “[(c) Wears high-visibility safety apparel in compliance with standards adopted by the Oregon
5 Transportation Commission under ORS 810.200; and]
6 “[(d) Has a permit or belongs to a group that has a permit issued under section 5 of this 2008
7 Act.]
8 “[(4)] (3) The offense described in this section, pedestrian with improper position upon or im-
9 properly proceeding along a highway, is a Class D traffic violation.
10 “**SECTION 3.** The amendments to ORS 814.070 by section 2 of this 2008 Act become op-
11 erative on January 2, 2012.
12 “**SECTION 4.** Section 5 of this 2008 Act is added to and made a part of the Oregon Vehicle
13 Code.
14 “**SECTION 5.** (1) A road authority may issue a permit that authorizes a pedestrian or a
15 group to be positioned upon or to proceed along a highway if the pedestrian or group shows
16 to the satisfaction of the road authority:
17 “(a) Proof of liability insurance in an amount of not less than \$1 million; and
18 “(b) That the pedestrian or group will meet the public safety requirements adopted by the
19 Department of Transportation by rule.
20 “(2) Upon issuance of a permit, the permit holder shall provide a copy of the permit to
21 any applicable local jurisdiction.
22 “**SECTION 6.** Section 5 of this 2008 Act is repealed on January 2, 2012.
23 “**SECTION 7.** A road authority may not issue a permit under section 5 of this 2008 Act
24 after July 1, 2011.
25 “**SECTION 8.** This 2008 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect
27 on its passage.”.
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