

**A-Engrossed**  
**Senate Bill 424**

Ordered by the Senate May 3  
Including Senate Amendments dated May 3

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

**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.

Clarifies that pedestrian is crossing roadway **in crosswalk** when any part or extension of pedestrian's body moves onto roadway with intent to proceed.

**Creates exception to offense of pedestrian with improper position upon or improperly proceeding along highway.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to pedestrians; creating new provisions; amending ORS 811.028, 811.035 and 814.070; re-  
3 pealing sections 3, 6 and 7, chapter 47, Oregon Laws 2008; and declaring an emergency.

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

5 **SECTION 1.** ORS 811.028 is amended to read:

6 811.028. (1) The driver of a vehicle commits the offense of failure to stop and remain stopped for  
7 a pedestrian if the driver does not stop and remain stopped for a pedestrian when the pedestrian is:

8 (a) Proceeding in accordance with a traffic control device as provided under ORS 814.010 or  
9 crossing the roadway in a crosswalk[, *as defined in ORS 801.220*]; and

10 (b) In any of the following locations:

11 (A) In the lane in which the driver's vehicle is traveling;

12 (B) In a lane adjacent to the lane in which the driver's vehicle is traveling;

13 (C) In the lane into which the driver's vehicle is turning;

14 (D) In a lane adjacent to the lane into which the driver's vehicle is turning, if the driver is  
15 making a turn at an intersection that does not have a traffic control device under which a pedes-  
16 trian may proceed as provided under ORS 814.010; or

17 (E) Less than six feet from the lane into which the driver's vehicle is turning, if the driver is  
18 making a turn at an intersection that has a traffic control device under which a pedestrian may  
19 proceed as provided under ORS 814.010.

20 (2) For the purpose of this section, a bicycle lane or the part of a roadway where a vehicle  
21 stops, stands or parks that is adjacent to a lane of travel is considered to be part of that adjacent  
22 lane of travel.

23 (3) This section does not require a driver to stop and remain stopped for a pedestrian under any  
24 of the following circumstances:

25 (a) Upon a roadway with a safety island, if the driver is proceeding along the half of the

**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 roadway on the far side of the safety island from the pedestrian; or

2 (b) Where a pedestrian tunnel or overhead crossing has been provided at or near a crosswalk.

3 **(4) For the purposes of this section, a pedestrian is crossing the roadway in a crosswalk**  
4 **when any part or extension of the pedestrian, including but not limited to any part of the**  
5 **pedestrian's body, wheelchair, cane, crutch or bicycle, moves onto the roadway in a cross-**  
6 **walk with the intent to proceed.**

7 [(4)] (5) The offense described in this section, failure to stop and remain stopped for a pedes-  
8 trian, is a Class B traffic violation.

9 **SECTION 2.** ORS 811.035 is amended to read:

10 811.035. (1) The driver of a vehicle commits the offense of failure to stop and remain stopped for  
11 a pedestrian who is blind if the driver violates any of the following:

12 (a) A driver approaching a pedestrian who is blind or blind and deaf, who is carrying a white  
13 cane or accompanied by a dog guide, and who is crossing or about to cross a roadway, shall stop  
14 and remain stopped until the pedestrian has crossed the roadway.

15 (b) Where the movement of vehicular traffic is regulated by traffic control devices, a driver ap-  
16 proaching a pedestrian who is blind or blind and deaf shall stop and remain stopped until the pe-  
17 destrian has vacated the roadway if the pedestrian has entered the roadway and is carrying a white  
18 cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions  
19 of the vehicle code relating to traffic control devices.

20 (2) This section is subject to the provisions and definitions relating to the rights of pedestrians  
21 who are blind or blind and deaf under ORS 814.110.

22 **(3) For the purposes of this section, a pedestrian is crossing the roadway when any part**  
23 **or extension of the pedestrian, including but not limited to any part of the pedestrian's body,**  
24 **wheelchair, cane, crutch, bicycle or leashed animal, moves onto the roadway with the intent**  
25 **to proceed.**

26 [(3)] (4) The offense described in this section, failure to stop and remain stopped for a pedestrian  
27 who is blind, is a Class B traffic violation.

28 **SECTION 3.** ORS 814.070, as amended by section 2, chapter 47, Oregon Laws 2008, and section  
29 3, chapter 547, Oregon Laws 2009, is amended to read:

30 814.070. (1) A pedestrian commits the offense of pedestrian with improper position upon or im-  
31 properly proceeding along a highway if the pedestrian does any of the following:

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

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

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

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

42 (B) A member of a group that has adopted that section of highway under the provisions of ORS  
43 366.158 who is obeying the rules of the Department of Transportation for picking up litter or re-  
44 moving noxious weeds on either side of the roadway.

45 (d) Does not take a position upon or proceed along and upon the right highway shoulder, as far

1 as practicable from the roadway edge, on a divided highway that has no sidewalk and does have a  
2 shoulder area. This paragraph does not apply to a member of a group that has adopted that section  
3 of highway under the provisions of ORS 366.158 who is obeying the rules of the Department of  
4 Transportation for picking up litter or removing noxious weeds on either side of the roadway.

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

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

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

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

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

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

16 **(d) Has a permit or belongs to a group that has a permit issued under section 5, chapter  
17 47, Oregon Laws 2008.**

18 [(3)] (4) The offense described in this section, pedestrian with improper position upon or im-  
19 properly proceeding along a highway, is a Class D traffic violation.

20 **SECTION 4. Sections 3, 6 and 7, chapter 47, Oregon Laws 2008, are repealed.**

21 **SECTION 5. If this 2011 Act does not become effective until after July 1, 2011, any permit  
22 issued under section 5, chapter 47, Oregon Laws 2008, by a road authority after July 1, 2011,  
23 but before the effective date of this 2011 Act is valid.**

24 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public  
25 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
26 on its passage.**

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