

**Enrolled**  
**Senate Bill 424**

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)

CHAPTER .....

AN ACT

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

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

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

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

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

(b) In any of the following locations:

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

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

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

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

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

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

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

(a) Upon a roadway with a safety island, if the driver is proceeding along the half of the roadway on the far side of the safety island from the pedestrian; or

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

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

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

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

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

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

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

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

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

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

**SECTION 3.** ORS 814.070, as amended by section 2, chapter 47, Oregon Laws 2008, and section 3, chapter 547, Oregon Laws 2009, 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 who is obeying the rules of the Department of Transportation for picking up litter or removing noxious weeds 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 who is obeying the rules of the Department of Transportation for picking up litter or removing noxious weeds 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, chapter 47, Oregon Laws 2008.

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

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

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

Passed by Senate May 5, 2011

.....  
Robert Taylor, Secretary of Senate

.....  
Peter Courtney, President of Senate

Passed by House June 14, 2011

.....  
Bruce Hanna, Speaker of House

.....  
Arnie Roblan, Speaker of House

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

.....  
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

.....  
Kate Brown, Secretary of State