

SENATE AMENDMENTS TO SENATE BILL 424

By COMMITTEE ON JUDICIARY

May 3

1 On page 1 of the printed bill, line 2, after “pedestrians;” delete the rest of the line and insert
2 “creating new provisions; amending ORS 811.028, 811.035 and 814.070; repealing sections 3, 6 and
3 7, chapter 47, Oregon Laws 2008; and declaring an emergency.”.

4 In line 27, after “roadway” insert “in a crosswalk”.

5 In line 29, delete “, bicycle or leashed animal” and insert “or bicycle,” and after “roadway” in-
6 sert “in a crosswalk”.

7 On page 2, line 18, after “animal” insert a comma.

8 After line 21, insert:

9 “**SECTION 3.** ORS 814.070, as amended by section 2, chapter 47, Oregon Laws 2008, and section
10 3, chapter 547, Oregon Laws 2009, is amended to read:

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

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

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

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

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

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

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

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

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

35 “(3) **A pedestrian does not commit the offense of pedestrian with improper position upon**

1 or improperly proceeding along a highway if the pedestrian:

2 “(a) Does not impede traffic or create a traffic hazard;

3 “(b) Posts advance warning signs in compliance with standards adopted by the Oregon
4 Transportation Commission under ORS 810.200;

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

7 “(d) Has a permit or belongs to a group that has a permit issued under section 5, chapter
8 47, Oregon Laws 2008.

9 “[3] (4) The offense described in this section, pedestrian with improper position upon or im-
10 properly proceeding along a highway, is a Class D traffic violation.

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

12 “**SECTION 5. If this 2011 Act does not become effective until after July 1, 2011, any per-
13 mit issued under section 5, chapter 47, Oregon Laws 2008, by a road authority after July 1,
14 2011, but before the effective date of this 2011 Act is valid.**

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