

# House Bill 2327

Sponsored by Representative TOMEI, Senator BURDICK; Senators JOHNSON, THOMSEN (Presession 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**.

Provides exemption to offense of pedestrian with improper position upon or improperly proceeding along highway for pedestrians on narrow residential roadway under certain circumstances.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to narrow residential roadways; creating new provisions; amending ORS 814.070; and de-  
3 claring an emergency.

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 who is obeying the rules of the Department of Transportation for picking up litter or re-  
20 moving noxious weeds on 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 who is obeying the rules of the Department of  
25 Transportation for picking up litter or removing noxious weeds 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 or im-  
31 properly 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 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 ORS 814.072.

7 **(4) A pedestrian does not commit the offense of pedestrian with improper position upon  
8 or improperly proceeding along a highway when the pedestrian is on a narrow residential  
9 roadway if:**

10 **(a) The pedestrian does not create a traffic hazard; and**

11 **(b) Signs are posted giving notice that pedestrians may be present upon or along the  
12 narrow residential roadway. Signs posted under this paragraph shall be posted at each end  
13 of the portion of the narrow residential roadway where pedestrians may be present.**

14 [(4)] (5) The offense described in this section, pedestrian with improper position upon or im-  
15 properly proceeding along a highway, is a Class D traffic violation.

16 **SECTION 2. The amendments to ORS 814.070 by section 1 of this 2013 Act apply to of-  
17 fenses committed on or after the effective date of this 2013 Act.**

18 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public  
19 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
20 on its passage.**

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