

House Bill 2518

Sponsored by Representative MARSH (Pre-session 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**.

Expands traffic offense of pedestrian with improper position upon or improperly proceeding along a highway to include prohibiting pedestrian on interstate highways. Punishes violation by maximum fine of \$250.

A BILL FOR AN ACT

1
2 Relating to traffic offenses; creating new provisions; and amending ORS 814.070.

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

4 **SECTION 1.** ORS 814.070 is amended to read:

5 814.070. (1) A pedestrian commits the offense of pedestrian with improper position upon or im-
6 properly proceeding along a highway if the pedestrian does any of the following:

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

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

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

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

17 (B) A member of a group that has adopted that section of highway under the provisions of ORS
18 366.158 who is obeying the rules of the Department of Transportation for picking up litter or re-
19 moving noxious weeds on either side of the roadway.

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

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

28 **(f) Takes a position upon or proceeds along an interstate highway.**

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 or im-
8 properly proceeding along a highway when the pedestrian is on a narrow residential roadway if:
 - 9 (a) The pedestrian does not create a traffic hazard; and
 - 10 (b) Signs are posted giving notice that pedestrians may be present upon or along the narrow
11 residential roadway. Signs posted under this paragraph shall be posted at each end of the portion
12 of the narrow residential roadway where pedestrians may be present.
- 13 (5) The offense described in this section, pedestrian with improper position upon or improperly
14 proceeding along a highway, is a Class D traffic violation.

15 **SECTION 2. The amendments to ORS 814.070 by section 1 of this 2023 Act apply to of-**
16 **fenses committed on or after the effective date of this 2023 Act.**

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