

**REVENUE: No revenue impact**

**FISCAL: May have fiscal impact, statement not yet issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Rescind the Subsequent Referral to the Committee on Ways and Means
<b>Vote:</b>	5 - 4 - 0
<b>Yeas:</b>	Barker, Bonamici, Komp, Read, Macpherson
<b>Nays:</b>	Cameron, Flores, Krieger, Whisnant
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	4/23, 4/24

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**WHAT THE MEASURE DOES:** Creates the infraction of infliction of serious physical injury or death to a vulnerable user of a public way and sets the penalty as a Class A traffic infraction with a fine of \$12,500. Defines the infraction as occurring when a person operates a vehicle carelessly or recklessly upon a highway and causes serious physical injury or death to the vulnerable user of a public way. Defines “vulnerable user of a public way” as a pedestrian, a person riding an animal or a person operating any of the following on a public way, crosswalk or shoulder of a highway: (A) Farm vehicle without an enclosed shell; (B) Skateboard; (C) Roller skates; (D) In-line skates; or (E) Bicycle. Subjects the guilty driver of the motor vehicle to suspension of driving privileges. Requires the Department of Motor Vehicles (the department) to suspend the driver’s motor vehicle for up to one year for a first offense. Creates a driving improvement program for those charged with inflicting serious physical injury or death to a vulnerable user of a public way. Sets the fee for the program at \$237. Allows those who complete the program to have the charges relating to infliction of serious physical injury to a vulnerable user of a public way dismissed.

**ISSUES DISCUSSED:**

- Vehicle includes bicycle
- Operation must be careless or reckless

**EFFECT OF COMMITTEE AMENDMENT:** Classifies infliction of serious physical injury or death to a vulnerable user of a public way as a Class A traffic infraction with a fine of \$12,500 rather than as a Class A misdemeanor. Requires that driver of a vehicle operate the vehicle in a careless or reckless manner rather than just come in contact with the vulnerable user of a public way. Changes the term “driver diversion” to “driver improvement.” Requires a court to approve the driver improvement program rather than have the Department of Transportation develop a program. Sets a specific fee for the driver improvement program.

**BACKGROUND:** ORS 161.015 defines “serious physical injury” as physical injury that creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. “Reckless” means that “a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstances exist. The risks must be of such a nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation” (ORS 161.085(9)). It is a Class A misdemeanor to operate a vehicle upon the highways of Oregon in a reckless manner so as to endanger the safety of persons or property (ORS 811.140). It is a Class A traffic infraction to operate a motor vehicle upon a highway in a manner that endangers or would be likely to endanger any person or property (ORS 811.135). Neither statute mandates a driver improvement program.

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*This summary has not been adopted or officially endorsed by action of the committee.*