

**REVENUE: No revenue impact**

**FISCAL: No fiscal impact**

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**Action:** Do Pass with Amendments to the A-Eng. bill and Be Printed B-Eng.

**Vote:** 5 - 0 - 0

**Yeas:** George, Schrader, Starr, Verger, Metsger

**Nays:** -

**Exc.:** -

**Prepared By:** Jim Stembridge, Administrator

**Meeting Dates:** 5/7, 5/14

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**WHAT THE MEASURE DOES:** Expands definition of “vulnerable user of public way” to include any farm tractor or other implement of husbandry, for the purpose of determining the penalty for reckless driving.

**ISSUES DISCUSSED:**

- Specific collision involving farm incident and reckless driver
- Degree of vulnerability of motorcycle operators
- Visibility aspect of vulnerability

**EFFECT OF COMMITTEE AMENDMENT:** Deletes motorcycle operator from definition of “vulnerable user of public way.”

**BACKGROUND:** The penalties for reckless driving, at ORS 811.135, provide additional penalties if the reckless driving contributed to an accident or to the serious physical injury or death of a vulnerable user of a public way. The violation is a class B violation. If an accident is involved, the violation is a Class A violation. If a serious physical injury or death of a vulnerable user of a public way is involved, the penalty can include a fine up to \$12,500, community service, and loss of driving privileges. Currently, “vulnerable user of a public way” includes pedestrians (the term “pedestrian” includes persons confined to wheelchairs), highway workers, animal riders, bicyclists, skaters, and farm equipment without enclosed shells. The provision was first enacted in 2007 (HB 3314).

As provided in ORS 153.018, fines for violations are amounts not exceeding:

- (a) \$720 for a Class A violation.
- (b) \$360 for a Class B violation.
- (c) \$180 for a Class C violation.
- (d) \$90 for a Class D violation.