



February 29, 2016

TO: Representative Jennifer Williamson, Chair  
House Rules Committee  
FR: Bob Joondeph, Executive Director  
RE: SB 1553B

Disability Rights Oregon (DRO) is Oregon's federally-funded *Protection and Advocacy* office that provides legal-based advocacy services to Oregonians with disabilities.

SB 1553 creates new manner of committing the crime of assault in the third degree when person, with criminal negligence, causes serious physical injury to vulnerable user of public way by means of motor vehicle. The definition of "vulnerable user" is set forth in ORS 801.608. The term includes a farm tractor or implement of husbandry, skateboard, roller skates, in-line skates, a scooter or bicycle.

We note that, "vulnerable users" do not include wheelchair users. Wheelchair users are usually considered in Oregon law to be pedestrians and ORS 801.608 does not address pedestrians. However, when a sidewalk does not exist beside a road, a wheelchair user cannot proceed on a dirt or gravel shoulder like other pedestrians. Also, when curb cuts have not been installed to make a sidewalk accessible for wheelchairs, a chair user has no alternative for pedestrian travel other than the street.

DRO takes no position on whether this committee should create a new type of Assault III. However, if the purpose of doing so is to protect vulnerable users of our roads, we submit that wheelchair users deserve at least as much protection as skateboarders and roller skaters. If SB 1553 moves forward, it should do so with an amendment to ORS 801.608 to include wheelchair users.

Thank you for this opportunity to submit testimony.