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email with Committee administrator.

Dear Chair Barker and Members of the House Judiciary Committee,

Thank you for the opportunity to submit testimony on HB2598. Please pass HB2598 out of committee with a Do Pass recommendation.

I am representing myself and not speaking on behalf of an organization in any official capacity.

I began riding motorcycles in the late 1960's. As a 3rd generation rider, I was trained on race tracks and off road trails using full protective gear with a thorough understanding of the consequences of ignoring my responsibility for my own safety. I received my first Motorcycle endorsement in Michigan in the late 1970's. I belong to several motorcycle related organizations.

As an example of the need to include Motorcyclists and their passengers in those covered under ORS 811.060, I present my personal experience.

On the afternoon Friday, September 23rd, I was riding with the Patriot Guard Riders to escort one of the traveling Vietnam Memorial Wall displays to Reser Stadium in Corvallis, Oregon. We were escorted westbound on Hwy 34 by patrol vehicles from the Linn County Sheriff's office. Before reaching the bridges crossing the Willamette River into Benton County, a driver in a car turned into the procession behind me and struck another motorcyclist in full view of the LCSO deputy. Her leg and arm were broken. The balance of the procession continued on to complete the original mission of reaching the OSU campus in Corvallis.

After arrival at the OSU campus, I prepared to return home in Lebanon. Before departing, I checked my motorcycle and gear again.

Reflective riding suit, Silver helmet with additional reflectors, Black leather vest with a 1 foot by 2 foot retroreflective path on the back, over Hi Visibility Jacket, gloves with hard shell protection over knuckles, boots that covered ankles and mid calf. All lights on and functioning correctly. Checked and checked again.

TIME, just prior to 4pm. CONDITIONS Daylight, clear, overcast, not raining.

I headed back over the bridge from Corvallis to get back in Linn County and stopped where the earlier rider had been struck. The woman's husband was waiting there for a tow truck. I offered to wait for the tow truck so he could join her at the hospital. He declined my offer, so I left him a couple of extra bottles of water and departed to get back on Hwy 34.

I approached Peoria Road, a PGE service truck turned onto Hwy 34 in front of me, so I changed lanes to the left lane of the 2 eastbound lanes. I made a decision to stay in that lane for two reasons. Reason 1, there were no other cars ahead of me for an appreciable distance and Reason 2, there were many driveways on the right that would potentially contain vehicles turning into my path again. By choosing that lane I would be as visible as possible to all traffic.

The speed limit on Hwy 34 is 50 mph. There are 5 lanes, 2 eastbound heading toward I-5, one turning lane, and 2 westbound toward Corvallis. I remained in the left eastbound lane at 50mph as I approached Freeman Lane. Freeman Lane is only on the south side of Hwy 34.

As I approached Freeman Lane @ 4:12pm, a 50+ year old woman went through the STOP SIGN on Freeman Road across both lanes headed for the center turn lane in a Volkswagen Rabbit.

Her head was turned to look at the two lanes of traffic headed toward Corvallis. I NEVER saw her face, only the back of her head. The woman in the Rabbit had left me 50 feet to decelerate from 50 mph to the lowest possible speed possible before impact.

At this point, the only way to survive was to apply everything I knew and was trained to do as quickly as possible. Total time available to execute survival was less than $\frac{3}{4}$ th of a second.

I was going to hit her car. I had to keep the motorcycle vertical and keep tires on pavement to maximize brake performance. I chose the impact point to be her rear door, there was no sight of a child in the back seat. Had she turned her head, it would have made no difference in the outcome at that point.

The rest would be a physics problem in God's hands.

Had I swerved to the right, the PGE Service truck would not have been able to slow down fast enough before changing the shape of my dismantled carcass. Had I swerved left, I would have bounced off the front of the Rabbit into oncoming traffic at an effective impact speed of closer to 100 mph.

On impact, my feet and hands took the first hit. The handle bars rotated 15 degrees, my left thumb bent back toward my wrist. My ankle took the brunt of the force imparted my legs and hips. I went airborne over the top of the car and the first bounce was on my back, followed quickly by two more similar bounces before sliding on my back with my feet and ankles dragging along the pavement until I came to a stop, face up, with helmet still on.

I did not know where I was on the road surface and had no idea if or when I might experience an impact from debris or another vehicle in motion. I knew I could barely breathe, the pain from my back through my right chest was significant enough to know that something had broken and if that had caused bleeding, I might not be bleeding internally for long. I never lost consciousness.

A few people rushed out to where I lay on the asphalt, from Freebird Auto Body. From later pictures, I was at least 50 feet from where my motorcycle stopped. It was in the lane I had been traveling. The Rabbit had spun 180 degrees and came to rest in the turn lane.

A nurse arrived on scene, from a place a few cars behind the PGE truck. She figured out that I was a woman in her 50's. Every other bystander had assumed that under all that gear it was a man who had been on the Harley. She pulled my phone from its storage location in my bra on the right side and called my husband in McMinnville and told him to meet me at the Corvallis ER.

My husband would have not other word on my condition for the next 1.5 hours. No one will give a spouse an update until they arrive in the hospital. An hour and a half in Friday traffic without any more information.

Once in the hospital, I was evaluated quickly and the ER physician proclaimed 2 ribs broken on the right side directly adjacent to the spine. No breaks in the skin anywhere, but bruising and swelling would be expected to develop. I was released from the hospital at 8pm. The only familiar items I took home were my boots, my bra, a vest that could be repaired and a helmet that had done its job saving the side of my face from a grinding alteration. Every other shred of clothing and gear had been removed in pieces.

The woman with the broken arm and leg after being struck earlier, she was still in the waiting room with her husband.

RECOVERY was lengthy as we identified the tissue injuries and new feature pains were revealed.

2013-2014

Serious elevation of blood pressure (190/100) attenuated by physical pain.

Narcotic pain medications were needed. Blood pressure meds were started and dosages increased until multiple vision side effects developed. My brain could no longer synchronize moving images.

Left thumb ligament and muscle damaged, 14 lbs grip strength compared to 95 lbs on uninjured right hand. Physical therapy completed in 6 months to grab a gallon of milk.

Pain and numbness in both swollen ankles and feet. Standing was painful for 18 months.

Pain and numbness in left leg, mid calf to foot. Physical therapy to identify nerves responsible for pain. Hip joint inflammation was the cause and presumed to be part of the first hard bounce.

It took 18 months physical therapy to restore leg strength and balance to a reasonable gait and stability.

I was intermittently on crutches and using wheel chair to rest feet and legs as they healed during 2014.

2015

Dropped narcotic pain meds in January and transitioned to pool therapy 5 days per week to re-establish balance and range of motion. I couldn't swim in a straight line due to shoulder pain.

Surgery on right shoulder bicep tendon was torn 1/3 of the way through. May surgery and therapy returned fairly normal upper body strength.

Orthopedic surgeons and therapists were unable to give definitive prognosis during the 18 plus months of intensive work because in cases of high impact energy trauma, there are few survivors over 35 mph. In each of the calendar years after the accident, I exceeded the allowable therapy of my insurances and had to pay cash for the balance of treatments.

Citations and Law Enforcement assessments

The officer on scene made his charging decision based solely on his interaction with the driver of the car. The woman in the Rabbit was found to be at fault and was issued one citation.

Failure to comply with traffic control device – Stop Sign Fine \$260

The accident occurred in a *safety corridor* and could have been a *double fine*.

That was NOT indicated on her ticket.

I did not meet the officer until just prior to my release from the ER more than 3 hours after the accident.

I was asked for my insurance and license. He took down the information from my insurance card. He questioned the information's validity asking if my policy was with some other company that I had never heard of. He said that was what was in the DMV database. He was under the impression that I was an uninsured rider. His Database did not reflect the information on my insurance card.

He indicated that all the witnesses agreed with my description of times, distances, speeds and events. He told me that the other driver was cited for the failure to comply charge.

My response, ***“Is that it?”***

The officer's response was a kick in the head, ***“She didn't have any other tickets, she said she didn't see you and she was very concerned about your injuries. It didn't seem like justice to charge her with anything else”***

Injury to me was apparently not worth a citation?

Unfortunately, existing statute did not address injury to motorcyclist, if we lived.

DMV FAILURES

With swollen joints and pain meds, my husband drove me to complete my duties as a participant in an accident. The Monday after the accident I was able to complete the accident report in the Lebanon DMV office and turned it in that day before 11am. I kept a time stamped copy.

A couple weeks later I got a letter from DMV telling me that I was going to be losing my license for failing to maintain insurance and failing to turn in a required accident report.

DMV prepares letters to deprive citizens of their driver licenses faster than the accident reports are transmitted to Salem.

Through blurry vision and a series of phone calls I determined that DMV had been rejecting proof of insurance transmitted from State Farm Insurance to DMV because there was a difference in the abbreviation for the make of the vehicle.

Apparently if HD is what DMV wants and HRLY DVDSN is what State Farm sends, then DMV REJECTS the proof of insurance and EVERY law enforcement officer in the State of Oregon was getting false information about EVERY Harley Davidson Owner using State Farm Insurance.

DMV fails Law EnforcementBad data, inequitable decisions

The Officer at the scene was using information compiled and POORLY maintained by the DMV as an asset to make judgments about the lawful or unlawful tendencies of persons involved in accident.

The charging officer favored the “nice, concerned lady” because the State of Oregon had created the false impression that I was “an irresponsible law breaking biker”. Justice was not done.

Summary

I made every decision to maximize my safety, used protective gear, trained above and beyond the minimum requirements of State law.

I endured the pain, physical and financial consequences of being injured by a *minimally* insured at fault driver and satisfied my medical bills with my own expanded uninsured/uninsured coverage.

I was threatened with confiscation of my driver license by DMV practices that defy common sense and any minimal definition of competence. I was in compliance with every law at all times.

I have been intermittently unable to drive myself or perform normal daily activities multiple times during the first two years of recovery and therapy.

I have not been able to regain my strength, balance and stamina to a level that would allow me to ride a motorcycle again.

The at fault driver has received less than adequate legal consequences for the injuries she caused.

Please vote a do pass recommendation for HB2598.

I was unable to attend today's hearing due to a scheduled medical procedure and would be happy to answer any questions for the committee or provide further information. I apologize if some of my testimony is a bit raw, not every day is a comfortable one.

Thank you for your time.

Two women were transported to Good Samaritan Regional Medical Center with non-life-threatening injuries Friday afternoon after a car and motorcycle crashed on Highway 34 east of Corvallis, according to Oregon State Trooper Steve Kenyon.

The initial investigation revealed that Louisa Caran, 53, of Corvallis, who was driving a 2008 Volkswagen Rabbit, pulled out in front of a motorcycle, operated by Christine Ruck, 54, of Lebanon, in an attempt to turn west onto the highway, Kenyon said. Caran was pulling out of the Freebird parking lot at Northeast Freeman Lane about 1 1/2 miles east of town.

Ruck was riding east in the left lane and was unable to brake fast enough to avoid a collision as the car crossed her path, Kenyon said. The front tire of the bike hit the backseat driver's side of the car. The impact caused Ruck to be thrown off the bike and onto the pavement.

Ruck was wearing a helmet and received non-life threatening injuries.

Caran was using safety restraints; she was treated and released. She was cited for failure obey a traffic control device.

2013CrashSummaryBook.pdf

<https://www.oregon.gov/ODOT/TD/TDATA/car/docs/2013CrashSummaryBook.pdf>

The crash statistics do not address the fault of another driver injuring a law abiding motorcyclist. Perhaps that would be a useful number for future reference.

Before



After



Every physical force applied to the bent, twisted, and fractured metal on the motorcycle was also experienced by the flesh and bone of the rider who survived.