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STATE REPRESENTATIVE
DISTRICT 15

May 24, 2017

Senator Floyd Prozanski
Senate Committee on Judiciary
900 Court St. N.,
Salem, OR 97301

Mr. Chair and Committee Members,

Thank you for hearing HB 2598. This measure is simple; it adds motorcycles to ORS 811.060...the vehicular assault statute. Currently, the law applies to pedestrians and bicyclists.

The bill describes that a person commits the offense of vehicular assault if the person recklessly operates a motor vehicle upon a highway in a manner that results in contact between the person's vehicle and either a pedestrian, bicyclist or a motorcycle. Additionally, the contact causes physical injury to the individual.

ORS 161.085 defines *recklessly* as:

“...when used with respect to a result or to a circumstance described by a statute defining an offense, means that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.”

The -1 Amendment asks for consideration to identify this bill as “the Milkman Mike Act.” Mike Hamer passed away about two years ago at the age of 58. He was a biker! He lived life to the fullest each day. He was a small business owner in Albany, *Affordable Septic's*. He was a Veteran, Patriot, husband and father.

When Mike was in his 40's he had open-heart surgery. The doctors told him he wouldn't live more than a year. He lived for another decade! He died in his sleep...his heart just gave out. He got his name from being known as a man who delivered on his promises. He delivered like the *Milkman*. Mike believed that people needed to be held to a higher standard of accountability when they hurt a biker.

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