

HB 4055A

Testimony of Kat Iverson, Hillsboro, OR
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I object to HB 4055A on language grounds. I have been trying to parse a sentence in Sections 1, 2, and 4. The below text is from section 1, but the confusing part is substantially the same in all three sections:

Except as provided in paragraph (b) or (c) of this subsection, if the [*person is the driver of any vehicle*] driver is aware that, or fails to be aware of a substantial risk that, the driver's vehicle has been involved in [*an accident that results only in damage to a vehicle that is driven or attended by any other person*] a collision, the [*person must*] driver shall perform all of the following duties:

Removing the italic text and the bold font produces the following, more readable version:

Except as provided in paragraph (b) or (c) of this subsection, if the driver is aware that, or fails to be aware of a substantial risk that, the driver's vehicle has been involved in a collision, the driver shall perform all of the following duties:

The compound part of the conditional sentence can be re-phrased as follows:
if the driver is aware that the driver's vehicle has been involved in a collision, or
if the driver fails to be aware of a substantial risk that the driver's vehicle has been involved in a collision,
the driver shall perform all of the following duties:

The second part confuses me. You are requiring a driver to stop and to provide certain information if he is *unaware* of a "substantial risk that the driver's vehicle has been involved in a collision" This is confusing on several levels.

- (1) How can someone who is unaware of some circumstance know that he ought to take some action because of that circumstance?
- (2) There can be a risk that some event *will happen*, but I don't think it is proper to speak of a *risk* that some event *actually did happen*.
- (3) If one really *can* speak of a risk that one has been in a collision, then a driver who *has not been* in a collision is certainly unaware of a risk that he *has been* in a collision, so this amendment appears to require that drivers continually stop to give information to every nearby driver and bystander.

The original bill's wording was clear. Why not keep it?
driver knows or has reason to believe that the driver's vehicle has been