

## SB 810 - Amends Vulnerable User Statute to Protect Oregon Riders

- **What is SB 810?**
  - SB 810 would amend the Vulnerable User Statute, ORS 801.608 (“Vulnerable User of a Public Way”), to extend the statute’s protections to motorcycles, mopeds, and their passengers. Currently, pedestrians, bicycles, farm tractors, horses, and all other vulnerable road users are protected, *except* motorcycles and mopeds. In Washington, all vulnerable users, including motorcycles and mopeds, are protected. The Governor’s Advisory Committee on Motorcycle Safety has voted to support SB 810.
- **Why is SB 810 needed?**
  - When it comes to penalties for careless or criminally negligent drivers, motorcycles and mopeds are treated the same as automobiles under Oregon’s Vehicle Code even though the consequences of careless and criminally negligent driving to motorcyclists and their passengers are aggravated and result in much more serious injuries.
  - Oregon’s Careless Driving Statute, ORS 811.135, escalates the penalties for careless driving when a *serious injury* results to every non-automobile/truck road user *except* for motorcyclists (and mopeds) and their passengers, even though they are just as susceptible to being seriously injured by a careless driver as other vulnerable road uses.
  - ORS 163.160 (Assault in the Fourth Degree), makes it a Class A Misdemeanor to criminally and negligently cause a *serious injury* any non-automobile/truck road user *except* for motorcyclists (and mopeds) and their passengers, even though they are just as susceptible to being seriously injured by a criminally negligent driver as other vulnerable road uses.
  - Distracted driving has become a serious problem in Oregon with the prevalence of mobile electronic devices leading to more and more distracted driving accidents. Drivers that use a mobile electronic device while driving are making a conscious decision that places motorcyclists and their passengers at a risk of serious injury or death. Oregon’s Vulnerable User Law needs to be changed to protect Oregon riders and their passengers.
- **These Oregonians and many others are asking you to support SB 810:**
  - **Dwight Gibbons** was rear-ended on a freeway on-ramp so hard that he and his motorcycle were pushed under the car in front of him and the driver broke his front axle when he struck a barrier. Dwight suffered burns, numerous fractures, and internal injuries. The driver denied that he was on his cell phone and received a careless driving ticket and a \$435 fine.
  - **Zander McHade** was rear-ended while waiting to make a left turn. He had his turn signal on and was wearing a hi-vis helmet and a hi-vis vest. The driver was on his cell phone. Zander went to the hospital and needed shoulder surgery. The driver received a ticket for following too closely and for driving while using a cell phone and was fined \$210.
  - **Rena Walsh** was struck by an unlicensed and uninsured driver that made a dangerous left turn and struck Rena, resulting in a traumatic brain injury and many other serious injuries that changed her life forever. The driver was ticketed for 3 violations and fined \$955.

**(SEE OTHER SIDE FOR ANALYSIS OF HOW SB 810 WOULD CHANGE EXISTING LAW)**

# How Would SB 810 Change Existing Law?

Driver Mental State --->	<i>Careless</i>	<i>Criminally Negligent</i>	<i>Reckless</i>
<p>Consequences to driver for injuring rider or passenger under current law</p> <p><b>CURRENT LAW</b></p>	<p><b>Careless Driving Contributing to an Accident</b></p> <p><i>Class A Violation</i></p> <p>\$440 Fine</p>	<p><i>No Additional Consequence</i></p>	<p><b>Vehicular Assault Causing <i>Any Injury</i> to Motorcyclist or Passenger</b></p> <p><i>Class A Misdemeanor</i></p> <p>\$6,250 Fine (max)</p> <p>1 Year Jail (max)</p>
<p>Consequences to driver for injuring rider or passenger under <i>proposed</i> Vulnerable User Law</p> <p><b>UNDER SB 810</b></p>	<p><b>Careless Driving Resulting in <i>Serious Injury</i> to Vulnerable User</b></p> <p><i>Class A Violation</i></p> <p>\$440 Fine</p> <p>Safety Class</p> <p>100-200 hrs service (must include driver training and safety)</p>	<p><b>Criminally Negligent Driving Resulting in <i>Serious Injury</i> to Vulnerable User</b></p> <p><i>Class A Misdemeanor</i></p> <p>\$6,250 Fine (max)</p> <p>1 Year Jail (max)</p>	<p><b>Vehicular Assault Causing <i>Any Injury</i> to Motorcyclist or Passenger</b></p> <p><i>Class A Misdemeanor</i></p> <p>\$6,250 Fine (max)</p> <p>1 Year Jail (max)</p>

*Prepared by:*

Christopher A. Slater  
 Attorney at Law  
 www.pnwlawyers.com  
 cslater@pnwlawyers.com  
 503-227-2024