

TESTIMONY FOR HOUSE JUDICIARY COMMITTEE

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Represented by Bob Jenson

23 APRIL 2007
HOUSE JUDICIARY COMMITTEE
HB #3314

I am a lifelong Oregonian whose wife of 46 years was killed on August 10, 2005 by a teenage driver. My wife Marilyn Jensen was riding her bike on her regular morning bike ride about 2 miles from town when she was hit from behind by a driver who was distracted by the sun and her efforts to adjust the sun visor on the passenger side of the car. Marilyn was a wife, mother and community member who was a deacon in our church and a loving person who spread positive feelings wherever she went. She was known for her acts of kindness and compassion. On the day of her memorial service the mayor of Weston cancelled all meetings and closed the city offices. She was very active as a bicyclist, cross country skier and snowshoer.

The person who hit her was charged with Careless Driving and the state police told me that she would not even have to appear in court. Court records indicate that she pleaded no contest and received a fine totaling \$121. I felt that the court system failed to take sufficient action to create real consequences for Marilyn's death. While I did not feel the driver should be punished with a crime, the amount of the fine and absence of any other followup action was not adequate in my opinion to either provide some accountability or protect others in the future.

If HB 3314 is passed into law then other families will not have to go through the upset and disappointment I experienced when I found out that so little was being done by the court after Marilyn was killed.

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MARGARET RAWLINGS
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CONSTITUENT OF REPRESENTATIVE ESQUIVEL

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My name is Meg Rawlings and my husband is Russ Rudometkin. On May 30, 2006, Russ was riding his bicycle, preparing to make a left-hand turn at an intersection, when he was struck by a vehicle driven by a driver who was talking on his cell phone at the time. My husband was wearing his helmet as he always does and the accident occurred at 6:10 PM, when there was plenty of daylight. The resulting injuries to my husband were severe and resulted in a traumatic brain injury that will have life-long effects. Russ was in intensive care for five weeks and in a coma for three of those weeks. He underwent three major surgeries during that time.

He then spent six weeks in a rehab hospital where he had to learn to swallow, speak, walk and manage his personal care. He was discharged with a feeding tube in stomach, a long list of medications, a wheelchair and a walker. I was unable to meet his needs at that time so he went to foster care.

Traumatic brain injury manifests differently in each individual. In my husband's case, he looks fine, but he has short-term memory deficits, and problems with planning, initiation, and organization. These deficits mean his return to work is, as his neuropsychologist put it, "unlikely." None of his professional care providers think it is safe for him to drive yet. He is 58 years old and worked as a social worker for Child Welfare. He loved his job and was good at it. My husband is home now and I am grateful, but in many ways I am learning to live with a different man. We lost our marriage as we knew it.

Russ was following the rules of the road as bicyclists should. The driver was cited for improper left turn and careless driving. The driver was able to pay a fine and avoid any further consequences in the traffic court or criminal justice system. Current Oregon law does not even require that the driver appear in court after an accident where these charges are issued, and the judge was not able to suspend his driver's license or mandate community service which would have been more meaningful for the driver.

If HB 3314 was in place when Russ was injured then at least the driver would be forced to appear personally in court and face a driver license suspension and fine or participate in a Driver Improvement Agreement. Under existing law the driver who caused Russ' injury received a total fine of \$1080 and no mandatory license suspension.

I am asking you, members of the committee, to pass HB 3314. Nothing can change the loss we have experienced, but any driver who causes a serious injury of this magnitude must be held accountable. My husband and I will live with the consequences of the driver's actions every day for the rest of our lives, while the driver simply paid a fine and continued with his own life.

Thank you for your time and attention.

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DEAN SIGLER
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23 APRIL 2007
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My name is Dean Sigler and I am the grandfather of nineteen year old Jocelyn Latka who was killed January 4, 2006 while lawfully crossing SE Salmon Street in a crosswalk as she carried groceries home from the local Fred Meyer store. Jocelyn at the time was a Japanese language student at Portland State University and a talented musician, artist and judo competitor. Jocelyn's loss was entirely preventable if the driver had not cut the corner as he turned onto a residential side street. However, the driver was not driving recklessly or under the influence of any intoxicant so the police cited him for failing to stop for a pedestrian in a crosswalk and Careless Driving. The driver paid a total fine of \$704 for both violations by mail. He never even appeared in traffic court.

If HB 3314 was the law then at least the driver would have had to appear before a judge, and if he wanted to avoid the fine and mandatory license suspension then he could have participated in the Driver Improvement Program and performed community service in her name. As the law stands now a person does not have sufficient consequences when they wrongfully cause serious injury or death to a vulnerable roadway user. While I can understand how accidents do happen, in a serious accident the state of Oregon should take greater responsibility than presently exists in the law in order to create real consequences for the tragic mistake. In Jocelyn's case our family felt that her life was not given sufficient weight when the law allowed the person who caused her death to send a check in an envelope to court and never even appear before a judge to acknowledge the seriousness of his conduct.

Our family felt that the penalty the driver received was trivial compared to the loss he caused in taking the life away from a young woman full of talent and promise.

Please support HB 3314 so that other families do not have to go through what we experienced when the police told us that there would be so little consequence for causing the death of our child. We also hope that HB 3314 will send a strong signal to law enforcement and the court system that the Oregon legislature supports the safety of vulnerable users like pedestrians and bicyclists and that these lawful users of Oregon's streets should be vigorously protected from careless drivers.

Thank you,

Dean Sigler