

Oregon Vulnerable User Law, ORS 811.135

811.135 Careless driving; penalty. (1) A person commits the offense of careless driving if the person drives any vehicle upon a highway or other premises described in this section in a manner that endangers or would be likely to endanger any person or property.

(2) The offense described in this section, careless driving, applies on any premises open to the public and is a Class B traffic violation unless commission of the offense contributes to an accident. If commission of the offense contributes to an accident, the offense is a Class A traffic violation.

(3) In addition to any other penalty imposed for an offense committed under this section, if the court determines that the commission of the offense described in this section contributed to the serious physical injury or death of a vulnerable user of a public way, the court shall:

- (a) Impose a sentence that requires the person to:
 - (A) Complete a traffic safety course; and
 - (B) Perform between 100 and 200 hours of community service, notwithstanding ORS 137.129. The community service must include activities related to driver improvement and providing public education on traffic safety;
- (b) Impose, but suspend on the condition that the person complete the requirements of paragraph (a) of this subsection:
 - (A) A fine of up to \$12,500, notwithstanding ORS 153.018; and
 - (B) A suspension of driving privileges as provided in ORS 809.280; and
- (c) Set a hearing date up to one year from the date of sentencing.

(4) At the hearing described in subsection (3)(c) of this section, the court shall:

- (a) If the person has successfully completed the requirements described in subsection (3)(a) of this section, dismiss the penalties imposed under subsection (3)(b) of this section; or
- (b) If the person has not successfully completed the requirements described in subsection (3)(a) of this section:
 - (A) Grant the person an extension based on good cause shown; or
 - (B) Impose the penalties under subsection (3)(b) of this section.

(5) When a court imposes a suspension under subsection (4) of this section, the court shall prepare and send to the Department of Transportation an order of suspension of driving privileges of the person. Upon receipt of an order under this subsection, the department shall take action as directed under ORS 809.280.

(6) The police officer issuing the citation for an offense under this section shall note on the citation if the cited offense contributed to the serious physical injury or death of a vulnerable user of a public way. [1983 c.338 §570; 1995 c.383 §20; 2007 c.784 §3]