

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Concur in Senate Amendments Dated June 8, Further Amend, and Repass the Bill

Vote: 6-0-0

Yeas: Beyer, Macpherson, Monroe, Prozanski, G. Smith, Starr

Nays: 0

Exc.: 0

Prepared By: Judith Callens, Administrator

Meeting Dates: 6/21

WHAT THE MEASURE DOES: Prohibits person under 18 who holds a provisional driver license, special student driver permit or instruction driver permit, from using a mobile communication device while operating a motor vehicle on a highway. Defines mobile communication device. Provides exception for a person using a mobile communication device if summoning emergency help if no other person in vehicle is capable or while engaging in farming or agricultural operations. Specifies a police officer may enforce violation only as a secondary action when driver has been detained for other suspected traffic violation. Creates Class D traffic violation.

ISSUES DISCUSSED:

- Primary versus secondary traffic violation
- Use of two way communication devices by agricultural workers
- Restrictions on provisional driver license holders
- Text messaging; prohibition of video devices in vehicles except for navigation

EFFECT OF COMMITTEE AMENDMENT: Provides exception for a person using a mobile communication device if: 1) summoning medical or emergency help if no other person in vehicle is capable; or 2) while engaging in farming or agricultural operations. Specifies a police officer may enforce violation only as a secondary action when driver has been detained for other suspected traffic violation.

BACKGROUND: According to a 2005 Insurance Institute for Highway Safety study, motorists who use cell phones while driving are four times as likely to be in a serious injury accident. In 1990, there were 4.3 million cell phones in use while today 231 million cell phones are in use nationwide.

As of November 2006, 14 states had laws banning or restricting young drivers from using cell phones with an additional four states that ban or restrict use for all drivers. Oregon presently does not prohibit the use of cell phones while driving. ORS 801.038 specifically prohibits any city, county or other local government from enacting such restrictions.

HB 2872 B* prohibits a person under 18 who holds a provisional driver license, special student driver permit or an instruction driver permit from using a mobile communication device while driving on a highway. The statutory definition of "highway" means any public way (road, street, thoroughfare, etc) used or intended for use of the general public for vehicles. Under the measure, "mobile communication device" is defined broadly to mean any wireless two-way communication device including use cell phones, text messaging, and CB radios. The offense is a Class D traffic violation carrying a maximum fine of \$90.

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This summary has not been adopted or officially endorsed by action of the committee.