

**2007 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** HB 2872                      **STATUS:** B Engrossed  
**SUBJECT:** Creates a class B traffic violation of operating a motor vehicle while using a mobile communications device.  
**GOVERNMENT UNIT AFFECTED:** Oregon Department of Transportation, Oregon Judicial Department  
**PREPARED BY:** Tim Walker  
**REVIEWED BY:** Susan Jordan, Robin LaMonte  
**DATE:** June 6, 2007

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<b>EXPENDITURES:</b> See Comments	<u><b>2007-2009</b></u>	<u><b>2009-2011</b></u>
<b>REVENUES:</b> See Comments	<u><b>2007-2009</b></u>	<u><b>2009-2011</b></u>

**EFFECTIVE DATE:** January 1, 2008

**GOVERNOR’S BUDGET:** This bill is not anticipated by the Governor’s recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**COMMENTS:** This bill creates the class B traffic violation of operating a motor vehicle while using a mobile communications device if the driver is under 18 years old and operating the vehicle with a provisional license, a special student driver permit, or an instruction permit.

The Oregon Judicial Department (OJD) would likely see an increase in citations in circuit courts. The exact level is unknown. In jurisdictions that have banned the use of hand held cell phones for drivers, they have experienced, on average, a one percent citation rate for the general population. According to Oregon Department of Transportation (ODOT), Division of Motor Vehicles (DMV) there were 77,600 drivers between the ages of 15 and 17 as of December of 2007. This age group may be more likely to engage in risky behavior and therefore be cited at a higher rate than the general population. If one to two percent of these drivers receive citations, it is reasonable to assume that an additional 1,550 – 3,100 citations for this violation could be issued. Depending upon the rate that citations are issued, the increase in court costs could be between \$43,000 and \$116,000 per biennium. There could be a corresponding increase in revenue of between \$168,000 and \$336,000. This estimate is based on the frequency of citations and the historical collection rate of fines and assessments that OJD has experienced.

DMV estimates an additional \$26,700 in expenditures to create a new violation and modifying educational materials. These expenditures would be paid with Highway Funds. It is important to note that ODOT analyzes all legislation that passes and develops a work plan to complete all the changes together in order to efficiently complete the necessary work. Therefore, while each bill is analyzed for changes as if it were the only change necessary, actual programming time could be reduced due to

efficiencies. The Department will develop a work plan to address all computer changes required to conform DMV systems to enacted legislation. The Department will then appear before the Emergency Board, if necessary, during the interim to request an expenditure limitation increase needed to address the required work.