

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 9 – A

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: John Terpening
Reviewed by: Steve Bender, Linda Gilbert
Date: 3-6-2013

Measure Description:

Provides that violation of offense of operating motor vehicle while using mobile communication device without a hands-free accessory to send or receive text messages is a Class B traffic violation.

Government Unit(s) Affected:

Oregon Department of Transportation, Judicial Department

Summary of Expenditure Impact:

Agency – Fund Type	2013-2015	2015-2017
Department of Transportation – Other Funds	\$130,779	----

Summary of Revenue Impact: See Legislative Revenue Office statement.

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.

Analysis:

The measure would change the offense of operating a motor vehicle while using a mobile communication device from a Class D traffic violation to a Class B violation, which is subject to a maximum fine of \$1,000, when a person operating a motor vehicle uses a mobile communication device without a hands-free accessory to send or receive a text message. Additionally, the measure directs the Department of Transportation to place signs on “state highways” notifying drivers of the amount of the maximum fine for the violation.

The Oregon Department of Transportation (ODOT) states that the sign design would be a one-time cost of approximately \$3,000. Cost of sign material and installation are estimated to be \$1,200 per sign. The total cost to ODOT would be dependent on the number of signs that were placed. ODOT assumes placement of approximately 100 signs at Oregon borders and other state highway locations throughout the state, for a total cost of \$120,000 Other Funds. Additionally, the Department estimates minimal cost for updating Department of Motor Vehicles programming codes and the Guide to Oregon Driver Records manuals.

There is a minimal expenditure impact to the Judicial Department as a result of this measure.

**REVENUE IMPACT OF
PROPOSED LEGISLATION**
Seventy-Seventh Oregon Legislative
Assembly
2013 Regular Session
Legislative Revenue Office

Bill Number: SB 9 A
Revenue Area: Fines and Fees
Economist: Mazen Malik
Date: 03/07/2013

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Measure Description:

Provides that violation of offense of operating motor vehicle while using mobile communication device is Class B traffic violation instead of Class D traffic violation. The new fine applies to texting while driving.

Revenue Impact:

	2014	2015	2016	2017	2018	2019
New fines	\$ 314,600	\$ 283,140	\$ 249,163	\$ 211,789	\$ 180,020	\$ 157,300

Impact Explanation:

The fine category for talking on a mobile device is changed from class D as it is currently to a Class B if the phone is being used for texting without a hands free device. This change moves the maximum fine from \$250 to \$1000. The presumptive fine will be \$260 with \$60 going to the state for each occurrence, and the rest of the fine is divided based on the issuing officer and which court is involved. The category of the violation will be assumed at about 20% additional violations to the current phone tickets (about 6,000). This is an assumed combination of some of the current phone violations being ticketed for texting as well as brand new one. The number of violations will start going down about 10 to 15% per year as the practice moves drivers to use hand free devices. It will stabilize at half of the starting assumption for few years before it starts dropping again.

Creates, Extends, or Expands Tax Expenditure: Yes No

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Requesting Referral to the Joint Committee on Ways and Means
Vote:	5 - 0 - 0
Yeas:	Close, Dingfelder, Kruse, Roblan, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Mike Schmidt, Counsel
Meeting Dates:	2/12, 2/18, 3/5, 3/6

WHAT THE MEASURE DOES: Increases violation class for using mobile communication device for texting while driving from a Class D traffic violation to a Class B traffic violation. Requires signage on all “state highways” alerting drivers to the potential \$1000 fine.

ISSUES DISCUSSED:

- Driving while texting can be worse for a driver’s reaction time than driving under the influence of alcohol with a blood alcohol content of up to .08 percent by volume.

EFFECT OF COMMITTEE AMENDMENT: Changes the “highways of the state” to “state highways;” would make talking without using a mobile hands-free device a Class D traffic violation, and texting without using a hands-free device a Class B traffic violation.

BACKGROUND: Distracted driving is a top cause of traffic accidents in Oregon. A growing reason for drivers getting distracted is the use of mobile communication devices. This bill would raise the traffic violation level to a Class B violation. Previously this violation was punishable by a maximum fine of \$250. This bill increases the maximum fine to \$1000.