



PETER COURTNEY
President of the Senate

Senate Judiciary Committee
Senator Floyd Prozanski, Chair
Senator Betsy Close, Vice-Chair
Senator Jackie Dingfelder
Senator Arnie Roblan
Senator Jeff Kruse

*TESTIMONY BY SENATOR PETER COURTNEY
SUPPORTING SB 9
FEBRUARY 12, 2013*

Chair Floyd Prozanski, Vice-Chair Betsy Close, members of the Judiciary Committee, thank you for hearing my testimony today.

My name is Peter Courtney. I am a State Senator. I live in NE Salem.

We have a major problem in this country and in our Oregon with distracted driving – and the main culprit is the cell phone. According to the Oregon Dept. of Transportation:

year	2011	2010	2009	2008	2007	2006	6 year totals
Total DD crashes	3191	3019	2625	2695	3097	3519	18,146
Injuries as result	2711	2525	2257	2215	2583	3065	15,356
Deaths as result	15	14	12	17	12	23	93

Please note that these numbers are for all distracted driving crashes because cell phone use during crashes is under-reported. People don't want to admit they were texting or talking because it would be an additional fine and it's embarrassing.

HB 2377, passed by the legislature in 2009, established a "hands-free" standard for lawful use of a mobile device while driving. Otherwise, driving and using a cell phone to talk or text is illegal. It is currently a class D traffic violation and carries with it a presumptive fine of \$110 and a maximum of \$250.

SB 9 would elevate the offense to a Class B violation, resulting in a presumptive fine of \$260 and a maximum of \$1000.

Violation	Min. Fine	Max. Fine	Presumptive
Class B	\$130	\$1000	\$260
Class C	\$80	\$500	\$160
Class D	\$60	\$250	\$110

The bill also provides signage for state highways notifying drivers of the maximum fine, at an approximate cost of \$123,000. These would be similar to the “Buckle up” and “Hit a highway worker” signs. According to the law enforcement officials I’ve talked to, the signage component of this legislation will go a long way to get the attention of drivers and increase their self-discipline.

The reason I feel so strongly about this is that texting and talking while driving is extremely dangerous. I had two state troopers visit my class at Western Oregon University and show a video demonstrating reaction times while using a cell phone versus driving while under the influence of alcohol. I was blown away. As you will see for yourselves, the texting and talking reaction times were worse – much worse.

Way back in the early 1980s, Mothers Against Drunk Driving (MADD) lobbied successfully for stiffer penalties for drunk driving. Those penalties and public education changed driving behavior. The driving public came to realize that the terrible dangers in driving impaired coupled with the severe penalties and embarrassment made the risk just not worth it.

I believe a Class B violation is appropriate because it’s closer to penalties for drunk driving. Basic fines for that are \$1000 for the first offense, \$1500 and \$2000 for the second and third (along with the court fee; screening and treatment; mandatory imprisonment or community service; attendance at victim impact treatment session; and session fee, etc.).

Distracted driving is just as serious. As such, there should be a very serious consequence. My intention with this bill is to achieve the same attitude towards texting and driving as there currently is towards drinking and driving.

Thank you Chair Prozanski and distinguished members of the committee. I sincerely appreciate your consideration of this bill as part of the solution to this massive problem. I am very concerned about this issue and I sincerely hope you will support SB 9.