
MEMORANDUM

Legislative Fiscal Office
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To: Public Safety Subcommittee

From: John Terpening, Legislative Fiscal Office
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Date: July 5, 2013

Subject: SB 9 Work Session Recommendations

SB 9 relates to mobile communication devices. The measure would change the offense of operating a motor vehicle while using a mobile communication device to send or receive text messages without a hands-free accessory from a Class D traffic violation to a Class C traffic violation, subject to a maximum fine of \$500.

The measure directs ODOT to place signs on “state highways” notifying drivers of the amount of the maximum fine for the violation.

The measure, the original staff measure summary, preliminary Joint Committee on Ways and Means staff measure summary, revenue impact statement [if available], and fiscal impact statement are available on the Oregon Legislative Information System (OLIS).

The measure has an estimated fiscal impact of \$130,350 Other Funds to ODOT. These costs include updating the DMV database and Oregon Drivers Manual, as well as the cost of sign design, material, and installation of approximately 100 signs at Oregon borders and other state highway locations throughout the state. The –A11 Amendment includes the necessary Other Fund limitation for ODOT.

Motion to Move Measure

The measure is recommended to be moved to the full Committee on Joint Ways and Means.

Motion: Adopt the –A11 amendment to SB 9.

Motion: Move SB 9 as amended to the full committee with a “do pass, as amended” recommendation.

Assignment of Carriers

Full: _____

2nd Chamber: _____

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 9 – A11

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: 7-5-2013

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	\$130,350	----

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 C violation, which is subject to a maximum fine of \$500, 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.

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 9**

1 On page 1 of the printed A-engrossed bill, line 2, delete “and” and before
2 the period insert “; and limiting expenditures”.

3 Delete lines 4 through 27.

4 On page 2, delete lines 1 through 20 and insert:

5 **“SECTION 1. ORS 811.507 is amended to read:**

6 **“811.507. (1) As used in this section:**

7 **“(a) ‘Hands-free accessory’ means an attachment or built-in feature for or**
8 **an addition to a mobile communication device, whether or not permanently**
9 **installed in a motor vehicle, that when used allows a person to maintain**
10 **both hands on the steering wheel.**

11 **“(b) ‘Mobile communication device’ means a text messaging device or a**
12 **wireless, two-way communication device designed to receive and transmit**
13 **voice or text communication.**

14 **“(2) A person commits the offense of operating a motor vehicle while us-**
15 **ing a mobile communication device if the person, while operating a motor**
16 **vehicle on a highway, uses a mobile communication device.**

17 **“(3) This section does not apply to a person who activates or deactivates**
18 **a mobile communication device or a function of the device or who uses the**
19 **device for voice communication if the person:**

20 **“(a) Is summoning medical or other emergency help if no other person in**
21 **the vehicle is capable of summoning help;**

22 **“(b) Is using a mobile communication device for the purpose of farming**

1 or agricultural operations;

2 “(c) Is operating an ambulance or emergency vehicle;

3 “(d) Is 18 years of age or older and is using a hands-free accessory;

4 “(e) Is operating a motor vehicle while providing public safety services
5 or emergency services;

6 “(f) Is operating a motor vehicle while acting in the scope of the person’s
7 employment as a public safety officer, as defined in ORS 348.270;

8 “(g) Is operating a tow vehicle or roadside assistance vehicle while acting
9 in the scope of the person’s employment;

10 “(h) Holds a valid amateur radio operator license issued or any other li-
11 cense issued by the Federal Communications Commission and is operating
12 an amateur radio;

13 “(i) Is operating a two-way radio device that transmits radio communi-
14 cation transmitted by a station operating on an authorized frequency within
15 the citizens’ or family radio service bands in accordance with rules of the
16 Federal Communications Commission;

17 “(j) Is operating a vehicle owned or contracted by a utility for the purpose
18 of installing, repairing, maintaining, operating or upgrading utility service,
19 including but not limited to natural gas, electricity, water or telecommuni-
20 cations, while acting in the scope of the person’s employment; or

21 “(k) Is using a function of the mobile communication device that allows
22 for only one-way voice communication while the person is:

23 “(A) Operating a motor vehicle in the scope of the person’s employment;

24 “(B) Providing transit services; or

25 “(C) Participating in public safety or emergency service activities.

26 “(4) The offense described in this section, operating a motor vehicle while
27 using a mobile communication device, is a Class [D] C traffic violation.

28 “(5) **The Department of Transportation shall place signs on state**
29 **highways to notify drivers that violation of this section is subject to**
30 **a maximum fine of \$500.**

1 **“SECTION 2. Notwithstanding any other law limiting expenditures,**
2 **the amount of \$130,350 is established for the biennium beginning July**
3 **1, 2013, as the maximum limit for payment of expenses from fees,**
4 **moneys or other revenues, including Miscellaneous Receipts, but ex-**
5 **cluding lottery funds and federal funds, collected or received by the**
6 **Department of Transportation for administrative and operating ex-**
7 **penses incurred in carrying out the provisions of this 2013 Act.”.**

8 In line 21, delete “2” and insert “3”.

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