



To: Members of the House Judiciary Committee

From: Sgt. Todd Moquin, Marion County Sheriff's Office

Date: November 15, 2017

Re: HB 2597: Enforcement and New Law Implementation
Operating a vehicle while using a mobile electronic device

Chair Barker and Members of the Judiciary Committee. My name is Todd Moquin, I am a Sergeant with the Marion County Sheriff's Office and I am here today on behalf of the Oregon State Sheriff's Association and the Oregon Association Chiefs of Police to discuss issues connected with the initial period of enforcement of the new mobile electronic device law (HB 2597).

As background, I am the Sergeant in charge of the Marion County Sheriff's Office Traffic Safety Team and Crash Reconstruction and Scene Homicide (CRASH) Team. I have been a police officer for over 22 years and spent several years in traffic enforcement as a Motor Deputy and almost 10 years as a Narcotics Detective. I have conducted numerous investigations into motor vehicle crashes with my CRASH Team focusing on criminal vehicle crashes. I am an active committee member with the ODOT Law Enforcement Traffic Safety Advisory Committee and worked on HB 2597 with the ODOT Distracted Driving Committee.

In preparation for my testimony today, I reached out to a group of law enforcement partners to get their feedback. The agencies included the Oregon State Police, Woodburn Police Department, Keizer Police Department, and Washington County Sheriff's Office.

Here are some comments from law enforcement:

I had a guy on an "e reader" on Hwy 217 at 1700 hours (Rush hour) on a Friday just reading away and not looking up 3 seconds at a time. He was swiping the pages with his finger.

I'm still seeing playing with their phones while stopped at traffic lights and then they have a green and don't start moving until the driver behind hits their horn.

Our folks are encountering the same issues you described; head constantly looking down, face illuminated in the evening hours, etc.

Here are some key “early” enforcement observations:

- The law is allowing law enforcement to enforce the law based on the driving behaviors identified in HB 2597 (device in hand, not having to prove communication).
- Officers are still seeing lots of people holding their devices while leaving and entering parking lots (premises open to public).
- Officers are seeing more persons hiding or looking down at their devices and phones. Often, they are checking the area around them before doing so to see if law enforcement is present.
- The effectiveness of the distracted driving avoidance course that will be in place in January is uncertain because the violation remains on the driver’s record if they successfully complete the course. The question is whether drivers will have sufficient incentive to go through the time and cost of taking the course in order to get a suspension of the fine and a discharge sentence that still counts as a conviction towards a misdemeanor penalty (three convictions within 10 years). Drivers may just decide to pay the fine as opposed to pursuing the distracted driving avoidance course.
- Continuing public education regarding the new law is important. An educational outreach effort directed at rental car companies is in order due to the number of out-of-state drivers who are renting cars and are not aware of the law in Oregon.
- Educating drivers regarding the potential impact to their auto insurance rates for multiple mobile electronic device citations may be an effective messaging strategy.
- The Oregon Department of Transportation is allowing the use of overtime enforcement funds that are typically used for seatbelt enforcement to be utilized for distracted driving enforcement. With a statewide seatbelt compliance rate of 98%, use of these enforcement dollars for distracted driving enforcement is smart and strategic.

Thank you and I am glad to answer questions