

I have additional comments (and correction) that I would like added to the record if possible for consideration. I have provided similar, if not the same comments, to those on the Representative side for HB 2597.

Additional comments/corrections:

I totally agree with the need to do something to help reduce distracted driving. I see violations very frequently. Something enforceable must be enacted.

I hope that the legislative outcome will be fair, firm, unambiguous, and not overly restrictive to the other [unnamed] electronic utilitarian devices that are for the most part passive, such as the two I previously identified: GPS navigation and satellite radio, both OEM and after-market. I would not want to see an unfair penalty of use to those drivers of vehicles without the latest OEM equipment, just because the added equivalent equipment is not factory OEM.

I also want to emphasize that if the new law is crafted leaving ambiguity about which and how electronic devices should apply, enforcement interpretation by various law jurisdictions and individuals would necessarily occur producing inconsistency in enforcement levels.... not good for the Oregonians, or for visitors as a whole to our great state.

I want to also correct one statement in my March 5<sup>th</sup> email below where I omitted a very important word 'no' now included in the revised statement below:

" SB 2 should be revised to apply equally to all vehicle 'electronic' equipment, whether by inclusion or exclusion, and cannot unfairly apply to vehicles [of age] that may be retrofitted with non-OEM equipment that create **no** more potential for distracted driving than with vehicles with OEM equipment. [(b)(A) "Mobile electronic device" means an electronic device that is not permanently installed in a motor vehicle.]

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**From:** Bortnem's [<mailto:bortnem.other@frontier.com>]  
**Sent:** Sunday, March 5, 2017 1:36 PM  
**To:** Sen Courtney <[Sen.PeterCourtney@oregonlegislature.gov](mailto:Sen.PeterCourtney@oregonlegislature.gov)>  
**Cc:** Sen Boquist <[Sen.BrianBoquist@oregonlegislature.gov](mailto:Sen.BrianBoquist@oregonlegislature.gov)>  
**Subject:** Senate Bill 2 - Severely Restricting Distracted Driving ORS 811.507 Proposed Revisions  
**Importance:** High

Dear Senator Courtney,

Regarding Senate Bill 2, Distracted Driving ORS 811.507 Proposed Revisions, please consider the following conditions and test the conditions against the severely restricted SB2 rules as currently written. Of great concern is the lack of definition for 'uses' and 'using'.

Driver 'A' in vehicle 'A': After-market on-dash electronic device

1. After-market GPS device is mounted with manufacturer-supplied mounting assembly [suction cup] on vehicle dash [mobile ??] (SECTION 1, (1)(b)(A) non-compliant by defined inclusion in the text)

2. Unit powered on and trip destination location established, and/or may be occasionally modified by a front-seat passenger
3. GPS voice-like messages may or not be enabled
4. Driver 'uses' the GPS by occasionally looking at, and/or listening to the GPS voice messages.
5. Driver \*\*\*has violated \*\*\* the conditions of the proposed law as written considering the loose 'uses' definition (811.507 (1)c(2)(b) Uses a mobile [communication] electronic device for any purpose.

Driver 'B' in vehicle 'B': OEM in-dash electronic device

6. OEM GPS device is installed by vehicle manufacturer in vehicle console (SECTION 1, (1)(b)(A) compliant by exception to the text)
7. Unit powered on and trip destination location established
8. GPS voice-like messages may or not be enabled
9. Driver 'uses' the GPS by occasionally looking at, and/or listening to the GPS voice messages.
10. Driver \*\*\* has not violated \*\*\* the conditions of the proposed law,
11. An OEM GPS [radio] screen is typically mounted significantly lower in the driver's field of vision than a dash-mounted after-mounted GPS [radio], and therefore could be even a greater time-based view 'distraction' than an on-dash device.

The conditions above also apply to after-market satellite radio receivers, which also is mounted by factory mount on or near the vehicle's dash. How is 'using' an after-market [mobile ??] satellite radio receiver any different than 'using' an OEM satellite radio receiver or OEM in-dash radio?

SB 2 should be revised to apply equally to all vehicle 'electronic' equipment, whether by inclusion or exclusion, and cannot unfairly apply to vehicles [of age] that may be retrofitted with non-OEM equipment that create more potential for distracted driving than with vehicles with OEM equipment.

I welcome your comments and revisions to the bill.

Mark Bortnem  
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