

May 22, 2017

To: Senate Judiciary Committee  
From: Ginny Goblirsch, Otter Rock, OR  
Re: HB 2597

Sen. Prozanski and members of the committee, thank you for this opportunity to comment on HB 2597.

My name is Ginny Goblirsch. I live just north of Newport in Otter Rock. I am an FCC licensed amateur radio operator and a member of the Lincoln County Auxiliary Communications Service which operates out of our county's Emergency Operations Center. My purpose in getting my license and equipment is to provide emergency communication services to our community during emergencies. My radio is in my car so I am always ready to help when needed. It's important to be able to make and take calls from time to time to ensure my equipment is functioning properly and I'm comfortable with its operation. I do not use my radio to make personal calls because everyone on the channel can hear what I say. The conversation is stilted since only one person can speak at a time. Amateur radio is basic technology immensely helpful during major emergency events when most modes of communication are disabled.

I commend the work being done here to amend ORS 811.507 – known as Oregon's cell phone law – to make it tougher and enforceable. Adopting the phrase *mobile electronic device* to refer to multi-function cell phones and similar devices is a big step in the right direction to get these very distracting devices out of the hands of drivers.

My concern is that the use of a push to talk mic on an amateur two-way radio will be caught up in the new legislation unless it continues to be specifically exempted. Amateur radio is not in the same category as cell phones and other multitasking electronic devices. People have used amateur and commercial two-way radios safely in their vehicles for many years. There is no data which indicates amateur radio is a source of vehicle accidents.

The Oregon Department of Transportation Distracted Driving Task Force presented their report to the Oregon Legislature in February 2017.<sup>1</sup> The number one recommendation was to amend *the current cell phone statute to improve enforcement*. The suggested plan was to develop a *legislative concept to address the gaps in current cell phone law and further limitations caused by the Appellate Court Case*. It's no surprise that the task force used the word cell phone because that is what this is about. The task force refers to devices used to make phone calls, make and read emails and texts, and even read via e-books and tablets. There are other things these devices and future devices can and will be able to do so it's understandable a catchall term like *mobile electronic device* has been adopted to refer to these various devices.

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<sup>1</sup> ODOT Distracted Driving Task Force, Feb 2017. Reducing Distracted Driving in Oregon: An Interdisciplinary Approach to a Statewide Problem. online

The Task Force referred to the 2016 National Highway Transportation Safety Administration Driver Distraction Guidelines for Portable and Aftermarket Devices<sup>2</sup> in its report. The NHTS proposed guidelines for these devices to limit the need for one's eyes to leave the road to operate. Basically, distracted driving was described as anything that takes the driver's eyes off the road for more than 2 seconds or 12 seconds total – essentially anything more than a glance away from the road.

The NHTSA also provided guidelines and recommendations for electronic devices installed in vehicles as original equipment and for aftermarket products designed to limit their functionality while driving. Examples include the use of Bluetooth technology and lockout of certain functions while driving like texting and searching, all designed to get closer to the so called 2 second rule for eyes off the road. Elements of the NHTSA's recommendations are included in HB 2525.

Amateur radio was not addressed in the NHTSA Guidelines, nor by the ODOT Distracted Driving Task Force possibly because it is not an identified source of distracted driving. Amateur radio meets the 2 second rule and is a simple, single function device. It is not comparable to today's multifunction mobile electronic devices. To make or take a call one only needs to push a button on a handheld mic without ever taking one's eyes off the road.

Since mobile two way radios do not fall into the target category of cell phone and electronic device misuse while driving, and there is no evidence it should, and it more than meets the 2 second rule, please leave the specific exemption for amateur radio now in ORS 811.507 (h) and in HB 2597 A-Engrossed of May 12, 2017 requested by Representative Olson. The exception says one who **holds a valid amateur radio operator license issued or any other license issued by the Federal Communications Commission and is operating an amateur radio**. Some amateur radios are portable and look like cell phones so you might want to consider adding the required use of a mic with a push to talk button instead of the device itself to make visual enforcement easier.

Thank you for your kind consideration of my request.

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<sup>2</sup> NHTSA, 2016, Visual-Manual NHTSA Driver Distraction Guidelines for Portable and Aftermarket Devices, Washington DC. online