



Oregon

Kate Brown, Governor

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DATE: May 24, 2017

TO: Senate Committee on Judiciary

FROM: Matthew L. Garrett
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SUBJECT: HB 2597-A

INTRODUCTION

House Bill 2597-A makes critical changes to Oregon's cell phone law to ensure the language matches the capabilities of today's technology, allowing law enforcement to enforce the law. ODOT supports passage of the bill.

DISCUSSION

Distracted driving—inattentiveness that occurs when drivers divert their attention away from the driving task to focus on another activity—behavior has become pervasive and entrenched in our society. It has become an epidemic facing the country and the state with fatalities and serious injuries increasing each year.

Oregon took action to investigate the causes of distracted driving and identified steps to reduce the occurrence. The Oregon Department of Transportation, the Oregon State Police, the American Automobile Association of Oregon/Idaho (AAA) brought together professionals from a variety of backgrounds including transportation, academia and research, law enforcement, the courts, communications, health care and lawmakers in 2016 to work together to change cultural norms around distracted driving and reduce fatal and serious-injury crashes.

One root cause identified by the task force was that there were limitations with Oregon's cell phone law in citing and convicting drivers who were using their cell phones while driving. A 2015 Oregon Appellate Court decision found that Oregon law prohibits talking and texting is clearly prohibited; however, not all other functions that can be performed on a cell phone are prohibited under the law. The decision set in motion a change to how Oregon's cell phone law is enforced to only those cases where a law enforcement officer witnesses talking or texting with a cell phone.

HB 2597-A changes Oregon's cell phone law to make it clear that any use of a cell phone or mobile electronic device while driving is not allowed. The bill removes most exceptions, in Oregon law, generally requiring drivers to use a hands-free device if they are using a cell phone. Further, the bill increases the penalties for breaking the law providing a disincentive for drivers to correct their behavior. Finally, the bill creates the opportunity to take an anti-distracted driving course as a way to remove the fine associated with the ticket.

The –A13 amendments respond to concerns raised by some stakeholders. The exception for amateur (HAM) radio operators is restored. And, utilities’ concern that “operating a motor vehicle” was too broad and would capture their activity, even when parked roadside, is addressed by changing to “driving” a motor vehicle. With the –A13, this is an even better bill, and we support its adoption.

SUMMARY

ODOT supports passage of HB 2597-A, as it provides an important first step in curbing distracted driving. The bill makes Oregon’s law clear about the use of a mobile electronic device while driving, and ensures law enforcement and the courts have the tools necessary to enforce the law.