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**STATE REPRESENTATIVE**  
DISTRICT 15

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Senator Floyd Prozanski  
Senate Committee on Judiciary  
900 Court St. N.,  
Salem, OR 97301

Mr. Chair and Committee Members,

Thank you for hearing HB 2597. This measure comes to you from the Distracted Driving Task Force during the 2016 interim. Matt Garrett, the Director of ODOT created and organized the Task Force. I received a personal invite...so I jumped on board.

This measure renames the offense of operating a motor vehicle while using a mobile communication device to cover the operation of a vehicle while using a mobile electronic device.

Let me walk you down history lane...

- In 2007, HB 2872 was passed, making it a traffic violation for a minor to operate a MV while using a mobile communication device.
- In 2009, HB 2377 expanded this law to prohibit any person from operating a motor vehicle for the same offense.
- This offense was originally a Class D traffic violation.
- In 2013, SB 9 moved the offense up to a Class C violation.
- In 2015, The Oregon Court of Appeals, in *State v. Ramos*, reviewed the legislative history and concluded that the law “prohibits talking and texting on a mobile communication device, but not all activities that can be performed using such a device.” For example, the old statute would not prohibit the use of a holding a cell phone to play Angry Birds!

I know that many of you received requests from the law enforcement community to fix this issue.

Many police stopped giving any attention towards this violation due to the difficulty in proving the driver was talking or texting on the phone. All a driver had to do was explain to the officer, “Officer...I was just listening to some tunes...dude.”

We are addicted to the cell phone and electronic devices!

- One in four accidents are caused by distracted driving.
- Every three hours someone in Oregon is injured from distracted driving.
- Between 2011 to 2015: 9,951 crashes resulting in 541 fatalities and 15,150 injuries were caused by crashes involving a distracted driver in Oregon.
- 917 crashes, resulting in 14 fatalities and 1,330 injuries were caused by drivers reported to have been using a cell phone at the time of the crash.
- These crashes seem to be underreported as the number of citations issued was totaled at 94,099.

Think about it colleagues.....Looking at emails...while driving...is not a citable offense under the current law, but I don't think one of us feels that creates a safe environment to operate your vehicle safely. How about watching a movie on your iPhone?

Let's look at the proposed bill...

The first section of the bill clarifies the definition of "mobile electronic device" to include text messaging, voice communication entertainment, navigation, accessing the Internet and producing email. Technology has changed and devices are used for more than just phone calls and text, many of which are more distracting, so the statute is being updated to reflect the changes. The bill also clarifies that the phone is not meant to be held in the hand. It may be used in conjunction with a built-in feature or with an attachment, but hands free means hands free. HB 2597-A increases the penalty for the first offense from a Class C traffic violation to a Class B traffic violation (\$1,000). It further increases the penalty to a Class A traffic infraction for a subsequent offense within 10 years or if the first offense contributes to a motor vehicle accident. HB 2597-A allows the court to discharge a fine on a first offense if a person completes a distracted driving avoidance course giving proof of completion to the respective court.

Finally, this bill directs ODOT to establish standards for these course.



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