



**To: Members of the Senate Judiciary Committee**

**From: Sgt. Robert Hayes, Albany Police Department**  
On behalf of the Oregon Association Chiefs of Police &  
Oregon State Sheriffs' Association

**Date: May 24, 2017**

**Re: Support for HB 2597 A-Engrossed:**  
Operating a vehicle while using a mobile electronic device

Chair Prozanski and Members of the Senate Judiciary Committee. My name is Robert Hayes, I am a Sergeant with the Albany Police Department and I am here today on behalf of the Oregon Association Chiefs of Police to support the passage of HB 2597 A-Engrossed. As background, I am a certified Drug Recognition Expert and a Drug Recognition Expert Instructor. I am also a Crash Reconstructionist. In my 25 years as a police officer I have conducted numerous investigations in regards to motor vehicle crashes. I teach part time at the Department of Public Standards and Training (DPSST). The classes I instruct are related to Impaired Driving and Crash Investigation. I am also the Chair for the State of Oregon, DUII Multi-Disciplinary Training Task Force. This Task Force provides training to all disciplines throughout the state in regards to Impaired Driving.

HB 2597 addresses a Court of Appeals ruling on ORS 811.507 (Mobile Communication Devices) in the case of State v, Rabanales-Ramos that is resulting in numerous citations being dismissed in courts around the state. Based on the ruling, to issue a citation for a violation of using a mobile communication device, an officer must have probable cause to believe that a person operating a motor vehicle is talking on their phone or texting. The purpose of the mobile communication violation statute was intended to prohibit vehicle operators, with exceptions, from using their cell device while driving. This ruling focuses on talk and text but would allow drivers to play games like Angry Birds, read and reply to e-mails and surf the web.

The National Safety Council estimates about one in four motor vehicle crashes involve cell phone use at the time of the crash. While drivers can be distracted by many things while operating a motor vehicle, the use of a cell phone combines all three of the main types of distraction including:

- Visual: taking your eyes off the road;
- Manual: taking your hands off the wheel; and
- Cognitive: taking your mind off of driving.

HB 2597 includes the following key provisions:

- Changes the term “Mobile Communication Device” to “Mobile Electronic Device” to insure that use of a phone, iPad, computer, etc. are covered. For purposes of the measure, a “mobile electronic device” includes but is not limited to a device capable of text messaging, voice communication, entertainment, navigation, accessing the Internet or producing electronic mail.
- Clarifies that “Using a mobile electronic device” includes but is not limited to using a mobile electronic device for text messaging, voice communication, entertainment, navigation, accessing the Internet or producing electronic mail.
- For first time offenders, the bill allows the court to conditionally suspend the execution of the fine and pending successful completion of an approved distracted driving avoidance course, to suspend the fine altogether.

As the use of cell phones and other electronic devices continues to increase exponentially, the prevalence of traffic crashes that result in injury and death are increasing at an alarming rate. The work of police officers to enforce these laws is critically important both to create incentives for voluntary compliance and to identify dangerous driving behavior before injury or death occur.

Thank you and I am glad to answer questions