

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 2597 - A14**

79th Oregon Legislative Assembly – 2017 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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**Measure Description:**

Renames offense of operating motor vehicle while using mobile communication device as offense of operating motor vehicle while using mobile electronic device.

**Government Unit(s) Affected:**

Department of Justice, District Attorneys and their Deputies, Public Defense Services Commission, Oregon Department of Transportation (ODOT), Oregon State Police (OSP), Judicial Department

**Summary of Expenditure Impact:** See Analysis

**Analysis:**

The measure modifies ORS 811.507, and renames the offense of operating a motor vehicle while using a mobile communication device to driving a motor vehicle while using a mobile communication device and defines the term “driving”. The measure expands the offense by removing some of the exemptions under current law and increases the penalty for a first conviction to a Class B traffic violation. Currently, the offense is a Class C traffic violation. Additionally, a person may be charged with a Class A violation if the offense contributed to an accident and additional violations within a 10-year period can potentially increase up to a Class B misdemeanor.

The fiscal impact is indeterminate. The Oregon Judicial Department (OJD) reports that there were 4,450 cases filed in circuit courts in 2015 with the most serious offense charged under ORS 811.507. It is assumed that this measure will result in a number of additional violations, as well as a small number of misdemeanor cases, filed in circuit court, however that number is unknown. The Public Defense Services Commission (PDSC) notes that the average cost of representation for a misdemeanor is \$423. Depending on the number of additional violations or misdemeanor cases filed, OJD and PDSC may need to return to the legislature for additional resources.

There is a minimal fiscal impact to the Department of Transportation as a result of this measure and no fiscal impact anticipated for Oregon State Police or the Department of Justice.