



**DATE:** June 22, 2017

**TO:** Senate Committee on Rules

**FROM:** Troy Costales  
Transportation Safety Division Administrator

**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 - 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.

In 2016, the Oregon Department of Transportation, the Oregon State Police, the American Automobile Association of Oregon/Idaho (AAA) assembled a task force from many disciplines to work together to change cultural norms around distracted driving and reduce fatal and serious-injury crashes. One significant cause identified is the limitation within Oregon's law in citing and convicting drivers who were using their cell phones while driving. A 2015 Oregon Appellate Court decision found that while Oregon law prohibits talking and texting, no other function that can be performed on a cell phone is prohibited. The decision has hampered enforcement and the deterrent effect that goes with it.

HB 2597-A, with the –A26 amendment, changes Oregon's cell phone law to make it clear that holding or using a cell phone or mobile electronic device while driving is prohibited. The bill removes most exceptions, deters the behavior by increasing the penalties for breaking the law, and for most first offenses it creates the opportunity to take an anti-distracted driving course as a way to remove the fine associated with the ticket.

More specifically the bill with the –A26 amendment does the following:

- Prohibits driving while holding or using a mobile electronic device.
- Defines "driving" as operating a vehicle on roads and premises open to the public; includes being stopped in traffic, at a stop light, etc.; does not include being pulled off at the side of the road, or utility workers parked in the street doing work.

- Exceptions for devices permanently installed in the vehicle; for school bus drivers and heavy truck drivers to the extent allowed by federal law (for example, they cannot call or text; they can use CB's); and for logging operations using CB's or similar.
- Affirmative defense for emergency situations; police, fire, and EMS personnel; hands-free use if over age 18; HAM radio use if operator over age 18.
- Penalties. First conviction: Class B violation; First conviction but involves causing a crash: Class A violation; Second conviction: Class A violation; Third conviction in 10 years: Class B misdemeanor and \$2000 fine.
- Safety Class. For most first convictions, may take a distracted driving avoidance course (that meets standards developed by ODOT) and the court may discharge the sentence.

## **SUMMARY**

ODOT supports passage of HB 2597-A with the –A26 amendment, as it provides a critical 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.