

## **HB 2597 A -A26, -A27 STAFF MEASURE SUMMARY**

### **Senate Committee On Rules**

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**Meeting Dates:** 6/22

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#### **WHAT THE MEASURE DOES:**

Renames and expands offense of operating a motor vehicle while using mobile communication device to include operating a motor vehicle while using mobile electronic device. Defines key terms. Increases penalty for first offense and increases penalty for subsequent offense or if first offense contributes to accident. Permits court to suspend fine upon first offense if person completes distracted driving avoidance course. Directs Department of Transportation to establish standards for distracted driving avoidance courses. Specifies distracted driving avoidance course and fine suspension requirements operative on January 1, 2018. Declares emergency, effective October 1, 2017.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-A26 Replaces the measure.

-A27 Replaces the measure.

##### **BACKGROUND:**

In 2007, House Bill 2872 was enacted, making it a traffic violation for a minor to operate a motor vehicle while using a mobile communication device. In 2009, House Bill 2377 expanded this law to further prohibit any person from operating a motor vehicle while using a mobile communication device, and classified such an offense as a Class D traffic violation. In 2013, Senate Bill 9 elevated this offense to a Class C traffic violation. In 2015, the Oregon Court of Appeals, in *State v. Rabanales-Ramos*, reviewed this legislative history and determined that the law "prohibits talking and texting on a mobile communication device, but not all activities that can be performed using such a device." (Emphasis original). For example, the statute would not prohibit a person from holding a cell phone to listen to music while driving.

In 2016, a Distracted Driving Task Force (task force) began work on the issue of distracted driving. The task force issued a report in February 2017, which included recommendations to amend the law to broaden the definition of device usage and to eliminate certain exceptions.

House Bill 2597-A encompasses the recommendations of the task force. The measure renames and expands the offense to include operating a motor vehicle while using a mobile electronic device. In addition, it defines mobile electronic device and other related terms. HB 2597-A eliminates several exceptions provided in current law, such as use of a mobile electronic device for the purpose of farming or agricultural operations. The measure also provides several exceptions, including using a device while operating a utility vehicle within the scope of employment. Further, HB 2597-A increases the penalty for a first offense from a Class C traffic violation to a Class B traffic violation, and increases the penalty to a Class A traffic violation for a subsequent offense within 10 years, or if the first offense contributes to an accident. Finally, HB 2597-A authorizes the court to suspend a fine imposed on a first offense if a person completes a distracted driving avoidance course and directs the Department of Transportation to establish standards for distracted driving courses.