

FISCAL IMPACT OF PROPOSED LEGISLATION

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

Measure: SB 2 - A

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

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Date: 4/11/2017

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 Corrections, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Oregon Department of Transportation (ODOT), Public Defense Services Commission

Summary of Expenditure Impact:

Analysis:

SB 2-3 amends ORS 811.507 and defines the terms 'mobile electronic device' and 'using a mobile electronic device'. The bill establishes an affirmative defense to prosecution for operating a vehicle while using a mobile electronic device. The bill also establishes that a person's first conviction for operating a vehicle while using a mobile electronic device is a Class A traffic violation, unless the offense resulted in an accident, which would result in a Class B misdemeanor. A person's second conviction for operating a vehicle while using a mobile electronic device is a Class B misdemeanor, and their third or any subsequent convictions is a Class A misdemeanor. Additionally, the bill requires the Oregon Department of Transportation to place signs on state highways to notify drivers that it is unlawful to operate a motor vehicle on the highways of this state while using a mobile electronic device, and violators are subject to criminal penalties.

The Oregon Judicial Department (OJD) has indicated that the bill may pose a fiscal impact due to the possibility that a person may be convicted of the offense of operating a vehicle while use a mobile electronic device as a Class B or A misdemeanor, as well as the expanded definition of 'using a mobile electronic device'. OJD anticipates an increase in case load due to the expanded definition. Furthermore, the Department anticipates that a court-appointed counsel for defendants will be required for a portion of these cases due to the possibility of defendants being charged with misdemeanors rather than violations; which would extend the time required to resolve these cases. The bill may pose a revenue impact to OJD as well, due to the bill allowing the court to suspend the imposition of a fine if a person successfully completes a distracted driving avoidance course. The fiscal impact to the Judicial Department is indeterminate.

The Public Defense Services Commission has indicated that the bill may pose a fiscal impact due to the possibility that a person may be appointed counsel by the court if the person is charged with a Class B or A misdemeanor under the statute. It is unknown how many cases will result in a court-appointed counsel. The fiscal impact to the Public Defense Services Commission is indeterminate.

The bill is anticipated to have a minimal fiscal impact to the Department of Corrections, District Attorneys and their Deputies, Oregon Criminal Justice Commission, and the Oregon Department of Transportation.