



Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 4116-1:

Proposed Legislation Provides Technical Fix to Clarify Legislative Intent For Activating and Deactivating a Mobile Electronic Device While Driving

Scheduled for work session on February 14, 2018, before
the House Committee on Judiciary

Chair Barker and Members of the Committee:

I am testifying in support of the dash-1 amendments to HB 4116.

The purpose of HB 4116 is to address a number of small fixes to HB 2597 passed in 2017. One important provision that is included as part of the dash-1 amendment clarifies the definition of “hands free accessory.” The amendment incorporates the act of activating and deactivating a mobile electronic device into the definition of a “hands-free accessory,” and also removes the general exemption for activating and deactivating a mobile electronic device currently contained in ORS 811.507(3)(a).

With successful passage of HB 4116-1, the statutory language would now read:

“(b) ‘Hands-free accessory’ means an attachment or built-in feature for or an addition to a mobile electronic device that [when used] either gives a person the ability to keep both hands on the steering wheel at all times while using the device or requires only the minimal use of a finger, via a swipe or tap, to activate or deactivate a function of the device.”

Current ambiguity in state law has led the Wilsonville Municipal Court to discharge citations issued under the current statute, rendering moot the desired outcome of the legislature’s work. The proposed amendment provides a technical fix to the language that should enable the courts to honor the legislative intent when addressing the important public-safety issue of distracted driving when using a mobile electronic device.

The City of Wilsonville respectfully urges a DO PASS vote on HB 4116-1. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Tim Knapp". The signature is written in a cursive, flowing style.

Tim Knapp, Mayor
City of Wilsonville