



Jeff Barker

From the Desk of
Rep. Jeff Barker

From the Desk of
Representative
Andy Olson

Andy Olson

To: Members of the Oregon House of Representatives

Date: June 27, 2017

Re: Support for HB 2597 B-Engrossed:
Operating a vehicle while using a mobile electronic device

Members of the Oregon House of Representatives,

On behalf of the Oregon Association Chiefs of Police, the Oregon State Sheriffs' Association and the Oregon Council of Police Associations, please accept this letter of support for HB 2597-B Engrossed.

HB 2597-B addresses a Court of Appeals ruling on ORS 811.507 (Mobile Communication Devices) in the case of State v, Rabanales-Ramos that is resulting in numerous citations being dismissed in courts around the state. Based on the ruling, to issue a citation for a violation of using a mobile communication device, an officer must have probable cause to believe that a person operating a motor vehicle is talking on their phone or texting. The purpose of the mobile communication violation statute was intended to prohibit vehicle operators, with limited exceptions, from using their cell device while driving. This ruling focuses on talk and text but would allow drivers to play games like Angry Birds, read and reply to e-mails and surf the web.

Distracted driving related to the use of mobile electronic devices continues to grow as a public safety crisis and the statistics tell the story. Please consider the following:

- Between 2010-2014, a distracted driver crash occurred in Oregon on average every 2.5 hours. In Oregon on average, more than 11 people die in distracted driving crashes every year and over 2,800 are injured.
- Federal estimates suggest that distraction contributes to 16% of all fatal crashes, leading to around 5,000 deaths every year. (Source: AAA)
- A recent study showed that teen drivers were distracted almost a quarter of the time they were behind the wheel. Electronic devices, such as texting, emails, and downloading music, were among the biggest distractions. (Source: AAA)

- In 2014, 4000 Oregon crashes were known to have been caused by distraction. (Source: SOU study) The study acknowledges that this data is under-counted due to a reliance on self-reporting.
- In 2014 study, 75% respondents admitted to driving distracted while alone; 84% felt uncomfortable with a driver who was distracted. (Source: SOU study)

While the statistics are alarming, the personal impact of distracted driving on Oregonians is real and tragic. The following stories illustrate the devastating impacts of distracted driving in human terms:

- Alexxyss Therwhanger, age 19, was killed in a car crash on February 19th, 2016 while she was driving home in eastern Oregon. Alexxyss was using her cell phone and lost control of her car, colliding with an oncoming vehicle and severely injuring two other people. Her story, told by her mother is sadly an all too familiar one of heartbreak and loss. (<https://www.youtube.com/watch?v=2HnhYOB2Bs8&feature=youtu.be>)
- Melody Krewson, 50, was driving eastbound on Chemawa Road North in Keizer the morning of Sept. 25, 2015, when she struck a pedestrian crossing the street. The pedestrian, 68-year-old James Alton, died of his injuries that day. Krewson told officers she didn't see Alton crossing the street, but later admitted she was using her cell phone at the time of the crash. According to Keizer police, she was transferring photos from her phone to a photo storage app at the time of the deadly crash. (Under the current

HB 2597 includes the following key provisions:

- Changes the term "Mobile Communication Device" to "Mobile Electronic Device" to insure that use of a phone, iPad, computer, etc. are covered. For purposes of the measure, a "mobile electronic device" includes but is not limited to a device capable of text messaging, voice communication, entertainment, navigation, accessing the Internet or producing electronic mail.
- Clarifies that "Using a mobile electronic device" includes but is not limited to using a mobile electronic device for text messaging, voice communication, entertainment, navigation, accessing the Internet or producing electronic mail.
- For first time offenders, the bill allows the court to conditionally suspend the execution of the fine and pending successful completion of an approved distracted driving avoidance course, to suspend the fine altogether.

As the use of cell phones and other electronic devices continues to increase exponentially, the prevalence of traffic crashes that result in injury and death are increasing at an alarming rate. The work of police officers to enforce these laws is critically important in order to educate the public, create incentives for voluntary compliance and to identify dangerous driving behavior before injury or death occurs.

Thank you for your support of this important measure!