

# Oregon Senate passes bill banning driving while using hand-held cell phone

By Melissa Repko

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Brent Wojahn/The OregonianA bill nearing approval in the 2009 Legislature, if signed into law, would ban driving and using a hand-held cell phone.

Oregon drivers soon will have to hang up or pay up under a new law that will ban the use of hand-held cell phones while driving.

The Oregon Senate narrowly passed the bill 16-13 Tuesday after Sen. Margaret Carter, D-Portland, made a surprise switch from no to yes.

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The bill easily cleared the House with a 38-22 vote April 28. It will return there for final approval of Senate amendments that allow certain emergency and public safety workers to use cell phones and radios.

A spokeswoman for Gov. Ted Kulongoski said he will sign **House Bill 2377** into law, taking effect Jan. 1.

The traffic ticket for talking or texting on a hand-held cell phone will cost a driver up to \$90, similar to the fine for driving without a seat belt.

Oregon joins six other states -- including Washington and California -- that ban or severely limit using cell phones while driving.

For Peggy Tucker of Canby, who watched from the Senate gallery, the vote was a personal victory.

Tucker's 30-year-old daughter, Angela, died in a car accident in 2007 when a driver talking on a cell phone hit her head-on. The driver of the other car also died, and the wreck hospitalized Tucker's son-in-law and young grandchildren.

Tucker tearfully greeted the bill's sponsor, Rep. Carolyn Tomei, D-Milwaukie, after the vote.

"I know that lives are going to be saved, and that's what I wanted," Tucker said. "Angela is looking down on me from heaven and saying, 'Way to go, Mom.'"

But the bill's passage didn't come easily.

"I've never had one that came to the wire like that," Tomei said, adding that her heart was still pounding after the close vote.

Supporters argued that the ban will make Oregon roads safer. Between 2003 and October 2008, the State Department of Transportation reports there were more than 1,660 vehicle crashes involving drivers on cell phones, including 21 fatalities.

## Cell phone law

**House Bill 2377**, which was sponsored chiefly by Reps. Carolyn Tomei, D-Milwaukie, and Sal Esquivel, R-Medford, prohibits driving while talking or texting on a hand-held cell phone. As of Jan. 1, drivers who violate the law could be fined up to \$90. Motorists younger than 18 cannot drive with a hands-free or hand-held cell phone, but adults can use hands-free devices while driving.

Carter said she switched her vote because "it's super-important not to let your caucus down," and she saw "panic on some of the (fellow Democratic) members' faces" when she first voted no.

The Portland Democrat said she still has mixed feelings because "the bill just goes too far."

The vote went mostly along party lines, with Republicans criticizing the ban as overkill and another example of Democrats pushing the "nanny state."

"This is a really stupid bill," said Sen. Jeff Kruse, R-Roseburg. "Someone could have swerved because they dropped a piece of paper next to them. Someone could have swerved because they went to pick up a McDonald's fry and couldn't find the ketchup."

In Washington, driving while using a cell phone is a secondary offense, meaning police can only ticket drivers for talking on their cell phones once they've pulled them over for speeding or another traffic violation.

But California's ban on cell phones is similar to HB2377. California banned talking on a hand-held cell phone last year and added a ban on texting in January.

As of May 31, the California Highway Patrol has issued approximately 101,000 tickets. That doesn't include citations by local law enforcement agencies.

Like the California law, Oregon minors will not be allowed to use any kind of cell phone while driving, including a hands-free device. Drivers 18 and older still will be allowed to use hands-free phones while driving.

Current Oregon law prohibits minors from driving while using a cell phone as a secondary offense, but Sgt. Steve Mitchell of the Oregon State Police said he has heard of few citations.

Hand-held cell phone use will join other Class D traffic violations, such as unsafe lane change and registration violations.

Still, Mitchell said he expects Oregon drivers will catch on quickly once they know the state could reach into their pockets.

"We've seen that a fine has made a lot of people put on their seat belts that didn't used to," he said.

To enforce the new law, all officers will take a legislative update class, according to Detective Mary Wheat, a Portland Police Bureau spokeswoman. State and local police also may launch an informational campaign to get out the word to the public, she said.

In January, officers will "probably be lenient at first until we make sure people understand" the new law, Mitchell said.

He said that with a limited number of officers, especially considering the economy, some law enforcement agencies may have to prioritize.

"The focus may be on more serious incidents like driving complaints and aggressive driving rather than someone driving down the road on a cell phone," he said.

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