

OREGON'S DISTRACTED DRIVING LAW

Lesson Plan

Objectives

Students will:

- Read and understand Oregon's new distracted driving law
- Think about what goes into drafting a bill
- Analyze distracted driving scenarios

Oregon Standards

- Social Science 26 - Acquire, organize, analyze and evaluate information from primary and secondary sources.
- HS.61. Analyze an event, issue, problem, or phenomenon, identifying characteristics, influences, causes, and both short- and long-term effects.
- HS.63. Engage in informed and respectful deliberation and discussion of issues, events, and ideas.

Materials

- Oregon Distracted Driving Law Text
- Street Law pp. 20-21
- 3 scenarios to apply law

Introduction/Hook

Video of texting and driving?? So far haven't found a good one.

Open discussion:

Do you own a phone?

Do you drive?

Have you ever seen your parents text and drive while you are in the car? How do you feel when this happens? Why?

Do you think it is safe to text and drive?

Statistic about accidents and texting

ACTIVITIES

1. Have students read Oregon law out loud – go around classroom.
2. Break into small groups and answer the following questions:

- Is the law written in clear language?
- Is the law understandable?
- Is it in effect now?
- Does this law contradict any other laws?
- Is the law enforceable?
- Are the penalties for breaking the law clear and understandable?
- **Would you change this law or word it any differently?**

3. Discuss group answers as a class

4. Interpreting law

Case A:

You and your girlfriend stop at a red light at 1am and send a text to your mother that you are on your way home.

Case B:

You have your little brother hold the phone with his hand like a bracket so that you can text "hands-free."

Case C:

You have your little sister hold the phone up so that you can see the directions on the phone's GPS.

Case D:

You are riding an electric bike on the street and texting.

Case E:

The school bus driver uses her cellphone to call her son while driving the bus

Case F:

The ambulance driver has a Netflix movie playing while the cellphone is held in a hands-free bracket.

Debrief

Ask class to share thoughts/impressions

Did this make you think in any new ways?

NOTES FOR LATER

Independence v. Safety

<http://www.adamgreenmanlaw.com/blog/2017/3/29/what-oregon-drivers-need-to-know-about-distracted-driving>

<http://katu.com/news/investigators/loophole-discovered-in-oregons-new-distracted-driving-law> :

A Lyft spokesman cited a part of the [actual text of the new law naming multiple exceptions including one that says it does not apply to a "person who activates or deactivates a mobile electronic device or a function of the device."](#)

That allayed Hecahti's professional concerns although she said she still wishes it were clearer.

"If there's a loophole that drivers can get through if you can tap and swipe, anybody can tap and swipe," Hecahti said.

KATU asked Sgt. Michael Berland, an Oregon State Police spokesman, about the loophole.

He admitted the term "function of the device" is not defined by the law.

"With that being such a wide and just a general, generic term of just 'function,' I think that would rely on the trooper (or officer) on scene to figure out if the function of the phone is appropriate within the spirit of the bill," Berland said.

Of course with no clear definition of the term "function of the device" in the law it also potentially opens up several ways to get a ticket thrown out in court.

State Fact Sheet:

http://www.oregon.gov/ODOT/Safety/Documents/HB2597_Summary_for_Public.pdf?fref=gc&dti=255070801638332

Distracted Driving Fact Sheet

The purpose of the law

Focus on driving and put away the distractions.

Important dates

- October 1, 2017: is when the law goes into effect.
- January 1, 2018: is when the court has the option to waive the fine for first-time offenders who attend a Distracted Driving Avoidance course.

Basic Requirement

It is illegal to drive while holding or using an electronic device (e.g. cell phone, tablet, GPS, laptop).

Exceptions (some are “affirmative defenses”, which means you may need to prove to the court)

This new law does not apply to the following:

- When using hands-free or built-in devices, if 18 years of age or older.
- Use of a single touch or swipe to activate or deactivate the device or a function.
- While providing or summoning medical help and no one else is available to make the call.
- When parked safely, i.e., stopped at the side of the road or in a designated parking spot.
 - It is NOT legal to use the device when stopped at a stoplight, stop sign, in traffic, etc.
- Truck or bus drivers following the federal rules for CDL holders.
- Using a two-way radio: CB users, school bus drivers, utility truck drivers in the scope of employment.
- Ambulance or emergency vehicle operators in the scope of employment.
- Police, fire, EMS providers in the scope of employment, (can include when in a personal vehicle if, for example, when responding to an emergency call).
- HAM radio operators, age 18 years or older.

Fines

- First offense, not contributing to a crash: Class B violation.
 -

Presumptive fine \$260 (The amount on the ticket; if you don't simply pay, it could go up or

down).

- Minimum fine is \$130; maximum fine is \$1,000.

- Second offense, or first offense, if it contributed to a crash: Class A violation. ○ Presumptive Fine \$435.

- Minimum fine is \$220; maximum is \$2,500.

- Third offense in ten years: Class B misdemeanor.

- Minimum fine \$2,000.

- Could be 6 months in jail.

Course for First Time Offenders

For a first offense that does not contribute to a crash, the court *may* suspend the fine* if the driver completes an approved distracted driving avoidance course, and shows proof to the court, within four months.

* Only the *fine* is suspended – the violation will still be recorded on the offender's driving record.

Districted Driving/Hands-Free Laws

| Washington | Oregon |
|---|--|
| | Includes operating a motor vehicle on premises open to the public |
| Includes temp. stationary due to traffic, traffic control device, momentary delays | Includes temp. stationary because of traffic, a traffic control device, or other momentary delays |
| Does not apply to cars pulled off active roadway where it can safely remain stationary | Does not apply where stopped in a location where safely remain stationary --side of or pulled off roadway --designated parking space --parked in roadway to conduct utility maintenance |
| | Cannot use "for any purpose"; Adds <u>navigation</u> to the list of things to the type of device that qualifies as mobile electronic device/using a mobile electronic device. |
| Cannot hold in hand | Cannot hold in hand |
| Cannot use hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve | <i>Similar language not included re: "hand" or "finger."</i> |
| Cannot watch video | Not specifically mentioned—but "entertainment" and "accessing the internet" is mentioned. |
| Does not preclude minimal use of finger to activate, deactivate, or initiate function of the device | Does not pertain to "activates or deactivates a mobile electronic device or function of the device" |
| | Does not pertain to hands-free accessory: an attachment or built-in feature for or an addition to a mobile electronic device that when used gives a person the ability to keep both hands on the wheel |
| | |
| Exceptions | Exceptions |
| Driver contacting emergency services | Driver contacting emergency services IF no other person in the vehicle capable |
| Transit system employee | |
| Commercial driver within scope of job | Commercial driver within scope of job |
| Operating emergency vehicle | Operating ambulance/emergency medical |
| Two-way radio, CB, amateur radio equip | Two-way radio – forest/logging operations |
| | Two-way radio school bus |
| | Two-way radio utility services |
| | Police, fire, emerg. Medical within scope |
| | 18 yrs. old and licensed amateur radio |
| | 18 years or older and using hands free accessory |
| | |
| Drive dangerously distracted | |
| --secondary action only | |
| --"means a person who engages in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation . . ." | |

Washington:

Intermediate license laws for teen drivers

If you're under 18, you'll be issued an intermediate driver license and must follow these laws:

- **Driving with Passengers**
 - **First 6 months:** *No passengers under 20 years old, except for immediate family members (spouse, child, stepchild, or siblings, both by birth and marriage).*
 - **Next 6 months:** *No more than 3 passengers under 20 years old who aren't members of your immediate family.*
- **Nighttime driving**

The **first 12 months**, you can't drive between 1 a.m. and 5 a.m. unless you're with a licensed driver who's 25 years or older. The **only exceptions** are driving for agricultural purposes and transporting farm products or supplies under the direction of a farmer as described in [RCW 46.20.070](#).
- **No cell phones**

You can't use wireless devices while driving, even with a hands-free device. This includes talking on cell phones and sending or receiving text messages. You may only use a wireless device to report an emergency.

Oregon:

After you get your provisional driver license, your driving is restricted as follows:

Until 18 Years of Age:

- You cannot operate a motor vehicle while using a mobile communication device, including talking on a cell phone and texting. Hands-free accessories are not allowed.

First Six Months:

- You cannot drive with a passenger under age 20 who is not a member of your immediate family*;
and
- You cannot drive between midnight and 5:00 AM unless you are:
 - Driving between home and work.
 - Driving between home and a school event for which there is no other transportation available.
 - Driving for employment purposes.
 - Accompanied by a licensed driver who is at least 25 years old.

Second Six Months:

- You cannot drive with more than three (3) passengers who are under age 20 who are not members of your immediate family*;
and
- You cannot drive between midnight and 5:00 AM unless you are:
 - Driving between home and work.
 - Driving between home and a school event for which there is no other transportation available.
 - Driving for employment purposes.
 - Accompanied by a licensed driver who is at least 25 years old.

Note: *The passenger and night driving restrictions only apply until you are 18 or you have had your provisional license for one year, whichever comes first.*