

Teen driver cell phone law tough to enforce

By WILLIAM McCALL and BRAD CAIN / Associated Press

The chances that a teenager will be cited for talking on a cell phone while driving are pretty much zero in Oregon, despite the best intentions of a state law that went into effect last year to help prevent accidents.

Only a handful of tickets have been written in major cities around Oregon because police say it is so difficult to enforce. In Portland, police could find no record of any citations, so far.

It was pretty much the same story in suburban Beaverton, and in Eugene, Medford, Bend and Pendleton.

Part of the problem lies in the wording of the law, allowing police to cite 16- and 17-year-olds only if they have committed some other traffic violation.

"It's a swing and a miss as far as we're concerned," said Pendleton police Chief Stuart Roberts, whose officers have not issued a single citation.

But the departing chairman of the Oregon House Judiciary Committee and his replacement both say they believe the law can be enforced.

"I know it's hard for officers to see if someone is talking on a cell phone, especially at night," said state Rep. Jeff Barker, D-Aloha, the incoming chairman.

"But I don't know why it wouldn't be workable," said Barker, who is a former Portland police officer. "That's what we have to find out."

Washington state banned all drivers from talking on their cell phones last year, but like the Oregon law that targets drivers under 18, it is a "secondary violation," meaning some other violation must come first.

Drivers appear to be ignoring the Washington law, which is also proving tough to enforce.

"We can't find anything else in the traffic code like this that's a secondary violation, so it makes law enforcement agencies wonder why we're headed down that road," Roberts said of the bans.

According to the Insurance Institute for Highway Safety, only six states have a complete ban on handheld cell phones while driving, but Utah and Washington state make it a secondary violation.

Six other states, including Oregon, make it a secondary violation for teen or "novice" drivers.

Enforcement, however, is tough even when it is a primary violation that allows officers to pull somebody over as soon as they see a driver using a cell phone.

An insurance institute study in North Carolina showed that teen drivers actually used their cell phones more often after that state made it a primary violation under the age of 18.

Age does not seem to be a factor, either.

California, Connecticut, New Jersey and New York ban handheld cell phones for drivers of all ages, making it a primary violation.

But the insurance institute found that in New York, the first state with a complete ban, drivers went back to their old habits after the initial crackdown.

"As soon as the publicity died off and it wasn't in the news, handheld cell phone use went back up to the level it was at before," said Russ Rader, institute spokesman.

"So what it comes down to is that, unless there is tough, visible, sustained enforcement, the laws don't have much effect," Rader said.

The departing chairman of the House Judiciary Committee and sponsor of the Oregon law, Lake Oswego attorney Greg Macpherson, says the goal was to reduce the number of traffic accidents involving teenagers — the leading cause of death for teens across the nation.

"I still think it's a good idea," Macpherson said. "We shouldn't have our young people, who are just learning to drive, try to do that while talking on a cell phone."

But National Highway Traffic Safety Administration figures show that fatal accidents involving teen drivers declined before most of the recent cell phone laws were passed, falling 12 percent from 1997 to 2007, despite an increase in the number of teen drivers.

The agency also notes in an analysis of cell phone laws their effectiveness is uncertain.

Oregon Department of Transportation crash figures for 2007 show that cell phone use was a contributing factor in only 4 of the 411 fatal crashes that year.

Troy Costales, the ODOT safety chief, says cell phone statistics tend to be unreliable because they are generally self-reported but there is certainly a trend suggesting it is a safety concern not only nationally but internationally.

"It's a constant drumbeat in the news in a lot of places around the world," Costales said.

He noted there was similar concern in the 1930s about the distraction threat posed by introducing radios to cars.

Barker says the enforcement problems mean the law will be reconsidered.

"The main thing is, we don't want kids getting into wrecks," Barker said.