

B-Engrossed House Bill 2377

Ordered by the Senate June 2
Including House Amendments dated April 23 and Senate Amendments
dated June 2

Sponsored by Representatives TOMEI, ESQUIVEL; Senator DINGFELDER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits person of any age from operating motor vehicle while using mobile communication device except under certain circumstances.

A BILL FOR AN ACT

1
2 Relating to use of mobile communication device while driving; amending ORS 811.507.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 811.507 is amended to read:

5 811.507. (1) **As used in this section:**

6 (a) **“Hands-free accessory” means an attachment or built-in feature for or an addition**
7 **to a mobile communication device, whether or not permanently installed in a motor vehicle,**
8 **that when used allows a person to maintain both hands on the steering wheel.**

9 (b) **“Mobile communication device” means a text messaging device or a wireless, two-way**
10 **communication device designed to receive and transmit voice or text communication.**

11 [(1)] (2) A person [*under 18 years of age*] commits the offense of operating a motor vehicle while
12 using a mobile communication device if the person, while operating a motor vehicle on a highway,
13 uses a mobile communication device. [*and the person holds:*]

14 [(a) *A provisional driver license issued under ORS 807.065;*]

15 [(b) *A special student driver permit issued under ORS 807.230; or*]

16 [(c) *An instruction driver permit issued under ORS 807.280.*]

17 [(2) *For purposes of this section, “mobile communication device” means a text messaging device or*
18 *a wireless, two-way communication device designed to receive and transmit voice or text*
19 *communication.*]

20 (3) This section does not apply:

21 (a) To a person who is summoning medical or other emergency help if no other person in the
22 vehicle is capable of summoning help; [*or*]

23 (b) To a person using a mobile communication device for the purpose of farming or agricultural
24 operations[.];

25 (c) **To a person operating an ambulance or emergency vehicle;**

26 (d) **To a person 18 years of age or older who is using a hands-free accessory;**

27 (e) **To a person operating a motor vehicle while providing public safety services or**
28 **emergency services as a volunteer;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(f) To a person operating a motor vehicle while acting in the scope of the person's em-**
2 **ployment as a public safety officer, as defined in ORS 348.270;**

3 **(g) To a person operating a motor vehicle in the scope of the person's employment if**
4 **operation of the motor vehicle is necessary for the person's job;**

5 **(h) To a person activating or deactivating the mobile communication device or a function**
6 **of the device;**

7 **(i) To a person who holds a valid amateur radio operator license issued or any other li-**
8 **cence issued by the Federal Communications Commission and is operating an amateur radio;**

9 **(j) To a person who operates a two-way radio device that transmits radio communication**
10 **transmitted by a station operating on an authorized frequency within the citizens' or family**
11 **radio service bands in accordance with rules of the Federal Communications Commission;**
12 **or**

13 **(k) To a person using a function of the mobile communication device that allows for only**
14 **one-way voice communication while the person is:**

15 **(A) Operating a motor vehicle in the scope of the person's employment;**

16 **(B) Providing transit services to persons with disabilities or to senior citizens; or**

17 **(C) Participating in public safety or emergency service activities.**

18 *[(4) Notwithstanding ORS 810.410, a police officer may enforce this provision only as a secondary*
19 *action when a driver of a motor vehicle has been detained for a suspected traffic violation or some other*
20 *offense.]*

21 [(5)] **(4) The offense described in this section, operating a motor vehicle while using a mobile**
22 **communication device, is a Class D traffic violation.**

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