

Enrolled
House Bill 2377

Sponsored by Representatives TOMEI, ESQUIVEL; Senators BURDICK, DINGFELDER, MORRISETTE (Presession filed.)

CHAPTER

AN ACT

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

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

SECTION 1. ORS 811.507 is amended to read:

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

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

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

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

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

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

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

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

(3) This section does not apply:

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

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

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

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

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

(f) **To a person operating a motor vehicle while acting in the scope of the person’s employment as a public safety officer, as defined in ORS 348.270;**

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

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

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

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

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

- (A) Operating a motor vehicle in the scope of the person's employment;
- (B) Providing transit services to persons with disabilities or to senior citizens; or
- (C) Participating in public safety or emergency service activities.

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

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

Passed by House April 28, 2009

Received by Governor:

Repassed by House June 24, 2009

.....M.,....., 2009

Approved:

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Chief Clerk of House

.....M.,....., 2009

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Speaker of House

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Governor

Passed by Senate June 23, 2009

Filed in Office of Secretary of State:

.....M.,....., 2009

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President of Senate

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Secretary of State