

A-Engrossed
Senate Bill 9

Ordered by the Senate March 11
Including Senate Amendments dated March 11

Sponsored by Senator COURTNEY (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.

Provides that violation of offense of operating motor vehicle while using mobile communication device is Class B traffic violation instead of Class D traffic violation **when person texts without using hands-free accessory**. Directs Department of Transportation to place signs on highways of this state notifying drivers that violation is subject to maximum fine of \$1,000.

A BILL FOR AN ACT

1
2 Relating to mobile communication devices; creating new provisions; and 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 to a mo-
7 bile communication device, whether or not permanently installed in a motor vehicle, that when used
8 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 com-
10 munication device designed to receive and transmit voice or text communication.

11 (2) A person commits the offense of operating a motor vehicle while using a mobile communi-
12 cation device if the person, while operating a motor vehicle on a highway, uses a mobile communi-
13 cation device.

14 (3) This section does not apply to a person who activates or deactivates a mobile communication
15 device or a function of the device or who uses the device for voice communication if the person:

16 (a) Is summoning medical or other emergency help if no other person in the vehicle is capable
17 of summoning help;

18 (b) Is using a mobile communication device for the purpose of farming or agricultural operations;

19 (c) Is operating an ambulance or emergency vehicle;

20 (d) Is 18 years of age or older and is using a hands-free accessory;

21 (e) Is operating a motor vehicle while providing public safety services or emergency services;

22 (f) Is operating a motor vehicle while acting in the scope of the person's employment as a public
23 safety officer, as defined in ORS 348.270;

24 (g) Is operating a tow vehicle or roadside assistance vehicle while acting in the scope of the
25 person's employment;

26 (h) Holds a valid amateur radio operator license issued or any other license issued by the Fed-
27 eral Communications Commission and is operating an amateur radio;

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

4 (j) Is operating a vehicle owned or contracted by a utility for the purpose of installing, repairing,
5 maintaining, operating or upgrading utility service, including but not limited to natural gas, elec-
6 tricity, water or telecommunications, while acting in the scope of the person's employment; or

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

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

10 (B) Providing transit services; or

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

12 *[(4) The offense described in this section, operating a motor vehicle while using a mobile commu-
13 nication device, is a Class D traffic violation.]*

14 **(4) The offense described in this section, operating a motor vehicle while using a mobile
15 communication device, is a Class D traffic violation unless the person uses the mobile com-
16 munication device without a hands-free accessory to send or receive a text message at the
17 time of the offense. If the person uses the mobile communication device without a hands-free
18 accessory to send or receive a text message, the offense is a Class B traffic violation.**

19 **(5) The Department of Transportation shall place signs on state highways to notify driv-
20 ers that violation of this section is subject to a maximum fine of \$1,000.**

21 **SECTION 2. The amendments to ORS 811.507 by section 1 of this 2013 Act apply only to
22 violations of ORS 811.507 that occur on or after the effective date of this 2013 Act.**

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