

Senate Bill 9

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 **as introduced**.

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. 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;

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

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

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

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

7 (B) Providing transit services; or

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

9 (4) The offense described in this section, operating a motor vehicle while using a mobile com-
10 munication device, is a Class [D] B traffic violation. **The Department of Transportation shall**
11 **place signs on the highways of this state to notify drivers that violation of this section is**
12 **subject to a maximum fine of \$1,000.**

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

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