

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 3 - 1 - 1

**Yeas:** Prozanski, Walker, Burdick

**Nays:** Beyer

**Exc.:** Kruse

**Prepared By:** Darian Stanford, Counsel

**Meeting Dates:** 5/30

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**WHAT THE MEASURE DOES:** Prohibits person under 18 from operating mobile communication device while driving a vehicle. Offense is Class D violation.

**ISSUES DISCUSSED:**

- Driving habits of persons under 18

**EFFECT OF COMMITTEE AMENDMENT:** Removes provision making violation secondary offense (meaning that with amendment officer will be able to stop juvenile merely for using cell phone while driving as opposed to having to pull juvenile over for something else). Makes offense a Class D violation.

**BACKGROUND:** As of November 2006, 14 states had laws banning or restricting young drivers from using cell phones. Another four states ban or restrict cell phones for all drivers. Oregon presently does not prohibit the use of cell phones while driving. In fact, ORS 801.038 specifically prohibits any city, county or other local government from enacting such restrictions.

HB 2872 B prohibits a person under 18 with a provisional driver license, a special student driver permit or an instruction driver permit from using a "mobile communication device" while driving a vehicle on a highway. "Mobile communication device" covers phones and text messaging. There is an exception for emergencies. The offense is a Class D violation.