

A-Engrossed
House Bill 2872

Ordered by the House May 9
Including House Amendments dated May 9

Sponsored by Representatives MACPHERSON, ESQUIVEL; Representatives DINGFELDER, ROSENBAUM

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.

Creates offense of operating motor vehicle while using mobile communication device. Punishes by maximum fine of \$360.

A BILL FOR AN ACT

1
2 Relating to use of mobile communication device while driving.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of the Oregon Vehicle**
5 **Code.**

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

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

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

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

12 (2) **For purposes of this section, "mobile communication device" means a text messaging**
13 **device or a wireless, two-way communication device designed to receive and transmit voice**
14 **or text communication.**

15 (3) **This section does not apply to a person summoning medical or other emergency help**
16 **if no other person in the vehicle is capable of summoning help.**

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

20 (5) **The offense described in this section, operating a motor vehicle while using a mobile**
21 **communication device, is a Class B traffic violation.**

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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.