

# Senate Bill 293

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## 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**.

Creates offense of operating motor vehicle while using mobile communication device. Punishes by maximum fine of \$720. Authorizes suspension of driving privileges for repeat offenses.

## 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. Sections 2 and 3 of this 2007 Act are added to and made a part of the Oregon**  
5 **Vehicle Code.**

6 **SECTION 2. (1) A person commits the offense of operating a motor vehicle while using**  
7 **a mobile communication device if the person, while operating a motor vehicle on a highway,**  
8 **uses a mobile communication device but does not use a hands-free accessory.**

9 (2) **For purposes of this section:**

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

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

15 (3) **This section does not apply to:**

16 (a) **A person operating an ambulance or emergency vehicle; or**

17 (b) **A person summoning medical or other emergency help if no other person in the ve-**  
18 **hicle is capable of summoning help.**

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

21 **SECTION 3. (1) The Department of Transportation shall suspend the driving privileges**  
22 **of a person who repeatedly commits the offense of operating a motor vehicle while using a**  
23 **mobile communication device as described in section 2 of this 2007 Act.**

24 (2) **The department shall suspend driving privileges under this section for 30 days when**  
25 **a person is convicted of a second offense within a three-year period.**

26 (3) **The department shall suspend driving privileges under this section for 90 days when**  
27 **a person is convicted of three or more offenses within a three-year period.**

28 (4) **A person is entitled to administrative review under ORS 809.440 of a suspension under**  
29 **this section.**

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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.