

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Without Recommendation as to Passage but with Amendments to the A-Eng. Measure (Printed B-Eng.) and Be Referred to the Committee on Rules

**Vote:** 3 - 2 - 0

**Yeas:** Burdick, Rosenbaum, Bonamici

**Nays:** George, Girod

**Exc.:** 0

**Prepared By:** Lori Brocker, Administrator

**Meeting Dates:** 5/14, 5/21, 5/28

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**WHAT THE MEASURE DOES:** Requires use of hands-free accessory to use mobile communications device while operating motor vehicle. Expands list of exceptions to include public safety and emergency personnel, persons using device within scope of employment, persons using device allowing for certain one-way voice communication, Federal Communications Commission (FCC) licensed amateur and two-way radio operators. Designates violation as primary offense punishable as Class D traffic violation with maximum fine of \$90.

**ISSUES DISCUSSED:**

- Using mobile communications device while driving agricultural machinery
- One-way communication devices
- Amateur radio operation
- Scope of employment exceptions
- Accidents caused by persons using mobile communications device
- Differences between cellular telephones and amateur radios
- Constitutionality of provisions

**EFFECT OF COMMITTEE AMENDMENT:** Creates exception for person with FCC amateur radio operating license. Creates exception for two-way radio device operators.

**BACKGROUND:** Seventeen states, including Oregon, currently prohibit the use of cellular telephones and other mobile communications devices by persons less than 18 years of age while they are operating a vehicle. Oregon's law, which took effect in 2007, makes the use of a cellular telephone or other mobile communications device a Class D traffic violation, punishable by a fine of up to \$90. The violation is currently considered a secondary offense. Eight states, including Oregon, prohibit cities, counties and local governments from enacting ordinances that restrict the use of cellular telephones.

Six states (California, Connecticut, New Jersey, New York, Utah and Washington), numerous municipalities, and the District of Columbia prohibit using a hand-held cellular telephone while driving. House Bill 2377B creates a similar restriction for persons of all ages, requiring the use of a hands-free accessory in order to lawfully use a mobile communication device while driving. The measure upgrades the violation to a primary offense by removing the secondary offense provision in current law. It also provides exceptions for public safety and emergency personnel, persons operating a vehicle within the scope of employment, persons engaged in certain one-way communications, and FCC-licensed amateur radio and two-way radio operators.

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*This summary has not been adopted or officially endorsed by action of the committee.*