

House Bill 2038

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session file (at the request of House Interim Committee on Transportation)

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**.

Prohibits person of any age from operating motor vehicle while using mobile communication device except under certain circumstances. Authorizes suspension of driving privileges for repeat offenses.

A BILL FOR AN ACT

1
2 Relating to use of mobile communication device while driving; creating new provisions; and amend-
3 ing ORS 811.507.

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

5 **SECTION 1.** ORS 811.507 is amended to read:

6 811.507. (1) **As used in this section:**

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

10 (b) **“Mobile communication device” means a text messaging device or a wireless, two-way**
11 **communication device designed to receive and transmit voice or text communication.**

12 [(1)] (2) A person [*under 18 years of age*] commits the offense of operating a motor vehicle while
13 using a mobile communication device if the person, while operating a motor vehicle on a highway,
14 uses a mobile communication device. [*and the person holds:*]

15 [(a)] A provisional driver license issued under ORS 807.065;]

16 [(b)] A special student driver permit issued under ORS 807.230; or]

17 [(c)] An instruction driver permit issued under ORS 807.280.]

18 [(2)] For purposes of this section, “mobile communication device” means a text messaging device or
19 a wireless, two-way communication device designed to receive and transmit voice or text
20 communication.]

21 (3) This section does not apply:

22 (a) To a person who is summoning medical or other emergency help if no other person in the
23 vehicle is capable of summoning help; [or]

24 (b) To a person using a mobile communication device for the purpose of farming or agricultural
25 operations[.];

26 (c) **To a person operating an ambulance or emergency vehicle; or**

27 (d) **To a person 18 years of age or older using a hands-free accessory.**

28 (4) Notwithstanding ORS 810.410, a police officer may [*enforce this provision only as a secondary*
29 *action when*] **not issue a citation for a violation of this section to a driver of a motor vehicle**
30 **who is under 18 years of age and who is using a hands-free accessory unless the driver has**

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 been detained for [*a suspected*] **another** traffic violation or some other offense.

2 (5) The offense described in this section, operating a motor vehicle while using a mobile com-
3 munication device, is a Class D traffic violation.

4 **SECTION 2. Section 3 of this 2009 Act is added to and made a part of the Oregon Vehicle**
5 **Code.**

6 **SECTION 3. (1) Upon receipt of a record of conviction of operating a motor vehicle while**
7 **using a mobile communication device under ORS 811.507, the Department of Transportation**
8 **shall suspend the driving privileges of the person convicted as follows:**

9 (a) For 30 days when a person is convicted of a second offense within a three-year period.

10 (b) For 90 days when a person is convicted of three or more offenses within a three-year
11 period.

12 (2) A person is entitled to administrative review under ORS 809.440 of a suspension under
13 this section.

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