

# House Bill 2377

Sponsored by Representative TOMEI (Presession filed.)

## 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.

### A BILL FOR AN ACT

Relating to use of mobile communication device while driving; amending ORS 811.507.

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

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

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

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

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

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

(2) For purposes of this section[,]:

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

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

(3) This section does not apply:

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

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

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

**(d) To a person using a hands-free accessory.**

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

[(5)] **(4)** The offense described in this section, operating a motor vehicle while using a mobile communication device, is a Class D traffic violation.

**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.