

# House Bill 2526

Sponsored by Representatives GELSER, TOMEI; Representatives BAILEY, BARKER, BARNHART, BUCKLEY, CANNON, DEMBROW, GALIZIO, GREENLICK, NATHANSON, READ, RILEY, ROBLAN, SCHAUFLE, STIEGLER

## 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 for purpose of receiving or transmitting text communication. Provides exceptions. Punishes by maximum fine of \$360.

## A BILL FOR AN ACT

Relating to operating a motor vehicle while using a mobile communication device; creating new provisions; and 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) **As used in this section, "mobile communication device" means a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication.**

*[(1)] (2)* 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 **for the purpose of receiving or transmitting text communication.** *[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, "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 **to a person:**

(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*[,]*; **or**

**(c) Operating an ambulance or emergency vehicle.**

*[(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]* **B** traffic violation.

**SECTION 2. The amendments to ORS 811.507 by section 1 of this 2009 Act apply to of-**

**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 **fenses committed on or after the effective date of this 2009 Act.**

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