

# Senate Bill 319

Sponsored by Senator DINGFELDER (Pre-session 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. Provides exceptions.

## A BILL FOR AN ACT

1  
2 Relating to operating a motor vehicle while using a mobile communication device; creating new  
3 provisions; and amending 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 **to a person:**

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) **Operating an ambulance or emergency vehicle; or**

27 (d) **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 a driver of a motor vehicle has been detained for a suspected traffic violation or some other*  
30 *offense.]*

31 [(5)] (4) The offense described in this section, operating a motor vehicle while using a mobile

**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 communication device, is a Class D traffic violation.

2 **SECTION 2. The amendments to ORS 811.507 by section 1 of this 2009 Act apply to of-**  
3 **fenses committed on or after the effective date of this 2009 Act.**

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