

Senate Bill 329

Sponsored by Senator BURDICK (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 operation of 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) A person [*under 18 years of age*] commits the offense of operating a motor vehicle
7 while using a mobile communication device if the person, while operating a motor vehicle on a
8 highway, uses a mobile communication device. [*and the person holds:*]

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

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

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

12 (2) For purposes of this section[,];

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

16 (b) “Mobile communication device” means a text messaging device or a wireless, two-way com-
17 munication device designed to receive and transmit voice or text communication.

18 (3) This section does not apply:

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

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

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

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

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

28 [(5)] (4) The offense described in this section, operating a motor vehicle while using a mobile
29 communication device, is a Class D traffic violation.

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

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 **SECTION 3.** (1) The Department of Transportation shall suspend the driving privileges
2 of a person who repeatedly commits the offense of operating a motor vehicle while using a
3 mobile communication device as described in ORS 811.507.

4 (2) The department shall suspend driving privileges under this section for 30 days when
5 a person is convicted of a second offense within a three-year period.

6 (3) The department shall suspend driving privileges under this section for 90 days when
7 a person is convicted of three or more offenses within a three-year period.

8 (4) A person is entitled to administrative review under ORS 809.440 of a suspension under
9 this section.

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