

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Aaron Knott, Counsel
<b>Meeting Dates:</b>	3/10, 4/20

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**WHAT THE MEASURE DOES:** Removes the exception for persons operating a motor vehicle within the scope of their employment from the offense of operating a motor vehicle while using a mobile communication device.

**ISSUES DISCUSSED:**

- Dispatch devices installed in tow and utility vehicles
- The dangers posed by distracted driving
- Evolving non-telephonic technologies like iPads and iPods and the dangers they pose to drivers
- Problems with the enforcement of the statute as written due to the breadth of the term “necessary for a person’s job”
- The original intent of the crafters of this legislation regarding a narrow scope of exception

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the measure.

**BACKGROUND:** In 2007, the Oregon legislature promulgated a rule requiring the use of a hands-free accessory (defined as a device that allows use of the cell phone while keeping both hands on the steering wheel) in order to lawfully use a mobile communication device while driving. In 2009, this violation was redesignated as a primary offense, meaning that a law officer can stop a driver solely for the reason that they are using a cell phone without also using a hands-free accessory. Exceptions are provided for several cases, including use by public safety officers or persons operating a vehicle in the scope of employment and select uses of devices that allow only for one-way voice communication (such as citizen-band radios or certain push-to-talk phones). Violations are punishable by a maximum fine of \$90.

House Bill 3186 removes the exception for individuals operating the motor vehicle in the scope of the person’s employment. All other exceptions remain, including the vocational exceptions for persons engaged in agricultural operations, operating emergency vehicles and law enforcement. House Bill 3186 adds further exceptions for individuals operating a tow or roadside assistance vehicle or operating a vehicle owned or contracted by a utility for the purpose of maintaining that utility. House Bill 3186 allows an individual providing transit services to operate a one-way voice communication device.

4/29/2011 9:52:00 AM

*This summary has not been adopted or officially endorsed by action of the committee.*