

**REVENUE:** No revenue impact

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

---

**Action:** Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

**Vote:** 3 - 2 - 0

**Yeas:** Bonamici, Dingfelder, Prozanski

**Nays:** Kruse, Whitsett

**Exc.:** 0

**Prepared By:** Aaron Knott, Counsel

**Meeting Dates:** 5/24, 5/31, 6/1

---

**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:**

- Difficulty in enforcing existing law with employment exception intact
- Dispatchers and vehicles with dashboard-mounted dispatch response equipment
- Use of hand-held devices and cellular phones

**EFFECT OF COMMITTEE AMENDMENT:** Modifies scope of exception for individuals providing emergency services.

**BACKGROUND:** In 2007, the Oregon legislature enacted a statute 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 re-designated as a primary offense, meaning that a law officer could stop a driver solely for 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 B 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 B 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 B also allows an individual providing transit services to operate a one-way voice communication device.

6/9/2011 5:00:00 PM

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