

# House Bill 2822

Sponsored by Representative THATCHER (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**.

Specifies that police officer may enforce provision restricting use of mobile communication device while driving only as secondary action when driver has been detained for another offense.

## A BILL FOR AN ACT

1  
2 Relating to the use of a mobile communication device while driving; creating new provisions; and  
3 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 to a mo-  
8 bile communication device, whether or not permanently installed in a motor vehicle, that when used  
9 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 com-  
11 munication device designed to receive and transmit voice or text communication.

12 (2) A person commits the offense of operating a motor vehicle while using a mobile communi-  
13 cation device if the person, while operating a motor vehicle on a highway, uses a mobile communi-  
14 cation device.

15 (3) This section does not apply:

16 (a) To a person who is summoning medical or other emergency help if no other person in the  
17 vehicle is capable of summoning help;

18 (b) To a person using a mobile communication device for the purpose of farming or agricultural  
19 operations;

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

21 (d) To a person 18 years of age or older who is using a hands-free accessory;

22 (e) To a person operating a motor vehicle while providing public safety services or emergency  
23 services as a volunteer;

24 (f) To a person operating a motor vehicle while acting in the scope of the person's employment  
25 as a public safety officer, as defined in ORS 348.270;

26 (g) To a person operating a motor vehicle in the scope of the person's employment if operation  
27 of the motor vehicle is necessary for the person's job;

28 (h) To a person activating or deactivating the mobile communication device or a function of the  
29 device;

30 (i) To a person who holds a valid amateur radio operator license issued or any other license  
31 issued by the Federal Communications Commission and is operating an amateur radio;

**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 (j) To a person who operates a two-way radio device that transmits radio communication trans-  
2 mitted by a station operating on an authorized frequency within the citizens' or family radio service  
3 bands in accordance with rules of the Federal Communications Commission; or

4 (k) To a person using a function of the mobile communication device that allows for only one-  
5 way voice communication while the person is:

6 (A) Operating a motor vehicle in the scope of the person's employment;

7 (B) Providing transit services to persons with disabilities or to senior citizens; or

8 (C) Participating in public safety or emergency service activities.

9 **(4) Notwithstanding ORS 810.410, a police officer may enforce this section only as a sec-**  
10 **ondary action when a person operating a motor vehicle has been detained for another of-**  
11 **fense.**

12 ~~[(4)]~~ (5) The offense described in this section, operating a motor vehicle while using a mobile  
13 communication device, is a Class D traffic violation.

14 **SECTION 2. The amendments to ORS 811.507 by section 1 of this 2011 Act apply to of-**  
15 **fenses committed on or after the effective date of this 2011 Act.**

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