

Enrolled
House Bill 3186

Sponsored by Representative BERGER, Senators PROZANSKI, ROSENBAUM; Representatives BEYER, BOONE, BUCKLEY, CANNON, CONGER, COWAN, ESQUIVEL, KOMP, MATTHEWS, PARRISH, THOMPSON, TOMEI, Senators BOQUIST, WINTERS

CHAPTER

AN ACT

Relating to operating a motor vehicle while using a mobile communication device; creating new provisions; and amending ORS 811.507.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 811.507 is amended to read:

811.507. (1) As used in this section:

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

(b) "Mobile communication device" means a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication.

(2) A person commits the offense of operating a motor vehicle while using a mobile communication device if the person, while operating a motor vehicle on a highway, uses a mobile communication device.

(3) This section does not apply **to a person who activates or deactivates a mobile communication device or a function of the device or who uses the device for voice communication if the person:**

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

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

(c) *[To a person]* **Is** operating an ambulance or emergency vehicle;

(d) *[To a person]* **Is** 18 years of age or older *[who]* **and** is using a hands-free accessory;

(e) *[To a person]* **Is** operating a motor vehicle while providing public safety services or emergency services *[as a volunteer]*;

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

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

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

(g) Is operating a tow vehicle or roadside assistance vehicle while acting in the scope of the person's employment;

[(i)] (h) [To a person who] Holds a valid amateur radio operator license issued or any other license issued by the Federal Communications Commission and is operating an amateur radio;

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

(j) **Is operating a vehicle owned or contracted by a utility for the purpose of installing, repairing, maintaining, operating or upgrading utility service, including but not limited to natural gas, electricity, water or telecommunications, while acting in the scope of the person's employment; or**

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

- (A) Operating a motor vehicle in the scope of the person's employment;
- (B) Providing transit services [to persons with disabilities or to senior citizens]; or
- (C) Participating in public safety or emergency service activities.

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

SECTION 2. The amendments to ORS 811.507 by section 1 of this 2011 Act apply to offenses that occur on or after the effective date of this 2011 Act.

Passed by House May 4, 2011

Received by Governor:

Repassed by House June 15, 2011

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Approved:

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Ramona Kenady Line, Chief Clerk of House

.....M.,....., 2011

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Bruce Hanna, Speaker of House

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John Kitzhaber, Governor

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Arnie Roblan, Speaker of House

Filed in Office of Secretary of State:

Passed by Senate June 13, 2011

.....M.,....., 2011

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State