

B-Engrossed
House Bill 3186

Ordered by the Senate June 9
Including House Amendments dated April 28 and Senate Amendments
dated June 9

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

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.

Removes exception for person operating motor vehicle in scope of person's employment from offense of operating motor vehicle while using mobile communication device.

Provides exception for person operating tow vehicle, roadside assistance vehicle or vehicle owned or contracted by utility from offense of operating motor vehicle while using mobile communication device. **Removes volunteer requirement from exception to offense for person who is providing public safety services or emergency services.**

Prohibits text communication while operating motor vehicle.

A BILL FOR AN ACT

1
2 Relating to operating a motor vehicle while using a mobile communication device; creating new
3 provisions; and 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 **to a person who activates or deactivates a mobile commu-**
16 **nication device or a function of the device or who uses the device for voice communication**
17 **if the person:**

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

20 (b) *[To a person]* **Is** using a mobile communication device for the purpose of farming or agri-
21 cultural operations;

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

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

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

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

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

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

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

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

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

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

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

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

24 (B) Providing transit services *[to persons with disabilities or to senior citizens]*; or

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

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

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

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