

HOUSE AMENDMENTS TO HOUSE BILL 3186

By COMMITTEE ON JUDICIARY

April 28

1 On page 1 of the printed bill, delete lines 5 through 30 and delete page 2 and insert:

2 “**SECTION 1.** ORS 811.507 is amended to read:

3 “811.507. (1) As used in this section:

4 “(a) ‘Hands-free accessory’ means an attachment or built-in feature for or an addition to a mo-
5 bile communication device, whether or not permanently installed in a motor vehicle, that when used
6 allows a person to maintain both hands on the steering wheel.

7 “(b) ‘Mobile communication device’ means a text messaging device or a wireless, two-way com-
8 munication device designed to receive and transmit voice or text communication.

9 “(2) A person commits the offense of operating a motor vehicle while using a mobile communi-
10 cation device if the person, while operating a motor vehicle on a highway, uses a mobile communi-
11 cation device.

12 “(3) This section does not apply **to a person who activates or deactivates a mobile com-**
13 **munication device or a function of the device or who uses the device for voice communi-**
14 **cation if the person:**

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

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

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

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

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

23 “(f) [*To a person*] **Is** operating a motor vehicle while acting in the scope of the person’s em-
24 ployment as a public safety officer, as defined in ORS 348.270;

25 “[*g*] *To a person operating a motor vehicle in the scope of the person’s employment if operation*
26 *of the motor vehicle is necessary for the person’s job;*]

27 “[*h*] *To a person activating or deactivating the mobile communication device or a function of the*
28 *device;*]

29 “(g) **Is operating a tow vehicle or roadside assistance vehicle while acting in the scope**
30 **of the person’s employment;**

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

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

1 [or]

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

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

8 “(A) Operating a motor vehicle in the scope of the person’s employment;

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

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

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

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

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