

# House Bill 3186

Sponsored by Representative BERGER, Senator PROZANSKI; Representatives BEYER, BOONE, BUCKLEY, CANNON, CONGER, COWAN, ESQUIVEL, KOMP, MATTHEWS, PARRISH, THOMPSON, TOMEL, 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 **as introduced**.

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

## 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:

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 of  
27 the motor vehicle is necessary for the person's job;]*

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

30 *[(i)]* (h) To a person who holds a valid amateur radio operator license issued or any other li-

**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 cense issued by the Federal Communications Commission and is operating an amateur radio;

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

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

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

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

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

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

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

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