

SB 9

Relating to mobile communication devices

SB 9 changes the offense of operating a motor vehicle while using a mobile communications device from a Class D traffic violation to a Class C traffic violation.

Class D traffic violations are subject to a maximum fine of \$250 while a Class C traffic violation is subject to a maximum fine of \$500.

The measure directs the Department of Transportation to place signs on state highways notifying drivers of the violation and maximum fine. The measure includes a one-time Other Funds expenditure limitation of \$130,350 to the Department of Transportation for costs related to updating the DMV records and the Oregon Driver's manual and design, material and installation of approximately 100 signs at Oregon borders and other state highway locations throughout the state.

The Capital Construction Subcommittee recommends SB 9 be amended and reported out do pass as amended.

**77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
BUDGET REPORT AND MEASURE SUMMARY**

JOINT COMMITTEE ON WAYS AND MEANS

MEASURE: SB 9-B

Carrier – House: Rep. Garrett

Carrier – Senate: Sen. Courtney

Action: Do Pass the A-Engrossed Measure as Amended and be Printed B-Engrossed

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Tamara Brickman, Department of Administrative Services

Reviewed By: John Terpening, Legislative Fiscal Office

Meeting Date: July 6, 2013

Agency

Oregon Department of Transportation

Biennium

2013-15

Budget Summary*

	2011-13 Legislatively Approved Budget⁽¹⁾	2013-15 Current Service Level	2013-15 Committee Recommendation	Committee Change from 2011-13 Leg. Approved	
				<u>\$ Change</u>	<u>% Change</u>
Lottery Funds	\$ 0	\$ 0	\$ 130,350	\$ 130,350	100.0%
Total	\$ 0	\$ 0	\$ 130,350	\$ 130,350	100.0%

Position Summary

Authorized Positions	0	0	0	0
Full-time Equivalent (FTE) positions	0.00	0.00	0.00	0.00

⁽¹⁾ Includes adjustments through December 2012

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The Oregon Department of Transportation does not receive revenue from fines for violations of the rules of the road. The revenue from the fines is primarily distributed to the courts. The revenue for the department's responsibilities under this bill will be derived through the Highway Trust Fund.

Summary of Capital Construction Subcommittee Action

Senate Bill 9-B increases the level of the violation for the offense of operating a motor vehicle while using a mobile communications device to a Class C violation with a maximum fine of \$500. Senate Bill 9 also requires the Oregon Department of Transportation to post signs along state highways, notifying the public of the maximum fine.

The Subcommittee recommended an additional Other Funds expenditure limitation of \$130,350 for the department to comply with its responsibilities under this bill.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

SB 9-B

**Oregon Department of Transportation
Tamara Brickman - 503-378-4709**

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE RECOMMENDATION</u>									
<u>Oregon Department of Transportation</u>									
SCR 100-40 - Highway Operations									
Personal Services	\$ 0	\$ 0	\$ 50,400	\$ 0	\$ 0	\$ 0	\$ 50,400	0	0.00
Services and Supplies	\$ 0	\$ 0	\$ 72,000	\$ 0	\$ 0	\$ 0	\$ 72,000		
SCR 200 - Driver and Motor Vehicle Svcs									
Personal Services	\$ 0	\$ 0	\$ 7,350	\$ 0	\$ 0	\$ 0	\$ 7,350	0	0.00
Services and Supplies	\$ 0	\$ 0	\$ 600	\$ 0	\$ 0	\$ 0	\$ 600		
<u>SUBCOMMITTEE RECOMMENDATION</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 130,350</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 130,350</u>	<u>0</u>	<u>0.00</u>

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 9**

1 On page 1 of the printed A-engrossed bill, line 2, delete “and” and before
2 the period insert “; and limiting expenditures”.

3 Delete lines 4 through 27.

4 On page 2, delete lines 1 through 20 and insert:

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
8 an addition to a mobile communication device, whether or not permanently
9 installed in a motor vehicle, that when used allows a person to maintain
10 both hands on the steering wheel.

11 “(b) ‘Mobile communication device’ means a text messaging device or a
12 wireless, two-way communication device designed to receive and transmit
13 voice or text communication.

14 “(2) A person commits the offense of operating a motor vehicle while us-
15 ing a mobile communication device if the person, while operating a motor
16 vehicle on a highway, uses a mobile communication device.

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

20 “(a) Is summoning medical or other emergency help if no other person in
21 the vehicle is capable of summoning help;

22 “(b) Is using a mobile communication device for the purpose of farming

1 or agricultural operations;

2 “(c) Is operating an ambulance or emergency vehicle;

3 “(d) Is 18 years of age or older and is using a hands-free accessory;

4 “(e) Is operating a motor vehicle while providing public safety services
5 or emergency services;

6 “(f) Is operating a motor vehicle while acting in the scope of the person’s
7 employment as a public safety officer, as defined in ORS 348.270;

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

10 “(h) Holds a valid amateur radio operator license issued or any other li-
11 cense issued by the Federal Communications Commission and is operating
12 an amateur radio;

13 “(i) Is operating a two-way radio device that transmits radio communi-
14 cation transmitted by a station operating on an authorized frequency within
15 the citizens’ or family radio service bands in accordance with rules of the
16 Federal Communications Commission;

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

21 “(k) Is using a function of the mobile communication device that allows
22 for only 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; or

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

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

28 “(5) **The Department of Transportation shall place signs on state**
29 **highways to notify drivers that violation of this section is subject to**
30 **a maximum fine of \$500.**

1 **“SECTION 2. Notwithstanding any other law limiting expenditures,**
2 **the amount of \$130,350 is established for the biennium beginning July**
3 **1, 2013, as the maximum limit for payment of expenses from fees,**
4 **moneys or other revenues, including Miscellaneous Receipts, but ex-**
5 **cluding lottery funds and federal funds, collected or received by the**
6 **Department of Transportation for administrative and operating ex-**
7 **penses incurred in carrying out the provisions of this 2013 Act.”.**

8 In line 21, delete “2” and insert “3”.

9
