

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 1
Yeas:	Edwards, Girod, Starr, Thomsen, Beyer
Nays:	0
Exc.:	Monroe
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	2/21, 3/4

WHAT THE MEASURE DOES: Permits taxicab drivers to use mobile communication devices while driving.

ISSUES DISCUSSED:

- Use of mobile communication devices by taxicab operators
- Other exemptions that apply to taxicab operators

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon first enacted statutes prohibiting the use of mobile communication devices with the passage of House Bill 2872 (2007), which prohibited drivers under the age of 18 from using mobile devices, typically cell phones, while operating a vehicle. The measure created the violation of operating a motor vehicle while using a mobile communication device as a secondary offense, meaning that while a driver could be cited for the violation if stopped for another reason, the driver could not be stopped solely for suspicion of committing that offense. The law was broadened with the passage of House Bill 2377 (2009), which expanded application to drivers of all ages and declared that the offense would be considered a primary offense, meaning that a driver could be stopped solely for suspicion of using a cell phone while driving. The measure also provided exemptions for a number of users, first and foremost being persons utilizing a hands-free accessory device to operate the mobile device. Other exemptions were included for public safety personnel and amateur radio operators. House Bill 3186 (2011) clarified that the exemptions apply only to voice communication functions of the devices. In all cases, violations are considered a Class D traffic violation, punishable by a fine of up to \$90.

Senate Bill 294 adds operators of taxicabs with a seating capacity of seven or fewer occupants who are operating under a license or permit issued by a city, county or other unit of local government, if such license is required for operation of the taxicab, to the list of permitted users of mobile communication devices while operating a motor vehicle.