

House Bill 2790

Sponsored by Representative TOMEI; Representatives BUCKLEY, ESQUIVEL, GELSER, GREENLICK, KENY-GUYER, WILLIAMSON

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**.

Increases penalty for offense of operating a motor vehicle while using a mobile communication device from maximum fine of \$250 to maximum fine of \$2,000.

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 communication
16 device or a function of the device or who uses the device for voice communication if the person:

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

19 (b) Is using a mobile communication device for the purpose of farming or agricultural operations;

20 (c) Is operating an ambulance or emergency vehicle;

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

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

23 (f) Is operating a motor vehicle while acting in the scope of the person's employment as a public
24 safety officer, as defined in ORS 348.270;

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

27 (h) Holds a valid amateur radio operator license issued or any other license issued by the Fed-
28 eral Communications Commission and is operating an amateur radio;

29 (i) Is operating a two-way radio device that transmits radio communication transmitted by a
30 station operating on an authorized frequency within the citizens' or family radio service bands in
31 accordance with rules of the Federal Communications Commission;

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

4 (k) Is using a function of the mobile communication device that allows for only one-way voice
5 communication while the person is:

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

7 (B) Providing transit services; or

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

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

11 **SECTION 2. The amendments to ORS 811.507 by section 1 of this 2013 Act apply only to**
12 **violations of ORS 811.507 that occur on or after the effective date of this 2013 Act.**

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