

B-Engrossed
Senate Bill 9

Ordered by the Senate July 6
Including Senate Amendments dated March 11 and July 6

Sponsored by Senator COURTNEY (Pre-session filed.)

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.

Provides that violation of offense of operating motor vehicle while using mobile communication device is Class *[B]* **C** traffic violation instead of Class D traffic violation [*when person texts without using hands-free accessory*]. Directs Department of Transportation to place signs on highways of this state notifying drivers that violation is subject to maximum fine of [*\$1,000*] **\$500**.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by department for administrative and operating expenses incurred in carrying out provisions of Act.

A BILL FOR AN ACT

1
2 Relating to mobile communication devices; creating new provisions; amending ORS 811.507; and
3 limiting expenditures.

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

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 person's employment;

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

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

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

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

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

13 (B) Providing transit services; or

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

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

17 **(5) The Department of Transportation shall place signs on state highways to notify driv-**
18 **ers that violation of this section is subject to a maximum fine of \$500.**

19 **SECTION 2. Notwithstanding any other law limiting expenditures, the amount of \$130,350**
20 **is established for the biennium beginning July 1, 2013, as the maximum limit for payment of**
21 **expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but ex-**
22 **cluding lottery funds and federal funds, collected or received by the Department of Trans-**
23 **portation for administrative and operating expenses incurred in carrying out the provisions**
24 **of this 2013 Act.**

25 **SECTION 3. The amendments to ORS 811.507 by section 1 of this 2013 Act apply only to**
26 **violations of ORS 811.507 that occur on or after the effective date of this 2013 Act.**

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