

REVENUE:

FISCAL:

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

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Meeting Dates: 2/23

WHAT THE MEASURE DOES: Allows taxicab driver to use mobile communication device while driving.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

(-1 amendment) Eliminates taxicab driver exemption if there is a passenger in the taxicab.

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, amateur radio operators and tow truck 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 maximum fine of up to \$500.

Senate Bill 167 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. The proposed amendment prohibits the exemption for taxicab drivers when they have a passenger in the vehicle.