

## HOUSE AMENDMENTS TO HOUSE BILL 2597

By COMMITTEE ON JUDICIARY

April 21

1 On page 1 of the printed bill, line 3, after “provisions;” delete the rest of the line and insert  
2 “amending ORS 811.507; and declaring an emergency.”.

3 Delete lines 5 through 28 and delete pages 2 and 3 and insert:

4 “**SECTION 1.** ORS 811.507 is amended to read:

5 “811.507. (1) As used in this section:

6 “(a) ‘Hands-free accessory’ means an attachment or built-in feature for or an addition to a mo-  
7 bile [*communication*] **electronic** device[, *whether or not permanently installed in a motor vehicle,*] that  
8 when used [*allows a person to maintain*] **gives a person the ability to keep** both hands on the  
9 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 “(b)(A) ‘**Mobile electronic device**’ means an **electronic device that is not permanently in-**  
13 **stalled in a motor vehicle.**

14 “(B) ‘**Mobile electronic device**’ includes but is not limited to a device capable of text  
15 **messaging, voice communication, entertainment, navigation, accessing the Internet or**  
16 **producing electronic mail.**

17 “(c) ‘**Using a mobile electronic device**’ includes but is not limited to using a mobile elec-  
18 **tronic device for text messaging, voice communication, entertainment, navigation, accessing**  
19 **the Internet or producing electronic mail.**

20 “(2) A person commits the offense of operating a motor vehicle while using a mobile [*communi-*  
21 *cation*] **electronic** device if the person, while operating a motor vehicle on a highway **or on prem-**  
22 **ises open to the public**[,]:

23 “(a) **Holds a mobile electronic device in the person’s hand; or**

24 “(b) Uses a mobile [*communication*] **electronic** device **for any purpose.**

25 “(3) This section does not apply to a person who activates or deactivates a mobile [*communi-*  
26 *cation*] **electronic** device or a function of the device or who:

27 “(a) Uses the **mobile electronic** device [*for voice communication*] **to communicate** if the per-  
28 son:

29 “[*(a)*] (A) Is summoning medical or other emergency help if no other person in the vehicle is  
30 capable of summoning help;

31 “[*(b)*] Is using a mobile communication device for the purpose of farming or agricultural  
32 operations;]

33 “[*(c)*] (B) Is operating an ambulance, [*or*] emergency vehicle **or a vehicle owned or contracted**  
34 **by a utility while acting in the scope of the person’s employment;**

35 “(C) **Is an individual employed as a commercial motor vehicle driver or a school bus**

1 **driver who uses a mobile electronic device within the scope of the person’s employment if**  
2 **the use is permitted under regulations promulgated pursuant to 49 U.S.C. 31136 as in effect**  
3 **on January 1, 2017; or**

4 **“(D) Is a police officer, firefighter or emergency medical services provider while acting**  
5 **in the scope of the person’s employment;**

6 “[*(d)*] **(b)** Is 18 years of age or older and is using a hands-free accessory;

7 “[*(e)*] *Is operating a motor vehicle while providing public safety services or emergency services;*]

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

10 “[*(g)*] *Is operating a tow vehicle or roadside assistance vehicle while acting in the scope of the*  
11 *person’s employment;*]

12 “[*(h)*] *Holds a valid amateur radio operator license issued or any other license issued by the Federal*  
13 *Communications Commission and is operating an amateur radio;*]

14 “[*(i)*] **(c)** Is operating a two-way radio device that transmits radio communication transmitted  
15 by a station operating on an authorized frequency within the citizens’ or family radio service bands  
16 in accordance with rules of the Federal Communications Commission[;] **to summon medical or**  
17 **other emergency help; or**

18 **“(d) Is using a medical device.**

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

22 “[*(k)*] *Is using a function of the mobile communication device that allows for only one-way voice*  
23 *communication while the person is;*]

24 “[*(A)*] *Operating a motor vehicle in the scope of the person’s employment;*]

25 “[*(B)*] *Providing transit services; or]*

26 “[*(C)*] *Participating in public safety or emergency service activities.*]

27 **“(4) The offense described in this section, operating a motor vehicle while using a mobile [com-**  
28 **munication] electronic device, is:**

29 **“(a) For a person’s first conviction, a Class [C] B traffic violation unless commission of the**  
30 **offense contributes to an accident.**

31 **“(b) For a person’s second or subsequent conviction within a 10-year period, a Class A**  
32 **traffic violation.**

33 **“(c) If commission of the offense contributes to an accident, a Class A traffic violation.**

34 **“(5) The Department of Transportation shall place signs on state highways to notify drivers that**  
35 **violation of this section is subject to a maximum fine of [\$500] \$2,000.**

36 **“SECTION 2.** ORS 811.507, as amended by section 1 of this 2017 Act, is amended to read:

37 **“811.507. (1) As used in this section:**

38 **“(a) ‘Hands-free accessory’ means an attachment or built-in feature for or an addition to a mo-**  
39 **bile electronic device that when used gives a person the ability to keep both hands on the steering**  
40 **wheel.**

41 **“(b)(A) ‘Mobile electronic device’ means an electronic device that is not permanently installed**  
42 **in a motor vehicle.**

43 **“(B) ‘Mobile electronic device’ includes but is not limited to a device capable of text messaging,**  
44 **voice communication, entertainment, navigation, accessing the Internet or producing electronic mail.**

45 **“(c) ‘Using a mobile electronic device’ includes but is not limited to using a mobile electronic**

1 device for text messaging, voice communication, entertainment, navigation, accessing the Internet  
2 or producing electronic mail.

3 “(2) A person commits the offense of operating a motor vehicle while using a mobile electronic  
4 device if the person, while operating a motor vehicle on a highway or on premises open to the  
5 public:

6 “(a) Holds a mobile electronic device in the person’s hand; or

7 “(b) Uses a mobile electronic device for any purpose.

8 “(3) This section does not apply to a person who activates or deactivates a mobile electronic  
9 device or a function of the device or who:

10 “(a) Uses the mobile electronic device to communicate if the person:

11 “(A) Is summoning medical or other emergency help if no other person in the vehicle is capable  
12 of summoning help;

13 “(B) Is operating an ambulance, emergency vehicle or a vehicle owned or contracted by a utility  
14 while acting in the scope of the person’s employment;

15 “(C) Is an individual employed as a commercial motor vehicle driver or a school bus driver who  
16 uses a mobile electronic device within the scope of the person’s employment if the use is permitted  
17 under regulations promulgated pursuant to 49 U.S.C. 31136 as in effect on January 1, 2017; or

18 “(D) Is a police officer, firefighter or emergency medical services provider while acting in the  
19 scope of the person’s employment;

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

21 “(c) Is operating a two-way radio device that transmits radio communication transmitted by a  
22 station operating on an authorized frequency within the citizens’ or family radio service bands in  
23 accordance with rules of the Federal Communications Commission to summon medical or other  
24 emergency help; or

25 “(d) Is using a medical device.

26 “(4) The offense described in this section, operating a motor vehicle while using a mobile elec-  
27 tronic device, is:

28 “(a) For a person’s first conviction, a Class B traffic violation unless commission of the offense  
29 contributes to an accident.

30 “(b) For a person’s second or subsequent conviction within a 10-year period, a Class A traffic  
31 violation.

32 “(c) If commission of the offense contributes to an accident, a Class A traffic violation.

33 “(5)(a) **For a person’s first conviction of operating a motor vehicle while using a mobile**  
34 **electronic device, the court may suspend the fine to be imposed under subsection (4)(a) of**  
35 **this section on the condition that the person, within 120 days of sentencing:**

36 “(A) **Complete at the person’s own expense a distracted driving avoidance course ap-**  
37 **proved by the Department of Transportation under section 4 of this 2017 Act; and**

38 “(B) **Provide proof of completion to the court.**

39 “(b) **The court may schedule a hearing to determine whether the person successfully**  
40 **completed the distracted driving avoidance course.**

41 “(c) **If the person has successfully completed the requirements described in paragraph**  
42 **(a) of this subsection, the court shall enter a sentence of discharge.**

43 “(d) **If the person has not successfully completed the requirements described in para-**  
44 **graph (a) of this subsection, the court shall:**

45 “(A) **Grant the person an extension based on good cause shown; or**

1           **“(B) Impose the fine under subsection (4)(a) of this section.**  
2           **“[(5)] (6) The Department of Transportation shall place signs on state highways to notify drivers**  
3 **that violation of this section is subject to a maximum fine of \$2,000.**  
4           **“SECTION 3. Section 4 of this 2017 Act is added to and made a part of the Oregon Vehicle**  
5 **Code.**  
6           **“SECTION 4. (1) The Department of Transportation by rule shall establish standards for**  
7 **a distracted driving avoidance course provided to persons who violate ORS 811.507. The**  
8 **standards must describe the contents and quality of a curriculum for the course, specify**  
9 **requirements for obtaining a certificate or other evidence of having completed the course**  
10 **and otherwise determine the level and depth of knowledge a person must have obtained from**  
11 **the course.**  
12           **“(2) The department shall maintain a list of providers approved to lead the course de-**  
13 **scribed in this section and shall update the list monthly. The department shall prescribe**  
14 **procedures for providing the provider list to local courts.**  
15           **“SECTION 5. The amendments to ORS 811.507 by section 1 of this 2017 Act apply to**  
16 **conduct that occurs on or after the effective date of this 2017 Act.**  
17           **“SECTION 6. (1) Section 4 of this 2017 Act and the amendments to ORS 811.507 by section**  
18 **2 of this 2017 Act become operative on January 1, 2018.**  
19           **“(2) The Department of Transportation may take any action before the operative date**  
20 **specified in subsection (1) of this section that is necessary to enable the department, on and**  
21 **after the operative date specified in subsection (1) of this section, to exercise the duties,**  
22 **functions and powers conferred on the department by section 4 of this 2017 Act and the**  
23 **amendments to ORS 811.507 by section 2 of this 2017 Act.**  
24           **“SECTION 7. This 2017 Act being necessary for the immediate preservation of the public**  
25 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
26 **October 1, 2017.”.**  
27

---