

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2597**

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

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

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  
8 an addition to a mobile [*communication*] **electronic** device[, *whether or not*  
9 *permanently installed in a motor vehicle,*] that when used [*allows a person to*  
10 *maintain*] **gives a person the ability to keep** both hands on the steering  
11 wheel.

12 “[*(b) ‘Mobile communication device’ means a text messaging device or a*  
13 *wireless, two-way communication device designed to receive and transmit voice*  
14 *or text communication.*]

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

17 **“(B) ‘Mobile electronic device’ includes but is not limited to a device**  
18 **capable of text messaging, voice communication, entertainment, nav-**  
19 **igation, accessing the Internet or producing electronic mail.**

20 **“(c) ‘Using a mobile electronic device’ includes but is not limited**  
21 **to using a mobile electronic device for text messaging, voice commu-**

1 **nication, entertainment, navigation, accessing the Internet or**  
2 **producing electronic mail.**

3 “(2) A person commits the offense of operating a motor vehicle while us-  
4 ing a mobile [*communication*] **electronic** device if the person, while operat-  
5 ing a motor vehicle on a highway **or on premises open to the public[,]**:

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

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

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

11 **“(a) Uses the mobile electronic device [*for voice communication*] to**  
12 **communicate** if the person:

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

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

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

20 **“(C) Is an individual employed as a commercial motor vehicle driver**  
21 **or a school bus driver who uses a mobile electronic device within the**  
22 **scope of the person’s employment if the use is permitted under regu-**  
23 **lations promulgated pursuant to 49 U.S.C. 31136 as in effect on Janu-**  
24 **ary 1, 2017; or**

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

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

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

30 **“[(f) *Is operating a motor vehicle while acting in the scope of the person’s***

1 *employment as a public safety officer, as defined in ORS 348.270;]*

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

4 *“[(h) Holds a valid amateur radio operator license issued or any other li-*  
5 *cence issued by the Federal Communications Commission and is operating an*  
6 *amateur radio;]*

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

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

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

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

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

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

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

22 *“(4) The offense described in this section, operating a motor vehicle while*  
23 *using a mobile [communication] **electronic** device, is:*

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

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

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

30 *“(5) The Department of Transportation shall place signs on state high-*

1 ways to notify drivers that violation of this section is subject to a maximum  
2 fine of [~~\$500~~] **\$2,000**.

3 **“SECTION 2.** ORS 811.507, as amended by section 1 of this 2017 Act, is  
4 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  
7 an addition to a mobile electronic device that when used gives a person the  
8 ability to keep both hands on the steering wheel.

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

11 “(B) ‘Mobile electronic device’ includes but is not limited to a device ca-  
12 pable of text messaging, voice communication, entertainment, navigation,  
13 accessing the Internet or producing electronic mail.

14 “(c) ‘Using a mobile electronic device’ includes but is not limited to using  
15 a mobile electronic device for text messaging, voice communication, enter-  
16 tainment, navigation, accessing the Internet or producing electronic mail.

17 “(2) A person commits the offense of operating a motor vehicle while us-  
18 ing a mobile electronic device if the person, while operating a motor vehicle  
19 on a highway or on premises open to the public:

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

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

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

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

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

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

29 “(C) Is an individual employed as a commercial motor vehicle driver or  
30 a school bus driver who uses a mobile electronic device within the scope of

1 the person's employment if the use is permitted under regulations  
2 promulgated pursuant to 49 U.S.C. 31136 as in effect on January 1, 2017; or

3 "(D) Is a police officer, firefighter or emergency medical services provider  
4 while acting in the scope of the person's employment;

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

6 "(c) Is operating a two-way radio device that transmits radio communi-  
7 cation transmitted by a station operating on an authorized frequency within  
8 the citizens' or family radio service bands in accordance with rules of the  
9 Federal Communications Commission to summon medical or other emergency  
10 help; or

11 "(d) Is using a medical device.

12 "(4) The offense described in this section, operating a motor vehicle while  
13 using a mobile electronic device, is:

14 "(a) For a person's first conviction, a Class B traffic violation unless  
15 commission of the offense contributes to an accident.

16 "(b) For a person's second or subsequent conviction within a 10-year pe-  
17 riod, a Class A traffic violation.

18 "(c) If commission of the offense contributes to an accident, a Class A  
19 traffic violation.

20 **"(5)(a) For a person's first conviction of operating a motor vehicle**  
21 **while using a mobile electronic device, the court may suspend the fine**  
22 **to be imposed under subsection (4)(a) of this section on the condition**  
23 **that the person, within 120 days of sentencing:**

24 **"(A) Complete at the person's own expense a distracted driving**  
25 **avoidance course approved by the Department of Transportation under**  
26 **section 4 of this 2017 Act; and**

27 **"(B) Provide proof of completion to the court.**

28 **"(b) The court may schedule a hearing to determine whether the**  
29 **person successfully completed the distracted driving avoidance course.**

30 **"(c) If the person has successfully completed the requirements de-**

1 scribed in paragraph (a) of this subsection, the court shall enter a  
2 sentence of discharge.

3 “(d) If the person has not successfully completed the requirements  
4 described in paragraph (a) of this subsection, the court shall:

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

6 “(B) Impose the fine under subsection (4)(a) of this section.

7 “[5] (6) The Department of Transportation shall place signs on state  
8 highways to notify drivers that violation of this section is subject to a  
9 maximum fine of \$2,000.

10 “SECTION 3. Section 4 of this 2017 Act is added to and made a part  
11 of the Oregon Vehicle Code.

12 “SECTION 4. (1) The Department of Transportation by rule shall  
13 establish standards for a distracted driving avoidance course provided  
14 to persons who violate ORS 811.507. The standards must describe the  
15 contents and quality of a curriculum for the course, specify require-  
16 ments for obtaining a certificate or other evidence of having com-  
17 pleted the course and otherwise determine the level and depth of  
18 knowledge a person must have obtained from the course.

19 “(2) The department shall maintain a list of providers approved to  
20 lead the course described in this section and shall update the list  
21 monthly. The department shall prescribe procedures for providing the  
22 provider list to local courts.

23 “SECTION 5. The amendments to ORS 811.507 by section 1 of this  
24 2017 Act apply to conduct that occurs on or after the effective date of  
25 this 2017 Act.

26 “SECTION 6. (1) Section 4 of this 2017 Act and the amendments to  
27 ORS 811.507 by section 2 of this 2017 Act become operative on January  
28 1, 2018.

29 “(2) The Department of Transportation may take any action before  
30 the operative date specified in subsection (1) of this section that is

1 **necessary to enable the department, on and after the operative date**  
2 **specified in subsection (1) of this section, to exercise the duties, func-**  
3 **tions and powers conferred on the department by section 4 of this 2017**  
4 **Act and the amendments to ORS 811.507 by section 2 of this 2017 Act.**

5 **“SECTION 7. This 2017 Act being necessary for the immediate**  
6 **preservation of the public peace, health and safety, an emergency is**  
7 **declared to exist, and this 2017 Act takes effect October 1, 2017.”.**

8

---