

Requested by Senator OLSEN

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2597**

1 On page 2 of the printed A-engrossed bill, restore lines 22 and 23.

2 In line 22, delete “(h)” and insert “(c)”.

3 In line 24, delete “(c)” and insert “(d)”.

4 In line 26, restore the semicolon and delete “to summon medial or  
5 other”.

6 In line 27, delete “emergency help;”.

7 In line 28, delete “(d)” and insert “(e)”.

8 Delete page 3.

9 On page 4, delete lines 1 through 13 and insert:

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

12 “811.507. (1) As used in this section:

13 “(a) ‘Hands-free accessory’ means an attachment or built-in feature for or  
14 an addition to a mobile electronic device that when used gives a person the  
15 ability to keep both hands on the steering wheel.

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

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

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

1 a mobile electronic device for text messaging, voice communication, enter-  
2 tainment, navigation, accessing the Internet or producing electronic mail.

3 “(2) A person commits the offense of operating a motor vehicle while us-  
4 ing a mobile electronic device if the person, while operating a motor vehicle  
5 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 electronic device for any purpose.

8 “(3) This section does not apply to a person who activates or deactivates  
9 a mobile electronic 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  
12 the vehicle is capable of summoning help;

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

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

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

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

22 “(c) Holds a valid amateur radio operator license issued or any other li-  
23 cense issued by the Federal Communications Commission and is operating  
24 an amateur radio;

25 “(d) Is operating a two-way radio device that transmits radio communi-  
26 cation transmitted by a station operating on an authorized frequency within  
27 the citizens’ or family radio service bands in accordance with rules of the  
28 Federal Communications Commission; or

29 “(e) Is using a medical device.

30 “(4) The offense described in this section, operating a motor vehicle while

1 using a mobile electronic device, is:

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

4 “(b) For a person’s second or subsequent conviction within a 10-year pe-  
5 riod, a Class A traffic violation.

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

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

12 **“(A) Complete at the person’s own expense a distracted driving  
13 avoidance course approved by the Department of Transportation under  
14 section 4 of this 2017 Act; and**

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

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

18 **“(c) If the person has successfully completed the requirements de-  
19 scribed in paragraph (a) of this subsection, the court shall enter a  
20 sentence of discharge.**

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

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

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

25 **“[(5)] (6) The Department of Transportation shall place signs on state  
26 highways to notify drivers that violation of this section is subject to a  
27 maximum fine of \$2,000.”.**

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