

CHAPTER 834

AN ACT

HB 2377

Relating to use of mobile communication device while driving; amending ORS 811.507.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 811.507 is amended to read: 811.507. (1) **As used in this section:**

(a) **“Hands-free accessory” means an attachment or built-in feature for or an addition to a mobile communication device, whether or not permanently installed in a motor vehicle, that when used allows a person to maintain both hands on the steering wheel.**

(b) **“Mobile communication device” means a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication.**

[(1)] (2) A person [under 18 years of age] commits the offense of operating a motor vehicle while using a mobile communication device if the person, while operating a motor vehicle on a highway, uses a mobile communication device. [and the person holds:]

[(a) A provisional driver license issued under ORS 807.065;

[(b) A special student driver permit issued under ORS 807.230; or]

[(c) An instruction driver permit issued under ORS 807.280.]

[(2) For purposes of this section, “mobile communication device” means a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication.]

(3) This section does not apply:

(a) To a person who is summoning medical or other emergency help if no other person in the vehicle is capable of summoning help; [or]

(b) To a person using a mobile communication device for the purpose of farming or agricultural operations[.];

(c) To a person operating an ambulance or emergency vehicle;

(d) To a person 18 years of age or older who is using a hands-free accessory;

(e) To a person operating a motor vehicle while providing public safety services or emergency services as a volunteer;

(f) To a person operating a motor vehicle while acting in the scope of the person’s employment as a public safety officer, as defined in ORS 348.270;

(g) To a person operating a motor vehicle in the scope of the person’s employment if operation of the motor vehicle is necessary for the person’s job;

(h) To a person activating or deactivating the mobile communication device or a function of the device;

(i) To a person who holds a valid amateur radio operator license issued or any other license issued by the Federal Communications Commission and is operating an amateur radio;

(j) To a person who operates a two-way radio device that transmits radio communication transmitted by a station operating on an authorized frequency within the citizens’ or family radio service bands in accordance with rules of the Federal Communications Commission; or

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

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

(B) Providing transit services to persons with disabilities or to senior citizens; or

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

[(4) Notwithstanding ORS 810.410, a police officer may enforce this provision only as a secondary action when a driver of a motor vehicle has been detained for a suspected traffic violation or some other offense.]

[(5)] (4) The offense described in this section, operating a motor vehicle while using a mobile communication device, is a Class D traffic violation.

Approved by the Governor July 28, 2009

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