

75th OREGON LEGISLATIVE ASSEMBLY--2009 Regular Session

Enrolled

House Bill 2377

Sponsored by Representatives TOMEI, ESQUIVEL; Senators BURDICK, DINGFELDER, MORRISETTE (Pre-session filed.)

CHAPTER .....

AN ACT

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;

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(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.

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Passed by House April 28, 2009

Repassed by House June 24, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 23, 2009

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President of Senate

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Received by Governor:

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Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State

