

Oregon's New Cell Phone Law

“Operating a Motor Vehicle While Using a Mobile Communication Device”

House Bill 2377 amended ORS 811.507 to ban the use of mobile communication devices with some exceptions. The new law, a class D traffic violation with a minimum base fine of \$142.00, is effective January 1, 2010 and is a primary offense, meaning that a police officer may stop a driver solely for using a cell phone without using a hands-free accessory. For purposes of the new law, “mobile communication device” is defined as a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication. Exceptions provided in the law are:

A person who is summoning medical or other emergency help if no other person in the vehicle is capable of summoning help;

A person using a mobile communication device for the purpose of farming or agricultural operations;

A person operating an ambulance or emergency vehicle;

A person 18 years of age or older who is using a hands-free accessory (a device that when used allows the driver to maintain both hands on the steering wheel);

A person operating a motor vehicle while providing public safety services or emergency services as a volunteer;

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;

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;

A person activating or deactivating the mobile communication device or a function of the device (note: dialing is considered the same as texting and is not a “function of the device”);

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;

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;

• A person using a function of the mobile communication device that allows for only one-way voice communication while the person is:

Operating a motor vehicle in the scope of the person's employment;

Providing transit services to persons with disabilities or to senior citizens; or

Participating in public safety or emergency service activities.

Enrolled

House Bill 2377

Sponsored by Representatives TOMEI, ESQUIVEL; Senators BURDICK,
DINGFELDER, MORRISETTE (Presession 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;

(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.

Passed by House April 28, 2009

Repassed by House June 24, 2009

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate June 23, 2009

.....
President of Senate

Received by Governor:

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

Approved:

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

.....
Governor

Filed in Office of Secretary of State:

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

.....
Secretary of State

