

**Enrolled**  
**Senate Bill 9**

Sponsored by Senator COURTNEY, Representative TOMEI (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to mobile communication devices; creating new provisions; amending ORS 811.507; and limiting expenditures.

**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.

(2) A person 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.

(3) This section does not apply to a person who activates or deactivates a mobile communication device or a function of the device or who uses the device for voice communication if the person:

(a) Is summoning medical or other emergency help if no other person in the vehicle is capable of summoning help;

(b) Is using a mobile communication device for the purpose of farming or agricultural operations;

(c) Is operating an ambulance or emergency vehicle;

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

(e) Is operating a motor vehicle while providing public safety services or emergency services;

(f) Is 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) Is operating a tow vehicle or roadside assistance vehicle while acting in the scope of the person's employment;

(h) Holds a valid amateur radio operator license issued or any other license issued by the Federal Communications Commission and is operating an amateur radio;

(i) Is operating 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;

(j) Is operating a vehicle owned or contracted by a utility for the purpose of installing, repairing, maintaining, operating or upgrading utility service, including but not limited to natural gas, electricity, water or telecommunications, while acting in the scope of the person's employment; or

(k) Is 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; or
- (C) Participating in public safety or emergency service activities.

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

**(5) The Department of Transportation shall place signs on state highways to notify drivers that violation of this section is subject to a maximum fine of \$500.**

**SECTION 2. Notwithstanding any other law limiting expenditures, the amount of \$130,350 is established for the biennium beginning July 1, 2013, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Transportation for administrative and operating expenses incurred in carrying out the provisions of this 2013 Act.**

**SECTION 3. The amendments to ORS 811.507 by section 1 of this 2013 Act apply only to violations of ORS 811.507 that occur on or after the effective date of this 2013 Act.**

**Passed by Senate July 7, 2013**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House July 7, 2013**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2013

**Approved:**

.....M.,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2013

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Kate Brown, Secretary of State