

Requested by Representative OLSON

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

1 On page 1 of the printed A-engrossed bill, line 21, delete “operating” and
2 insert “driving”.

3 In line 22, delete “operating” and insert “driving”.

4 On page 2, line 8, delete “operating” and insert “driving” and delete the
5 comma and restore “or” and delete “or a vehicle owned or contracted”.

6 In line 9, delete “by a utility”.

7 In line 12, delete “as in effect on Jan-”.

8 In line 13, delete “uary 1, 2017”.

9 Restore lines 22 and 23.

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

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

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

13 In line 37, delete “operating” and insert “driving”.

14 Delete page 3.

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

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

18 “811.507. (1) As used in this section:

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

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

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

6 “(c) ‘Using a mobile electronic device’ includes but is not limited to using
7 a mobile electronic device for text messaging, voice communication, enter-
8 tainment, navigation, accessing the Internet or producing electronic mail.

9 “(2) A person commits the offense of driving a motor vehicle while using
10 a mobile electronic device if the person, while driving a motor vehicle on a
11 highway or on premises open to the public:

12 “(a) Holds a mobile electronic device in the person’s hand; or

13 “(b) Uses a mobile electronic device for any purpose.

14 “(3) This section does not apply to a person who activates or deactivates
15 a mobile electronic device or a function of the device or who:

16 “(a) Uses the mobile electronic device to communicate if the person:

17 “(A) Is summoning medical or other emergency help if no other person in
18 the vehicle is capable of summoning help;

19 “(B) Is driving an ambulance or emergency vehicle while acting in the
20 scope of the person’s employment;

21 “(C) Is an individual employed as a commercial motor vehicle driver or
22 a school bus driver who uses a mobile electronic device within the scope of
23 the person’s employment if the use is permitted under regulations
24 promulgated pursuant to 49 U.S.C. 31136; or

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

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

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

1 “(d) Is operating a two-way radio device that transmits radio communi-
2 cation transmitted by a station operating on an authorized frequency within
3 the citizens’ or family radio service bands in accordance with rules of the
4 Federal Communications Commission to summon medical or other emergency
5 help; or

6 “(e) Is using a medical device.

7 “(4) The offense described in this section, driving a motor vehicle while
8 using a mobile electronic device, is:

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

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

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

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

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

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

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

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

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

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

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

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

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