

Requested by Senator LINTHICUM

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

1 On page 2 of the printed A-engrossed bill, line 2, after the second
2 “device” insert “, including dialing a telephone number or touching the de-
3 vice to answer a telephone call,”.

4 Delete page 3.

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

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

8 “811.507. (1) As used in this section:

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

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

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

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

20 “(2) A person commits the offense of operating a motor vehicle while us-
21 ing a mobile electronic device if the person, while operating a motor vehicle

1 on a highway or on premises open to the public:

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

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

4 “(3) This section does not apply to a person who activates or deactivates
5 a mobile electronic device or a function of the device, including dialing a
6 telephone number or touching the device to answer a telephone call, or who:

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

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

10 “(B) Is operating an ambulance, emergency vehicle or a vehicle owned or
11 contracted by a utility while acting in the scope of the person’s employment;

12 “(C) Is an individual employed as a commercial motor vehicle driver or
13 a school bus driver who uses a mobile electronic device within the scope of
14 the person’s employment if the use is permitted under regulations
15 promulgated pursuant to 49 U.S.C. 31136 as in effect on January 1, 2017; or

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

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

19 “(c) Is operating a two-way radio device that transmits radio communi-
20 cation transmitted by a station operating on an authorized frequency within
21 the citizens’ or family radio service bands in accordance with rules of the
22 Federal Communications Commission to summon medical or other emergency
23 help; or

24 “(d) Is using a medical device.

25 “(4) The offense described in this section, operating a motor vehicle while
26 using a mobile electronic device, is:

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

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

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

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

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

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

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

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

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

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

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

20 **“[(5)] (6) The Department of Transportation shall place signs on state
21 highways to notify drivers that violation of this section is subject to a
22 maximum fine of \$2,000.”.**

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