



# Restrictions on Mobile Communications While Driving – HB 2377

## FACT SHEET

### Background

HB 2377 aims to reduce distractions for drivers so Oregon roads are safer for everyone. It specifically prohibits drivers from using a mobile communications device for talking or texting while driving unless the driver meets a specific exemption. Those in violation face a minimum fine of \$90 (Class D violation). The law goes into effect January 1, 2010.

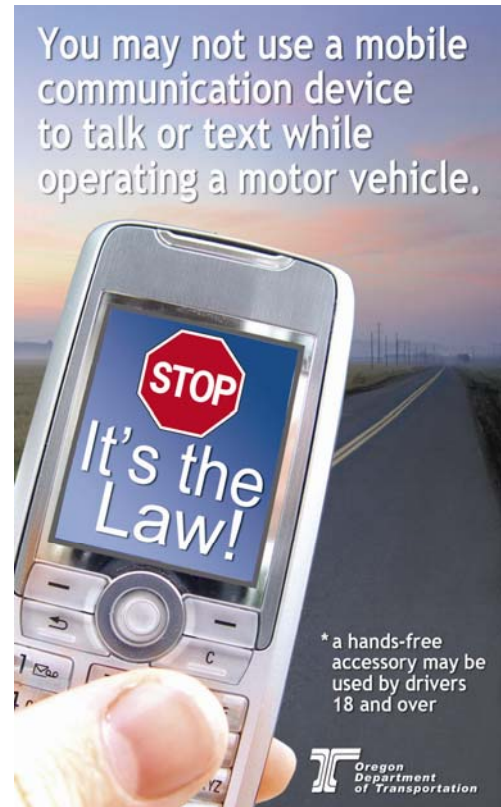
### Safety is our #1 goal

The Oregon Department of Transportation encourages drivers to focus on the task at hand: driving safely from one point to the next. Drivers should avoid *any* kind of distraction, not just mobile communication devices. Reported cases of cell phone usage causing crashes are low, due in part to self-reporting. National studies are showing, however, that using a cell phone creates a distraction...**and distracted driving is unsafe driving.**

### Key elements

- **Covers drivers of all ages.** Drivers age 18 and over can only use a mobile communications device while driving if they are using a hands-free accessory. Drivers under age 18 are prohibited from using all mobile communication devices, whether hands-free or not. Emergencies are an exception.
- **Offers some exemptions for devices used in scope of employment.** ORS 811.507 exempts some drivers who use a mobile communications device while driving if the vehicle is necessary for the person's job, and some drivers who use one-way radios (CB-style) while in the scope of their employment. Learn more about the exemptions by reading the text of the law (see link below).
- **It's a primary offense.** This means law enforcement personnel can stop a driver solely for using a mobile communications device without using a hands-free accessory.
- **Most importantly, avoid distracted driving of all types!**

For more information, the bill is available online at <http://www.leg.state.or.us/09reg/asures/hb2300.dir/hb2377.en.html>.



This ad (above) will appear in the new Driver's Manual.

—over for more Talking Points—

## Internal Talking Points

- Distracted driving is unsafe driving, whether it's from a mobile communication device, eating, or an active pet. **Our key message: focus on the task at hand!**
- There are a lot of questions around what a person can and cannot do regarding the operation of a mobile communications device. Can they turn it on and off? Can they dial? No one knows for sure because the bill was vague enough to allow for new technology. The result? **We don't want to offer advice about whether an activity does or does not violate the new law!**
  - Law enforcement and the courts will provide some definitions going forward.
  - We encourage folks to read the bill to help determine answers to their specific questions.

### *Examples:*

Question: What does 'activate a function' mean in the law? Can I use speed dial to call someone? If I'm turning my phone on, is that legal?

Answer: We don't have enforcement authority regarding this law, so I don't have answers for those specific, situational questions. It will be up to your local law enforcement. You might take a look at the wording in the bill to see if it helps.

- The main exemptions in the new law are around people who use vehicles as an integral part of their jobs, such as truck drivers, taxi cabs and snow plow operators.
- **To find out if you need a hands-free accessory, please see your supervisor or manager.** Our IT division has established some standards for these accessories, but we are not endorsing any particular brand or device.
- Highway Division staff has been instructed by Deputy Director Tindall to continue current practices as they pertain to radios (this follows the new law which allows the use of one-way – CB style – mobile communications devices while in the scope of employment). Beginning Jan. 1, Highway Division staff are required to use hands-free devices for any cell phone communication while driving (except in emergencies).

*“Cell phone use while driving can be a distraction regardless of whether using hands-free devices or not. Cell calls are not prohibited, but judicious use is a better overall practice. When it is necessary to make cell calls, we will use hands-free devices, except in emergency situations as provided for in the law.” – Tindall memo, 9/11/2009*