

**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:
  1. Operating a motor vehicle in the scope of the person's employment;
  2. Providing transit services to persons with disabilities or to senior citizens; or
  3. Participating in public safety or emergency service activities.