



## Distracted Driving Fact Sheet – [ORS 811.507](#)

### 1. The purpose of the law

Focus on driving and put away the distractions.

### 2. Important dates

- October 1, 2017: updated law with significant changes in effect ([HB 2597](#), 2017 Session)
- March 16, 2018: updated law with minor tweaks to 2017 language in effect ([HB 4116](#), 2018 Session)
- July 1, 2018: offenses under this law begin counting toward elevated sanctions

### 3. Basic Requirement

It is illegal to drive while holding or using a mobile electronic device (e.g. cell phone, tablet, GPS, laptop).

### 4. Exceptions (some are “affirmative defenses”\*, which means you may need to provide evidence to the court)

This law does not apply to the following:

- Using hands-free or built-in devices, if 18 years of age or older.
- \*Use of a single touch or swipe to activate or deactivate the device or a function of the device.
- Making a call to provide or summon medical help and no one else is available.
- When parked safely, i.e., stopped at the side of the road or in a designated parking spot.
  - It is NOT legal to use the device when stopped at a stop light, stop sign, in traffic, etc.
- Commercial vehicle use of an Electronic Logging Device, as required by federal law.
- Using a two-way radio: CB users, school bus drivers, utility truck drivers in the scope of employment.
- Use of a mobile electronic device by an ambulance or emergency vehicle operator in the scope of employment.
- Use of a mobile electronic device by police, fire, EMS providers in the scope of employment (can include when in a personal vehicle if, for example, when responding to an emergency call).
- Use of a HAM radio, age 18 years or older.
- \*Use of a two-way radio device while operating a vehicle wider than the lane of travel, a vehicle transporting livestock or a vehicle requiring a slow-moving vehicle emblem under ORS 815.110 and the device facilitates the safe operation of the vehicle. Exception includes a pilot vehicle involved in these vehicles’ movement.

### 5. Fines

- First offense, not contributing to a crash: Class B violation
  - Fine up to \$1,000
- Second offense, or first offense, if it contributed to a crash: Class A violation
  - Fine up to \$2,000
- Third offense in ten years: Class B misdemeanor
  - Fine up to \$2,500
  - Could be 6 months in jail

## 6. Course for First Time Offenders

- For a first offense that does not contribute to a crash, the court *may* offer to suspend the fine if the driver completes and pays for an approved Distracted Driving Avoidance course, and shows proof to the court within four months. (The court may grant extension for good cause.)
  - ODOT establishes course standards, maintains list of [approved providers](#), and provides the list to courts.
- Court may schedule a hearing to determine if person successfully completed the course. If the driver successfully completes the course, the court must enter a sentence of “discharge.” Only the *fine* is suspended – the violation will still be recorded on the driver’s driving record.
- Prior convictions that can lead to an elevated punishment become effective July 1, 2018. For anyone who had an elevated punishment prior to July, the person may petition the court to have it reduced.