Oregon House Bill 2597

Distracted Driving

Purpose of the Law

Focus on driving and put away the distractions.

Important Dates

- October 1, 2017 - when the law goes into effect.
- January 1, 2018 - when the court has the option to waive the fine for first-time offenders who attend a Distracted Driving Avoidance course.

Basic Requirement

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

Exceptions (some are “affirmative defenses”, which means you may need to prove to the court)

This new law does not apply to the following:

- When 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.
- While providing or summoning medical help and no one else is available to make the call.
- 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.
- Truck or bus drivers following the federal rules for CDL holders.
- Using a two-way radio: CB users, school bus drivers, utility truck drivers in the scope of employment.
- Ambulance or emergency vehicle operators in the scope of employment.
- 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).
- HAM radio operators, age 18 years or older.

Fines

- First offense, not contributing to a crash: Class B violation.
    - Presumptive fine $260 (The amount on the ticket; if you don’t simply pay, it could go up or down).
    - Minimum fine is $130; maximum fine is $1,000.
- Second offense, or first offense, if it contributed to a crash: Class A violation.
    - Presumptive fine $435.
    - Minimum fine is $220; maximum fine is $2,500.
- Third offense in ten years: Class B misdemeanor.
    - Minimum fine $2,000.
    - Maximum fine is $6,250.
    - Could be one year in jail.

Course for First Time Offenders

For a first offense that does not contribute to a crash, the court *may* suspend the fine* if the driver completes an approved distracted driving avoidance course, and shows proof to the court within four months.

*Only the *fine* is suspended - the violation will still be recorded on the offender’s driving record.