



## Oregon House Bill 2597

### Distracted Driving Fact Sheet

#### 1. The purpose of the law

Focus on driving and put away the distractions.

#### 2. Important dates

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

#### 3. Basic Requirement

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

#### 4. 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 or a function.
- 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.

#### 5. 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 is \$2,500.
- Third offense in ten years: Class B misdemeanor.
  - Minimum fine \$2,000.
  - 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* 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.