



# [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.
- 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.
  - Maximum fine is \$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* 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.



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# Distracted Driving Additional Information for Law Enforcement and Courts

#### 4. More on Exclusions, Exceptions and Affirmative Defenses

##### a. Excluded from the law

- Use of device installed in vehicle (e.g. factory-installed touch-screen; aftermarket CB radios).
- When parked safely: stopped at the side of the road; in a designated parking spot; utility truck in roadway parked to do maintenance work.
  - It is NOT legal to use the device when stopped at a stop light, stop sign, in traffic, etc.

##### b. Exceptions

- Use of a single touch or swipe to activate or deactivate the device.
- Two-way or CB-type radio used by school bus driver, commercial motor vehicle driver, utility truck operator in scope of employment.

##### c. Affirmative Defenses

- When using hands-free device, if 18 years of age or older.
- While providing or summoning medical help and no one else is available to make the call.
- While operating an ambulance or emergency vehicle, in scope of employment.
- Police, fire, EMS providers in the scope of employment, (can include when in a personal vehicle if, for example, while 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.
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- Third offense in ten years: Class B misdemeanor.
  - Minimum fine \$2,000.
  - Maximum fine is \$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 gets that list to courts.
- Court may schedule a hearing to determine if person successfully completed the course. If the violator 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 offender’s driving record. (The driving record is how a court or law enforcement officer determines if this is a repeat offense.)