



## **A REALTORS® Guide to Oregon's New Mobile Device Law**

By Jihun Han, Political Affairs Manager, Oregon Association of REALTORS®

If you use your smart phone or tablet to map the location of your next appointment or showing while driving, the State of Oregon has some new rules – and harsher fines – for you.

Starting October 1, 2017, law enforcement officers can pull you over and issue a hefty ticket if they see you using a mobile device for any reason while driving, even if you're stopped in traffic or at a light or stop sign.

Proposed, passed and signed into law during the 2017 legislative session, HB 2597 effectively bans all electronic device use while operating a motor vehicle – texting, calling, social media, e-mails, and GPS navigation. It goes well beyond the state's original 2009 law (and incremental amendments since) prohibiting phone calls and texting while driving.

The expanded law going into effect next month is designed to reduce the 495 fatalities in 2016 and 1,330 injuries from 2011-2015 attributed to distracted driving from mobile device use, according to the Oregon Department of Transportation (ODOT).

### *What it Means to You ... and How to Adjust*

On the surface, the new law appears to hinder an agent's ability to use the GPS navigation ("maps") functionality of their smart phones to get to appointments and meetings, often at a moment's notice.

But just as REALTORS® adjusted to the original law banning calls and texting, there are provisions in the new law that allow you to continue to use GPS navigation on your mobile device ... namely and exclusively in a "hands-free" mode.

Simply, if your device is mounted or otherwise fixed to your dashboard and/or connected to your vehicle's Bluetooth signal to enable voice commands, you can follow a mapped course while driving ... assuming you set that course before pulling away from the curb.

It also is okay to use a single touch or swipe to active or deactivate your device while driving, and to call emergency services.

Of course, the safest solution, at least for mapping a destination, is to use your vehicle's in-dash navigation system ... if you're fortunate enough to have that feature.

### **What to Expect if You Violate the Law**

Drivers face significant fines for not complying with the new law. A first-time offense carries up to a \$1,000 fine, can balloon to \$2,500 the second time, and potentially incur jail time for a third offense. Law enforcement can stop you if they witness you touching an electronic device or if the device illuminates your face.

Despite taking effect on October 1, 2017, the law provides courts the option to waive first-time offenses if violators attend a "Distracted Driving Avoidance" course, but that option isn't available until January 1, 2018.

For more information and details about the new law, check out the ODOT on the following page, which you can share with your colleagues, associates and clients so we're all aware and safe on the roads.



# [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.