

Oregon and Washington’s New Distracted Driving Laws:

During their most recent Legislative Sessions both Oregon and Washington made significant changes to their distracted driving laws to reduce the use of mobile electronics devices while driving.

Bottom Line: Penalties are going up. Don’t hold or use your handheld device (cell phone) while driving unless you are connected with a permanently affixed hands free device (bluetooth)!

The new laws are outlined below:

State:	Oregon	Washington
Effective Date :	October 1, 2017	July 23, 2017
Background:	HB 2597B: <ul style="list-style-type: none"> • Clarifies and expands prohibition on driving while holding or using a mobile electronic device. • “Mobile electronic device” means an electronic device that is not permanently installed in a motor vehicle and includes but is not limited to a device capable of text messaging, voice communication, entertainment, navigation, accessing the Internet or producing electronic mail. • Defines “driving” as operating a vehicle on roads and premises open to the public; includes being stopped in traffic, at a stop light, etc.; does not include being pulled off at the side of the road, or utility workers parked in the street doing work. 	SB 5289: “Driving under the Influence of Electronics Act” <ul style="list-style-type: none"> • New law prohibits the use of a personal electronic device while driving on a public highway • “Uses” means: holding a personal electronic device in either hand; using your hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve email, text messages, instant messages, photographs, or other electronic data; and watching video on a personal electronic device. • The minimal use of a finger to activate, deactivate, or initiate a function of a device is not precluded. • A personal electronic device means any portable electronic device that is capable of wireless communication or electronic data retrieval. • “Driving” means operating a motor vehicle on a public highway, and includes when the vehicle is temporarily stopped because of traffic or a stop light or stop sign. Driving does not include when the vehicle has pulled over and stopped on the side of an active roadway and can remain stationary safely.

<p>Penalties :</p>	<p>Changes fees and classifications of traffic offenses:</p> <ul style="list-style-type: none"> • First Offense: Class B Traffic Violation which carries a <u>maximum fine of \$1000</u>, can be dropped off record if distracted driving course is taken • Second Offense within 10 years <u>now carries a Class A Traffic Violation</u> which has a <u>maximum fine of \$2000</u> • Third offense in 10 years is a Class A Traffic Violation with a <u>minimum \$2000 fine</u> • Stiffer penalties for offenses could lead to increased insurance rates 	<p>Changes in Penalties:</p> <ul style="list-style-type: none"> • Now is a primary offense • First Citation will be <u>\$136</u> • Second Citation in 5 years will <u>\$235</u> • Citations are reportable to insurance companies and could increase rates <p>*The Bill also creates a secondary offense of distracted driving. For example: if you are pulled over for running a stop sign and it's because your dog jumped in your lap they can fine you an additional \$100.</p>
<p>Exceptions:</p>	<p>Exceptions for:</p> <ul style="list-style-type: none"> • devices permanently installed in the vehicle; • for school bus drivers and heavy truck drivers to the extent allowed by federal law (for example, they cannot call or text; they can use CB's); • and for logging operations using CB's or similar. <p>Affirmative Defense for :</p> <ul style="list-style-type: none"> • Emergency Situations; • police, fire, and EMS personnel; • hands free use if over age 18; • HAM radio use if operator over age 18 	<p>The following actions are exempted from the infraction:</p> <ul style="list-style-type: none"> • a driver who is summoning emergency services; • a driver operating an authorized emergency vehicle; • a transit system employee using a system for time-sensitive relay communication with transit dispatch services; • a commercial motor vehicle driver who uses a device within the scope of an individual's employment as allowed by federal law