

Ore. phone ban has loophole, challenges expected

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(AP) -- Oregon police officers may hear some arguing when they start pulling motorists over for violating a new law banning them from talking on hand-held cell phones while driving.

The new law, which took effect Friday, exempts motorists who are on their hand-held cell phones "in the scope of the person's employment if operation of the motor vehicle is necessary for the person's job." The exemption was intended for taxi drivers, delivery trucks, tow trucks and the like.

Law enforcement officials are getting ready for some motorists to try to drive through that legal loophole by insisting, for example, that a call to a co-worker who also happens to be a friend is really for business purposes.

"There is a gray area," Oregon State Police Lt. Gregg Hastings said. "It doesn't clearly define what jobs fall under the exemption. Ultimately, maybe judges are going to have to clarify that."

With the new law, Oregon joins a half dozen other states that ban drivers from talking on hand-held cell phones while driving. Police officers can pull someone over under the Oregon law and violators face a minimum fine of \$142.

However, the Insurance Institute for Highway Safety says that only Oregon has included such a broadly worded exemption. Other states that

ban cell phones allow use by [emergency responders](#) or tow truck drivers, the industry group says.

"It doesn't make sense to carve out this exemption if you want the law to have some bite," spokesman Russ Rader said. "You just make it more likely that drivers will believe that even if they are stopped by a police officer they can get out of getting a ticket."

Oregon lawmakers were aiming to combat distracted driving when they passed the new cell phone law, which also bans text messaging while driving. The exemption was inserted into the law after business lobbyists warned against [cell phone](#) restrictions that they said would unduly interfere with business.

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