

**As Introduced**

**127th General Assembly  
Regular Session  
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**H. B. No. 425**

**Representatives Fessler, DeBose**

**Cosponsors: Representatives Domenick, Koziura, Harwood, Brown,  
Williams, B., Boyd**

**—**

**A B I L L**

To amend section 4510.01 and to enact section 1  
4511.204 of the Revised Code to prohibit driving a 2  
vehicle while text messaging or typing on a mobile 3  
communication device and to establish the 4  
violation as a secondary traffic offense. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4510.01 be amended and section 6  
4511.204 of the Revised Code be enacted to read as follows: 7

**Sec. 4510.01.** As used in this title and in Title XXIX of the 8  
Revised Code: 9

(A) "Cancel" or "cancellation" means the annulment or 10  
termination by the bureau of motor vehicles of a driver's license, 11  
commercial driver's license, temporary instruction permit, 12  
probationary license, or nonresident operating privilege because 13  
it was obtained unlawfully, issued in error, altered, or willfully 14  
destroyed, or because the holder no longer is entitled to the 15  
license, permit, or privilege. 16

(B) "Drug abuse offense," "cocaine," and "L.S.D." have the 17  
same meanings as in section 2925.01 of the Revised Code. 18

(C) "Ignition interlock device" means a device approved by 19  
the director of public safety that connects a breath analyzer to a 20  
motor vehicle's ignition system, that is constantly available to 21  
monitor the concentration by weight of alcohol in the breath of 22  
any person attempting to start that motor vehicle by using its 23  
ignition system, and that deters starting the motor vehicle by use 24  
of its ignition system unless the person attempting to start the 25  
vehicle provides an appropriate breath sample for the device and 26  
the device determines that the concentration by weight of alcohol 27  
in the person's breath is below a preset level. 28

(D) "Immobilizing or disabling device" means a device 29  
approved by the director of public safety that may be ordered by a 30  
court to be used by an offender as a condition of limited driving 31  
privileges. "Immobilizing or disabling device" includes an 32  
ignition interlock device, and any prototype device that is used 33  
according to protocols designed to ensure efficient and effective 34  
monitoring of limited driving privileges granted by a court to an 35  
offender. 36

(E) "Moving violation" means any violation of any statute or 37  
ordinance that regulates the operation of vehicles, streetcars, or 38  
trackless trolleys on the highways or streets. "Moving violation" 39  
does not include a violation of section 4511.204 or 4513.263 of 40  
the Revised Code or a substantially equivalent municipal 41  
ordinance, a violation of any statute or ordinance regulating 42  
pedestrians or the parking of vehicles, vehicle size or load 43  
limitations, vehicle fitness requirements, or vehicle 44  
registration. 45

(F) "Municipal OVI ordinance" and "municipal OVI offense" 46  
have the same meanings as in section 4511.181 of the Revised Code. 47

(G) "Prototype device" means any testing device to monitor 48  
limited driving privileges that has not yet been approved or 49  
disapproved by the director of public safety. 50

(H) "Suspend" or "suspension" means the permanent or temporary withdrawal, by action of a court or the bureau of motor vehicles, of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of the suspension or the permanent or temporary withdrawal of the privilege to obtain a license, permit, or privilege of that type for the period of the suspension.

(I) "Controlled substance" and "marihuana" have the same meanings as in section 3719.01 of the Revised Code.

Sec. 4511.204. (A) No person shall drive a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while text messaging or typing on a mobile communication device.

(B) Division (A) of this section does not apply to any of the following:

(1) A person using a mobile communication device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person operating a public safety vehicle who uses a mobile communication device in that manner in the course of the person's duties.

(C) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (A) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a

prosecution of a person for a violation of that nature, and no law 81  
enforcement officer shall view the interior or visually inspect 82  
any automobile being operated on any street or highway for the 83  
sole purpose of determining whether a violation of that nature has 84  
been or is being committed. 85

(D)(1) Whoever violates division (A) of this section shall be 86  
fined two hundred fifty dollars. 87

(2)(a) Whenever a law enforcement officer issues a ticket, 88  
citation, or summons to an offender charging the offender with a 89  
violation of this section, the officer shall indicate on the 90  
ticket, citation, or summons if at the time of the violation the 91  
offender was involved in a motor vehicle accident with another 92  
motor vehicle, a pedestrian, or any object. If the law enforcement 93  
officer makes such an indication on the ticket, citation, or 94  
summons, the offender is not permitted to enter a written plea of 95  
guilty and waive the offender's right to contest the citation in a 96  
trial but instead shall appear in person in the proper court to 97  
answer the charge; in all other circumstances, the offender may 98  
enter a written plea of guilty and waive the right to contest the 99  
citation in a trial. 100

(b) If the trier of fact finds that the offender was involved 101  
in a motor vehicle accident at the time of the violation of this 102  
section, the court, in addition to any other penalties it is 103  
required or permitted by law to impose, shall impose a class seven 104  
license suspension of the offender's driver's license, commercial 105  
driver's license, temporary instruction permit, probationary 106  
license, or nonresident operating privilege and shall impose the 107  
suspension for six months. 108

(E) As used in this section, "mobile communication device" 109  
includes any of the following: 110

(1) A wireless telephone; 111

<u>(2) A text-messaging device;</u>	112
<u>(3) A personal digital assistant;</u>	113
<u>(4) A computer;</u>	114
<u>(5) Any other substantially similar wireless device that is</u>	115
<u>designed or used to communicate text or data.</u>	116
<b>Section 2.</b> That existing section 4510.01 of the Revised Code	117
is hereby repealed.	118