

As Introduced

**128th General Assembly
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H. B. No. 415

Representatives DeBose, Garland

**Cosponsors: Representatives Ujvagi, Domenick, Williams, B., Pillich,
Celeste, Boyd**

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A B I L L

To enact section 4511.204 of the Revised Code to 1
prohibit driving a vehicle while text messaging on 2
a mobile communication device. 3

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

Section 1. That section 4511.204 of the Revised Code be 4
enacted to read as follows: 5

Sec. 4511.204. (A) No person shall drive a motor vehicle, 6
trackless trolley, or streetcar on any street, highway, or 7
property open to the public for vehicular traffic while text 8
messaging on a mobile communication device. 9

(B) Division (A) of this section does not apply to any of the 10
following: 11

(1) A person using a mobile communication device in that 12
manner for emergency purposes, including an emergency contact with 13
a law enforcement agency, hospital or health care provider, fire 14
department, or other similar emergency agency or entity; 15

(2) A person operating a public safety vehicle who uses a 16
mobile communication device in that manner in the course of the 17

person's duties; 18

(3) A person using a mobile communication device in that 19
manner whose motor vehicle is in a stationary position, with the 20
transmission in the park or neutral setting or with the engine or 21
power to the motor off, and who is outside a lane of travel. 22

(C) Whoever violates division (A) of this section is guilty 23
of a minor misdemeanor. 24

(D) As used in this section: 25

(1) "Mobile communication device" includes any of the 26
following: 27

(a) A wireless telephone; 28

(b) A text-messaging device; 29

(c) A personal digital assistant; 30

(d) A computer; 31

(e) Any other substantially similar wireless device that is 32
designed or used to communicate text or data. 33

(2) "Text messaging" means manually using a mobile 34
communication device to write or send a text-based communication. 35

Section 2. For the six-month period commencing on the 36
effective date of this act, no law enforcement officer shall issue 37
to the operator of any motor vehicle being operated upon a street 38
or highway within this state a ticket, citation, or summons for a 39
violation of division (A) of section 4511.204 of the Revised Code, 40
or cause the arrest of or commence a prosecution of a person for a 41
violation of that division. Instead, during that period of time 42
the law enforcement officer shall issue to such an operator a 43
written warning, informing the operator of the existence of 44
division (A) of section 4511.204 of the Revised Code and that 45
after the date that is six months after the effective date of this 46

act, a law enforcement officer who observes that the operator of a 47
motor vehicle has committed or is committing a violation of 48
division (A) of section 4511.204 of the Revised Code will be 49
authorized to issue a ticket, citation, or summons to that 50
operator for that violation or to cause the arrest of or commence 51
a prosecution of such an operator for a violation of that 52
division. 53