

**As Reported by the House Public Safety and Homeland Security
Committee (Corrected Version)**

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Sub. 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 writing, sending, 2
or reading a text-based communication on an 3
electronic wireless communications device. 4

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

Section 1. That section 4511.204 of the Revised Code be 5
enacted to read as follows: 6

Sec. 4511.204. (A) No person shall drive a motor vehicle, 7
trackless trolley, or streetcar on any street, highway, or 8
property open to the public for vehicular traffic while using an 9
electronic wireless communications device to write, send, or read 10
a text-based communication. 11

(B) Division (A) of this section does not apply to any of the 12
following: 13

(1) A person using an electronic wireless communications 14
device in that manner for emergency purposes, including an 15
emergency contact with a law enforcement agency, hospital or 16

health care provider, fire department, or other similar emergency agency or entity; 17
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(2) A person driving a public safety vehicle who uses an electronic wireless communications device in that manner in the course of the person's duties; 19
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(3) A person using an electronic wireless communications device in that manner whose motor vehicle is in a stationary position, with the transmission in the park or neutral setting or with the engine or power to the motor off, and who is outside a lane of travel; 22
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(4) A person reading, selecting, or entering a name or telephone number in an electronic wireless communications device for the purpose of making or receiving a telephone call; 27
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(5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle; 30
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(6) A person receiving wireless messages via radio waves; 34

(7) A person using a device for navigation purposes; 35

(8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device; 36
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(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data. 41
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(C) Whoever violates division (A) of this section is guilty of a minor misdemeanor. 43
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(D) As used in this section: 45

(1) "Electronic wireless communications device" includes any 46

<u>of the following:</u>	47
<u>(a) A wireless telephone;</u>	48
<u>(b) A text-messaging device;</u>	49
<u>(c) A personal digital assistant;</u>	50
<u>(d) A computer;</u>	51
<u>(e) Any other substantially similar wireless device that is designed or used to communicate text.</u>	52 53
<u>(2) "Write, send, or read a text-based communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.</u>	54 55 56 57 58
 Section 2. For the six-month period commencing on the effective date of this act, no law enforcement officer shall issue to the operator of any motor vehicle being operated upon a street or highway within this state a ticket, citation, or summons for a violation of division (A) of section 4511.204 of the Revised Code, or cause the arrest of or commence a prosecution of a person for a violation of that division. Instead, during that period of time the law enforcement officer shall issue to such an operator a written warning, informing the operator of the existence of division (A) of section 4511.204 of the Revised Code and that after the date that is six months after the effective date of this act, a law enforcement officer who observes that the operator of a motor vehicle has committed or is committing a violation of division (A) of section 4511.204 of the Revised Code will be authorized to issue a ticket, citation, or summons to that operator for that violation or to cause the arrest of or commence a prosecution of such an operator for a violation of that division.	59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76