



Ohio Legislative Service Commission

Bill Analysis

Jeff Grim

H.B. 415

128th General Assembly
(As Introduced)

Reps. DeBose and Garland, Ujvagi, Domenick, B. Williams, Pillich, Celeste, Boyd

BILL SUMMARY

- Prohibits driving a vehicle while text messaging on a mobile communication device.
- Provides that for the first six months after the effective date of the bill no ticket, citation, or summons may be issued for a violation of the new prohibition established by the bill, only a warning that provides information about the prohibition.

CONTENT AND OPERATION

The bill prohibits a person from driving a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while text messaging on a mobile communication device (R.C. 4511.204(A)). The bill defines "mobile communication device" to include a wireless telephone, text-messaging device, personal digital assistant, computer, or any other substantially similar wireless device that is designed or used to communicate text or data (R.C. 4511.204(D)(1)). "Text messaging" means manually using a mobile communication device to write or send a text-based communication (R.C. 4511.204(D)(2)).

The bill provides that the prohibition discussed above does not apply to any of the following (R.C. 4511.204(B)):

(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;

(3) A person using a mobile communication 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.

Under the bill, whoever violates the prohibition discussed above is guilty of a minor misdemeanor (R.C. 4511.204(C)). The penalty for a minor misdemeanor is a fine of not more than \$150 (R.C. 2929.28, not in the bill).

The bill provides that for the six-month period commencing on the bill's effective date, no law enforcement officer may issue to the operator of any motor vehicle being operated upon a street or highway within this state a ticket, citation, or summons for violating the prohibition against driving a vehicle while text messaging on a mobile communication device, or cause the arrest of or commence a prosecution of a person for such a violation. Instead, during that period of time the law enforcement officer must issue to such an operator a written warning, informing the operator of the existence of the prohibition and that after the date that is six months after the bill's effective date, a law enforcement officer who observes that the operator of a motor vehicle has committed or is committing a violation of the prohibition 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 prohibition. (Section 2.)

HISTORY

ACTION	DATE
Introduced	01-19-10

H0415-I-128.docx/jc

