



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 415*

128th General Assembly

(As Reported by H. Public Safety and Homeland Security)

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

BILL SUMMARY

- Prohibits driving a vehicle while using an electronic communications device to write, send, or read a text-based communication.
- Establishes certain exemptions to the prohibition, including a person using an electronic communications device for emergency purposes and a person driving a public safety vehicle who uses such a device in the course of the person's duties.
- 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 using an electronic wireless communications device to write, send, or read a text-based communication (R.C. 4511.204(A)). The bill defines "electronic wireless communications 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 (R.C. 4511.204(D)(1)). "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

* This analysis was prepared before the report of the House Public Safety and Homeland Security Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail (R.C. 4511.204(D)(2)).

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

(1) A person using an electronic wireless communications 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 driving a public safety vehicle who uses an electronic wireless communications device in that manner in the course of the person's duties;

(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;

(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;

(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;

(6) A person receiving wireless messages via radio waves;

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

(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;

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data.

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 using an electronic wireless communications device to write, send, or read a text-based communication, 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
Reported H. Public Safety and Homeland Security	---

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