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*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 251**

123rd General Assembly  
(As Introduced)

**Reps. Barrett, Ford**

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### **BILL SUMMARY**

- Prohibits any person who holds a temporary instruction permit from operating a motor vehicle on any street, highway, or public or private property open for vehicular travel or parking while simultaneously operating a mobile telephone, unless the motor vehicle is stationary.
- Prohibits any person from operating a motor vehicle, trackless trolley, or streetcar on any street, highway, or public or private property open for vehicular travel or parking while engaging in any activity (other than operating a citizens band radio) that impairs the ability of the person to control fully the vehicle, trolley, or streetcar or, with certain exceptions, while simultaneously operating a mobile telephone unless the vehicle, trolley, or streetcar is stationary.
- Permits a person other than a person who holds a temporary instruction permit to operate a motor vehicle, trackless trolley, or streetcar on a street, highway, or public or private property open for vehicular travel or parking while simultaneously operating a mobile telephone to report a situation that is hazardous to motor vehicle travel, a motor vehicle accident, the fact that that person or any other person is encountering an imminent threat of suffering death or serious physical harm, or any other dangerous or emergency situation.
- Requires the State Highway Patrol to compile monthly data and statistics relating to motor vehicle accidents that troopers investigate and in which the investigating trooper reasonably determines mobile telephone use by any person involved in the accident was a material factor in the cause of the accident.

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## CONTENT AND OPERATION

### *Prohibitions relating to operating a motor vehicle while simultaneously operating a mobile telephone*

The bill prohibits any person who holds a temporary instruction permit from operating a motor vehicle on any street, highway, or public or private property open for vehicular travel or parking while simultaneously operating a mobile telephone, unless the motor vehicle is stationary (sec. 4511.203(A)). The bill also prohibits any person from operating a motor vehicle, trackless trolley, or streetcar on any street, highway, or public or private property open for vehicular travel or parking while doing any of the following:

(1) Engaging in any activity that impairs the ability of the person to control fully the vehicle, trolley, or streetcar (this prohibition cannot be construed as prohibiting a person from operating a citizens band radio while operating a motor vehicle, trackless trolley, or streetcar) (sec. 4511.203(B)(1) and (C)).

(2) Except as permitted by the bill (see "*Exception for emergency situations,*" below), simultaneously operating a mobile telephone, unless the vehicle, trolley, or streetcar is stationary (sec. 4511.203(B)(2)).

### *Exception for emergency situations*

The bill permits a person other than a person who holds a temporary instruction permit to operate a motor vehicle, trackless trolley, or streetcar on a street, highway, or public or private property open for vehicular travel or parking while simultaneously operating a mobile telephone to report a situation that is hazardous to motor vehicle travel, a motor vehicle accident, the fact that that person or any other person is encountering an imminent threat of suffering death or serious physical harm, or any other dangerous or emergency situation (sec. 4511.203(D)).

### *Compilation of data and statistics by the State Highway Patrol*

Under the bill, the State Highway Patrol monthly must compile data and statistics relating to motor vehicle accidents that troopers investigate and in which the investigating trooper reasonably determines mobile telephone use by any person involved in the accident was a material factor in the cause of the accident. The State Highway Patrol must make the data and statistics available as any other public record, and the Department of Public Safety or State Highway Patrol may include the data and statistics in any publication it issues. (Sec. 4511.203(E).)

**Penalties for violations of the prohibitions**

A violation of any of the bill's prohibitions is grouped with other traffic offenses that are punishable as a minor misdemeanor on a first offense. If, within one year, the offender has been convicted of or pleaded guilty to one violation of any of the grouped offenses, or of any substantially similar municipal ordinance, the offense escalates to a misdemeanor of the fourth degree. Similarly, a third or subsequent violation of any of the grouped offenses, or of any substantially similar municipal ordinance, within one year, is a misdemeanor of the third degree. (Sec. 4511.99(D)(1), not in the bill.)

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	03-17-99	p. 320

H0251-I.123/jc