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*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 210**

125th General Assembly  
(As Introduced)

**Reps. Barrett, Allen, DeBose, Price**

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### **BILL SUMMARY**

- Prohibits any person who holds a temporary instruction permit from operating a motor vehicle while simultaneously operating a mobile telephone, unless the motor vehicle is stationary.
- Prohibits any person from operating a motor vehicle while engaging in any activity (other than operating a citizens band radio) that impairs the ability of the person to fully control the vehicle or, with certain exceptions, while simultaneously operating a mobile telephone unless the person operates the mobile telephone in a hands-free manner or unless the vehicle is stationary.
- Specifically permits a person (other than a person who holds a temporary instruction permit) to operate a motor vehicle while simultaneously operating a mobile telephone to report a situation that is hazardous to motor vehicle travel, a motor vehicle accident, the fact that someone is encountering an imminent threat of death or serious physical harm, or any other emergency situation.
- Requires the State Highway Patrol to compile monthly 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. 4511.204(A)). The bill also prohibits *any* person from so operating a motor vehicle while doing either of the following:<sup>1</sup>

(1) Engaging in any activity that impairs the ability of the person to fully control the vehicle (sec. 4511.204(B)(1) and (C)).

(2) Except in emergency situations (see "*Exception for emergency situations*," below), operating a mobile telephone that is not capable of being operated in a hands-free manner (or that is capable of being operated in a hands-free manner but is not in fact being operated in that manner), unless the vehicle is stationary (sec. 4511.204(B)(2) and (3)).<sup>2</sup>

### *Exception for emergency situations*

The bill specifically permits a person other than a person who holds a temporary instruction permit to operate a motor vehicle while simultaneously operating a mobile telephone to report a situation that is hazardous to motor vehicle travel, a motor vehicle accident, an imminent threat of death or serious physical harm to any person, or any other emergency situation (sec. 4511.204(D)).

### *Statewide uniformity*

The bill states that it is the policy of Ohio to promote uniform general laws regarding the use of mobile telephones in motor vehicles that recognize the safety value of mobile telephones when used in a reasonable manner. It prohibits any political subdivision from adopting or enacting any ordinance or resolution that regulates the use of mobile telephones in motor vehicles more stringently than does the bill. (Sec. 4511.204(E).)

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<sup>1</sup> *Besides motor vehicles, the bill applies to trackless trolleys and streetcars.*

<sup>2</sup> *The bill specifically states, however, that it cannot be construed to prohibit operation of a CB radio.*

### **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 that 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 that it issues. (Sec. 4511.203(F).)

### **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.)

### **"Kim and Kathy Seager Act"**

The bill provides that, if enacted, the resulting act will be known as "The Kim and Kathy Seager Act." (Section 2.)

### **Delayed effective date of some of the bill's provisions**

The bill provides that except for the provision requiring the State Highway Patrol to compile certain data and statistics (R.C. 4511.204(F)), the remainder of the bill will take effect three years after the bill's overall effective date. The reason for the delay is that many existing mobile telephones are not capable of hands-free operation, and the three-year period will give Ohioans the opportunity to upgrade to hands-free equipment, will allow the mobile telephone industry to develop less expensive hands-free mobile telephones and related hands-free accessories, and will allow Ohioans with existing mobile telephone contracts to complete their contracts and acquire a new telephone that is capable of hands-free operation.

The provision requiring the State Highway Patrol to compile certain data and statistics takes effect on the earliest date permitted by law (90 days after the bill is signed by the Governor). (Section 3.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-04-03	p. 536

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