



Ohio Legislative Service Commission

Bill Analysis

Linda S. Crawford

S.B. 164

128th General Assembly
(As Introduced)

Sens. Smith, D. Miller, Sawyer, Husted

BILL SUMMARY

- Generally prohibits driving a vehicle while text messaging or typing on a mobile communication device and establishes the violation as a secondary traffic offense, with no points assignable against the violator's driving record.
- Imposes a six-month license suspension if the driving while text messaging or typing violation involved an accident.

CONTENT AND OPERATION

The bill prohibits any 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 or typing on a mobile communication device (including a wireless telephone, a text-messaging device, a personal digital assistant, a computer, and any other substantially similar wireless device that is designed or used to communicate text or data). The prohibition against operating a motor vehicle while text messaging or typing does not apply to any of the following:

(1) A person using a mobile communication device in that manner for emergency purposes, including an emergency call to 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.

A first offense of text messaging or typing while driving is punishable by a \$200 fine, a second offense is punishable by a \$500 fine, and on a third or subsequent offense, the offender must perform 100 hours of supervised community service work. The bill

specifies that a violation of the prohibition against operating a motor vehicle while text messaging or typing is a secondary offense, meaning that no law enforcement officer may stop the vehicle for the sole purpose of determining whether such a violation has occurred or for the sole purpose of issuing a ticket for the violation. Additionally, no law enforcement officer may view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether such a violation has occurred.

Under the bill, whenever a law enforcement officer issues a ticket, citation, or summons to an offender charging the offender with text messaging or typing while driving, the officer must indicate on the ticket, citation, or summons if at the time of the violation the offender was involved in an accident with another motor vehicle, a pedestrian, or any object. If the law enforcement officer makes such an indication on the ticket, citation, or summons, the offender is not permitted to enter a written plea of guilty and waive the offender's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge. If there was no accident and no indication of an accident on the ticket, the offender is allowed to enter a written plea of guilty and waive the right to contest the citation in a trial. If the trier of fact finds that the offender was involved in a motor vehicle accident at the time of the violation of the prohibition against driving while text messaging or typing, the court, in addition to any other penalties it is required or permitted by law to impose, must impose a six-month (class seven) license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege.

The bill specifically removes operating a motor vehicle while text messaging or typing from the definition of "moving offenses" found in the law assigning points against a person's driving record for motor vehicle violations, thereby establishing that no points are assignable for the violation.

HISTORY

ACTION	DATE
Introduced	09-01-09

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