



Ohio Legislative Service Commission

Bill Analysis

Linda S. Crawford

Am. H.B. 99

129th General Assembly
(As Passed by the House)

Reps. Damschroder and Garland, Antonio, Boyd, Celeste, Clyde, DeGeeter, Derickson, Dovilla, Fende, Goyal, Grossman, Hackett, Heard, Hottinger, Mallory, Murray, Okey, Pillich, Ruhl, Stebelton, Stinziano, Szollosi, Winburn, Yuko, Anielski, Barnes, Boose, Bubp, Budish, Fedor, Gerberry, C. Hagan, R. Hagan, Hayes, Johnson, Letson, Luckie, Lundy, McClain, McGregor, Newbold, O'Brien, Slaby, Weddington, Batchelder

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.
- Requires the classroom portion of driver's education to include instruction in the dangers of driving while using an electronic communications device to write, send, or read a text-based communication.

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.¹ 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.² "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 manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.³

The bill declares that the prohibition does not apply to any of the following:⁴

(1) A person who drives a vehicle while using an electronic wireless communications device 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 the course of the person's duties;

(3) A person using an electronic wireless communications device 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

¹ R.C. 4511.204(A).

² R.C. 4511.204(D)(1).

³ R.C. 4511.204(D)(2).

⁴ R.C. 4511.204(B).

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 against texting or reading a text while driving is guilty of a minor misdemeanor.⁵ The penalty for a minor misdemeanor is a fine of not more than \$150.⁶

The bill provides that its provisions are not to be construed as invalidating, preempting, or superseding a substantially equivalent municipal ordinance that prescribes penalties for violations of that ordinance that are greater than the penalties prescribed in the bill for violations of the bill's prohibitions.⁷

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.⁸

Additionally, the bill requires the Director of Public Safety to include in the rules governing driver's education for persons under 18, a requirement for classroom instruction in the dangers of driving while using an electronic communications device to write, send, or read a text-based communication.⁹

⁵ R.C. 4511.204(C).

⁶ R.C. 2929.28, not in the bill.

⁷ R.C. 4511.204(D).

⁸ Section 3.

⁹ R.C. 4508.02(C).

HISTORY

ACTION	DATE
Introduced	02-15-11
Reported, H. Transportation, Public Safety & Homeland Security	04-05-11
Passed House (88-10)	06-28-11

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