



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Margaret E. Marcy

H.B. 548

132nd General Assembly
(As Passed by the House)

Reps. McClain, Becker, Thompson, Hood, Hambley, Riedel, Dean, Wiggam, Retherford, Seitz, Lipps, Green, Sheehy, Lepore-Hagan, Anielski, Antani, Arndt, Blessing, Brenner, Celebrezze, Duffey, Ginter, Gonzales, Greenspan, Hoops, Johnson, Landis, Manning, Miller, O'Brien, Patterson, Perales, Rezabek, Roegner, Rogers, Ryan, Schaffer, Scherer, Stein, Sweeney, West, Young

BILL SUMMARY

- Permits a person to wear earplugs for hearing protection while operating a motorcycle.

CONTENT AND OPERATION

Use of earplugs while operating a motorcycle

The bill permits a person to wear earplugs for hearing protection while the person is operating a motorcycle.¹ Under current law, a person is prohibited from wearing earphones over, or earplugs in, both ears while operating any motor vehicle, including a motorcycle, except in specified circumstances.²

Current exceptions

The prohibition against using earphones and earplugs while operating a motor vehicle currently does not apply to any of the following:

- (1) Any person wearing a hearing aid;

¹ R.C. 4511.84(B)(6).

² "Earphones" are "any headset, radio, tape player, or other similar device that provides the listener with radio programs, music, or other recorded information through a device attached to the head and that covers all or a portion of both ears." They do not include speakers or listening devices built into protective headgear. "Earplugs" are not defined. R.C. 4511.84(A).

(2) Law enforcement personnel while on duty;

(3) Fire department personnel and emergency medical service personnel while on duty;

(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway; and

(5) Any person engaged in the operation of refuse collection equipment.³

Penalties

Current law, unchanged by the bill, specifies that wearing earphones or earplugs while operating a motor vehicle, unless a person falls under one of the exceptions, is a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one additional predicate motor vehicle or traffic offense, the offender is guilty of a fourth degree misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more predicate motor vehicle offenses, the offender is guilty of a third degree misdemeanor. In any instance, the offense is considered a strict liability offense.⁴

HISTORY

ACTION	DATE
Introduced	03-13-18
Reported, H. Transportation and Public Safety	05-22-18
Passed House (93-0)	06-20-18

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³ R.C. 4511.84(B).

⁴ R.C. 4511.84(C).

