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H.B. 129
133rd General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsor: Rep. McClain

Effective date: May 22, 2020

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UPDATED VERSION*

SUMMARY

- Permits a person to wear earphones or earplugs on or in both ears for hearing protection while operating a motorcycle.

DETAILED ANALYSIS

Hearing protection while operating a motorcycle

The act permits a person to wear earphones or earplugs on or in both ears – **for hearing protection only** (not for music or other transmitted information) – while operating a motorcycle. Under prior law, except in specified circumstances, a person was prohibited from wearing earphones over, or earplugs in, both ears while operating *any* motor vehicle, including a motorcycle. The act retains this prohibition as it applies to all other motor vehicles.

Additionally, prior law was unclear about what constituted “earphones” or “earplugs.” The act updates the meaning of earphones and earplugs to reflect new wireless technologies. It also clarifies that earphones and earplugs include devices that provide the user with either entertainment (radio programs, music, or other information) or hearing protection. Prior law included an assumption that earplugs were for hearing protection only.¹

Exceptions

Unchanged by the act, the following persons may wear earphones or earplugs while operating a motor vehicle:

* This version updates the effective date.

¹ R.C. 4511.84.

1. Any person wearing a hearing aid;
2. Law enforcement personnel while on duty;
3. Fire department personnel and emergency medical service personnel while on duty;
4. Any person operating equipment to maintain or repair a highway; and
5. Any person operating refuse collection equipment.²

Penalties

Unchanged by the act, wearing earphones or earplugs in violation of the prohibition specified above, unless an exception applies, is a strict liability offense and is penalized as follows:

- Generally, 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, 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, a third degree misdemeanor.³

HISTORY

Action	Date
Introduced	03-12-19
Reported, H. Transportation and Public Safety	05-08-19
Passed House (95-0)	06-27-19
Reported, S. Transportation, Commerce & Workforce	01-22-20
Passed Senate (33-0)	01-22-20

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² R.C. 4511.84(C).

³ R.C. 4511.84(D).