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Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Maharath

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SUMMARY

- Generally prohibits, as a primary offense, any person from using in any manner an electronic wireless communications device (for example, a cell phone) while driving (adults are currently only prohibited from texting while driving).
- Revises and establishes exceptions to the prohibition.
- As applied to adults, increases the penalty for a violation of the offense from a minor misdemeanor to an unclassified misdemeanor with a \$150 fine and a 60-day driver's license suspension on a first offense, and a \$300 fine and a one-year suspension on each subsequent offense.

DETAILED ANALYSIS

Use of electronic wireless communication device while driving

The bill prohibits, as a primary offense, **all drivers** from using an electronic wireless communications device while driving or moving a motor vehicle on a street, highway, or other public property used for vehicular traffic or parking.

In contrast, current law prohibits conduct as follows:

1. Adult drivers are prohibited from using an electronic wireless communication device **to text** as a secondary offense; and
2. Teen drivers are prohibited from **all use** (including, calling or texting) of an electronic communications device as a primary offense.¹

¹ R.C. 4511.204(A), repealed by the bill; R.C. 4511.205(A) and 4511.043(B). Note: under current law, a teen driver may be charged with either offense. However, the offense specified in R.C. 4511.205 is directed solely at teen drivers.

A primary offense means that a law enforcement officer may issue a ticket for the offense solely for a violation of the offense. When an offense is secondary, the law enforcement officer may only pull over a driver if the driver commits another primary offense (for example, speeding).²

Both the bill and current law provide for certain exceptions to the prohibited conduct.³ The following tables illustrate the effect of the bill on teen and adult drivers.

Teen drivers

For purposes of the table, a teen driver is a driver between the ages of 15.5 and 18 years of age who holds either a temporary instruction permit or probationary driver's license.⁴

Topic	Current law	The bill
Type of offense	Primary offense. (R.C. 4511.205(A)).	Same as current law. (R.C. 4511.205(A)).
Conduct prohibited	Using an electronic wireless communications device in any manner while driving or moving a motor vehicle on a street, highway, or other public property used for vehicular traffic or parking. (R.C. 4511.205(A)).	Same as current law. (R.C. 4511.205(A)).
Exceptions to the prohibited conduct	Provides for the following exceptions from the prohibited conduct: <ul style="list-style-type: none"> ▪ Using an electronic wireless communications device for emergency purposes; ▪ Using an electronic wireless communications device while the vehicle is in a stationary position and outside a lane of travel; and 	Same, but specifies that when using a navigation device in a voice-operated or hands-free manner, the driver cannot physically manipulate the device, and provides for the following additional exceptions: <ul style="list-style-type: none"> ▪ Using an electronic wireless communications device in a voice-operated or hands-free manner without physically manipulating the device while driving; and

² R.C. 4511.043(B).

³ R.C. 4511.204(B), repealed by the bill and 4511.205(B).

⁴ Note: it appears that the current offense for teen driving applies only to teen drivers with a temporary instruction permit or probationary license. It appears that it does not apply to teen drivers who are unlicensed. See R.C. 4511.205(A).

Topic	Current law	The bill
	<ul style="list-style-type: none"> ▪ Using a navigation device in a voice-operated or hands-free manner without manipulating the device while driving. <p><i>(R.C. 4511.205(B)).</i></p>	<ul style="list-style-type: none"> ▪ Using any device that is physically or electronically integrated into the motor vehicle. <p><i>(R.C. 4511.205(B)).</i></p>
Penalty	<p>Specifies the following penalties:</p> <ul style="list-style-type: none"> ▪ For a first offense: a fine of \$150 and a class seven suspension of the driver's license or permit for a definite period of 60 days; and ▪ For each subsequent offense: a fine of \$300 and a class seven suspension of the driver's license or permit for a definite period of one year. <p><i>(R.C. 4511.205(C)).</i></p>	<p>Same as current law.</p> <p><i>(R.C. 4511.205(C)).</i></p>

Adult drivers

For purposes of the table, an adult driver is a person who is above the age of 18.

Topic	Current law	The bill
Type of offense	<p>Secondary offense.</p> <p><i>(R.C. 4511.204(C)).</i></p>	<p>Primary offense.</p> <p><i>(R.C. 4511.205(A) and 4511.043(B)).</i></p>
Conduct prohibited	<p>Driving a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic communications device to write, send, or read a text-based communication.</p> <p><i>(R.C. 4511.204(A)).</i></p>	<p>Using an electronic wireless communications device in any manner while driving or moving a motor vehicle on a street, highway, or other public property used for vehicular traffic or parking.</p> <p><i>(R.C. 4511.205(A)).</i></p>
Exceptions to the prohibited conduct	<p>Provides for all of the following exceptions from the prohibited conduct:</p> <ul style="list-style-type: none"> ▪ Using an electronic wireless communications device for emergency purposes; 	<p>Provides only the following exceptions from the prohibited conduct:</p> <p>Using an electronic wireless communications device for emergency purposes;</p>

Topic	Current law	The bill
	<ul style="list-style-type: none"> ▪ Using an electronic wireless communications device in a public safety vehicle when the use is in the course of the driver’s duties; ▪ Using an electronic wireless communications device while the vehicle is in a stationary position and outside a lane of travel; ▪ Reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call; ▪ 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; ▪ Receiving wireless messages via radio waves; ▪ Using a device for navigation purposes; ▪ Conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device; ▪ Operating a commercial truck while using a mobile data terminal that transmits and receives data; and ▪ Using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle. <p>(R.C. 4511.204(B)).</p>	<ul style="list-style-type: none"> ▪ Using an electronic wireless communications device while the vehicle is in a stationary position and outside a lane of travel; ▪ Using a navigation device in a voice-operated or hands-free manner without physically manipulating the device while driving; ▪ Using an electronic wireless communications device in a voice-operated or hands-free manner without physically manipulating the device while driving; and ▪ Using any device that is physically or electronically integrated into the motor vehicle. <p>(R.C. 4511.205(B)).</p>

Topic	Current law	The bill
Penalty	<p>Minor misdemeanor, punishable by a fine of up to \$150.</p> <p><i>(R.C. 4511.204(D)).</i></p>	<p>Instead, specifies the following penalties:</p> <ul style="list-style-type: none"> ▪ For a first offense: a fine of \$150 and a class seven suspension of the driver's license or permit for a definite period of 60 days; and ▪ For each subsequent offense: a fine of \$300 and a class seven suspension of the driver's license or permit for a definite period of one year. <p><i>(R.C. 4511.205(C)).</i></p>

HISTORY

Action	Date
Introduced	02-12-20