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H.B. 468
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Lightbody

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SUMMARY

- Broadens the existing texting-while-driving prohibition to also prohibit both of the following while driving:
 - Viewing, playing, or otherwise interacting with any game or internet-based content;
 - Using or manipulating any application that is either factory-installed or downloaded to the device.
- Applies existing exemptions to the broadened prohibition.
- Makes the broadened texting-while-driving prohibition a primary offense (rather than a secondary offense, as in current law).

DETAILED ANALYSIS

Texting-while-driving prohibition

The bill broadens the existing texting-while-driving prohibition – which prohibits using a handheld electronic wireless communications device (HEWCD) to write, send, or read a text-based communication while driving – to also prohibit the following while driving:

- Viewing, playing, or otherwise interacting with any game or internet-based content; and
- Using or manipulating any application that is either factory-installed or downloaded to the device.¹

Exemptions

The bill applies the following existing exemptions to the new prohibitions:

¹ R.C. 4511.204(A).

- Using a HEWCD for an emergency;
- A person driving a public safety vehicle who uses a HEWCD in the course of the person’s duties;
- A person using a HEWCD in a motor vehicle that is stationary and outside a lane of travel;
- A person reading, selecting, or entering a name or phone number in a HEWCD to make or receive a phone call;
- 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;
- A person receiving wireless messages via radio waves;
- A person using a device for navigation purposes;
- A person conducting wireless interpersonal communication with a device that does not require manually entering information or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;
- A person operating a commercial truck while using a mobile data terminal that transmits and receives data; and
- A person using a HEWCD in conjunction with a voice-operated or hands-free device feature or function of the vehicle.²

Primary enforcement

The bill also makes the broadened texting-while-driving prohibition a primary offense. Currently, texting while driving is a secondary offense, which means that a law enforcement officer may not stop a motorist solely for texting while driving. The driver must be stopped for some other “primary” offense, such as speeding, before a ticket may be issued for texting while driving. By making the broadened offense a primary offense, a law enforcement officer may stop a motorist solely for violating the texting-while-driving prohibition.³

HISTORY

Action	Date
Introduced	01-14-20

H0468-I-133/ts

² R.C. 4511.204(B).

³ R.C. 4511.043 and 4511.204(C).