

As Reported the by House Transportation and Public Safety Committee

133rd General Assembly

Regular Session

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H. B. No. 129

Representative McClain

Cosponsors: Representatives Riedel, Carfagna, Becker, Patterson, Stein, Seitz, Hood, Schaffer, Green, Sheehy, Hoops, Jones, Miranda, Stoltzfus

A BILL

To amend section 4511.84 of the Revised Code to
permit a person to wear earphones or earplugs
for hearing protection while operating a
motorcycle.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4511.84 of the Revised Code be
amended to read as follows:

Sec. 4511.84. (A) ~~No person shall operate a motor vehicle
while wearing earphones over, or earplugs in, both ears. As used
in this section, "earphones":~~

(1) "Earphones" means any headset, radio, tape player, or
other similar device that covers all or a portion of both ears
and that does either of the following:

(a) Through either a physical connection to another device
or a wireless connection, 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;

<u>(b) Provides hearing protection. "Earphones"</u>	18
<u>"Earphones" does not include speakers or other listening devices that are built into protective headgear.</u>	19 20
<u>(2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:</u>	21 22
<u>(a) Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;</u>	23 24 25
<u>(b) Provides hearing protection.</u>	26
<u>(B) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.</u>	27 28
<u>(C) This section does not apply to:</u>	29
<u>(1) Any person wearing a hearing aid;</u>	30
<u>(2) Law enforcement personnel while on duty;</u>	31
<u>(3) Fire department personnel and emergency medical service personnel while on duty;</u>	32 33
<u>(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;</u>	34 35
<u>(5) Any person engaged in the operation of refuse collection equipment;</u>	36 37
<u>(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.</u>	38 39
(C) <u>(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor</u>	40 41 42 43

vehicle or traffic offense, whoever violates this section is 44
guilty of a misdemeanor of the fourth degree. If, within one 45
year of the offense, the offender previously has been convicted 46
of two or more predicate motor vehicle or traffic offenses, 47
whoever violates this section is guilty of a misdemeanor of the 48
third degree. 49

Section 2. That existing section 4511.84 of the Revised 50
Code is hereby repealed. 51