

**As Reported by the Senate Transportation, Commerce and Workforce
Committee**

133rd General Assembly

**Regular Session
2019-2020**

H. B. No. 129

Representative McClain

**Cosponsors: Representatives Riedel, Carfagna, Becker, Patterson, Stein, Seitz,
Hood, Schaffer, Green, Sheehy, Hoops, Jones, Miranda, Stoltzfus, Blair, Brown,
Callender, Clites, Cross, Crossman, Cupp, Dean, Galonski, Ghanbari, Ginter,
Greenspan, Hillyer, Lanese, Lang, LaRe, Leland, Lepore-Hagan, Lightbody, Lipps,
Liston, Manning, D., Miller, A., O'Brien, Perales, Reineke, Russo, Ryan, Smith, R.,
Smith, T., Sobbecki, Wiggam**

Senators Hoagland, Maharath, Roegner, Johnson, Manning

A BILL

To amend section 4511.84 of the Revised Code to 1
permit a person to wear earphones or earplugs 2
for hearing protection while operating a 3
motorcycle. 4

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

Section 1. That section 4511.84 of the Revised Code be 5
amended to read as follows: 6

Sec. 4511.84. (A) ~~No person shall operate a motor vehicle~~ 7
~~while wearing earphones over, or earplugs in, both ears. As used~~ 8
~~in this section, "earphones":~~ 9

(1) "Earphones" means any headset, radio, tape player, or 10
other similar device that covers all or a portion of both ears 11
and that does either of the following: 12

(a) Through either a physical connection to another device 13
or a wireless connection, provides the listener with radio 14
programs, music, or other ~~recorded information through a device~~ 15
~~attached to the head and that covers all or a portion of both~~ 16
~~ears;~~ 17

(b) Provides hearing protection. "Earphones" 18

"Earphones" does not include speakers or other listening 19
devices that are built into protective headgear. 20

(2) "Earplugs" means any device that can be inserted into 21
one or both ears and that does either of the following: 22

(a) Through either a physical connection to another device 23
or a wireless connection, provides the listener with radio 24
programs, music, or other information; 25

(b) Provides hearing protection. 26

(B) No person shall operate a motor vehicle while wearing 27
earphones over, or earplugs in, both ears. 28

(C) This section does not apply to: 29

(1) Any person wearing a hearing aid; 30

(2) Law enforcement personnel while on duty; 31

(3) Fire department personnel and emergency medical 32
service personnel while on duty; 33

(4) Any person engaged in the operation of equipment for 34
use in the maintenance or repair of any highway; 35

(5) Any person engaged in the operation of refuse 36
collection equipment; 37

(6) Any person wearing earphones or earplugs for hearing 38

protection while operating a motorcycle. 39

~~(C)~~ (D) Except as otherwise provided in this division, 40
whoever violates this section is guilty of a minor misdemeanor. 41
If, within one year of the offense, the offender previously has 42
been convicted of or pleaded guilty to one predicate motor 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