



State Representative Cindy Abrams

District 29

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District 73

**HB 283 – Sponsor Testimony
House Criminal Justice Committee
20 May 2021**

Rep. Abrams

Chairman LaRe, Vice Chair Swearingen, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for giving Representative Lampton and I the opportunity to provide sponsor testimony on House Bill 283. This bill will expand current language regarding distracted driving in order to make Ohio a “Hands-Free” state.

By making Ohio a “Hands-Free” state, individuals will be prohibited from holding or physically supporting an electronic wireless communications device, or EWCD, with any part of the body with certain exceptions. These exceptions include voice-operated/hands-free use, emergency situations, and an exemption for first responders and utility workers responding to an emergency, outage or circumstance that affects the health and safety of individuals. Additionally, the bill will implement a single touch or single swipe policy. This policy will allow drivers to utilize their EWCD for minimal distraction features that only require a single swipe or touch, as long as the EWCD is not being held or supported by the individual. For example, individuals will still be able to push “next” to change the song they are listening to or “accept” to answer a phone call.

We have had extensive conversations with the Fix Our Roads (FOR) Ohio Coalition, a group of stakeholders united in supporting efforts to secure critical funding for Ohio’s transportation infrastructure as well as advocating for laws that include safe driving habits for all motorists sharing Ohio’s roads and highways. In a recent poll conducted by the coalition, the number one concern for Ohio drivers is distracted driving. This is consistent regardless of age, political ideology or region of the state. Additionally, 71% of Ohio’s drivers disagree with the notion that distracted driving does not merit a new law. This spans across party lines.

According to the Ohio State Highway Patrol, from 2013 through 2019, more than 91,000 distracted driving crashes occurred throughout the state of Ohio. This resulted in more than 47,000 injuries and 305 deaths. Distracted driving crashes continue to aggressively trend upward, but go largely underreported due to a difficulty in proving a driver is engaged in distracted driving activity. A case statement distributed by FOR

Ohio states that mobile telematics data suggest that 40% of all trips involve significant cellphone distraction, and that 19% of crashes are attributable to phone-based distraction.

Under this legislation, penalties for distracted driving will increase. Offenders will be required to pay a fine of one hundred fifty dollars or may elect to take a distracted driving course instead of paying the first fine. After the first offense, the fine increases incrementally. If an individual violates the law within two years of a prior offense, they will be required to pay a fine of no more than two hundred fifty dollars, and no more than five hundred dollars if they violate the law within two years of two or more prior offenses. There is also a provision that doubles these penalties in construction zones.

This bill will also make distracted driving a primary offense. In 2019, the Ohio Distracted Driving Task Force distributed a report that addresses distracted driving. The task force found that states with primary, hands-free laws have seen a significant reduction in traffic deaths. In 2018, Georgia became the 16th state to pass a primary hands-free law with stronger penalties. From July 1 through September 30, 2018, Georgia saw a 14% reduction in total traffic deaths.

Since this report in 2019, there have been noticeable discounts in distracted driving crashes in other states that have more recently passed hands-free legislation. In July 2020, Indiana began enforcing its hands-free law. According to the Indiana Criminal Justice Institute, vehicle collisions with distracted driving as a factor dropped from 10,132 in 2019 to a 10-year low of 8,761 in 2020. This information was reported and submitted by all law enforcement agencies throughout the state.

All of these statistics point to a need for this legislation here in Ohio and serve as evidence that hands-free laws really do save lives.

Thank you again for the opportunity to provide testimony on House Bill 283. I would now like to turn it over to my joint sponsor, Representative Lampton for further explanation of the bill.

Rep. Lampton

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to provide testimony on House Bill 283 with my joint sponsor, Representative Abrams. As Representative Abrams stated, the statistics surrounding distracted driving accidents are not only troubling, but warrant legislative action. With over 30 years of experience in the insurance industry, I have seen numerous claims resulting from individuals causing accidents due to distractions from their mobile devices. These devices are addictive by design.

Our smart devices are designed to release a brain chemical called dopamine, which makes us feel good whenever we receive a notification. As many of us recall from our driving school days, the road demands your attention when you are behind the wheel. This puts us at odds with our mobile devices when driving a vehicle. Unfortunately, many Ohioans continue to use their mobile devices even when they are driving. Unlike some car accidents, distracted driving accidents are 100% preventable.

According to the National Conference of State Legislatures, 47 states have enacted various distracted driving laws that are enforced as a primary offense. Of these 47 states, 26 have hand-held device bans that are enforced as a primary offense. In addition to the bodily harm that can result from distracted driving, individuals suffer financially from these preventable accidents. As an independent insurance agent, I have

seen distracted driving accidents increase premiums and financially devastate individuals. The goal of this legislation is to ensure safety on our roadways and peace of mind for our drivers.

We have taken steps within this bill to ensure it provides protections of our civil liberties. Law enforcement officers will be required to inform the driver of the right to decline a search of their device in the event of a traffic stop. Additionally, we are requiring law enforcement agencies to report the race of all individuals cited for distracted driving offenses and submit the data to the Ohio Attorney General. The Attorney General is required to compile this data and submit an annual report to the Governor and the General Assembly. The goal of this provision is to ensure the law is being enforced equitably across all races.

By passing “hands-free” legislation in Ohio, we can break the cycle of preventable accidents that cause both physical and financial harm to our constituents. Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, I thank you for the opportunity to testify with Representative Abrams. Over the next couple of weeks, there will be a number of experts coming in to testify on the bill. We are happy to answer any questions committee members may have at this time.