

19th House District

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Westerville, Minerva Park, and area
townships



Committees

Primary & Secondary Education
Higher Education & Workforce Development
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Representative Mary Lightbody 19th House District

Testimony to the House Transportation and Public Safety Committee
House Bill 111 <> May 11, 2021
Mary Lightbody, Ph.D.

Chairman Baldrige, Vice Chair McClain, Ranking Member Sheehy, and members of the Transportation and Public Safety Committee, thank you for allowing me to testify in support of House Bill 111, which will alter the law governing the use of a handheld electronic wireless communications devices (HEWCD) while driving.

The primary goal of HB 111 is to make the roads safer for everyone. When you leave your house for work or school, you deserve to return home safely. This bill seeks to limit Distracted Driving by prohibiting the use of HANDHELD electronic wireless communication devices while driving. To be clear, any time we take our hands off the steering wheel, our eyes off the road, and our brains are not attending to traffic conditions around us, we are guilty of Distracted Driving. It is also a goal of this legislation to change our behavior and attitudes towards driving while distracted, just as we have changed collective thought on smoking, drunk driving, and child safety seats. To quote Stacey Emert, partner at InAlign Partners and Team Lead on the OSU Risk Institute Distracted Driving Initiative, "We need to flip the collective mindset on distracted driving. We do this in part by changing the language we use: distracted driving accidents become crashes." Keeping that in mind, I will continue in my testimony to make that change.

HB 111 expands on previous legislation in several ways. First, the bill makes the driver's use of a handheld wireless electronic devices a primary offense. Currently such use is a secondary offense, although it is known to be wide-spread and underreported.

In addition, a driver may not hold their electronic wireless communications device to do any of the following:

- 1) write, send, or read a text-based communication
- 2) view, play, or otherwise interact with any game or internet-based content, or
- 3) use or manipulate any application that is either factory installed or downloaded to the device.

There are a few exceptions. Drivers would still be allowed to use of their phones to make and receive voice activated calls and to use a preprogrammed GPS system to navigate. In addition to the current limited exceptions in the law which permits the use of handheld electronic wireless communications devices by police, fire, emergency responders, drivers of public safety vehicles, and commercial truck drivers, HB 111 adds an exception to allow a driver to receive wireless messages on a HEWCD in conjunction with a prescribed medical device such as an electronic insulin monitor.

HB 111 is the same as HB 468 from the 133rd GA. Shortly after I sent the bill to the clerk's office in February of this year, I realized that I could improve the bill by adding a data collection piece. I asked the LSC to draft an amendment for me, and to merge it with the original bill to create Sub Bill 111. I included a comparison of HB 111 and the Sub Bill 111 with my testimony today for your review.

I am requesting Chair Baldrige, Vice Chair McClain, Ranking Member Sheehy and the other members of the Transportation Committee, that you accept Sub HB 111 as we move forward with our efforts to make Ohio roads safer. Sub Bill 111 would add an ongoing public awareness campaign about the dangers of distracted driving, and it would create data collection and reporting requirements related to traffic stops, and implicit bias training should a law enforcement agency be found to have engaged in age, gender, or racial profiling. I have spoken with the Director of Public Safety and to staff members in the Attorney General's office about the language in the Sub Bill that would relate to their offices; they indicated that they would be able to comply with the policy should the bill become law.

The need for this legislation was brought to my attention by a constituent advocate who is here today. She suffered a tragic loss in 2000 and has continued to fight to bring a solution to the distracted driving problem ever since. She is not the only one, as you know. Governor DeWine has been quoted saying that "distracted driving is a choice that must be as culturally unacceptable as drunk driving is today and strengthening our current laws will lead to more responsible driving." The Ohio Department of Transportation (ODOT) and the Ohio Department of Public Safety (ODPS) convened the Ohio Distracted Driving Task Force, with more than 30 stakeholders from across the state. The Task Force released their report in April 2019. In addition insurance companies, transportation planners, highway safety experts, AAA, bicyclists, and Ohio residents are expressing their support for a strong distracted driving bill.

The General Assembly also has continued to work to strengthen traffic laws, notably HB 95 in 2017/18, jointly sponsored by Representatives Hughes and Seitz. That bill enhanced the penalties for a moving violation caused by distracted driving but left it a secondary offence. Since then, tragically, car crashes caused by distracted driving and the use of smart phones continue to increase. Many of these crashes result in death and serious injury to others both inside and outside the vehicles.

Why now? A recent survey conducted by Public Opinion Strategies of a representative sample 1000 licensed Ohio drivers found that fully 88% of Ohio drivers say they would be willing to obey the new law – that includes at least 80% of all age groups.

The National Highway Traffic Safety Administration found that 9% of fatal crashes in 2017 were reported as distraction-affected crashes; in Ohio that statistic is 18%. In 2017, there were 3,166 people killed in motor vehicle crashes involving distracted drivers.

Six percent of drivers 15 to 19 years old involved in fatal crashes were reported as distracted. This age group has the larger proportion of drivers who were distracted at the time of the fatal crashes.

In 2017, there were 599 non-occupants (pedestrians, bicyclists, and others) killed in distraction-affected crashes.

The reason for the increase to a primary offense is because secondary enforcement is less effective, as the Task Force Report indicates on page 15. Ohio drivers 18 and older cannot be pulled over for distracted driving unless they commit another traffic offense. Primary enforcement allows behavior to be corrected before it leads to a crash. Many localities in Ohio already have a strong primary offense law for texting, including Columbus, Granville, Westerville, etc. A state-wide primary offense law for Distracted Driving will provide far better consistency and allow for statewide education efforts to get the message across: Ohio is a hands-free state.

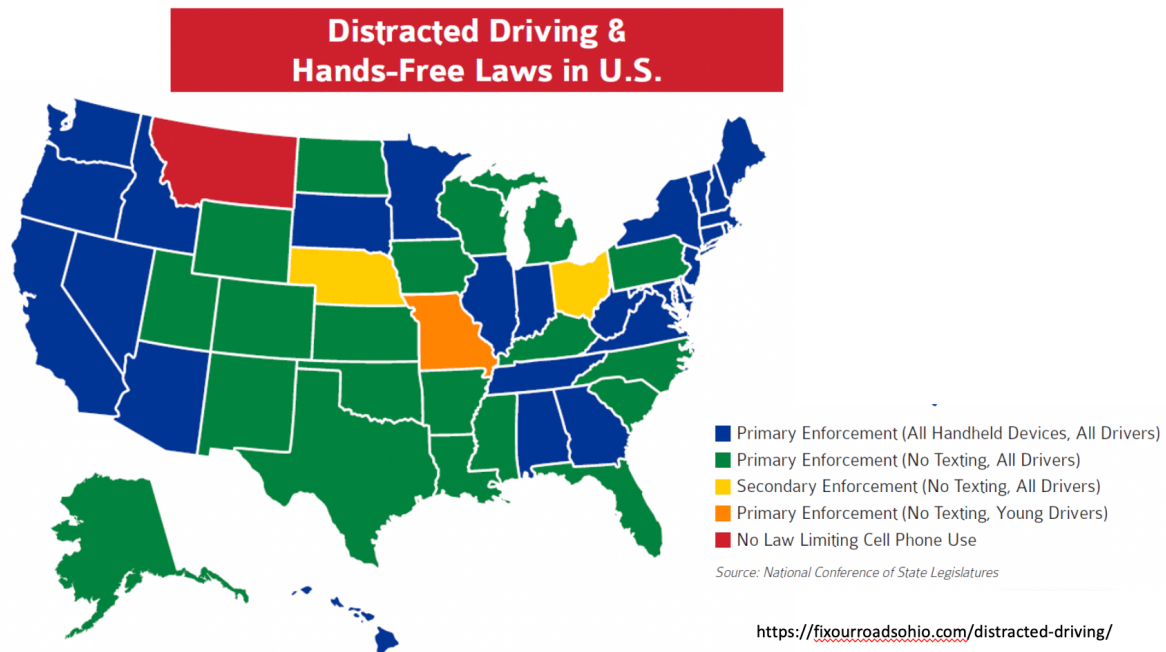
¹ by age, education, county, ethnicity and gender) with a credibility interval of +/-3.53%
<https://fixourroadsOhio.com/wp-content/uploads/2021/02/FOR-Ohio-POS-Summary-Memo.pdf>

The maximum fine for a minor misdemeanor under the current law is \$150 and as the Task Force Report states again on page 15, these fines can be waived by a judge or by taking an online distracted driving course offered by the Ohio Department of Public Safety.

Since I announced this bill, my office has been contacted by multiple individuals, each of whom shared a different story. Several stories were heartbreaking and involved the tragic death of a family member in a car crash caused by drivers using smartphones. One such crash was caused by a woman who was shopping online. That car crash killed a farmer who had been driving his tractor to another field, leaving a widow and 4 children under the age of 9—the youngest 8 months old at the time. A former police officer shared that while on duty he had almost been hit multiple times by distracted drivers. A neuropsychologist who evaluates and treats traumatic brain injuries reported having a dramatic increase in the last 5 years of patients injured when hit from behind at a stop light by distracted drivers.

The goal of this legislation is to keep people safe—allow people to leave the house in the morning and return safely after work. This also includes children walking to school, pedestrians in crosswalks, bicyclists, and construction workers fixing our roads. Our focus should be keeping our hands on the wheel, our eyes on the road, and our minds engaged while we are driving.

Thank you for the opportunity to testify in support of this important piece of legislation. I would be happy to answer any questions the committee members may have.



For more information see:

[Ohio Distracted Driving Task Force](#)

[OSU Risk Institute](#)

[American Property Casualty Insurance Association](#)

[Fix our Roads Ohio](#)

[Survey by Public Opinion Strategies](#)

[Insurance Institute for Highway Safety](#)