



Testimony to the Senate Finance Committee  
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Chairman Dolan, Vice Chair Cirino, Ranking-Member Sykes, ladies and gentlemen of the Ohio Senate Finance Committee, thank you for giving us the opportunity to share our opinion on HB33. The Ohio Bicycle Federation would like to request that this committee amend the Operating Budget bill to restore effective Distracted Driving legislation.

First, we would like to express our frustration in the proceedings that allowed the law introduced in HB283 to be added at the final hour to SB288 (an unrelated bill on a myriad of criminal activities) and amended to allow the use of electronic wireless communication devices (EWSDs) while stopped at a traffic signal and while holding the device “directly near the person’s ear”. Those of us opposed to the two amendments had no opportunity to testify against them. During the Senate Transportation Committee hearing on the Transportation Budget, Senator Hackett stated that police departments supported the law because it is now a primary offense, but they also had no opportunity to weigh in on the amendments. Columbus police currently watch for texting motorists at red lights. A motorist stopped for using a cellphone can simply say they were raising the phone to their ear.

Why do bicyclists and pedestrians oppose the two amendments? When Rep. Abrams stated that cellphones shouldn’t be used at red lights because motorists won’t proceed on green, Rep. Seitz answered “that’s why God made horns”. Bicycles do not have horns, they have bells which are not audible to motorists in traffic. If bicyclists are held up by a cellphone-using motorist, we are even more likely to get stuck in the middle of the intersection when the signal changes back to red. Why are pedestrians at risk? When a cellphone-using motorist is alerted by a following motorist’s horn that the signal has changed to green, will they look carefully for pedestrians in adjacent crosswalks while turning? No, they will quickly make their turn without taking the time to look.

There are other traffic signals that require motorists to stop where cellphone use is now allowed. These include the new pedestrian hybrid beacon where motorists should be watching for pedestrians and the fire station signal where drivers should be watching for fire engines making a run.

Several times since SB288 passed, while driving or bicycling, I have observed motorists crossing the centerline and heading in my direction. Thankfully the motorists looked up in time to return to their side of the road. When I looked to see why the reckless driving, I saw the motorists holding their cellphone to their ear. Yes, Rep. Seitz, holding a phone to your ear is distracting. And despite the dedicated efforts of many people on the Ohio Department of Transportation Safety Committee, Ohio will NOT have a hands-free law!

Did you know there are 8 prohibitions in ORC 4511.204 against "holding with any part of the body"? Is the hand not a part of the human body? The FHWA is updating the Manual of Uniform Traffic Control Devices which defines the signs, signals and pavement markings for roadways. The proposed national standard sign for the cellphone law is "no hand-held phone use by driver". Ohio will not be able to use this proposed sign. ODOT's education campaign uses the slogan "phones down." Do we need to add "except when holding up to your ear?"



What are we asking for? Simply remove the two amendments to HB283/SB288 which allowed these hazardous behaviors and makes the distracted driving bill less effective.

We do support the amendment by Representative Lightbody to clarify that the alternative distracted driving course will still require the violation to be counted towards the multiple offense penalties.

Thank you for your consideration of our request to enact a true hands-free cellphone law in Ohio.

