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134th General Assembly  
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Sub. H. B. No. 283

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**A BILL**

To amend sections 3321.141, 4507.11, 4508.02, 1  
4510.036, 4511.043, 4511.204, and 4511.991 and 2  
to enact sections 4503.201, 4507.214, 4511.122, 3  
and 4511.992 of the Revised Code to expand the 4  
texting while driving prohibition to a general 5  
prohibition against using an electronic wireless 6  
communications device while driving, with 7  
certain exceptions, and to create data 8  
collection requirements based on associated 9  
violations of the distracted driving laws. 10

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

**Section 1.** That sections 3321.141, 4507.11, 4508.02, 11  
4510.036, 4511.043, 4511.204, and 4511.991 be amended and 12  
sections 4503.201, 4507.214, 4511.122, and 4511.992 of the 13  
Revised Code be enacted to read as follows: 14

**Sec. 3321.141.** (A) (1) Within one hundred twenty minutes 15  
after the beginning of each school day, the attendance officer, 16  
attendance officer's assistant for each individual school 17  
building, or other person the attendance officer designates to 18

  
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take attendance for each school building shall make at least one attempt to contact, in accordance with division (A) (2) of this section, the parent, guardian, or other person having care of any student who was absent without legitimate excuse from the school the student is required to attend as of the beginning of that school day.

(2) An attempt to contact a student's parent, guardian, or other person having care of the student shall be made through one of the following methods:

(a) A telephone call placed in person;

(b) An automated telephone call via a system that includes verification that each call was actually placed, and either the call was answered by its intended recipient or a voice mail message was left by the automated system relaying the required information;

(c) A notification sent through the school's automated student information system;

(d) A text-based communication sent to the parent's, guardian's, or other person's electronic wireless communications device, as defined in ~~division (G) (1) of~~ section 4511.204 of the Revised Code;

(e) A notification sent to the electronic mail address of the parent, guardian, or other person;

(f) A visit, in person, to the student's residence of record;

(g) Any other notification procedure that has been adopted by resolution of the board of education of a school district.

(B) If the parent, guardian, or other person having care

of a student initiates a telephone call or other communication 47  
notifying the school or building administration of the student's 48  
excused or unexcused absence within one hundred twenty minutes 49  
after the beginning of the school day, the school is under no 50  
further obligation with respect to the requirement prescribed in 51  
division (A) of this section. 52

(C) A school district, or any officer, director, employee, 53  
or member of the school district board of education is not 54  
liable in damages in a civil action for injury, death, or loss 55  
to person or property allegedly arising from an employee's 56  
action or inaction in good faith compliance with this section. 57  
This section does not eliminate, limit, or reduce any other 58  
immunity or defense that a person may be entitled to under 59  
Chapter 2744. or any other provision of the Revised Code or 60  
under the common law of this state. 61

(D) This section does not apply to either of the 62  
following: 63

(1) Students who are in home-based, online, or internet- 64  
or computer-based instruction; 65

(2) Instances where a student was not expected to be in 66  
attendance at a particular school building due to that student's 67  
participation in off-campus activities, including but not 68  
limited to participation in the college credit plus program 69  
established under Chapter 3365. of the Revised Code. 70

Sec. 4503.201. (A) The registrar of motor vehicles or 71  
deputy registrar shall provide each applicant for motor vehicle 72  
registration a one-page summary of Ohio's laws governing the use 73  
of an electronic wireless communications device while operating 74  
a motor vehicle. The summary shall explain the prohibition, the 75

exemptions, and the penalties set forth in section 4511.204 of 76  
the Revised Code. 77

(B) Upon receiving the summary described in division (A) 78  
of this section, the applicant shall sign a statement 79  
acknowledging receipt of the summary, either manually or by 80  
electronic signature. 81

(C) The registrar shall prescribe the form of the summary 82  
and the manner in which the summary is presented to the 83  
applicant. The summary shall be designed to enable the applicant 84  
to retain either a physical or electronic copy of it. 85

(D) Nothing within this section shall be construed to 86  
excuse a violation of section 4511.204 of the Revised Code. 87

**Sec. 4507.11.** (A) (1) Except as provided in section 88  
4507.112 of the Revised Code, the registrar of motor vehicles 89  
shall conduct all necessary examinations of applicants for 90  
temporary instruction permits, drivers' licenses, motorcycle 91  
operators' endorsements, or motor-driven cycle or motor scooter 92  
endorsements. The examination shall include a test of the 93  
applicant's knowledge of motor vehicle laws, including the laws 94  
governing stopping for school buses and use of an electronic 95  
wireless communications device while operating a motor vehicle, 96  
a test of the applicant's physical fitness to drive, and a test 97  
of the applicant's ability to understand highway traffic control 98  
devices. The registrar may conduct the examination in such a 99  
manner that applicants who are illiterate or limited in their 100  
knowledge of the English language are tested by methods that 101  
would indicate to the examining officer that the applicant has a 102  
reasonable knowledge of motor vehicle laws and understands 103  
highway traffic control devices. 104

(2) An applicant for a driver's license shall give an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motor vehicle by driving a motor vehicle under the supervision of an examining officer; however, no applicant for a driver's license shall use a low-speed or under-speed vehicle or a mini-truck for the purpose of demonstrating ability to exercise ordinary and reasonable control over a vehicle. The demonstration shall consist of a maneuverability test and a road test. The director of public safety shall determine the formats of the tests.

(3) Except as provided in division (B) of this section, an applicant for a motorcycle operator's endorsement or a restricted license that permits only the operation of a motorcycle shall give an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motorcycle by driving a motorcycle under the supervision of an examining officer. However, no applicant for such an endorsement or restricted license shall use a motor-driven cycle or motor scooter for the purpose of demonstrating ability to exercise ordinary and reasonable control in the operation of a motorcycle.

(4) Except as provided in division (B) of this section, an applicant for a motor-driven cycle or motor scooter operator's endorsement or a restricted license that permits only the operation of a motor-driven cycle or motor scooter shall give an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motor-driven cycle or motor scooter by driving a motor-driven cycle or motor scooter under the supervision of an examining officer.

(5) Except as provided in sections 4507.112 and 4507.12 of

the Revised Code, the registrar shall designate the highway 135  
patrol, any law enforcement body, or any other employee of the 136  
department of public safety to supervise and conduct 137  
examinations for temporary instruction permits, drivers' 138  
licenses, and motorcycle operators' endorsements and shall 139  
provide the necessary rules and forms to properly conduct the 140  
examinations. A deputy registrar shall forward to the registrar 141  
the records of the examinations, together with the application 142  
for a temporary instruction permit, driver's license, or 143  
motorcycle operator's endorsement. If in the opinion of the 144  
registrar the applicant is qualified to operate a motor vehicle, 145  
the registrar shall issue the permit, license, or endorsement. 146

(6) The registrar may authorize the highway patrol, other 147  
designated law enforcement body, or other designated employee of 148  
the department of public safety to issue an examiner's driving 149  
permit to an applicant who has passed the required examination, 150  
authorizing that applicant to operate a motor vehicle while the 151  
registrar is completing an investigation relative to that 152  
applicant's qualifications to receive a temporary instruction 153  
permit, driver's license, or motorcycle operator's endorsement. 154  
The applicant shall keep the examiner's driving permit in the 155  
applicant's immediate possession while operating a motor 156  
vehicle. The examiner's driving permit is effective until final 157  
action and notification has been given by the registrar, but in 158  
no event longer than sixty days from its date of issuance. 159

(B) (1) An applicant for a motorcycle operator's 160  
endorsement or a restricted license that permits only the 161  
operation of a motorcycle who presents to the registrar of motor 162  
vehicles or a deputy registrar a form approved by the director 163  
of public safety attesting to the applicant's successful 164  
completion within the preceding sixty days of a course of basic 165

instruction provided by the motorcycle safety and education 166  
program approved by the director pursuant to section 4508.08 of 167  
the Revised Code shall not be required to give an actual 168  
demonstration of the ability to operate a motorcycle by driving 169  
a motorcycle under the supervision of an examining officer, as 170  
described in division (A) of this section. An applicant for a 171  
motor-driven cycle or motor scooter operator's endorsement or a 172  
restricted license that permits only the operation of a motor- 173  
driven cycle or motor scooter who presents to the registrar of 174  
motor vehicles or a deputy registrar a form approved by the 175  
director of public safety attesting to the applicant's 176  
successful completion within the preceding sixty days of a 177  
course of basic instruction provided by the motorcycle safety 178  
and education program approved by the director pursuant to 179  
section 4508.08 of the Revised Code shall not be required to 180  
give an actual demonstration of the ability to operate a motor- 181  
driven cycle or motor scooter by driving a motor-driven cycle or 182  
motor scooter under the supervision of an examining officer, as 183  
described in division (A) of this section. Upon presentation of 184  
the form described in division (B) (1) of this section and 185  
compliance with all other requirements relating to the issuance 186  
of a motorcycle operator's endorsement or a restricted license 187  
that permits only the operation of a motorcycle, the registrar 188  
or deputy registrar shall issue to the applicant the endorsement 189  
or restricted license, as the case may be. 190

(2) A person who has not attained eighteen years of age 191  
and presents an application for a motorcycle operator's 192  
endorsement or a restricted license under division (B) (1) of 193  
this section also shall comply with the requirements of section 194  
4507.21 of the Revised Code. 195

(C) A person who holds a valid motorcycle endorsement or 196

restricted license that permits only the operation of a 197  
motorcycle may operate a motor-driven cycle or motor scooter 198  
with that endorsement or restricted license. 199

Sec. 4507.214. (A) The registrar of motor vehicles or 200  
deputy registrar shall provide each applicant for a temporary 201  
instruction permit, driver's license, commercial driver's 202  
license, motorized bicycle license, motorcycle operator's 203  
license, or the renewal thereof, a one-page summary of Ohio's 204  
laws governing the use of an electronic wireless communications 205  
device while operating a motor vehicle. The summary shall 206  
explain the prohibition, the exemptions, and the penalties set 207  
forth in section 4511.204 of the Revised Code. 208

(B) Upon receiving the summary described in division (A) 209  
of this section, the applicant shall sign a statement 210  
acknowledging receipt of the summary, either manually or by 211  
electronic signature. 212

(C) The registrar shall prescribe the form of the summary 213  
and the manner in which the summary is presented to the 214  
applicant. The summary shall be designed to enable the applicant 215  
to retain either a physical or electronic copy of it. 216

(D) Nothing within this section shall be construed to 217  
excuse a violation of section 4511.204 of the Revised Code. 218

**Sec. 4508.02. (A) (1) The director of public safety, 219**  
subject to Chapter 119. of the Revised Code, shall adopt and 220  
prescribe such rules concerning the administration and 221  
enforcement of this chapter as are necessary to protect the 222  
public. The rules shall require an assessment of the holder of a 223  
probationary instructor license. The director shall inspect the 224  
school facilities and equipment of applicants and licensees and 225

examine applicants for instructor's licenses.	226
(2) The director shall adopt rules governing online driver education courses that may be completed via the internet to satisfy the classroom instruction under division (C) of this section. The rules shall do all of the following:	227 228 229 230
(a) Establish standards that an online driver training enterprise must satisfy to be licensed to offer an online driver education course via the internet, including, at a minimum, proven expertise in providing driver education and an acceptable infrastructure capable of providing secure online driver education in accord with advances in internet technology. The rules shall allow an online driver training enterprise to be affiliated with a licensed driver training school offering in-person classroom instruction, but shall not require such an affiliation.	231 232 233 234 235 236 237 238 239 240
(b) Establish content requirements that an online driver education course must satisfy to be approved as equivalent to twenty-four hours of in-person classroom instruction;	241 242 243
(c) Establish attendance standards, including a maximum number of course hours that may be completed in a twenty-four-hour period;	244 245 246
(d) Allow an enrolled applicant to begin the required eight hours of actual behind-the-wheel instruction upon completing all twenty-four hours of course instruction;	247 248 249
(e) Establish any other requirements necessary to regulate online driver education.	250 251
(B) The director shall administer and enforce this chapter.	252 253

(C) The rules shall require twenty-four hours of completed 254  
in-person classroom instruction or the completion of an 255  
approved, equivalent online driver education course offered via 256  
the internet by a licensed online driver training enterprise, 257  
followed by eight hours of actual behind-the-wheel instruction 258  
conducted on public streets and highways of this state for all 259  
beginning drivers of noncommercial motor vehicles who are under 260  
age eighteen. The rules also shall require the classroom 261  
instruction or online driver education course for such drivers 262  
to include instruction on both of the following: 263

(1) The dangers of driving a motor vehicle while 264  
distracted, including while using an electronic wireless 265  
communications device to write, send, or read a text-based 266  
communication, or engaging in any other activity that distracts 267  
a driver from the safe and effective operation of a motor 268  
vehicle; 269

(2) The dangers of driving a motor vehicle while under the 270  
influence of a controlled substance, prescription medication, or 271  
alcohol. 272

(D) The rules shall state the minimum hours for classroom 273  
and behind-the-wheel instruction required for beginning drivers 274  
of commercial trucks, commercial cars, buses, and commercial 275  
tractors, trailers, and semitrailers. 276

(E) (1) The department of public safety may charge a fee to 277  
each online driver training enterprise in an amount sufficient 278  
to pay the actual expenses the department incurs in the 279  
regulation of online driver education courses. 280

(2) The department shall supply to each licensed online 281  
driver training enterprise certificates to be used for 282

certifying an applicant's enrollment in an approved online 283  
driver education course and a separate certificate to be issued 284  
upon successful completion of an approved online driver 285  
education course. The certificates shall be numbered serially. 286  
The department may charge a fee to each online driver training 287  
enterprise per certificate supplied to pay the actual expenses 288  
the department incurs in supplying the certificates. 289

(F) The director shall adopt rules in accordance with 290  
Chapter 119. of the Revised Code governing an abbreviated driver 291  
training course for adults. 292

**Sec. 4510.036.** (A) The bureau of motor vehicles shall 293  
record within ten days of conviction or bail ~~forfeiture~~ 294  
forfeiture and shall keep at its main office, all abstracts 295  
received under this section or section 4510.03, 4510.031, 296  
4510.032, or 4510.034 of the Revised Code and shall maintain 297  
records of convictions and bond forfeitures for any violation of 298  
a state law or a municipal ordinance regulating the operation of 299  
vehicles, streetcars, and trackless trolleys on highways and 300  
streets, except a violation related to parking a motor vehicle. 301

(B) Every court of record or mayor's court before which a 302  
person is charged with a violation for which points are 303  
chargeable by this section shall assess and transcribe to the 304  
abstract of conviction that is furnished by the bureau to the 305  
court the number of points chargeable by this section in the 306  
correct space assigned on the reporting form. A United States 307  
district court that has jurisdiction within this state and 308  
before which a person is charged with a violation for which 309  
points are chargeable by this section may assess and transcribe 310  
to the abstract of conviction report that is furnished by the 311  
bureau the number of points chargeable by this section in the 312

correct space assigned on the reporting form. If the federal 313  
court so assesses and transcribes the points chargeable for the 314  
offense and furnishes the report to the bureau, the bureau shall 315  
record the points in the same manner as those assessed and 316  
transcribed by a court of record or mayor's court. 317

(C) A court shall assess the following points for an 318  
offense based on the following formula: 319

(1) Aggravated vehicular homicide, vehicular homicide, 320  
vehicular manslaughter, aggravated vehicular assault, or 321  
vehicular assault when the offense involves the operation of a 322  
vehicle, streetcar, or trackless trolley on a highway or street 323  
\_\_\_\_\_ 6 points 324

(2) A violation of section 2921.331 of the Revised Code or 325  
any ordinance prohibiting the willful fleeing or eluding of a 326  
law enforcement officer \_\_\_\_\_ 6 points 327

(3) A violation of section 4549.02 or 4549.021 of the 328  
Revised Code or any ordinance requiring the driver of a vehicle 329  
to stop and disclose identity at the scene of an accident 330  
\_\_\_\_\_ 6 points 331

(4) A violation of section 4511.251 of the Revised Code or 332  
any ordinance prohibiting street racing \_\_\_\_\_ 6 points 333

(5) A violation of section 4510.037 of the Revised Code or 334  
any ordinance prohibiting the operation of a motor vehicle while 335  
the driver's or commercial driver's license is under a twelve- 336  
point suspension \_\_\_\_\_ 6 points 337

(6) A violation of section 4510.14 of the Revised Code, or 338  
any ordinance prohibiting the operation of a motor vehicle upon 339  
the public roads or highways within this state while the 340  
driver's or commercial driver's license of the person is under 341

suspension and the suspension was imposed under section 4511.19, 342  
4511.191, or 4511.196 of the Revised Code or section 4510.07 of 343  
the Revised Code due to a conviction for a violation of a 344  
municipal OVI ordinance or any ordinance prohibiting the 345  
operation of a motor vehicle while the driver's or commercial 346  
driver's license is under suspension for an OVI offense 347  
\_\_\_\_\_ 6 points 348

(7) A violation of division (A) of section 4511.19 of the 349  
Revised Code, any ordinance prohibiting the operation of a 350  
vehicle while under the influence of alcohol, a drug of abuse, 351  
or a combination of them, or any ordinance substantially 352  
equivalent to division (A) of section 4511.19 of the Revised 353  
Code prohibiting the operation of a vehicle with a prohibited 354  
concentration of alcohol, a controlled substance, or a 355  
metabolite of a controlled substance in the whole blood, blood 356  
serum or plasma, breath, or urine \_\_\_\_\_ 6 points 357

(8) A violation of section 2913.03 of the Revised Code 358  
that does not involve an aircraft or motorboat or any ordinance 359  
prohibiting the operation of a vehicle without the consent of 360  
the owner \_\_\_\_\_ 6 points 361

(9) Any offense under the motor vehicle laws of this state 362  
that is a felony, or any other felony in the commission of which 363  
a motor vehicle was used \_\_\_\_\_ 6 points 364

(10) A violation of division (B) of section 4511.19 of the 365  
Revised Code or any ordinance substantially equivalent to that 366  
division prohibiting the operation of a vehicle with a 367  
prohibited concentration of alcohol in the whole blood, blood 368  
serum or plasma, breath, or urine \_\_\_\_\_ 4 points 369

(11) A violation of section 4511.20 of the Revised Code or 370

any ordinance prohibiting the operation of a motor vehicle in	371
willful or wanton disregard of the safety of persons or property	372
_____ 4 points	373
(12) A violation of any law or ordinance pertaining to	374
speed:	375
(a) Notwithstanding divisions (C) (12) (b) and (c) of this	376
section, when the speed exceeds the lawful speed limit by thirty	377
miles per hour or more _____ 4 points	378
(b) When the speed exceeds the lawful speed limit of	379
fifty-five miles per hour or more by more than ten miles per	380
hour _____ 2 points	381
(c) When the speed exceeds the lawful speed limit of less	382
than fifty-five miles per hour by more than five miles per hour	383
_____ 2 points	384
(d) When the speed does not exceed the amounts set forth	385
in divisions (C) (12) (a), (b), or (c) of this section _____	386
0 points	387
(13) <u>A violation of division (A) of section 4511.204 of</u>	388
<u>the Revised Code or any substantially similar municipal</u>	389
<u>ordinance:</u>	390
<u>(a) For a first offense within any two-year period</u>	391
<u>_____ 2 points</u>	392
<u>(b) For a second offense within any two-year period</u>	393
<u>_____ 3 points</u>	394
<u>(c) For a third or subsequent offense within any two-year</u>	395
<u>period _____ 4 points.</u>	396
<u>(14) Operating a motor vehicle in violation of a</u>	397

restriction imposed by the registrar \_\_\_\_\_ 2 points 398

~~(14)~~ (15) A violation of section 4510.11, 4510.111, 399  
4510.16, or 4510.21 of the Revised Code or any ordinance 400  
prohibiting the operation of a motor vehicle while the driver's 401  
or commercial driver's license is under suspension \_\_\_\_\_ 2 402  
points 403

~~(15)~~ (16) With the exception of violations under section 404  
4510.12 of the Revised Code where no points shall be assessed, 405  
all other moving violations reported under this section 406  
\_\_\_\_\_ 2 points 407

(D) Upon receiving notification from the proper court, 408  
including a United States district court that has jurisdiction 409  
within this state, the bureau shall delete any points entered 410  
for a bond forfeiture if the driver is acquitted of the offense 411  
for which bond was posted. 412

(E) If a person is convicted of or forfeits bail for two 413  
or more offenses arising out of the same facts and points are 414  
chargeable for each of the offenses, points shall be charged for 415  
only the conviction or bond forfeiture for which the greater 416  
number of points is chargeable, and, if the number of points 417  
chargeable for each offense is equal, only one offense shall be 418  
recorded, and points shall be charged only for that offense. 419

**Sec. 4511.043.** (A) (1) No law enforcement officer who stops 420  
the operator of a motor vehicle in the course of an authorized 421  
sobriety or other motor vehicle checkpoint operation or a motor 422  
vehicle safety inspection shall issue a ticket, citation, or 423  
summons for a secondary traffic offense unless in the course of 424  
the checkpoint operation or safety inspection the officer first 425  
determines that an offense other than a secondary traffic 426

offense has occurred and either places the operator or a vehicle 427  
occupant under arrest or issues a ticket, citation, or summons 428  
to the operator or a vehicle occupant for an offense other than 429  
a secondary offense. 430

(2) A law enforcement agency that operates a motor vehicle 431  
checkpoint for an express purpose related to a secondary traffic 432  
offense shall not issue a ticket, citation, or summons for any 433  
secondary traffic offense at such a checkpoint, but may use such 434  
a checkpoint operation to conduct a public awareness campaign 435  
and distribute information. 436

(B) As used in this section, "secondary traffic offense" 437  
means a violation of division (A) or (F) (2) of section 4507.05, 438  
division (B) (1) (a) or (b) or (E) of section 4507.071, ~~division~~ 439  
~~(A) of section 4511.204,~~ division (C) or (D) of section 4511.81, 440  
division (A) (3) of section 4513.03, or division (B) of section 441  
4513.263 of the Revised Code. 442

Sec. 4511.122. (A) The department of transportation shall 443  
include a sign, in the department's manual for a uniform system 444  
of traffic control devices adopted under section 4511.09 of the 445  
Revised Code, regarding the prohibition against using an 446  
electronic wireless communications device while driving, as 447  
established under section 4511.204 of the Revised Code. 448

(B) The director of transportation shall erect the signs 449  
established by this section in the following locations: 450

(1) Where an interstate or United States route enters 451  
Ohio; 452

(2) Where a road, originating from a commercial service 453  
airport, exits the airport's property. 454

**Sec. 4511.204.** (A) No person shall ~~drive~~ operate a motor 455

vehicle, trackless trolley, or streetcar on any street, highway, 456  
or property open to the public for vehicular traffic while using 457  
~~a handheld, holding, or physically supporting with any part of~~ 458  
the person's body an electronic wireless communications device- 459  
~~to write, send, or read a text-based communication.~~ 460

(B) Division (A) of this section does not apply to any of 461  
the following: 462

(1) A person using ~~a handheld~~ an electronic wireless 463  
communications device ~~in that manner for emergency purposes,~~ 464  
~~including an emergency to make contact, for emergency purposes,~~ 465  
with a law enforcement agency, hospital or health care provider, 466  
fire department, or other similar emergency agency or entity; 467

(2) A person driving a public safety vehicle ~~who uses a~~ 468  
~~handheld~~ while using an electronic wireless communications 469  
device ~~in that manner~~ in the course of the person's duties; 470

(3) A person using ~~a handheld~~ an electronic wireless 471  
communications device ~~in that manner whose~~ when the person's 472  
motor vehicle is in a stationary position and ~~who~~ is outside a 473  
lane of travel; 474

(4) A person ~~reading, selecting, or entering a name or~~ 475  
~~telephone number in a handheld~~ using an electronic wireless 476  
communications device for the purpose of making or receiving a 477  
telephone call, provided that the person does not do either of 478  
the following during the use: 479

(a) Manually enter letters, numbers, or symbols into the 480  
device; 481

(b) Hold or support the device with any part of the 482  
person's body; 483

(5) A person receiving wireless messages on ~~a~~an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;

(6) A person ~~receiving wireless messages via radio waves~~using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;

(7) A person using ~~a~~an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body;

(8) A person ~~conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or~~using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body;

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;

(11) A person using a handheld an electronic wireless communications device in conjunction with a voice-operated or hands-free ~~device~~ feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;

(12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body.

(C) (1) ~~Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (A) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of~~

~~that nature, and no law enforcement officer shall view the~~ 542  
~~interior or visually inspect any automobile being operated on~~ 543  
~~any street or highway for the sole purpose of determining~~ 544  
~~whether a violation of that nature has been or is being~~ 545  
~~committed.~~ 546

~~(2)~~ On January 31 of each year, the department of public 547  
safety shall issue a report to the general assembly that 548  
specifies the number of citations issued for violations of this 549  
section during the previous calendar year. 550

(2) If a law enforcement officer issues an offender a 551  
ticket, citation, or summons for a violation of division (A) of 552  
this section, the officer shall do both of the following: 553

(a) Report the issuance of the ticket, citation, or 554  
summons to the officer's law enforcement agency; 555

(b) Ensure that such report indicates the offender's race. 556

(D) (1) Whoever violates division (A) of this section is 557  
guilty of operating a minor motor vehicle while using an 558  
electronic wireless communication device, an unclassified 559  
misdemeanor. 560

(a) Except as provided in divisions (D) (1) (b), (c), (d), 561  
and (2) of this section, the court shall impose upon the 562  
offender a fine of not more than one hundred fifty dollars. 563

(b) If, within two years of the violation, the offender 564  
has been convicted of or pleaded guilty to one prior violation 565  
of this section or a substantially equivalent municipal 566  
ordinance, the court shall impose upon the offender a fine of 567  
not more than two hundred fifty dollars. 568

(c) If, within two years of the violation, the offender 569

has been convicted of or pleaded guilty to two or more prior 570  
violations of this section or a substantially equivalent 571  
municipal ordinance, the court shall impose upon the offender a 572  
fine of not more than five hundred dollars. The court also may 573  
impose a suspension of the offender's driver's license, 574  
commercial driver's license, temporary instruction permit, 575  
probationary license, or nonresident operating privilege for 576  
ninety days. 577

(d) Notwithstanding divisions (D) (1) (a) to (c) of this 578  
section, if the offender was operating the motor vehicle at the 579  
time of the violation in a construction zone where a sign was 580  
posted in accordance with section 4511.98 of the Revised Code, 581  
the court, in addition to all other penalties provided by law, 582  
shall impose upon the offender a fine of two times the amount 583  
imposed for the violation under division (D) (1) (a), (b), or (c) 584  
of this section, as applicable. 585

(2) In lieu of payment of the fine of one hundred fifty 586  
dollars under division (D) (1) (a) of this section, the offender 587  
instead may elect to attend the distracted driving safety 588  
course, as described in section 4511.991 of the Revised Code. If 589  
the offender attends and successfully completes the course, the 590  
offender shall be issued written evidence that the offender 591  
successfully completed the course. The offender shall not be 592  
required to pay the fine if the offender submits the written 593  
evidence to the court. 594

(3) The court may impose any other penalty authorized 595  
under sections 2929.21 to 2929.28 of the Revised Code. However, 596  
the court shall not impose a fine or a suspension not otherwise 597  
specified in division (D) (1) of this section. The court also 598  
shall not impose a jail term or community residential sanction. 599

(4) Points shall be assessed for a violation of division 600  
(A) of this section in accordance with section 4510.036 of the 601  
Revised Code. 602

(E) This section shall not be construed as invalidating, 603  
preempting, or superseding a substantially equivalent municipal 604  
ordinance that prescribes penalties for violations of that 605  
ordinance that are greater than the penalties prescribed in this 606  
section for violations of this section. 607

(F) A prosecution for ~~a~~an offense in violation of this 608  
section does not preclude a prosecution for ~~a~~an offense in 609  
violation of a substantially equivalent municipal ordinance 610  
based on the same conduct. ~~However, if an offender is convicted~~ 611  
~~of or pleads guilty to a violation of this section and is also~~ 612  
~~convicted of or pleads guilty to a violation of a substantially~~ 613  
~~equivalent municipal ordinance based on the same conduct,~~ the 614  
two offenses are allied offenses of similar import under section 615  
2941.25 of the Revised Code. 616

(G) A law enforcement officer who stops the operator of a 617  
motor vehicle, trackless trolley, or streetcar for a violation 618  
of division (A) of this section shall inform the operator that 619  
the operator may decline a search of the operator's electronic 620  
wireless communications device. The officer shall not do any of 621  
the following: 622

(1) Access the device without a warrant, unless the 623  
operator voluntarily and unequivocally gives consent for the 624  
officer to access the device; 625

(2) Confiscate the device while awaiting the issuance of a 626  
warrant to access the device; 627

(3) Obtain consent from the operator to access the device 628

through coercion or any other improper means. Any consent by the 629  
operator to access the device shall be voluntary and unequivocal 630  
before the officer may access the device without a warrant. 631

(H) As used in this section: 632

(1) "Electronic wireless communications device" includes 633  
any of the following: 634

(a) A wireless telephone; 635

(b) A text-messaging device; 636

(c) A personal digital assistant; 637

(d) A computer, including a laptop computer and a computer 638  
tablet; 639

(e) Any device capable of displaying a video, movie, 640  
broadcast television image, or visual image; 641

(f) Any other substantially similar wireless device that 642  
is designed or used to communicate text, initiate or receive 643  
communication, or exchange information or data. 644

(2) "Voice-operated or hands-free ~~device~~feature or 645  
function" means a ~~device~~feature or function that allows the 646  
~~user to vocally compose or send, or to listen to a text-based~~ 647  
~~communication~~a person to use an electronic wireless 648  
communications device without the use of either hand, except to 649  
~~activate or, deactivate a, or initiate the~~ feature or function 650  
with a single touch or single swipe. 651

(3) ~~"Write, send, or read a text-based communication"~~ 652  
~~means to manually write or send, or read a text-based~~ 653  
~~communication using an electronic wireless communications~~ 654  
~~device, including manually writing or sending, or reading~~ 655

~~communications referred to as text messages, instant messages,~~ 656  
~~or electronic mail.~~ "Utility" means an entity specified in 657  
division (A), (C), (D), (E), or (G) of section 4905.03 of the 658  
Revised Code. 659

(4) "Utility service vehicle" means a vehicle owned or 660  
operated by a utility. 661

**Sec. 4511.991.** (A) As used in this section and each 662  
section referenced in division (B) of this section, all of the 663  
following apply: 664

(1) "Distracted" means doing either of the following while 665  
operating a vehicle: 666

(a) Using ~~a handheld~~ an electronic wireless communications 667  
device, as defined in section 4511.204 of the Revised Code, 668  
~~except when utilizing any of the following:~~ 669

~~(i) The device's speakerphone function;~~ 670

~~(ii) A wireless technology standard for exchanging data~~ 671  
~~over short distances;~~ 672

~~(iii) A "voice operated or hands free" device that allows~~ 673  
~~the person to use the electronic wireless communications device~~ 674  
~~without the use of either hand except to activate, deactivate,~~ 675  
~~or initiate a feature or function;~~ 676

~~(iv) Any device that is physically or electronically~~ 677  
~~integrated into the motor vehicle~~ in violation of that section. 678

(b) Engaging in any activity that is not necessary to the 679  
operation of a vehicle and impairs, or reasonably would be 680  
expected to impair, the ability of the operator to drive the 681  
vehicle safely. 682

(2) "Distracted" does not include operating a motor 683  
vehicle while wearing an earphone or earplug over or in both 684  
ears at the same time. A person who so wears earphones or 685  
earplugs may be charged with a violation of section 4511.84 of 686  
the Revised Code. 687

(3) "Distracted" does not include conducting any activity 688  
while operating a utility service vehicle or a vehicle for or on 689  
behalf of a utility, provided that the driver of the vehicle is 690  
acting in response to an emergency, power outage, or a 691  
circumstance affecting the health or safety of individuals. 692

As used in division (A) (3) of this section: 693

(a) "Utility" means an entity specified in division (A), 694  
(C), (D), (E), or (G) of section 4905.03 of the Revised Code. 695

(b) "Utility service vehicle" means a vehicle owned or 696  
operated by a utility. 697

(B) If an offender violates section 4511.03, 4511.051, 698  
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 699  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 700  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 701  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 702  
4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 703  
4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 704  
4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 705  
4511.73 of the Revised Code while distracted and the distracting 706  
activity is a contributing factor to the commission of the 707  
violation, the offender is subject to the applicable penalty for 708  
the violation and, notwithstanding section 2929.28 of the 709  
Revised Code, is subject to an additional fine of not more than 710  
one hundred dollars as follows: 711

(1) Subject to Traffic Rule 13, if a law enforcement 712  
officer issues an offender a ticket, citation, or summons for a 713  
violation of any of the aforementioned sections of the Revised 714  
Code that indicates that the offender was distracted while 715  
committing the violation and that the distracting activity was a 716  
contributing factor to the commission of the violation, the 717  
offender may enter a written plea of guilty and waive the 718  
offender's right to contest the ticket, citation, or summons in 719  
a trial provided that the offender pays the total amount of the 720  
fine established for the violation and pays the additional fine 721  
of one hundred dollars. 722

In lieu of payment of the additional fine of one hundred 723  
dollars, the offender instead may elect to attend a distracted 724  
driving safety course, the duration and contents of which shall 725  
be established by the director of public safety. If the offender 726  
attends and successfully completes the course, the offender 727  
shall be issued written evidence that the offender successfully 728  
completed the course. The offender shall be required to pay the 729  
total amount of the fine established for the violation, but 730  
shall not be required to pay the additional fine of one hundred 731  
dollars, so long as the offender submits to the court both the 732  
offender's payment in full and such written evidence. 733

(2) If the offender appears in person to contest the 734  
ticket, citation, or summons in a trial and the offender pleads 735  
guilty to or is convicted of the violation, the court, in 736  
addition to all other penalties provided by law, may impose the 737  
applicable penalty for the violation and may impose the 738  
additional fine of not more than one hundred dollars. 739

If the court imposes upon the offender the applicable 740  
penalty for the violation and an additional fine of not more 741

than one hundred dollars, the court shall inform the offender 742  
that, in lieu of payment of the additional fine of not more than 743  
one hundred dollars, the offender instead may elect to attend 744  
the distracted driving safety course described in division (B) 745  
(1) of this section. If the offender elects the course option 746  
and attends and successfully completes the course, the offender 747  
shall be issued written evidence that the offender successfully 748  
completed the course. The offender shall be required to pay the 749  
total amount of the fine established for the violation, but 750  
shall not be required to pay the additional fine of not more 751  
than one hundred dollars, so long as the offender submits to the 752  
court the offender's payment and such written evidence. 753

(C) If a law enforcement officer issues an offender a 754  
ticket, citation, or summons for a violation of any of the 755  
sections of the Revised Code listed in division (B) of this 756  
section that indicates that the offender was distracted while 757  
committing the violation and that the distracting activity was a 758  
contributing factor to the commission of the violation, the 759  
officer shall do both of the following: 760

(1) Report the issuance of the ticket, citation, or 761  
summons to the officer's law enforcement agency; 762

(2) Ensure that such report indicates the offender's race. 763

**Sec. 4511.992.** (A) A law enforcement agency shall compile 764  
the information from reports submitted in accordance with 765  
division (C) (2) of section 4511.204 and division (C) of section 766  
4511.991 of the Revised Code. Every other month, the agency 767  
shall prepare a report that describes the number and race of the 768  
offenders who received a ticket, citation, or summons under 769  
those sections during the prior two months. Upon completion of 770  
the report, the agency shall send the report to the attorney 771

general. 772

(B) The attorney general shall complete an annual report 773  
that is based on the reports submitted by law enforcement 774  
agencies under division (A) of this section during the prior 775  
one-year period. The report shall describe both of the 776  
following: 777

(1) The total number of offenders by race who received a 778  
ticket, citation, or summons for each of the following: 779

(a) A violation of division (A) of section 4511.204 of the 780  
Revised Code that indicates that the offender operated a motor 781  
vehicle while using an electronic wireless communication device; 782

(b) A violation of any of the sections of the Revised Code 783  
listed in division (B) of section 4511.991 of the Revised Code 784  
that indicates that the offender was distracted while committing 785  
the violation and that the distracting activity was a 786  
contributing factor to the commission of the violation. 787

(2) The information specified under division (B)(1) of 788  
this section listed by law enforcement agency. 789

Upon completion of the annual report, the attorney general 790  
shall submit it to the governor, the speaker of the house of 791  
representatives, and the president of the senate. 792

**Section 2.** That existing sections 3321.141, 4507.11, 793  
4508.02, 4510.036, 4511.043, 4511.204, and 4511.991 of the 794  
Revised Code are hereby repealed. 795

**Section 3.** (A) As used in this section, "interim period" 796  
means the period of time beginning on the effective date of this 797  
section and ending six months after the effective date of this 798  
section. 799

(B) Notwithstanding any provision of law to the contrary, 800  
during the the interim period, a law enforcement officer may 801  
stop a motor vehicle operator for an action that is a violation 802  
of section 4511.204 of the Revised Code, as amended by this act. 803  
In lieu of issuing the person a ticket, citation, or summons, 804  
the law enforcement officer shall issue the person a written 805  
warning explaining the provisions of section 4511.204 of the 806  
Revised Code, as amended by this act. The written warning may 807  
notify the person of the specific date after the interim period 808  
when law enforcement officers are authorized to begin issuing 809  
tickets, citations, and summons for violations of section 810  
4511.204 of the Revised Code, as amended by this act. 811

(C) After the interim period, a law enforcement officer 812  
may issue a ticket, citation, or summons for a violation of 813  
section 4511.204 of the Revised Code, as amended by this act. 814