As Introduced

131st General Assembly Regular Session 2015-2016

H. B. No. 86

Representative Grossman

A BILL

То	enact section 4511.206 of the Revised Code to	1
	create the offense of "distracted driving" and	2
	to limit its application and prosecution to	3
	persons who also commit a moving violation or a	4
	vehicular homicide offense at the same time as	5
	the distracted driving offense.	6

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

Section 1. That section 4511.206 of the Revised Code be	7
enacted to read as follows:	8
Sec. 4511.206. (A) As used in this section:	9
(1) "Electronic wireless communications device" has the	10
same meaning as in section 4511.204 of the Revised Code.	11
(2) "Moving violation" has the same meaning as in section 4510.01 of the Revised Code.	12 13
(B) No person shall commit a moving violation while doing	14
either of the following:	15
(1) Using in any manner an electronic wireless	16
<pre>communications device;</pre>	17

(2) Engaging in any activity that is not necessary to the	18
driving of a motor vehicle and impairs, or reasonably would be	19
expected to impair, the ability of the person to drive the motor	20
vehicle safely.	21
(C) No person shall violate section 2903.06 of the Revised	22
Code while doing either of the following:	23
(1) Using in any manner an electronic wireless	24
<pre>communications device;</pre>	25
(2) Engaging in any activity that is not necessary to the	26
driving of a motor vehicle and impairs, or reasonably would be	27
expected to impair, the ability of the person to drive the motor	28
vehicle safely.	29
(D) Whoever violates division (B) or (C) of this section	30
is guilty of distracted driving, a misdemeanor.	31
(E) A person who pleads guilty to or is convicted of	32
distracted driving under division (B) of this section is subject	33
to the following penalties:	34
(1) A fine of one hundred dollars on a first offense;	35
(2) A fine of three hundred dollars for a second or	36
subsequent offense.	37
The court shall impose the applicable penalty under	38
division (E) of this section in addition to any penalties the	39
court imposes for the underlying moving violation.	40
(F) A person who pleads guilty to or is convicted of	41
distracted driving under division (C) of this section is subject	42
to the following penalties:	43
(1) A fine that is twice the maximum amount permitted	44

under the Revised Code for a violation of division (A)(3) of	
section 2903.06 of the Revised Code;	
(2) A jail or prison term that is twice the maximum term	47
permitted for a violation of division (A)(3) of section 2903.06	48
of the Revised Code.	49
The court shall impose the applicable penalty under	50
division (F) of this section in addition to any penalties the	51
court imposes for the violation of section 2903.06 of the	52
Revised Code.	53
(G) If a law enforcement officer issues a person a ticket,	54
citation, or summons for a moving violation and also for the	55
offense of distracted driving, the officer shall specify on the	56
front side of the ticket, citation, or summons whether the	57
person is charged with a violation of division (B) of this	58
section. The person is not permitted to enter a written plea of	59
guilty and waive the person's right to contest the ticket,	60
citation, or summons in a trial, but instead is required to	61
appear in person in the proper court to answer the charge.	62
(H) The offenses established under this section are strict	63
liability offenses and section 2901.20 of the Revised Code does	64
not apply. The designation of these offenses as strict liability	65
offenses shall not be construed to imply that any other offense,	66
for which there is no specified degree of culpability, is not a	67
strict liability offense.	68
(I) There is hereby created in the state treasury the	69
driver education fund. All fines collected pursuant to this	70
section shall be deposited into the state treasury to the credit	71
of the fund. The department of public safety shall use all money	72
in the fund to pay for the driver safety activities and programs	73

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of the department, as prescribed in rules the department shall	74				
adopt in accordance with Chapter 119. of the Revised Code.	75				

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