Testimony to the House Transportation and Public Safety Committee

House Bill 468 <> February 11, 2020

Mary Lightbody, Ph.D.

Chairman Green, 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 468, which will alter the law governing the use of a handheld electronic wireless communications devices (HEWCD) while driving. In this testimony I will use the terms HEWCD and smartphones interchangeably.

The primary goal of HB 468 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 change the use of HEWCD 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.

HB 468 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 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. Drivers would still be allowed to use of their phones to make and receive calls, but the conversations must be conducted hands-free. Drivers are also still permitted to use navigation apps, again hands-free. There is no change to the limited exceptions language in ORC 4511.204, which permits the use of handheld electronic wireless communications devices by police, fire, emergency responders, drivers of public safety vehicles, and commercial truck drivers.

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. As I researched the topic, I learned that over the past few years especially the use of smartphones has escalated from texting while driving to online shopping, browsing social media, and use of various downloaded apps all while operating a motor vehicle. The number of drivers we see using their smartphones while driving is a significant issue of concern, especially since they tend to drive erratically and are causing an ever increasing number of accidents, ranging from slow speed rear end accidents to serious high speed crashes with loss of life.

While I am bringing this House bill to this committee for consideration, there are others who are committed to addressing the issue of distracted driving, including and especially Governor DeWine. 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. We have made copies of this report available to you, Chairman Green, and all members of the Transportation Committee. I have additional copies and an electronic version that I can share as well. The report contains on pp 18-22 a number of important policy recommendations that include stronger laws (i.e. make it primary), increased penalties, additional research, and continued education of drivers.

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, accidents caused by distracted driving and the use of smart phones continue to increase. Many result in death and serious injury to others both inside and outside the vehicles.

Why now?

The National Highway Traffic Safety Administration found that 9% of fatal crashes in 2017 were reported as distraction-affected crashes. 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, including Columbus, Granville, Westerville, etc. A state wide primary offence 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.

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 accidents caused by drivers using smartphones. One such accident was caused by a woman who was shopping online. That accident 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. A former policer officer shared that while on duty he had almost been hit multiple time by distracted drivers. A neuropsychologist who evaluates and treats traumatic brain injuries reported a dramatic increase in the last 5 years of patients hit from behind at a stop light. Another call was from a woman whose brother was killed 5 years ago by a texting commercial truck driver.

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.

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