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Representatives Abrams, Lampton

Cosponsors: Representatives Jones, Ginter, Carruthers, John, Holmes, Ray, Pavliga, Richardson, Lanese, Carfagna, LaRe, Leland, Galonski, Miller, A., Bird, Hall, Johnson, Miller, K., Sheehy, Sobecki, Troy, White, Young, T.

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 4507.214, 4511.122, and 3
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 4507.214, 4511.122, and 4511.992 of the Revised Code be 13
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
take attendance for each school building shall make at least one 19
attempt to contact, in accordance with division (A) (2) of this 20
section, the parent, guardian, or other person having care of 21
any student who was absent without legitimate excuse from the 22
school the student is required to attend as of the beginning of 23
that school day. 24

(2) An attempt to contact a student's parent, guardian, or 25
other person having care of the student shall be made through 26
one of the following methods: 27

(a) A telephone call placed in person; 28

(b) An automated telephone call via a system that includes 29
verification that each call was actually placed, and either the 30
call was answered by its intended recipient or a voice mail 31
message was left by the automated system relaying the required 32
information; 33

(c) A notification sent through the school's automated 34
student information system; 35

(d) A text-based communication sent to the parent's, 36
guardian's, or other person's electronic wireless communications 37
device, as defined in ~~division (G) (1) of~~ section 4511.204 of the 38
Revised Code; 39

(e) A notification sent to the electronic mail address of 40
the parent, guardian, or other person; 41

(f) A visit, in person, to the student's residence of 42
record; 43

(g) Any other notification procedure that has been adopted 44
by resolution of the board of education of a school district. 45

(B) If the parent, guardian, or other person having care 46
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. 4507.11. (A) (1) Except as provided in section 71
4507.112 of the Revised Code, the registrar of motor vehicles 72
shall conduct all necessary examinations of applicants for 73
temporary instruction permits, drivers' licenses, motorcycle 74

operators' endorsements, or motor-driven cycle or motor scooter 75
endorsements. The examination shall include a test of the 76
applicant's knowledge of motor vehicle laws, including the laws 77
governing stopping for school buses and use of an electronic 78
wireless communications device while operating a motor vehicle, 79
a test of the applicant's physical fitness to drive, and a test 80
of the applicant's ability to understand highway traffic control 81
devices. The registrar may conduct the examination in such a 82
manner that applicants who are illiterate or limited in their 83
knowledge of the English language are tested by methods that 84
would indicate to the examining officer that the applicant has a 85
reasonable knowledge of motor vehicle laws and understands 86
highway traffic control devices. 87

(2) An applicant for a driver's license shall give an 88
actual demonstration of the ability to exercise ordinary and 89
reasonable control in the operation of a motor vehicle by 90
driving a motor vehicle under the supervision of an examining 91
officer; however, no applicant for a driver's license shall use 92
a low-speed or under-speed vehicle or a mini-truck for the 93
purpose of demonstrating ability to exercise ordinary and 94
reasonable control over a vehicle. The demonstration shall 95
consist of a maneuverability test and a road test. The director 96
of public safety shall determine the formats of the tests. 97

(3) Except as provided in division (B) of this section, an 98
applicant for a motorcycle operator's endorsement or a 99
restricted license that permits only the operation of a 100
motorcycle shall give an actual demonstration of the ability to 101
exercise ordinary and reasonable control in the operation of a 102
motorcycle by driving a motorcycle under the supervision of an 103
examining officer. However, no applicant for such an endorsement 104
or restricted license shall use a motor-driven cycle or motor 105

scooter for the purpose of demonstrating ability to exercise 106
ordinary and reasonable control in the operation of a 107
motorcycle. 108

(4) Except as provided in division (B) of this section, an 109
applicant for a motor-driven cycle or motor scooter operator's 110
endorsement or a restricted license that permits only the 111
operation of a motor-driven cycle or motor scooter shall give an 112
actual demonstration of the ability to exercise ordinary and 113
reasonable control in the operation of a motor-driven cycle or 114
motor scooter by driving a motor-driven cycle or motor scooter 115
under the supervision of an examining officer. 116

(5) Except as provided in sections 4507.112 and 4507.12 of 117
the Revised Code, the registrar shall designate the highway 118
patrol, any law enforcement body, or any other employee of the 119
department of public safety to supervise and conduct 120
examinations for temporary instruction permits, drivers' 121
licenses, and motorcycle operators' endorsements and shall 122
provide the necessary rules and forms to properly conduct the 123
examinations. A deputy registrar shall forward to the registrar 124
the records of the examinations, together with the application 125
for a temporary instruction permit, driver's license, or 126
motorcycle operator's endorsement. If in the opinion of the 127
registrar the applicant is qualified to operate a motor vehicle, 128
the registrar shall issue the permit, license, or endorsement. 129

(6) The registrar may authorize the highway patrol, other 130
designated law enforcement body, or other designated employee of 131
the department of public safety to issue an examiner's driving 132
permit to an applicant who has passed the required examination, 133
authorizing that applicant to operate a motor vehicle while the 134
registrar is completing an investigation relative to that 135

applicant's qualifications to receive a temporary instruction 136
permit, driver's license, or motorcycle operator's endorsement. 137
The applicant shall keep the examiner's driving permit in the 138
applicant's immediate possession while operating a motor 139
vehicle. The examiner's driving permit is effective until final 140
action and notification has been given by the registrar, but in 141
no event longer than sixty days from its date of issuance. 142

(B) (1) An applicant for a motorcycle operator's 143
endorsement or a restricted license that permits only the 144
operation of a motorcycle who presents to the registrar of motor 145
vehicles or a deputy registrar a form approved by the director 146
of public safety attesting to the applicant's successful 147
completion within the preceding sixty days of a course of basic 148
instruction provided by the motorcycle safety and education 149
program approved by the director pursuant to section 4508.08 of 150
the Revised Code shall not be required to give an actual 151
demonstration of the ability to operate a motorcycle by driving 152
a motorcycle under the supervision of an examining officer, as 153
described in division (A) of this section. An applicant for a 154
motor-driven cycle or motor scooter operator's endorsement or a 155
restricted license that permits only the operation of a motor- 156
driven cycle or motor scooter who presents to the registrar of 157
motor vehicles or a deputy registrar a form approved by the 158
director of public safety attesting to the applicant's 159
successful completion within the preceding sixty days of a 160
course of basic instruction provided by the motorcycle safety 161
and education program approved by the director pursuant to 162
section 4508.08 of the Revised Code shall not be required to 163
give an actual demonstration of the ability to operate a motor- 164
driven cycle or motor scooter by driving a motor-driven cycle or 165
motor scooter under the supervision of an examining officer, as 166

described in division (A) of this section. Upon presentation of 167
the form described in division (B) (1) of this section and 168
compliance with all other requirements relating to the issuance 169
of a motorcycle operator's endorsement or a restricted license 170
that permits only the operation of a motorcycle, the registrar 171
or deputy registrar shall issue to the applicant the endorsement 172
or restricted license, as the case may be. 173

(2) A person who has not attained eighteen years of age 174
and presents an application for a motorcycle operator's 175
endorsement or a restricted license under division (B) (1) of 176
this section also shall comply with the requirements of section 177
4507.21 of the Revised Code. 178

(C) A person who holds a valid motorcycle endorsement or 179
restricted license that permits only the operation of a 180
motorcycle may operate a motor-driven cycle or motor scooter 181
with that endorsement or restricted license. 182

Sec. 4507.214. (A) The registrar of motor vehicles or 183
deputy registrar shall provide each applicant for a temporary 184
instruction permit, driver's license, commercial driver's 185
license, motorized bicycle license, motorcycle operator's 186
license, or the renewal thereof, a one-page summary of Ohio's 187
laws governing the use of an electronic wireless communications 188
device while operating a motor vehicle. The summary shall 189
explain the prohibition, the exemptions, and the penalties set 190
forth in section 4511.204 of the Revised Code. 191

(B) Upon receiving the summary described in division (A) 192
of this section, the applicant shall sign a statement 193
acknowledging receipt of the summary, either manually or by 194
electronic signature. 195

(C) The registrar shall prescribe the form of the summary 196
and the manner in which the summary is presented to the 197
applicant. The summary shall be designed to enable the applicant 198
to retain either a physical or electronic copy of it. 199

(D) Nothing within this section shall be construed to 200
excuse a violation of section 4511.204 of the Revised Code. 201

Sec. 4508.02. (A) (1) The director of public safety, 202
subject to Chapter 119. of the Revised Code, shall adopt and 203
prescribe such rules concerning the administration and 204
enforcement of this chapter as are necessary to protect the 205
public. The rules shall require an assessment of the holder of a 206
probationary instructor license. The director shall inspect the 207
school facilities and equipment of applicants and licensees and 208
examine applicants for instructor's licenses. 209

(2) The director shall adopt rules governing online driver 210
education courses that may be completed via the internet to 211
satisfy the classroom instruction under division (C) of this 212
section. The rules shall do all of the following: 213

(a) Establish standards that an online driver training 214
enterprise must satisfy to be licensed to offer an online driver 215
education course via the internet, including, at a minimum, 216
proven expertise in providing driver education and an acceptable 217
infrastructure capable of providing secure online driver 218
education in accord with advances in internet technology. The 219
rules shall allow an online driver training enterprise to be 220
affiliated with a licensed driver training school offering in- 221
person classroom instruction, but shall not require such an 222
affiliation. 223

(b) Establish content requirements that an online driver 224

education course must satisfy to be approved as equivalent to	225
twenty-four hours of in-person classroom instruction;	226
(c) Establish attendance standards, including a maximum	227
number of course hours that may be completed in a twenty-four-	228
hour period;	229
(d) Allow an enrolled applicant to begin the required	230
eight hours of actual behind-the-wheel instruction upon	231
completing all twenty-four hours of course instruction;	232
(e) Establish any other requirements necessary to regulate	233
online driver education.	234
(B) The director shall administer and enforce this	235
chapter.	236
(C) The rules shall require twenty-four hours of completed	237
in-person classroom instruction or the completion of an	238
approved, equivalent online driver education course offered via	239
the internet by a licensed online driver training enterprise,	240
followed by eight hours of actual behind-the-wheel instruction	241
conducted on public streets and highways of this state for all	242
beginning drivers of noncommercial motor vehicles who are under	243
age eighteen. The rules also shall require the classroom	244
instruction or online driver education course for such drivers	245
to include instruction on both of the following:	246
(1) The dangers of driving a motor vehicle while	247
<u>distracted, including while using an electronic wireless</u>	248
communications device to write, send, or read a text based-	249
communication, or engaging in any other activity that distracts	250
<u>a driver from the safe and effective operation of a motor</u>	251
<u>vehicle;</u>	252
(2) The dangers of driving a motor vehicle while under the	253

influence of a controlled substance, prescription medication, or 254
alcohol. 255

(D) The rules shall state the minimum hours for classroom 256
and behind-the-wheel instruction required for beginning drivers 257
of commercial trucks, commercial cars, buses, and commercial 258
tractors, trailers, and semitrailers. 259

(E) (1) The department of public safety may charge a fee to 260
each online driver training enterprise in an amount sufficient 261
to pay the actual expenses the department incurs in the 262
regulation of online driver education courses. 263

(2) The department shall supply to each licensed online 264
driver training enterprise certificates to be used for 265
certifying an applicant's enrollment in an approved online 266
driver education course and a separate certificate to be issued 267
upon successful completion of an approved online driver 268
education course. The certificates shall be numbered serially. 269
The department may charge a fee to each online driver training 270
enterprise per certificate supplied to pay the actual expenses 271
the department incurs in supplying the certificates. 272

(F) The director shall adopt rules in accordance with 273
Chapter 119. of the Revised Code governing an abbreviated driver 274
training course for adults. 275

Sec. 4510.036. (A) The bureau of motor vehicles shall 276
record within ten days of conviction or bail ~~forfeiture~~ 277
forfeiture and shall keep at its main office, all abstracts 278
received under this section or section 4510.03, 4510.031, 279
4510.032, or 4510.034 of the Revised Code and shall maintain 280
records of convictions and bond forfeitures for any violation of 281
a state law or a municipal ordinance regulating the operation of 282

vehicles, streetcars, and trackless trolleys on highways and 283
streets, except a violation related to parking a motor vehicle. 284

(B) Every court of record or mayor's court before which a 285
person is charged with a violation for which points are 286
chargeable by this section shall assess and transcribe to the 287
abstract of conviction that is furnished by the bureau to the 288
court the number of points chargeable by this section in the 289
correct space assigned on the reporting form. A United States 290
district court that has jurisdiction within this state and 291
before which a person is charged with a violation for which 292
points are chargeable by this section may assess and transcribe 293
to the abstract of conviction report that is furnished by the 294
bureau the number of points chargeable by this section in the 295
correct space assigned on the reporting form. If the federal 296
court so assesses and transcribes the points chargeable for the 297
offense and furnishes the report to the bureau, the bureau shall 298
record the points in the same manner as those assessed and 299
transcribed by a court of record or mayor's court. 300

(C) A court shall assess the following points for an 301
offense based on the following formula: 302

(1) Aggravated vehicular homicide, vehicular homicide, 303
vehicular manslaughter, aggravated vehicular assault, or 304
vehicular assault when the offense involves the operation of a 305
vehicle, streetcar, or trackless trolley on a highway or street 306
_____ 6 points 307

(2) A violation of section 2921.331 of the Revised Code or 308
any ordinance prohibiting the willful fleeing or eluding of a 309
law enforcement officer _____ 6 points 310

(3) A violation of section 4549.02 or 4549.021 of the 311

Revised Code or any ordinance requiring the driver of a vehicle	312
to stop and disclose identity at the scene of an accident	313
_____ 6 points	314
(4) A violation of section 4511.251 of the Revised Code or	315
any ordinance prohibiting street racing _____ 6 points	316
(5) A violation of section 4510.037 of the Revised Code or	317
any ordinance prohibiting the operation of a motor vehicle while	318
the driver's or commercial driver's license is under a twelve-	319
point suspension _____ 6 points	320
(6) A violation of section 4510.14 of the Revised Code, or	321
any ordinance prohibiting the operation of a motor vehicle upon	322
the public roads or highways within this state while the	323
driver's or commercial driver's license of the person is under	324
suspension and the suspension was imposed under section 4511.19,	325
4511.191, or 4511.196 of the Revised Code or section 4510.07 of	326
the Revised Code due to a conviction for a violation of a	327
municipal OVI ordinance or any ordinance prohibiting the	328
operation of a motor vehicle while the driver's or commercial	329
driver's license is under suspension for an OVI offense	330
_____ 6 points	331
(7) A violation of division (A) of section 4511.19 of the	332
Revised Code, any ordinance prohibiting the operation of a	333
vehicle while under the influence of alcohol, a drug of abuse,	334
or a combination of them, or any ordinance substantially	335
equivalent to division (A) of section 4511.19 of the Revised	336
Code prohibiting the operation of a vehicle with a prohibited	337
concentration of alcohol, a controlled substance, or a	338
metabolite of a controlled substance in the whole blood, blood	339
serum or plasma, breath, or urine _____ 6 points	340

(8) A violation of section 2913.03 of the Revised Code	341
that does not involve an aircraft or motorboat or any ordinance	342
prohibiting the operation of a vehicle without the consent of	343
the owner _____ 6 points	344
(9) Any offense under the motor vehicle laws of this state	345
that is a felony, or any other felony in the commission of which	346
a motor vehicle was used _____ 6 points	347
(10) A violation of division (B) of section 4511.19 of the	348
Revised Code or any ordinance substantially equivalent to that	349
division prohibiting the operation of a vehicle with a	350
prohibited concentration of alcohol in the whole blood, blood	351
serum or plasma, breath, or urine _____ 4 points	352
(11) A violation of section 4511.20 of the Revised Code or	353
any ordinance prohibiting the operation of a motor vehicle in	354
willful or wanton disregard of the safety of persons or property	355
_____ 4 points	356
(12) A violation of any law or ordinance pertaining to	357
speed:	358
(a) Notwithstanding divisions (C) (12) (b) and (c) of this	359
section, when the speed exceeds the lawful speed limit by thirty	360
miles per hour or more _____ 4 points	361
(b) When the speed exceeds the lawful speed limit of	362
fifty-five miles per hour or more by more than ten miles per	363
hour _____ 2 points	364
(c) When the speed exceeds the lawful speed limit of less	365
than fifty-five miles per hour by more than five miles per hour	366
_____ 2 points	367
(d) When the speed does not exceed the amounts set forth	368

in divisions (C) (12) (a), (b), or (c) of this section _____	369
0 points	370
<u>(13) A violation of division (A) of section 4511.204 of</u>	371
<u>the Revised Code or any substantially similar municipal</u>	372
<u>ordinance:</u>	373
<u>(a) For a first offense within any two-year period</u>	374
<u>_____ 2 points</u>	375
<u>(b) For a second offense within any two-year period</u>	376
<u>_____ 3 points</u>	377
<u>(c) For a third or subsequent offense within any two-year</u>	378
<u>period _____ 4 points.</u>	379
<u>(14) Operating a motor vehicle in violation of a</u>	380
restriction imposed by the registrar _____ 2 points	381
(14) <u>(15) A violation of section 4510.11, 4510.111,</u>	382
4510.16, or 4510.21 of the Revised Code or any ordinance	383
prohibiting the operation of a motor vehicle while the driver's	384
or commercial driver's license is under suspension _____ 2	385
points	386
(15) <u>(16) With the exception of violations under section</u>	387
4510.12 of the Revised Code where no points shall be assessed,	388
all other moving violations reported under this section	389
_____ 2 points	390
(D) Upon receiving notification from the proper court,	391
including a United States district court that has jurisdiction	392
within this state, the bureau shall delete any points entered	393
for a bond forfeiture if the driver is acquitted of the offense	394
for which bond was posted.	395
(E) If a person is convicted of or forfeits bail for two	396

or more offenses arising out of the same facts and points are 397
chargeable for each of the offenses, points shall be charged for 398
only the conviction or bond forfeiture for which the greater 399
number of points is chargeable, and, if the number of points 400
chargeable for each offense is equal, only one offense shall be 401
recorded, and points shall be charged only for that offense. 402

Sec. 4511.043. (A) (1) No law enforcement officer who stops 403
the operator of a motor vehicle in the course of an authorized 404
sobriety or other motor vehicle checkpoint operation or a motor 405
vehicle safety inspection shall issue a ticket, citation, or 406
summons for a secondary traffic offense unless in the course of 407
the checkpoint operation or safety inspection the officer first 408
determines that an offense other than a secondary traffic 409
offense has occurred and either places the operator or a vehicle 410
occupant under arrest or issues a ticket, citation, or summons 411
to the operator or a vehicle occupant for an offense other than 412
a secondary offense. 413

(2) A law enforcement agency that operates a motor vehicle 414
checkpoint for an express purpose related to a secondary traffic 415
offense shall not issue a ticket, citation, or summons for any 416
secondary traffic offense at such a checkpoint, but may use such 417
a checkpoint operation to conduct a public awareness campaign 418
and distribute information. 419

(B) As used in this section, "secondary traffic offense" 420
means a violation of division (A) or (F) (2) of section 4507.05, 421
division (B) (1) (a) or (b) or (E) of section 4507.071, ~~division~~ 422
~~(A) of section 4511.204,~~ division (C) or (D) of section 4511.81, 423
division (A) (3) of section 4513.03, or division (B) of section 424
4513.263 of the Revised Code. 425

Sec. 4511.122. (A) The department of transportation shall 426

include a sign, in the department's manual for a uniform system 427
of traffic control devices adopted under section 4511.09 of the 428
Revised Code, regarding the prohibition against using an 429
electronic wireless communications device while driving, as 430
established under section 4511.204 of the Revised Code. 431

(B) The director of transportation shall erect the signs 432
established by this section in the following locations: 433

(1) Where an interstate or United States route enters 434
Ohio; 435

(2) Where a road, originating from a commercial service 436
airport, exits the airport's property. 437

Sec. 4511.204. (A) No person shall ~~drive~~operate a motor 438
vehicle, trackless trolley, or streetcar on any street, highway, 439
or property open to the public for vehicular traffic while using 440
a handheld, holding, or physically supporting with any part of 441
the person's body an electronic wireless communications device 442
~~to write, send, or read a text based communication.~~ 443

(B) Division (A) of this section does not apply to any of 444
the following: 445

(1) A person using ~~a handheld~~an electronic wireless 446
communications device ~~in that manner for emergency purposes,~~ 447
~~including an emergency to make contact,~~ for emergency purposes, 448
with a law enforcement agency, hospital or health care provider, 449
fire department, or other similar emergency agency or entity; 450

(2) A person driving a public safety vehicle ~~who uses a~~ 451
~~handheld~~ while using an electronic wireless communications 452
device ~~in that manner~~ in the course of the person's duties; 453

(3) A person using ~~a handheld~~an electronic wireless 454

communications device ~~in that manner whose~~ when the person's 455
motor vehicle is in a stationary position and ~~who~~ is outside a 456
lane of travel, at a traffic control signal that is currently 457
directing traffic to stop, or parked on a road or highway due to 458
an emergency or road closure; 459

(4) A person ~~reading, selecting, or entering a name or~~ 460
~~telephone number in a handheld~~ using and holding an electronic 461
wireless communications device directly near the person's ear 462
for the purpose of making ~~or~~, receiving, or conducting a 463
telephone call, provided that the person does not manually enter 464
letters, numbers, or symbols into the device; 465

(5) A person receiving wireless messages on ~~a~~ an 466
electronic wireless communications device regarding the 467
operation or navigation of a motor vehicle; safety-related 468
information, including emergency, traffic, or weather alerts; or 469
data used primarily by the motor vehicle, provided that the 470
person does not hold or support the device with any part of the 471
person's body; 472

(6) A person ~~receiving wireless messages via radio~~ 473
~~waves~~ using the speaker phone function of the electronic wireless 474
communications device, provided that the person does not hold or 475
support the device with any part of the person's body; 476

(7) A person using ~~a~~ an electronic wireless communications 477
device for navigation purposes, provided that the person does 478
not do either of 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

(8) A person ~~conducting wireless interpersonal~~ 484
~~communication with a device that does not require manually~~ 485
~~entering letters, numbers, or symbols or reading text messages,~~ 486
~~except to activate, deactivate, or initiate the device or using~~ 487
a feature or function of the electronic wireless communications 488
device with a single touch or single swipe, provided that the 489
person does not do either of the following during the use: 490

(a) Manually enter letters, numbers, or symbols into the 491
device; 492

(b) Hold or support the device with any part of the 493
person's body; 494

(9) A person operating a commercial truck while using a 495
mobile data terminal that transmits and receives data; 496

(10) A person operating a utility service vehicle or a 497
vehicle for or on behalf of a utility, if the person is acting 498
in response to an emergency, power outage, or circumstance that 499
affects the health or safety of individuals; 500

(11) A person using a handheld an electronic wireless 501
communications device in conjunction with a voice-operated or 502
hands-free ~~device~~ feature or function of the vehicle or of the 503
device without the use of either hand except to activate, 504
deactivate, or initiate the feature or function with a single 505
touch or swipe, provided the person does not hold or support the 506
device with any part of the person's body; 507

(12) A person using technology that physically or 508
electronically integrates the device into the motor vehicle, 509
provided that the person does not do either of the following 510
during the use: 511

(a) Manually enter letters, numbers, or symbols into the 512

device; 513

(b) Hold or support the device with any part of the 514
person's body. 515

(13) A person storing an electronic wireless 516
communications device in a holster, harness, or article of 517
clothing on the person's body. 518

~~(C) (1) Notwithstanding any provision of law to the~~ 519
~~contrary, no law enforcement officer shall cause an operator of~~ 520
~~an automobile being operated on any street or highway to stop~~ 521
~~the automobile for the sole purpose of determining whether a~~ 522
~~violation of division (A) of this section has been or is being~~ 523
~~committed or for the sole purpose of issuing a ticket, citation,~~ 524
~~or summons for a violation of that nature or causing the arrest~~ 525
~~of or commencing a prosecution of a person for a violation of~~ 526
~~that nature, and no law enforcement officer shall view the~~ 527
~~interior or visually inspect any automobile being operated on~~ 528
~~any street or highway for the sole purpose of determining~~ 529
~~whether a violation of that nature has been or is being~~ 530
~~committed.~~ 531

~~(2) On January 31 of each year, the department of public~~ 532
~~safety shall issue a report to the general assembly that~~ 533
~~specifies the number of citations issued for violations of this~~ 534
~~section during the previous calendar year.~~ 535

(2) If a law enforcement officer issues an offender a 536
ticket, citation, or summons for a violation of division (A) of 537
this section, the officer shall do both of the following: 538

(a) Report the issuance of the ticket, citation, or 539
summons to the officer's law enforcement agency; 540

(b) Ensure that such report indicates the offender's race. 541

(D) (1) Whoever violates division (A) of this section is 542
guilty of operating a ~~minor~~ motor vehicle while using an 543
electronic wireless communication device, an unclassified 544
misdemeanor. 545

(a) Except as provided in divisions (D)(1)(b), (c), (d), 546
and (2) of this section, the court shall impose upon the 547
offender a fine of not more than one hundred fifty dollars. 548

(b) If, within two years of the violation, the offender 549
has been convicted of or pleaded guilty to one prior violation 550
of this section or a substantially equivalent municipal 551
ordinance, the court shall impose upon the offender a fine of 552
not more than two hundred fifty dollars. 553

(c) If, within two years of the violation, the offender 554
has been convicted of or pleaded guilty to two or more prior 555
violations of this section or a substantially equivalent 556
municipal ordinance, the court shall impose upon the offender a 557
fine of not more than five hundred dollars. The court also may 558
impose a suspension of the offender's driver's license, 559
commercial driver's license, temporary instruction permit, 560
probationary license, or nonresident operating privilege for 561
ninety days. 562

(d) Notwithstanding divisions (D)(1)(a) to (c) of this 563
section, if the offender was operating the motor vehicle at the 564
time of the violation in a construction zone where a sign was 565
posted in accordance with section 4511.98 of the Revised Code, 566
the court, in addition to all other penalties provided by law, 567
shall impose upon the offender a fine of two times the amount 568
imposed for the violation under division (D)(1)(a), (b), or (c) 569
of this section, as applicable. 570

(2) In lieu of payment of the fine of one hundred fifty 571
dollars under division (D) (1) (a) of this section and the 572
assessment of points under division (D) (4) of this section, the 573
offender instead may elect to attend the distracted driving 574
safety course, as described in section 4511.991 of the Revised 575
Code. If the offender attends and successfully completes the 576
course, the offender shall be issued written evidence that the 577
offender successfully completed the course. The offender shall 578
not be required to pay the fine and shall not have the points 579
assessed against that offender's driver's license if the 580
offender submits the written evidence to the court. 581

(3) The court may impose any other penalty authorized 582
under sections 2929.21 to 2929.28 of the Revised Code. However, 583
the court shall not impose a fine or a suspension not otherwise 584
specified in division (D) (1) of this section. The court also 585
shall not impose a jail term or community residential sanction. 586

(4) Except as provided in division (D) (2) of this section, 587
points shall be assessed for a violation of division (A) of this 588
section in accordance with section 4510.036 of the Revised Code. 589

(5) The offense established under this section is a strict 590
liability offense and section 2901.20 of the Revised Code does 591
not apply. The designation of this offense as a strict liability 592
offense shall not be construed to imply that any other offense, 593
for which there is no specified degree of culpability, is not a 594
strict liability offense. 595

(E) This section shall not be construed as invalidating, 596
preempting, or superseding a substantially equivalent municipal 597
ordinance that prescribes penalties for violations of that 598
ordinance that are greater than the penalties prescribed in this 599
section for violations of this section. 600

(F) A prosecution for ~~a~~an offense in violation of this 601
section does not preclude a prosecution for ~~a~~an offense in 602
violation of a substantially equivalent municipal ordinance 603
based on the same conduct. However, ~~if an offender is convicted~~ 604
~~of or pleads guilty to a violation of this section and is also~~ 605
~~convicted of or pleads guilty to a violation of a substantially~~ 606
~~equivalent municipal ordinance based on the same conduct,~~ the 607
two offenses are allied offenses of similar import under section 608
2941.25 of the Revised Code. 609

~~(G)~~(G) (1) A law enforcement officer does not have probable 610
cause and shall not stop the operator of a motor vehicle for 611
purposes of enforcing this section unless the officer visually 612
observes the operator using, holding, or physically supporting 613
with any part of the person's body the electronic wireless 614
communications device. 615

(2) A law enforcement officer who stops the operator of a 616
motor vehicle, trackless trolley, or streetcar for a violation 617
of division (A) of this section shall inform the operator that 618
the operator may decline a search of the operator's electronic 619
wireless communications device. The officer shall not do any of 620
the following: 621

(a) Access the device without a warrant, unless the 622
operator voluntarily and unequivocally gives consent for the 623
officer to access the device; 624

(b) Confiscate the device while awaiting the issuance of a 625
warrant to access the device; 626

(c) Obtain consent from the operator to access the device 627
through coercion or any other improper means. Any consent by the 628
operator to access the device shall be voluntary and unequivocal 629

before the officer may access the device without a warrant. 630

(H) As used in this section: 631

(1) "Electronic wireless communications device" includes 632
any of the following: 633

(a) A wireless telephone; 634

(b) A text-messaging device; 635

(c) A personal digital assistant; 636

(d) A computer, including a laptop computer and a computer 637
tablet; 638

(e) Any device capable of displaying a video, movie, 639
broadcast television image, or visual image; 640

(f) Any other substantially similar wireless device that 641
is designed or used to communicate text, initiate or receive 642
communication, or exchange information or data. 643

An "electronic wireless communications device" does not 644
include a two-way radio transmitter or receiver used by a person 645
who is licensed by the federal communications commission to 646
participate in the amateur radio service. 647

(2) "Voice-operated or hands-free ~~device~~feature or 648
function" means a ~~device~~feature or function that allows ~~the~~ 649
~~user to vocally compose or send, or to listen to a text based~~ 650
~~communication~~a person to use an electronic wireless 651
communications device without the use of either hand, except to 652
~~activate or, deactivate a, or initiate the~~ feature or function 653
with a single touch or single swipe. 654

(3) ~~"Write, send, or read a text based communication"~~ 655
~~means to manually write or send, or read a text based~~ 656

~~communication using an electronic wireless communications~~ 657
~~device, including manually writing or sending, or reading~~ 658
~~communications referred to as text messages, instant messages,~~ 659
~~or electronic mail.~~ 660
"Utility" means an entity specified in 660
division (A), (C), (D), (E), or (G) of section 4905.03 of the 661
Revised Code. 662

(4) "Utility service vehicle" means a vehicle owned or 663
operated by a utility. 664

Sec. 4511.991. (A) As used in this section and each 665
section referenced in division (B) of this section, all of the 666
following apply: 667

(1) "Distracted" means doing either of the following while 668
operating a vehicle: 669

(a) Using ~~a handheld~~ an electronic wireless communications 670
device, as defined in section 4511.204 of the Revised Code, 671
~~except when utilizing any of the following:~~ 672

~~(i) The device's speakerphone function;~~ 673

~~(ii) A wireless technology standard for exchanging data~~ 674
~~over short distances;~~ 675

~~(iii) A "voice-operated or hands-free" device that allows~~ 676
~~the person to use the electronic wireless communications device~~ 677
~~without the use of either hand except to activate, deactivate,~~ 678
~~or initiate a feature or function;~~ 679

~~(iv) Any device that is physically or electronically~~ 680
~~integrated into the motor vehicle~~ in violation of that section. 681

(b) Engaging in any activity that is not necessary to the 682
operation of a vehicle and impairs, or reasonably would be 683
expected to impair, the ability of the operator to drive the 684

vehicle safely. 685

(2) "Distracted" does not include operating a motor 686
vehicle while wearing an earphone or earplug over or in both 687
ears at the same time. A person who so wears earphones or 688
earplugs may be charged with a violation of section 4511.84 of 689
the Revised Code. 690

(3) "Distracted" does not include conducting any activity 691
while operating a utility service vehicle or a vehicle for or on 692
behalf of a utility, provided that the driver of the vehicle is 693
acting in response to an emergency, power outage, or a 694
circumstance affecting the health or safety of individuals. 695

As used in division (A) (3) of this section: 696

(a) "Utility" means an entity specified in division (A), 697
(C), (D), (E), or (G) of section 4905.03 of the Revised Code. 698

(b) "Utility service vehicle" means a vehicle owned or 699
operated by a utility. 700

(B) If an offender violates section 4511.03, 4511.051, 701
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 702
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 703
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 704
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 705
4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 706
4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 707
4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 708
4511.73 of the Revised Code while distracted and the distracting 709
activity is a contributing factor to the commission of the 710
violation, the offender is subject to the applicable penalty for 711
the violation and, notwithstanding section 2929.28 of the 712
Revised Code, is subject to an additional fine of not more than 713

one hundred dollars as follows: 714

(1) Subject to Traffic Rule 13, if a law enforcement 715
officer issues an offender a ticket, citation, or summons for a 716
violation of any of the aforementioned sections of the Revised 717
Code that indicates that the offender was distracted while 718
committing the violation and that the distracting activity was a 719
contributing factor to the commission of the violation, the 720
offender may enter a written plea of guilty and waive the 721
offender's right to contest the ticket, citation, or summons in 722
a trial provided that the offender pays the total amount of the 723
fine established for the violation and pays the additional fine 724
of one hundred dollars. 725

In lieu of payment of the additional fine of one hundred 726
dollars, the offender instead may elect to attend a distracted 727
driving safety course, the duration and contents of which shall 728
be established by the director of public safety. If the offender 729
attends and successfully completes the course, the offender 730
shall be issued written evidence that the offender successfully 731
completed the course. The offender shall be required to pay the 732
total amount of the fine established for the violation, but 733
shall not be required to pay the additional fine of one hundred 734
dollars, so long as the offender submits to the court both the 735
offender's payment in full and such written evidence. 736

(2) If the offender appears in person to contest the 737
ticket, citation, or summons in a trial and the offender pleads 738
guilty to or is convicted of the violation, the court, in 739
addition to all other penalties provided by law, may impose the 740
applicable penalty for the violation and may impose the 741
additional fine of not more than one hundred dollars. 742

If the court imposes upon the offender the applicable 743

penalty for the violation and an additional fine of not more 744
than one hundred dollars, the court shall inform the offender 745
that, in lieu of payment of the additional fine of not more than 746
one hundred dollars, the offender instead may elect to attend 747
the distracted driving safety course described in division (B) 748
(1) of this section. If the offender elects the course option 749
and attends and successfully completes the course, the offender 750
shall be issued written evidence that the offender successfully 751
completed the course. The offender shall be required to pay the 752
total amount of the fine established for the violation, but 753
shall not be required to pay the additional fine of not more 754
than one hundred dollars, so long as the offender submits to the 755
court the offender's payment and such written evidence. 756

(C) If a law enforcement officer issues an offender a 757
ticket, citation, or summons for a violation of any of the 758
sections of the Revised Code listed in division (B) of this 759
section that indicates that the offender was distracted while 760
committing the violation and that the distracting activity was a 761
contributing factor to the commission of the violation, the 762
officer shall do both of the following: 763

(1) Report the issuance of the ticket, citation, or 764
summons to the officer's law enforcement agency; 765

(2) Ensure that such report indicates the offender's race. 766

Sec. 4511.992. (A) A law enforcement agency shall compile 767
the information from reports submitted in accordance with 768
division (C) (2) of section 4511.204 and division (C) of section 769
4511.991 of the Revised Code. Every other month, the agency 770
shall prepare a report that describes the number and race of the 771
offenders who received a ticket, citation, or summons under 772
those sections during the prior two months. Upon completion of 773

the report, the agency shall send the report to the attorney 774
general. 775

(B) The attorney general shall complete an annual report 776
that is based on the reports submitted by law enforcement 777
agencies under division (A) of this section during the prior 778
one-year period. The report shall describe both of the 779
following: 780

(1) The total number of offenders by race who received a 781
ticket, citation, or summons for each of the following: 782

(a) A violation of division (A) of section 4511.204 of the 783
Revised Code that indicates that the offender operated a motor 784
vehicle while using an electronic wireless communication device; 785

(b) A violation of any of the sections of the Revised Code 786
listed in division (B) of section 4511.991 of the Revised Code 787
that indicates that the offender was distracted while committing 788
the violation and that the distracting activity was a 789
contributing factor to the commission of the violation. 790

(2) The information specified under division (B)(1) of 791
this section listed by law enforcement agency. 792

Upon completion of the annual report, the attorney general 793
shall submit it to the governor, the speaker of the house of 794
representatives, and the president of the senate. 795

Section 2. That existing sections 3321.141, 4507.11, 796
4508.02, 4510.036, 4511.043, 4511.204, and 4511.991 of the 797
Revised Code are hereby repealed. 798

Section 3. (A) As used in this section, "interim period" 799
means the period of time beginning on the effective date of this 800
section and ending six months after the effective date of this 801

section. 802

(B) Notwithstanding any provision of law to the contrary, 803
during the the interim period, a law enforcement officer may 804
stop a motor vehicle operator for an action that is a violation 805
of section 4511.204 of the Revised Code, as amended by this act. 806
In lieu of issuing the person a ticket, citation, or summons, 807
the law enforcement officer shall issue the person a written 808
warning explaining the provisions of section 4511.204 of the 809
Revised Code, as amended by this act. The written warning may 810
notify the person of the specific date after the interim period 811
when law enforcement officers are authorized to begin issuing 812
tickets, citations, and summons for violations of section 813
4511.204 of the Revised Code, as amended by this act. 814

(C) After the interim period, a law enforcement officer 815
may issue a ticket, citation, or summons for a violation of 816
section 4511.204 of the Revised Code, as amended by this act. 817