

**HOUSE FINANCE COMMITTEE
MARCH 30, 2023**

**HB 33: OPERATING BUDGET
INTERESTED PARTY TESTIMONY**

Chairman Edwards, Vice Chair LaRe, Ranking Member Rose Sweeney, and members of the House Finance Committee, I'm Sharon Montgomery. I'm here to ask that you seriously consider using the budget bill as the quickest way to better protect road users from drivers using e-devices.

Governor DeWine had the right idea—we needed a better law restricting the dangerous, unnecessary behavior of driving under the influence of electronics (DUIE). Unfortunately, the good idea got lost in the process of creating the law.

The bill was designed for the legislature by people who have experienced only the conveniences of this behavior. Those of us who have suffered the negative consequences of the behavior were excluded from the design process. I am one of those. In 2000, I narrowly survived a three-car crash caused by a driver using his phone. My husband did not survive. The other victim is permanently, partially disabled. The uninjured offender mailed in his \$75 check for assured clear distance and did not stop using his phone while driving.

That was a lot of serious harm with very little accountability, no deterrence, and no justice. I've learned since then that this scenario is not an outlier. The best chance of solving a problem is to engage the people who have lived it and understand it from the inside out.

Now we have a well-intentioned law that ended up so convoluted law enforcement people can't figure out how to implement it. Yes, the behavior is now a primary offense, but if you don't know what you can stop a driver for, what good does it do you to have the authority to make that stop?

It will take time, careful thought, and some stand-alone bills to gradually give people who use Ohio roads the protection they deserve from DUIE, and give the victims the support and justice they deserve. For now, an amendment to HB 33 is the quickest way to provide a little more urgently needed protection.

Two exceptions to the new law's restrictions on e-device use need to be removed from the law as soon as possible.

One is the permission to use it while stopped at a red light [§ 4511.204(B)(3)]. There are three possible bad outcomes when the light turns green and a driver is using the device. She might not notice, in which case an impatient driver behind her will honk and startle her, likely causing her to suddenly lurch forward, possibly into the vehicle in front of her. Or, she will continue her use and be mentally distracted as she enters the intersection where so many activities could be taking place all in that small space: through traffic, turning traffic, cyclists in bike lanes, pedestrians crossing, red-light runners. Even if she stops her use when the light turns green, research shows the mental distraction will linger while she moves through the intersection.

The second exception to remove is permission for the driver to hold his phone near his ear for a phone call [§ 4511.204(B)(4)]. There is no way to justify putting “holding” into a “hands-free” law. That puts Ohio right back into the shameful position of being one of only a very, very few states that don’t have at least a hands-free law. This is **not** how the governor, or most Ohioans, according to polls, want Ohio road users protected. Furthermore, this makes the driver doubly distracted. The mental distraction is by far the more dangerous; why add to it? This exception was not added to increase safety, but to help ensure that drivers can keep benefiting from phone use while driving. Thus, it was added at the last minute, when the public had no opportunity to comment on it.

I realize these are not financial matters so I hesitate to make this request but I’m **desperate**. I tried to be part of creating the bill before it even had sponsors but I was excluded, even though many in the coalition designing it knew that I had become well-informed on the problem and had first-hand experience from a perspective they did not have. With no public input to the Senate committee, I had only the one House hearing to try to explain the bill’s shortcomings. Now we are just days from the effective date and we have the dangerous problems I have just explained. I hope one of you will offer an amendment to HB 33 to remove the two exceptions to the new law that allowing holding a phone near the driver’s ear and using the phone while stopped at a red light.

Rep. Abrams, I appreciate the a good discussion we had about this after my testimony to the Public Safety Subcommittee. You had some information about training that was different from mine so I wanted to re-check my information. Unfortunately, I’ve been slowed down in that by two medical emergencies, one for a close friend, and one for a family member. I will continue to look for accurate information about training on applying what many law enforcement personnel tell me is too confusing. So far, I’ve gotten clarification from the Traffic Safety Office Director that their training for law enforcement is only a video making them aware of the law and reminding them to get guidance from their own legal counsel on how to **apply** it.

Thank you for hearing another perspective on this danger and this law. I welcome any questions or comments.

Sharon Montgomery
572 Bonnington Way
Gahanna, Ohio 43230
614-475-8588 (landline)
smontgomery77@yahoo.com