

**SENATE TRANSPORTATION COMMITTEE**  
**MARCH 8, 2023**  
**INFORMAL HEARING**  
**AM. SUB. HB 23 TRANSPORTATION BUDGET**

Chairwoman Kunze, Vice Chairman Reineke, Ranking Member Antonio, and members of the Senate Transportation Committee, I am Sharon Montgomery and I am here to follow up on a recommendation made to the House Finance Subcommittee on Transportation Feb. 21. William Murdock, Executive Director of the Mid-Ohio Regional Planning Commission (MORPC), gave Interested Party Testimony on this bill to that committee and included his concerns about the new distracted driving law.

The new law has so many permissive exceptions that it is unlikely to reach its intended goal of significantly reducing the number of preventable crashes. Mr. Murdock spoke specifically about the exceptions allowing drivers to hold their phones near their ears while driving and to use their phones while stopped at a red light. He also pointed out that data collection on drivers' race should be done at the traffic stop rather than only when a ticket is issued, since we know if profiling occurs, it is when the decision to stop a driver is made.

The Ohio Bicycle Federation (OBF), MORPC, and I have been discussing how to actually protect road users despite the shortcomings of the new law. The OBF secretary asked if cities could create their own more effective versions of the new law. In his testimony, Mr. Murdock specifically recommended that this transportation budget bill be amended to clearly give local jurisdictions the authority to enact more restrictive laws regarding driving under the influence of electronics (DUIE) than this new state law. I strongly support that recommendation

Ohio Revised Code §715.22 B) authorizes any municipal corporation to “regulate the use of streets by persons who use vehicles...thereon”; which, per §715.03, it may “provide by ordinance.” ORC §737.022(B) acknowledges the responsibility of a municipal legislative body or public safety director for “the safety of passengers in motor vehicles and pedestrians.”

The bill that gave us this new distracted driving law is the most recent of nearly 40 bills on this danger, spanning a quarter of a century! Of those bills, only three have been enacted and none of the three is adequate. If the General Assembly is unable or unwilling, for whatever reasons, to protect road users from this unnecessary, dangerous behavior, then it must allow local jurisdictions to do so.

I know that one of the first arguments against this will be the confusion that will result for drivers on outerbelts as they travel through more than one jurisdiction. There is actually a very simple solution to that. Drivers can simply not use their phones on the outerbelt or any other road that passes through multiple jurisdictions.

This solution gets us to the crux of this problem. Manufacturers and advertisers of these mobile e-devices have spent a lot of money convincing people that using the devices while driving is necessary. It is NOT. It is often convenient, sometimes entertaining, rarely necessary, and always dangerous.

The only necessary use of a phone or other such e-device while driving would be a situation in which waiting until you could get to a safe place to stop out of traffic would make the situation become dangerous or more dangerous. For instance, if you have good reason to believe you are being followed

by someone who intends to harm you, you need to call for help while driving, or at least keep moving to a safe place or until the person stops following you. Or, if you or a passenger is having a life-threatening emergency that can't wait while you look for a space place to call for help, you should call while driving.

There are other problems with the new distracted driving law that I, as a victim, can recognize, and will continue my two decades of advocacy on, but the exceptions and resulting enforcement challenges of the new law are the immediate priority.

I usually oppose adding non-money items to a budget bill. That violates the single-subject rule and it makes it harder for the public to follow what's being proposed. I tried to prevent some of these problems in my testimony at the first public hearing but I was a lone voice then. So, now I'm **desperate** and I'm asking that you amend HB 23 to give local jurisdictions this authority because this is the quickest way I know to get something that has a chance of actually reducing the number of these needless injuries and deaths.

We don't even know how many lives have been seriously damaged or prematurely ended by this unnecessary, dangerous behavior that the state has failed for a quarter of a century to curtail but, as Rep. Cutrona said to Mr. Murdock, "One death is too many."

Thank you for hearing my views on this. I would be happy to answer any questions, and I'd love to meet with any of you later for a more in-depth discussion of the problem of driving under the influence of electronics.

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