



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

Jeremy R. Abrams

H.B. 86

131st General Assembly

(H. Armed Services, Veterans Affairs, and Public Safety)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 0869-3)
The offense of "distracted driving"	Creates the offense of "distracted driving," limits application and prosecution of the offense to persons who also commit a moving violation or a vehicular homicide offense at the same time as the distracted driving offense, and makes the offense a misdemeanor (<i>R.C. 4511.206</i>).	In lieu of creating the new offense of distracted driving, creates an enhanced penalty for committing vehicular homicide or certain moving violations while distracted and includes the enhanced penalty in each provision of the Revised Code to which it applies. ¹
Delineation of what is distracted driving	Specifies that a person is distracted for purposes of the distracted driving offense if the person is doing either of the following: (1) Using in any manner an electronic wireless	Same for purposes of the enhanced penalty.

¹ For the purposes of this document, moving violations means those violations specified in the bill in R.C. 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26 to 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57 to 4511.61, 4511.64, 4511.71 to 4511.73. Vehicular homicide is codified in R.C. 2903.06.

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	<p>communications device; or</p> <p>(2) Engaging in any activity that is not necessary to the driving of a motor vehicle and impairs, or reasonably would be expected to impair, the ability of the person to drive the motor vehicle safely (4511.206(B)(1) and (2)).</p> <p>Defines "electronic wireless communications device" as including any of the following:</p> <p>(1) A wireless telephone;</p> <p>(2) A text-messaging device;</p> <p>(3) A personal digital assistant;</p> <p>(4) A computer, including a laptop computer and a computer tablet; or</p> <p>(5) Any other substantially similar wireless device that is designed or used to communicate text (R.C. 4511.206(A)(1)).</p> <p>Defines "moving violation" as any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets (R.C. 4511.206(A)(2)).</p> <p>Specifies that "moving violation" does not include a violation of the state seat belt law or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating</p>	<p>Same, but specifies that using an electronic wireless communications device does not include the following:</p> <p>(1) Using the device's speakerphone function;</p> <p>(2) Using a wireless technology standard for exchanging data over short distances;</p> <p>(3) Using a "hands-free" device;</p> <p>(4) Using earphones, earbuds, headphones, or a headset so long as one ear remains uncovered (R.C. 2903.06(H)(2) and 4511.01(RRR)).</p> <p>No specific provision, but see footnote 1.</p> <p>No provision.</p>

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	pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration (<i>R.C. 4511.206(A)(2)</i>).	
Penalties: distracted driving while committing a moving violation	In addition to any penalties or fines for the underlying moving violation, imposes a \$100 fine for a first offense of distracted driving and a \$300 fine for each subsequent offense (<i>R.C. 4511.206(E)</i>).	Imposes a \$100 fine in addition to the penalty for the underlying moving violation, but, if the offender contests the violation, grants the court discretion regarding the imposition of the additional \$100 fine.
Penalty: distracted driving while committing a vehicular homicide offense	<p>Imposes a fine of twice the maximum fine permitted for a violation of a specified provision of the vehicular homicide statute in addition to the fine for the underlying violation (<i>R.C. 2903.06(C)</i>(not in the bill) and <i>4511.206(F)(1)</i>).</p> <p>Imposes a jail or prison term that is twice the maximum term permitted for a violation of a specified provision of the vehicular homicide statute in addition to the jail or prison term for the underlying violation (<i>R.C. 2903.06(C)</i>(not in the bill) and <i>4511.206(F)(2)</i>).</p>	<p>Same (<i>R.C. 2903.06(C)(2)(a)</i>).</p> <p>Same (<i>R.C. 2903.06(C)(2)(b)</i>).</p>
Court appearance: moving violation	Requires a person issued a ticket, citation, or summons for distracted driving while committing a moving violation to appear in person in the proper court to answer the charge (<i>R.C. 4511.206(G)</i>).	Allows a person issued a ticket, citation, or summons for a moving violation while distracted to waive the requirement to appear in person in the proper court if the person pays the total amount of the fine established for the violation, including the fine for the underlying moving violation and the additional \$100 fine for committing the violation while distracted.

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Driver Education Fund	Creates the Driver Education Fund in the state treasury consisting of all fines collected for state distracted driving offenses and requires the Department of Public Safety to use money in the Fund for driver safety activities and programs <i>(R.C. 4511.206(I))</i> .	No provision.

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