



Ohio Legislative Service Commission

Bill Analysis

Amanda M. Ferguson

S.B. 146

131st General Assembly
(As Introduced)

Sens. Hughes and Seitz, Patton, Jones, Eklund

BILL SUMMARY

- Creates an enhanced penalty that applies to a person who commits a specified vehicular moving violation while "distracted."
- Defines "distracted" to include using a handheld electronic communications device except in specified circumstances or engaging in any activity that is not necessary to the operation of a vehicle and that impairs or reasonably would be expected to impair the ability of the operator to drive the vehicle safely.

CONTENT AND OPERATION

Enhanced penalty for distracted driving

Under the bill, if a person commits any specified moving violation (discussed below) while "distracted," the person is subject to a fine of \$100 in addition to any applicable penalty for the underlying violation. Subject to Traffic Rule 13, if a person receives a ticket, citation, or summons that indicates that the person committed a specified moving violation while "distracted," the person may pay all applicable fines for the violation (including the additional \$100 fine), enter a written guilty plea, and waive the person's right to contest the ticket, citation, or summons. If the person appears in person in a trial to contest the ticket, citation, or summons, and pleads guilty to or is convicted of the violation, the court has discretion to impose the applicable penalty for the underlying violation as well as an additional fine of not more than \$100.¹

¹ R.C. 4511.991(B).

Definition of "distracted"

The term "distracted" for purposes of the enhanced penalty for distracted driving means doing either of the following while operating a vehicle:

(1) Using a handheld electronic communications device, except when using: the device's speakerphone; a wireless technology standard for exchanging data over short distances; a hands-free device; a hands-free system built into the motor vehicle; or earphones, earbuds, headphones, or a headset over or in only one ear.

(2) Engaging in any activity that is not necessary to the operation of a vehicle and that impairs or reasonably would be expected to impair the ability of the operator to drive the vehicle safely.²

As used in the bill, "handheld electronic communications device" includes a wireless telephone, a text-messaging device, a personal digital assistant, a computer (including a laptop computer and a computer tablet), and any other substantially similar wireless device that is designed or used to communicate text.³

Specified moving violations

Under the bill, the enhanced penalty for committing a moving violation while distracted only applies to specified violations. General descriptions of those specified violations are provided below:

- As the driver of an emergency or public safety vehicle, failing to proceed through a red light, stop signal, or stop sign with due regard for the safety of others (R.C. 4511.03);
- Occupying any portion of a freeway as a pedestrian, with an animal or animal drawn vehicle, or with any other unauthorized vehicle (R.C. 4511.051);
- Disobeying a traffic control device (R.C. 4511.12);
- Failing to stop at a weigh station, if required (R.C. 4511.121);
- Failing to comply with the requirements related to proceeding through an intersection with a malfunctioning traffic control signal (R.C. 4511.132);
- Committing a speeding violation (R.C. 4511.21 and 4511.211);

² R.C. 4511.991(A).

³ R.C. 4511.204(G)(1) (not in bill) and 4511.991(A).



- Failing to comply with requirements related to passing specified stationary vehicles that are displaying flashing, oscillating, or rotating lights (R.C. 4511.213);
- Operating a vehicle at an unreasonably slow speed (R.C. 4511.22);
- Operating a vehicle on a highway bridge or other elevated structure at a speed that is greater than the posted maximum speed that can be maintained with safety to the bridge or structure (R.C. 4511.23);
- Operating a vehicle on the wrong side of the road, other than as permitted by law (R.C. 4511.25);
- Failing to give half of the roadway to a vehicle proceeding in the opposite direction (R.C. 4511.26);
- Violating the requirements related to passing a vehicle proceeding in the same direction (R.C. 4511.27, 4511.28, and 4511.29);
- Driving left of center where prohibited (R.C. 4511.30 and 4511.31);
- Driving the wrong direction on a one-way road or through a rotary traffic island (R.C. 4511.32);
- Failing to comply with lane requirements (R.C. 4511.33);
- Following another vehicle more closely than is reasonable and prudent or operating a vehicle in violation of a specified requirement related to following another vehicle (R.C. 4511.34);
- On a divided highway, operating a vehicle other than on the right side or operating over, across, or within the dividing space (R.C. 4511.35);
- Failing to comply with the law governing turning at an intersection or any traffic control device that indicates how to turn at an intersection (R.C. 4511.36);
- Proceeding in the wrong direction upon a curve or near the crest of a grade if the vehicle cannot be seen within 500 feet by a driver proceeding in the opposite direction (R.C. 4511.37);
- Starting a vehicle prior to when movement may be made with reasonable safety, backing up without exercising vigilance, or backing up on a freeway (R.C. 4511.38);

- Turning or changing lanes without exercising due care or failing to use a turn or stop signal (R.C. 4511.39);
- Failing to properly use arm signals, if appropriate (R.C. 4511.40);
- Failing to comply with the provisions of law governing vehicle right-of-way (R.C. 4511.41 and 4511.42);
- Failing to abide by a stop sign or yield sign (R.C. 4511.43);
- Failing to stop before crossing a sidewalk or entering a street from an alley, building, private road, or driveway (R.C. 4511.431);
- Failing to yield the right-of-way before entering or crossing a highway (R.C. 4511.44);
- Failing to yield the right-of-way to a pedestrian on a sidewalk (R.C. 4511.441);
- Failing to yield the right-of-way to a funeral procession or operating a vehicle as part of a funeral procession without displaying a pennant (R.C. 4511.451);
- Failing to yield the right-of-way to a pedestrian where the right-of-way is unclear (R.C. 4511.46);
- Failing to yield the right-of-way to a blind pedestrian who is guided by a guide dog or who is carrying a cane that is predominately white or metallic (R.C. 4511.47);
- Permitting a person on a bicycle, coaster, roller skates, sled, or other toy vehicle to attach their self to a vehicle (R.C. 4511.54);
- Failing to comply with requirements related to operating a bicycle on a roadway (R.C. 4511.55);
- Failing to comply with requirements for proceeding with regard to a streetcar (R.C. 4511.57, 4511.58, and 4511.59);
- Driving through a safety zone (R.C. 4511.60);
- Failing to stop for a railroad grade crossing or failing to exercise due care before proceeding across such a grade crossing (R.C. 4511.61);
- Failing to comply with requirements related to the movement of certain equipment with a low operating speed across a railroad grade crossing (R.C. 4511.64);

--Driving upon, along, or across a highway that is closed and posted with appropriate signs (R.C. 4511.71);

--Driving a vehicle on a sidewalk (R.C. 4511.711);

--Obstructing an intersection, crosswalk, or railroad grade crossing (R.C. 4511.712);

--Operating a motor vehicle, snowmobile, or all-purpose vehicle on a bicycle path (R.C. 4511.713);

--Failing to comply with provisions related to following a public safety or emergency vehicle or parking near a fire truck (R.C. 4511.72); and

--Driving over an unprotected fire hose (R.C. 4511.73).

HISTORY

ACTION	DATE
Introduced	04-15-15

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