

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 86

Representative Grossman

A BILL

To enact section 4511.206 of the Revised Code to
create the offense of "distracted driving" and
to limit its application and prosecution to
persons who also commit a moving violation or a
vehicular homicide offense at the same time as
the distracted driving offense.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4511.206 of the Revised Code be
enacted to read as follows:

Sec. 4511.206. (A) As used in this section:

(1) "Electronic wireless communications device" has the
same meaning as in section 4511.204 of the Revised Code.

(2) "Moving violation" has the same meaning as in section
4510.01 of the Revised Code.

(B) No person shall commit a moving violation while doing
either of the following:

(1) Using in any manner an electronic wireless
communications device;

(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. 18
19
20
21

(C) No person shall violate section 2903.06 of the Revised Code while doing either of the following: 22
23

(1) Using in any manner an electronic wireless communications device; 24
25

(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. 26
27
28
29

(D) Whoever violates division (B) or (C) of this section is guilty of distracted driving, a misdemeanor. 30
31

(E) A person who pleads guilty to or is convicted of distracted driving under division (B) of this section is subject to the following penalties: 32
33
34

(1) A fine of one hundred dollars on a first offense; 35

(2) A fine of three hundred dollars for a second or subsequent offense. 36
37

The court shall impose the applicable penalty under division (E) of this section in addition to any penalties the court imposes for the underlying moving violation. 38
39
40

(F) A person who pleads guilty to or is convicted of distracted driving under division (C) of this section is subject to the following penalties: 41
42
43

(1) A fine that is twice the maximum amount permitted 44

under the Revised Code for a violation of division (A) (3) of 45
section 2903.06 of the Revised Code; 46

(2) A jail or prison term that is twice the maximum term 47
permitted for a violation of division (A) (3) of section 2903.06 48
of the Revised Code. 49

The court shall impose the applicable penalty under 50
division (F) of this section in addition to any penalties the 51
court imposes for the violation of section 2903.06 of the 52
Revised Code. 53

(G) If a law enforcement officer issues a person a ticket, 54
citation, or summons for a moving violation and also for the 55
offense of distracted driving, the officer shall specify on the 56
front side of the ticket, citation, or summons whether the 57
person is charged with a violation of division (B) of this 58
section. The person is not permitted to enter a written plea of 59
guilty and waive the person's right to contest the ticket, 60
citation, or summons in a trial, but instead is required to 61
appear in person in the proper court to answer the charge. 62

(H) The offenses established under this section are strict 63
liability offenses and section 2901.20 of the Revised Code does 64
not apply. The designation of these offenses as strict liability 65
offenses shall not be construed to imply that any other offense, 66
for which there is no specified degree of culpability, is not a 67
strict liability offense. 68

(I) There is hereby created in the state treasury the 69
driver education fund. All fines collected pursuant to this 70
section shall be deposited into the state treasury to the credit 71
of the fund. The department of public safety shall use all money 72
in the fund to pay for the driver safety activities and programs 73

of the department, as prescribed in rules the department shall

74

adopt in accordance with Chapter 119. of the Revised Code.

75