

**As Passed by the House**

**133rd General Assembly**

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**Sub. H. B. No. 119**

**Representative Stoltzfus**

**Cosponsors: Representatives Becker, Brinkman, Hood, Keller, Koehler, Lang, Merrin, Riedel, Seitz, Abrams, Baldridge, Blair, Boggs, Brent, Carfagna, Carruthers, Clites, Crawley, Cross, Crossman, Cupp, Edwards, Galonski, Ghanbari, Ginter, Greenspan, Hambley, Ingram, Jones, Jordan, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Liston, Manning, D., Manning, G., Miller, J., O'Brien, Oelslager, Patterson, Plummer, Reineke, Robinson, Rogers, Romanchuk, Russo, Scherer, Sheehy, Smith, T., Sobecki, Stein, Sweeney, Upchurch, Weinstein, West**

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**A BILL**

To amend sections 4511.202, 4511.204, 4511.205,  
4511.75, and 4511.991 of the Revised Code to  
make corrective changes to the distracted  
driving and texting-while-driving law and to add  
the offenses of failure to control and passing a  
stopped school bus to the distracted driving  
law.

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

**Section 1.** That sections 4511.202, 4511.204, 4511.205,  
4511.75, and 4511.991 of the Revised Code be amended to read as  
follows:

**Sec. 4511.202.** (A) No person shall operate a motor  
vehicle, trackless trolley, streetcar, agricultural tractor, or  
agricultural tractor that is towing, pulling, or otherwise

drawing a unit of farm machinery on any street, highway, or 14  
property open to the public for vehicular traffic without being 15  
in reasonable control of the vehicle, trolley, streetcar, 16  
agricultural tractor, or unit of farm machinery. 17

(B) Whoever violates this section is guilty of operating a 18  
motor vehicle or agricultural tractor without being in control 19  
of it, a minor misdemeanor. 20

(C) If the offender commits the offense while distracted 21  
and the distracting activity is a contributing factor to the 22  
commission of the offense, the offender is subject to the 23  
additional fine established under section 4511.991 of the 24  
Revised Code. 25

**Sec. 4511.204.** (A) No person shall drive a motor vehicle, 26  
trackless trolley, or streetcar on any street, highway, or 27  
property open to the public for vehicular traffic while using a 28  
handheld electronic wireless communications device to write, 29  
send, or read a text-based communication. 30

(B) Division (A) of this section does not apply to any of 31  
the following: 32

(1) A person using a handheld electronic wireless 33  
communications device in that manner for emergency purposes, 34  
including an emergency contact with a law enforcement agency, 35  
hospital or health care provider, fire department, or other 36  
similar emergency agency or entity; 37

(2) A person driving a public safety vehicle who uses a 38  
handheld electronic wireless communications device in that 39  
manner in the course of the person's duties; 40

(3) A person using a handheld electronic wireless 41  
communications device in that manner whose motor vehicle is in a 42

stationary position and who is outside a lane of travel; 43

(4) A person reading, selecting, or entering a name or 44  
telephone number in a handheld electronic wireless 45  
communications device for the purpose of making or receiving a 46  
telephone call; 47

(5) A person receiving wireless messages on a device 48  
regarding the operation or navigation of a motor vehicle; 49  
safety-related information, including emergency, traffic, or 50  
weather alerts; or data used primarily by the motor vehicle; 51

(6) A person receiving wireless messages via radio waves; 52

(7) A person using a device for navigation purposes; 53

(8) A person conducting wireless interpersonal 54  
communication with a device that does not require manually 55  
entering letters, numbers, or symbols or reading text messages, 56  
except to activate, deactivate, or initiate the device or a 57  
feature or function of the device; 58

(9) A person operating a commercial truck while using a 59  
mobile data terminal that transmits and receives data; 60

(10) A person using a handheld electronic wireless 61  
communications device in conjunction with a voice-operated or 62  
hands-free device feature or function of the vehicle. 63

(C) (1) Notwithstanding any provision of law to the 64  
contrary, no law enforcement officer shall cause an operator of 65  
an automobile being operated on any street or highway to stop 66  
the automobile for the sole purpose of determining whether a 67  
violation of division (A) of this section has been or is being 68  
committed or for the sole purpose of issuing a ticket, citation, 69  
or summons for a violation of that nature or causing the arrest 70

of or commencing a prosecution of a person for a violation of 71  
that nature, and no law enforcement officer shall view the 72  
interior or visually inspect any automobile being operated on 73  
any street or highway for the sole purpose of determining 74  
whether a violation of that nature has been or is being 75  
committed. 76

(2) On January 31 of each year, the department of public 77  
safety shall issue a report to the general assembly that 78  
specifies the number of citations issued for violations of this 79  
section during the previous calendar year. 80

(D) Whoever violates division (A) of this section is 81  
guilty of a minor misdemeanor. 82

(E) This section shall not be construed as invalidating, 83  
preempting, or superseding a substantially equivalent municipal 84  
ordinance that prescribes penalties for violations of that 85  
ordinance that are greater than the penalties prescribed in this 86  
section for violations of this section. 87

(F) A prosecution for ~~a~~an offense in violation of this 88  
section does not preclude a prosecution for ~~a~~an offense in 89  
violation of a substantially equivalent municipal ordinance 90  
based on the same conduct. ~~However, if an offender is convicted~~ 91  
~~of or pleads guilty to a violation of this section and is also~~ 92  
~~convicted of or pleads guilty to a violation of a substantially~~ 93  
~~equivalent municipal ordinance based on the same conduct,~~ the 94  
two offenses are allied offenses of similar import under section 95  
2941.25 of the Revised Code. 96

(G) As used in this section: 97

(1) "Electronic wireless communications device" includes 98  
any of the following: 99

(a) A wireless telephone;	100
(b) A text-messaging device;	101
(c) A personal digital assistant;	102
(d) A computer, including a laptop computer and a computer tablet;	103 104
(e) Any other substantially similar wireless device that is designed or used to communicate text.	105 106
(2) "Voice-operated or hands-free device" means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.	107 108 109 110
(3) "Write, send, or read a text-based communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.	111 112 113 114 115 116
<b>Sec. 4511.205.</b> (A) No holder of a temporary instruction permit who has not attained the age of eighteen years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.	117 118 119 120 121 122
(B) Division (A) of this section does not apply to either of the following:	123 124
(1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider,	125 126 127

fire department, or other similar emergency agency or entity; 128

(2) A person using an electronic wireless communications 129  
device whose motor vehicle is in a stationary position and the 130  
motor vehicle is outside a lane of travel; 131

(3) A person using a navigation device in a voice-operated 132  
or hands-free manner who does not manipulate the device while 133  
driving. 134

(C) (1) Except as provided in division (C) (2) of this 135  
section, whoever violates division (A) of this section shall be 136  
fined one hundred fifty dollars. In addition, the court shall 137  
impose a class seven suspension of the offender's driver's 138  
license or permit for a definite period of sixty days. 139

(2) If the person previously has been adjudicated a 140  
delinquent child or a juvenile traffic offender for a violation 141  
of this section, whoever violates this section shall be fined 142  
three hundred dollars. In addition, the court shall impose a 143  
class seven suspension of the person's driver's license or 144  
permit for a definite period of one year. 145

(D) The filing of a sworn complaint against a person for a 146  
juvenile offense in violation of this section does not preclude 147  
the filing of a sworn complaint for a juvenile offense in 148  
violation of a substantially equivalent municipal ordinance for 149  
the same conduct. However, ~~if a person is adjudicated a~~ 150  
~~delinquent child or a juvenile traffic offender for a violation~~ 151  
~~of this section and is also adjudicated a delinquent child or a~~ 152  
~~juvenile traffic offender for a violation of a substantially~~ 153  
~~equivalent municipal ordinance for the same conduct,~~ the two 154  
offenses are allied offenses of similar import under section 155  
2941.25 of the Revised Code. 156

(E) As used in this section, "electronic wireless  
communications device" includes any of the following:

(1) A wireless telephone;

(2) A personal digital assistant;

(3) A computer, including a laptop computer and a computer  
tablet;

(4) A text-messaging device;

(5) Any other substantially similar electronic wireless  
device that is designed or used to communicate via voice, image,  
or written word.

**Sec. 4511.75.** (A) The driver of a vehicle, streetcar, or  
trackless trolley upon meeting or overtaking from either  
direction any school bus stopped for the purpose of receiving or  
discharging any school child, person attending programs offered  
by community boards of mental health and county boards of  
developmental disabilities, or child attending a program offered  
by a head start agency, shall stop at least ten feet from the  
front or rear of the school bus and shall not proceed until such  
school bus resumes motion, or until signaled by the school bus  
driver to proceed.

It is no defense to a charge under this division that the  
school bus involved failed to display or be equipped with an  
automatically extended stop warning sign as required by division  
(B) of this section.

(B) Every school bus shall be equipped with amber and red  
visual signals meeting the requirements of section 4511.771 of  
the Revised Code, and an automatically extended stop warning  
sign of a type approved by the state board of education, which

shall be actuated by the driver of the bus whenever but only 185  
whenever the bus is stopped or stopping on the roadway for the 186  
purpose of receiving or discharging school children, persons 187  
attending programs offered by community boards of mental health 188  
and county boards of developmental disabilities, or children 189  
attending programs offered by head start agencies. A school bus 190  
driver shall not actuate the visual signals or the stop warning 191  
sign in designated school bus loading areas where the bus is 192  
entirely off the roadway or at school buildings when children or 193  
persons attending programs offered by community boards of mental 194  
health and county boards of developmental disabilities are 195  
loading or unloading at curbside or at buildings when children 196  
attending programs offered by head start agencies are loading or 197  
unloading at curbside. The visual signals and stop warning sign 198  
shall be synchronized or otherwise operated as required by rule 199  
of the board. 200

(C) Where a highway has been divided into four or more 201  
traffic lanes, a driver of a vehicle, streetcar, or trackless 202  
trolley need not stop for a school bus approaching from the 203  
opposite direction which has stopped for the purpose of 204  
receiving or discharging any school child, persons attending 205  
programs offered by community boards of mental health and county 206  
boards of developmental disabilities, or children attending 207  
programs offered by head start agencies. The driver of any 208  
vehicle, streetcar, or trackless trolley overtaking the school 209  
bus shall comply with division (A) of this section. 210

(D) School buses operating on divided highways or on 211  
highways with four or more traffic lanes shall receive and 212  
discharge all school children, persons attending programs 213  
offered by community boards of mental health and county boards 214  
of developmental disabilities, and children attending programs 215



offered by head start agencies on their residence side of the 216  
highway. 217

(E) No school bus driver shall start the driver's bus 218  
until after any child, person attending programs offered by 219  
community boards of mental health and county boards of 220  
developmental disabilities, or child attending a program offered 221  
by a head start agency who may have alighted therefrom has 222  
reached a place of safety on the child's or person's residence 223  
side of the road. 224

(F) (1) Whoever violates division (A) of this section may 225  
be fined an amount not to exceed five hundred dollars. A person 226  
who is issued a citation for a violation of division (A) of this 227  
section is not permitted to enter a written plea of guilty and 228  
waive the person's right to contest the citation in a trial but 229  
instead must appear in person in the proper court to answer the 230  
charge. 231

(2) In addition to and independent of any other penalty 232  
provided by law, the court or mayor may impose upon an offender 233  
who violates this section a class seven suspension of the 234  
offender's driver's license, commercial driver's license, 235  
temporary instruction permit, probationary license, or 236  
nonresident operating privilege from the range specified in 237  
division (A) (7) of section 4510.02 of the Revised Code. When a 238  
license is suspended under this section, the court or mayor 239  
shall cause the offender to deliver the license to the court, 240  
and the court or clerk of the court immediately shall forward 241  
the license to the registrar of motor vehicles, together with 242  
notice of the court's action. 243

(3) If the offender commits the offense while distracted 244  
and the distracting activity is a contributing factor to the 245

commission of the offense, the offender is subject to the 246  
additional fine established under section 4511.991 of the 247  
Revised Code. 248

(G) As used in this section: 249

(1) "Head start agency" has the same meaning as in section 250  
3301.32 of the Revised Code. 251

(2) "School bus," as used in relation to children who 252  
attend a program offered by a head start agency, means a bus 253  
that is owned and operated by a head start agency, is equipped 254  
with an automatically extended stop warning sign of a type 255  
approved by the state board of education, is painted the color 256  
and displays the markings described in section 4511.77 of the 257  
Revised Code, and is equipped with amber and red visual signals 258  
meeting the requirements of section 4511.771 of the Revised 259  
Code, irrespective of whether or not the bus has fifteen or more 260  
children aboard at any time. "School bus" does not include a van 261  
owned and operated by a head start agency, irrespective of its 262  
color, lights, or markings. 263

**Sec. 4511.991.** (A) As used in this section and each 264  
section referenced in division (B) of this section, all of the 265  
following apply: 266

(1) "Distracted" means doing either of the following while 267  
operating a vehicle: 268

(a) Using ~~a handheld~~ an electronic wireless communications 269  
device, as defined in section 4511.204 of the Revised Code, that 270  
is handheld, except when utilizing any of the following: 271

(i) The device's speakerphone function; 272

(ii) A wireless technology standard for exchanging data 273

over short distances; 274

(iii) A ~~"voice-operated or hands-free" device~~ feature that 275  
allows the person to use the ~~electronic wireless communications~~ 276  
device without the use of either hand except to activate, 277  
deactivate, or initiate a feature or function; 278

(iv) Any device that is physically or electronically 279  
integrated into the motor vehicle. 280

(b) Engaging in any activity that is not necessary to the 281  
operation of a vehicle and impairs, or reasonably would be 282  
expected to impair, the ability of the operator to drive the 283  
vehicle safely. 284

(2) "Distracted" does not include operating a motor 285  
vehicle while wearing an earphone or earplug over or in both 286  
ears at the same time. A person who so wears earphones or 287  
earplugs may be charged with a violation of section 4511.84 of 288  
the Revised Code. 289

(3) "Distracted" does not include conducting any activity 290  
while operating a utility service vehicle or a vehicle for or on 291  
behalf of a utility, provided that the driver of the vehicle is 292  
acting in response to an emergency, power outage, or a 293  
circumstance affecting the health or safety of individuals. 294

As used in division (A) (3) of this section: 295

(a) "Utility" means an entity specified in division (A), 296  
(C), (D), (E), or (G) of section 4905.03 of the Revised Code. 297

(b) "Utility service vehicle" means a vehicle owned or 298  
operated by a utility. 299

(B) If an offender violates section 4511.03, 4511.051, 300  
4511.12, 4511.121, 4511.132, 4511.202, 4511.21, 4511.211, 301

4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 302  
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 303  
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 304  
4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 305  
4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 306  
4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 307  
4511.72, ~~or~~ 4511.73, or 4511.75 of the Revised Code while 308  
distracted and the distracting activity is a contributing factor 309  
to the commission of the violation, the offender is subject to 310  
the applicable penalty for the violation and, notwithstanding 311  
section 2929.28 of the Revised Code, is subject to an additional 312  
fine of not more than one hundred dollars as follows: 313

(1) Subject to the mandatory appearance requirements of 314  
Traffic Rule 13, if a law enforcement officer issues an offender 315  
a ticket, citation, or summons for a violation of any of the 316  
aforementioned sections of the Revised Code that indicates that 317  
the offender was distracted while committing the violation and 318  
that the distracting activity was a contributing factor to the 319  
commission of the violation, the offender may enter a written 320  
plea of guilty and waive the offender's right to contest the 321  
ticket, citation, or summons in a trial provided that the 322  
offender pays the total amount of the fine established for the 323  
violation and pays the additional fine of one hundred dollars. 324

In lieu of payment of the additional fine of one hundred 325  
dollars, the offender instead may elect to attend a distracted 326  
driving safety course, the duration and contents of which shall 327  
be established by the director of public safety. If the offender 328  
attends and successfully completes the course, the offender 329  
shall be issued written evidence that the offender successfully 330  
completed the course. The offender shall be required to pay the 331  
total amount of the fine established for the violation, but 332

shall not be required to pay the additional fine of one hundred 333  
dollars, so long as the offender submits to the court both the 334  
offender's payment in full and such written evidence. 335

(2) If the offender appears in person to contest the 336  
ticket, citation, or summons in a trial and the offender pleads 337  
guilty to or is convicted of the violation, the court, in 338  
addition to all other penalties provided by law, may impose the 339  
applicable penalty for the violation and may impose the 340  
additional fine of not more than one hundred dollars. 341

If the court imposes upon the offender the applicable 342  
penalty for the violation and an additional fine of not more 343  
than one hundred dollars, the court shall inform the offender 344  
that, in lieu of payment of the additional fine of not more than 345  
one hundred dollars, the offender instead may elect to attend 346  
the distracted driving safety course described in division (B) 347  
(1) of this section. If the offender elects the course option 348  
and attends and successfully completes the course, the offender 349  
shall be issued written evidence that the offender successfully 350  
completed the course. The offender shall be required to pay the 351  
total amount of the fine established for the violation, but 352  
shall not be required to pay the additional fine of not more 353  
than one hundred dollars, so long as the offender submits to the 354  
court the offender's payment and such written evidence. 355

**Section 2.** That existing sections 4511.202, 4511.204, 356  
4511.205, 4511.75, and 4511.991 of the Revised Code are hereby 357  
repealed. 358