

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 279**

**Senator Maharath**

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**A BILL**

To amend sections 3321.141, 4511.043, 4511.205,  
4511.991, and 4925.04 and to repeal section  
4511.204 of the Revised Code to generally  
prohibit the use of electronic wireless devices  
while driving.

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

**Section 1.** That sections 3321.141, 4511.043, 4511.205,  
4511.991, and 4925.04 of the Revised Code be amended to read as  
follows:

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**Sec. 3321.141.** (A) (1) Within one hundred twenty minutes  
after the beginning of each school day, the attendance officer,  
attendance officer's assistant for each individual school  
building, or other person the attendance officer designates to  
take attendance for each school building shall make at least one  
attempt to contact, in accordance with division (A) (2) of this  
section, the parent, guardian, or other person having care of  
any student who was absent without legitimate excuse from the  
school the student is required to attend as of the beginning of  
that school day.

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(2) An attempt to contact a student's parent, guardian, or

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other person having care of the student shall be made through 20  
one of the following methods: 21

(a) A telephone call placed in person; 22

(b) An automated telephone call via a system that includes 23  
verification that each call was actually placed, and either the 24  
call was answered by its intended recipient or a voice mail 25  
message was left by the automated system relaying the required 26  
information; 27

(c) A notification sent through the school's automated 28  
student information system; 29

(d) A text-based communication sent to the parent's, 30  
guardian's, or other person's electronic wireless communications 31  
device, as defined in division ~~(G) (1)~~ (E) of section ~~4511.204~~ 32  
4511.205 of the Revised Code; 33

(e) A notification sent to the electronic mail address of 34  
the parent, guardian, or other person; 35

(f) A visit, in person, to the student's residence of 36  
record; 37

(g) Any other notification procedure that has been adopted 38  
by resolution of the board of education of a school district. 39

(B) If the parent, guardian, or other person having care 40  
of a student initiates a telephone call or other communication 41  
notifying the school or building administration of the student's 42  
excused or unexcused absence within one hundred twenty minutes 43  
after the beginning of the school day, the school is under no 44  
further obligation with respect to the requirement prescribed in 45  
division (A) of this section. 46

(C) A school district, or any officer, director, employee, 47

or member of the school district board of education is not 48  
liable in damages in a civil action for injury, death, or loss 49  
to person or property allegedly arising from an employee's 50  
action or inaction in good faith compliance with this section. 51  
This section does not eliminate, limit, or reduce any other 52  
immunity or defense that a person may be entitled to under 53  
Chapter 2744. or any other provision of the Revised Code or 54  
under the common law of this state. 55

(D) This section does not apply to either of the 56  
following: 57

(1) Students who are in home-based, online, or internet- 58  
or computer-based instruction; 59

(2) Instances where a student was not expected to be in 60  
attendance at a particular school building due to that student's 61  
participation in off-campus activities, including but not 62  
limited to participation in the college credit plus program 63  
established under Chapter 3365. of the Revised Code. 64

**Sec. 4511.043.** (A) (1) No law enforcement officer who stops 65  
the operator of a motor vehicle in the course of an authorized 66  
sobriety or other motor vehicle checkpoint operation or a motor 67  
vehicle safety inspection shall issue a ticket, citation, or 68  
summons for a secondary traffic offense unless in the course of 69  
the checkpoint operation or safety inspection the officer first 70  
determines that an offense other than a secondary traffic 71  
offense has occurred and either places the operator or a vehicle 72  
occupant under arrest or issues a ticket, citation, or summons 73  
to the operator or a vehicle occupant for an offense other than 74  
a secondary offense. 75

(2) A law enforcement agency that operates a motor vehicle 76

checkpoint for an express purpose related to a secondary traffic 77  
offense shall not issue a ticket, citation, or summons for any 78  
secondary traffic offense at such a checkpoint, but may use such 79  
a checkpoint operation to conduct a public awareness campaign 80  
and distribute information. 81

(B) As used in this section, "secondary traffic offense" 82  
means a violation of division (A) or (F) (2) of section 4507.05, 83  
division (B) (1) (a) or (b) or (E) of section 4507.071, ~~division~~ 84  
~~(A) of section 4511.204,~~ division (C) or (D) of section 4511.81, 85  
division (A) (3) of section 4513.03, or division (B) of section 86  
4513.263 of the Revised Code. 87

**Sec. 4511.205.** (A) ~~No holder of a temporary instruction~~ 88  
~~permit who has not attained the age of eighteen years and no~~ 89  
~~holder of a probationary driver's license person~~ shall drive a 90  
motor vehicle on any street, highway, or property used by the 91  
public for purposes of vehicular traffic or parking while using 92  
in any manner an electronic wireless communications device. 93

(B) Division (A) of this section does not apply to ~~either~~ 94  
any of the following: 95

(1) A person using an electronic wireless communications 96  
device for emergency purposes, including an emergency contact 97  
with a law enforcement agency, hospital or health care provider, 98  
fire department, or other similar emergency agency or entity; 99

(2) A person using an electronic wireless communications 100  
device whose motor vehicle is in a stationary position and the 101  
motor vehicle is outside a lane of travel; 102

(3) A person using a navigation device in a voice-operated 103  
or hands-free manner who does not physically manipulate the 104  
device while driving-; 105

(4) A person using an electronic wireless communications 106  
device in a voice-operated or hands-free manner who does not 107  
physically manipulate the device while driving; 108

(5) A person using any device that is physically or 109  
electronically integrated into the motor vehicle. 110

~~(C) (1) Except as provided in division (C) (2) of this~~ 111  
~~section, whoever~~ Whoever violates division (A) of this section 112  
shall be fined one hundred fifty dollars. In addition, the court 113  
shall impose a class seven suspension of the offender's driver's 114  
license or permit for a definite period of sixty days. For each 115  
subsequent offense, the offender shall be fined three hundred 116  
dollars and the court shall impose a class seven suspension of 117  
the offender's driver's license or permit for a definite period 118  
of one year. 119

~~(2) If the person previously has been adjudicated a~~ 120  
~~delinquent child or a juvenile traffic offender for a violation~~ 121  
~~of this section, whoever violates this section shall be fined~~ 122  
~~three hundred dollars. In addition, the court shall impose a~~ 123  
~~class seven suspension of the person's driver's license or~~ 124  
~~permit for a definite period of one year.~~ 125

(D) The filing of a sworn complaint against a person for a 126  
violation of this section does not preclude the filing of a 127  
sworn complaint for a violation of a substantially equivalent 128  
municipal ordinance for the same conduct. However, ~~if a person~~ 129  
~~is adjudicated a delinquent child or a juvenile traffic offender~~ 130  
~~for a violation of this section and is also adjudicated a~~ 131  
~~delinquent child or a juvenile traffic offender for a violation~~ 132  
~~of a substantially equivalent municipal ordinance for the same~~ 133  
~~conduct,~~ the two offenses are allied offenses of similar import 134  
under section 2941.25 of the Revised Code. 135

(E) As used in this section, "electronic wireless communications device" includes any of the following:	136 137
(1) A wireless telephone;	138
(2) A personal digital assistant;	139
(3) A computer, including a laptop computer and a computer tablet;	140 141
(4) A text-messaging device;	142
(5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.	143 144 145
<b>Sec. 4511.991.</b> (A) As used in this section and each section referenced in division (B) of this section, all of the following apply:	146 147 148
(1) "Distracted" means doing either of the following while operating a vehicle:	149 150
(a) Using <del>a handheld</del> <u>an</u> electronic wireless communications device, as defined in section <del>4511.204</del> <u>4511.205</u> of the Revised Code, except when utilizing any of the following:	151 152 153
(i) The device's speakerphone function;	154
(ii) A wireless technology standard for exchanging data over short distances;	155 156
(iii) A <del>"voice-operated or hands-free"</del> device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;	157 158 159 160
(iv) Any device that is physically or electronically integrated into the motor vehicle.	161 162

(b) Engaging in any activity that is not necessary to the 163  
operation of a vehicle and impairs, or reasonably would be 164  
expected to impair, the ability of the operator to drive the 165  
vehicle safely. 166

(2) "Distracted" does not include operating a motor 167  
vehicle while wearing an earphone or earplug over or in both 168  
ears at the same time. A person who so wears earphones or 169  
earplugs may be charged with a violation of section 4511.84 of 170  
the Revised Code. 171

(3) "Distracted" does not include conducting any activity 172  
while operating a utility service vehicle or a vehicle for or on 173  
behalf of a utility, provided that the driver of the vehicle is 174  
acting in response to an emergency, power outage, or a 175  
circumstance affecting the health or safety of individuals. 176

As used in division (A) (3) of this section: 177

(a) "Utility" means an entity specified in division (A), 178  
(C), (D), (E), or (G) of section 4905.03 of the Revised Code. 179

(b) "Utility service vehicle" means a vehicle owned or 180  
operated by a utility. 181

(B) If an offender violates section 4511.03, 4511.051, 182  
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 183  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 184  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 185  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 186  
4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 187  
4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 188  
4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 189  
4511.73 of the Revised Code while distracted and the distracting 190  
activity is a contributing factor to the commission of the 191

violation, the offender is subject to the applicable penalty for 192  
the violation and, notwithstanding section 2929.28 of the 193  
Revised Code, is subject to an additional fine of not more than 194  
one hundred dollars as follows: 195

(1) Subject to Traffic Rule 13, if a law enforcement 196  
officer issues an offender a ticket, citation, or summons for a 197  
violation of any of the aforementioned sections of the Revised 198  
Code that indicates that the offender was distracted while 199  
committing the violation and that the distracting activity was a 200  
contributing factor to the commission of the violation, the 201  
offender may enter a written plea of guilty and waive the 202  
offender's right to contest the ticket, citation, or summons in 203  
a trial provided that the offender pays the total amount of the 204  
fine established for the violation and pays the additional fine 205  
of one hundred dollars. 206

In lieu of payment of the additional fine of one hundred 207  
dollars, the offender instead may elect to attend a distracted 208  
driving safety course, the duration and contents of which shall 209  
be established by the director of public safety. If the offender 210  
attends and successfully completes the course, the offender 211  
shall be issued written evidence that the offender successfully 212  
completed the course. The offender shall be required to pay the 213  
total amount of the fine established for the violation, but 214  
shall not be required to pay the additional fine of one hundred 215  
dollars, so long as the offender submits to the court both the 216  
offender's payment in full and such written evidence. 217

(2) If the offender appears in person to contest the 218  
ticket, citation, or summons in a trial and the offender pleads 219  
guilty to or is convicted of the violation, the court, in 220  
addition to all other penalties provided by law, may impose the 221



applicable penalty for the violation and may impose the 222  
additional fine of not more than one hundred dollars. 223

If the court imposes upon the offender the applicable 224  
penalty for the violation and an additional fine of not more 225  
than one hundred dollars, the court shall inform the offender 226  
that, in lieu of payment of the additional fine of not more than 227  
one hundred dollars, the offender instead may elect to attend 228  
the distracted driving safety course described in division (B) 229  
(1) of this section. If the offender elects the course option 230  
and attends and successfully completes the course, the offender 231  
shall be issued written evidence that the offender successfully 232  
completed the course. The offender shall be required to pay the 233  
total amount of the fine established for the violation, but 234  
shall not be required to pay the additional fine of not more 235  
than one hundred dollars, so long as the offender submits to the 236  
court the offender's payment and such written evidence. 237

**Sec. 4925.04.** (A) Prior to authorizing a person to act as 238  
a transportation network company driver, a transportation 239  
network company shall do all of the following: 240

(1) Require the person to submit an application to the 241  
transportation network company that includes at least all of the 242  
following: 243

(a) The person's address; 244

(b) The person's age; 245

(c) The person's driver's license number and information 246  
on the person's driving history; 247

(d) A copy of the certificate of motor vehicle 248  
registration for the vehicle the person will use to provide 249  
transportation network company services; 250

(e) Proof of automobile insurance.	251
(2) Conduct a background check on each applicant,	252
including both of the following:	253
(a) A search of a multi-state/multi-jurisdiction criminal	254
records database, or a similar nationwide criminal records	255
database, and validation of any records through a primary source	256
search;	257
(b) A search of the United States department of justice	258
national sex offender public web site;	259
(3) Obtain and review a driving history report with regard	260
to each applicant.	261
(B) A transportation network company shall not authorize a	262
person to act as a transportation network company driver if any	263
of the following apply to the person:	264
(1) The person does not possess a valid driver's license.	265
(2) The person does not possess a valid certification of	266
motor vehicle registration for the motor vehicle that the person	267
intends to use to provide transportation network company	268
services.	269
(3) The person does not possess automobile liability	270
insurance for the vehicle that the person intends to use to	271
provide transportation network company services that meets the	272
requirements of section 3942.02 of the Revised Code unless the	273
transportation network company provides such insurance on behalf	274
of the driver.	275
(4) The person has not attained the age of nineteen.	276
(5) Within the past three years, the person has been	277

convicted of, or pleaded guilty to, more than three violations 278  
of section 4511.194, ~~4511.204~~4511.205, 4511.21, 4511.211, 279  
4511.251, 4511.29, 4511.30, 4511.39, 4511.46, 4511.47, 4511.711, 280  
or 4511.75 of the Revised Code or an existing or former 281  
municipal ordinance or law of this or any other state, or of the 282  
United States, that is substantially equivalent to any offense 283  
listed in division (B) (5) of this section. 284

(6) Within the past three years, the person has been 285  
convicted of, or pleaded guilty to, any serious vehicle-related 286  
offense, including a violation of division (B) of section 287  
2921.331 of the Revised Code or a violation of section 4510.11, 288  
4510.111, 4510.12, 4510.14, 4510.16, 4510.18, 4511.20, or 289  
4511.201 of the Revised Code or an existing or former municipal 290  
ordinance or law of this or any other state, or of the United 291  
States, that is substantially equivalent to any offense listed 292  
in division (B) (6) of this section. 293

(7) Within the past seven years, the person has been 294  
convicted of, or pleaded guilty to, any of the following: 295

(a) Operating a vehicle while under the influence of 296  
alcohol, a drug of abuse, or a combination of both, in violation 297  
of section 4511.19 of the Revised Code; 298

(b) The commission of any felony offense while operating, 299  
or being a passenger in, a motor vehicle; 300

(c) A theft or fraud offense in violation of section 301  
2911.01 or 2911.02 of the Revised Code or any provision of 302  
Chapter 2913. of the Revised Code; 303

(d) A property damage offense in violation of section 304  
2909.02, 2909.03, 2909.05, 2909.06, 2909.07, 2909.09, 2909.10, 305  
or 2909.101 of the Revised Code; 306

(e) A sex offense in violation of any provision of Chapter	307
2907. of the Revised Code;	308
(f) An offense of violence as defined in section 2901.01	309
of the Revised Code;	310
(g) An act of terrorism as defined in section 2909.21 of	311
the Revised Code;	312
(h) A violation of an existing or former municipal	313
ordinance or law of this or any other state, or of the United	314
States, that is substantially equivalent to any offense listed	315
in division (B) (7) of this section.	316
(8) A search of the United States department of justice	317
national sex offender public web site indicates that the person	318
is identified as a sex offender.	319
<b>Section 2.</b> That existing sections 3321.141, 4511.043,	320
4511.205, 4511.991, and 4925.04 of the Revised Code are hereby	321
repealed.	322
<b>Section 3.</b> That section 4511.204 of the Revised Code is	323
hereby repealed.	324