

# Ohio State Highway Patrol

**DISTRACTED DRIVING**

***#ITCANWAIT***



## **Ohio Revised Code (ORC) 4511.991 – Distracted Driving**

- Secondary offense; can only be enforced after a primary traffic offense occurs
- <https://codes.ohio.gov/ohio-revised-code/section-4511.991>
- No changes to this law

## **Ohio Revised Code (ORC) 4511.204 – Driving while Texting**

- Governor signed Senate Bill 288 on 1/3/23
- Senate Bill 288 established the offense of Distracted Driving as a primary offense in Ohio
- Law will go into effect on 4/4/23 with 6 month interim period (grace period – warnings only)
- Full and written enforcement of law beginning on 10/5/23 (citations issued)
- ORC 4511.204 states “No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.”
- <https://codes.ohio.gov/ohio-revised-code/section-4511.204>

### **What is an electronic wireless communications device?**

- Wireless phone
- Text-message device
- Personal digital assistance
- Computer (including laptop and tablet)
- Any device that can display video, moving, broadcast television image, or visual image
- Any other substantially similar wireless device designed or used to communicate text, initiate or receive communication, or exchange information or data
- DOES NOT INCLUDE: Two-way radio transmitter or receiver used by a person licensed by FTS to participate in amateur radio service

### **What CAN'T you do?**

Operating a motor vehicle while **using, holding, or physically supporting with any part of the person's body** an electronic wireless communications device

- No longer has to be a “handheld” device, or be held in the hand
- No texting
- No manual entries into phone (like dialing a number or putting in an address to GPS)

### **What are the penalties?**

All offenses are unclassified misdemeanors.

| <b>Priors w/in 2 years</b>   | <b>Fine</b>        | <b>Points</b> | <b>Suspension</b>                            |
|------------------------------|--------------------|---------------|--|
| 0 (1 <sup>st</sup> offense)  | Up to \$150*<br>** | 2*            | N/A  |
| 1 (2 <sup>nd</sup> offense)  | Up to \$250*       | 3             | N/A  |
| 2+ (3 <sup>rd</sup> offense) | Up to \$500*       | 4             | Court may impose a 90-day license suspension |

\*Fine is doubled in a construction zone  
\*\* On a first offense, instead of a fine and points, the offender can attend a distracted driving safety course

# DISTRACTED DRIVING CRASHES

- FROM 2017 TO 2021, THERE WERE 64,108 DISTRACTED DRIVING CRASHES.
- MALE DRIVERS MADE UP 55% OF THESE CRASHES.
- 1 IN 3 OF THESE CRASHES INVOLVED DRIVERS BETWEEN THE AGES OF 15 AND 24.



# FATAL CRASHES

- FROM 2017 THROUGH 2021 DISTRACTED DRIVING LED TO 206 FATAL CRASHES THAT RESULTED IN 226 DEATHS.
- MALES MADE UP 64% OF THESE FATAL CRASHES.



# DISTRACTED DRIVING CRASHES BY COUNTY

- CUYAHOGA COUNTY LED THE STATE WITH 5,872 DISTRACTED DRIVING CRASHES.
- FRANKLIN: 5,757; HAMILTON: 5,065; MONTGOMERY: 3,077; LUCAS: 2,711.
- THESE COUNTIES ACCOUNTED FOR 35% OF ALL DISTRACTED DRIVING CRASHES.



# **DISTRACTED DRIVING MEANS:**

- **ANY AND ALL ACTIVITIES KEEPING YOUR MIND OFF THE ROADWAY:**
  - **TEXTING OR TALKING ON THE PHONE**
  - **TALKING TO PASSENGERS**
  - **EATING**
  - **READING**
  - **APPLYING MAKEUP**
  - **BEING EMOTIONALLY DISTRAUGHT**
  - **BLASTING LOUD MUSIC**



# WHAT IS DISTRACTED DRIVING?

- **DISTRACTED DRIVING IS ANY NON-DRIVING ACTIVITY A PERSON ENGAGES IN THAT HAS THE POTENTIAL TO DISTRACT THEM FROM THE PRIMARY TASK OF DRIVING AND INCREASES THE RISK OF CRASHING.**



# DISTRACTIONS CAN BE:

- VISUAL — TAKING YOUR EYES OFF THE ROADWAY.
- MANUAL — TAKING YOUR HANDS OFF THE WHEEL.
- COGNITIVE — TAKING YOUR MIND OFF OF DRIVING.



**TEXTING INCLUDES ALL THREE OF THESE!**



# ADDITIONAL CONSEQUENCES

- **IN OCTOBER 2018, OHIO PASSED HOUSE BILL 95  
(DISTRACTED DRIVING PENALTIES INCREASED).**
- **IF THE DISTRACTION WAS A CONTRIBUTING FACTOR TO THE COMMISSION OF THE  
VIOLATION, THERE WILL BE AN ADDITIONAL \$100 FINE.**

***IS YOUR TEXT WORTH IT?***



**OHIO, IT CAN WAIT!**



# Ohio State Highway Patrol

**QUESTIONS? COMMENTS? PERSONAL EXPERIENCES?**

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