

A significant change to Ohio law regarding prohibited activities on use of a cell phone or other electronic device while driving became effective April 4, 2023 with a 6- month grace period for enforcement. To address distracted driving, use of a cell phone or electronic device in certain circumstance while in your car is now deemed a primary offense, allowing law enforcement officers to stop and issue a citation without any other associated traffic violation.

The most notable of the prohibitions under the law includes texting while driving, but manually dialing a phone number or internet searching are now considered violations.

For those concerned with the strict application of the law, there are several exceptions. Hands free operation of a cell phone, including use of features like voice to text or Siri personal assistant are permitted activities. Other exceptions include:

- Drivers reporting an emergency to law enforcement, a hospital, health care provider, fire department, or similar emergency entity.
- Drivers holding a phone to their ear only during phone conversations, if the call is started or stopped with a single touch or swipe.
- Drivers holding or using cell phones and other electronic devices while stopped at a traffic light or parked on a road or highway during an emergency or road closure.
- First responders (law enforcement, fire, EMS), using electronic devices as part of their official duties.
- Utility workers operating utility vehicles in certain emergency or outage situations.
- Licensed operators using an amateur radio.
- Commercial truck drivers using a mobile data terminal.

Distracted driving is certainly a contributing factor to many motor vehicle crashes throughout the country involving injuries and fatalities. The current law is a positive step in addressing a practice on use of cell phones many have grown accustomed to as part of what they deem normal driving habits. As proof of the anticipated effectiveness of the new law, representatives with the Ohio Department of Transportation cite similar laws in other states that have seriously reduced the number of rear end crashes. In these states, legislative changes expanded existing prohibitions on texting while driving to include many of the prohibitions in the current law.

During the law's grace period for enforcement, crews with the Ohio Department of Transportation are busy installing signs on interstate highways and near airports to give motorists ample time to prepare for changes under the new law.

As part of the ongoing education and grace period for this legislation, law enforcement officers will be issuing warnings to drivers found texting or holding a phone while driving. In October, when full enforcement of the law becomes effective, drivers who receive multiple violations will face increased penalties. A first offense carries a fine of up to \$150 with two points on a driver's license. However, first time offenders who complete a state approved distracted driving course can avoid license points and fine.

A second offense in two years carries with it three points and an enhanced fine of up to \$250. Additional violations would result in four points on a driver's license with a fine of up to \$500, along with a possible 90-day license suspension.