



# Judicial Impact Statement

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## HB 95 – Enhance penalty for moving violations while distracted

**Sub. HB 95**

**Reps. Hughes and Seitz**

**Version**

**Amended**

### **Title Information**

To amend sections of the revised code to establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import.

### **Judicial Impact**

The substitute bill, accepted by the House Transportation and Public Safety Committee on April 26, 2017, made several changes proposed by the Judicial Conference’s Traffic Law and Procedure Committee, clarifying some vague and confusing language.

However, there remain some administrative concerns regarding the practical implementation of the new fine. First, the Uniform Traffic Citation will likely have to be amended and redesigned to include a box for law enforcement to check, indicating the driver’s distracting activity caused or contributed to the moving violation. Additionally, while the Conference acknowledges the intent behind allowing an offender to attend a “distracted driving safety course” in lieu of paying the new additional fine, administering this alternative option could be burdensome both for law enforcement and the courts. For example, the bill provides that an offender may waive his or her right to contest the ticket in court, and may also attend the distracted-driving course in lieu of paying the additional fine. The bill is not clear, however, whether the onus is on the officer issuing the citation to inform the offender of that option, or if the Uniform Traffic Citation should be amended further to include such a disclaimer. Finally, in order for this provision to be implemented, it may be necessary for the Department of Public Safety to maintain and publish a list of courses that it has approved to fulfil this requirement, and that are easily accessible to citizens in all parts of the state.

### **Conclusion**

The substitute bill addresses several of the concerns raised by the Traffic Law and Procedure Committee. While additional administrative questions remain regarding the option to attend a course in lieu of paying the additional fine, it may be necessary to revisit this provision after it is implemented, allowing judges time to examine its impact on the courts.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio’s court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.