

Penalties for Ohio's distracted driving law start this week. Here's what you need to know.

Kayla Bennett
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Starting Oct. 5, law enforcement in Ohio will issue tickets for distracted driving.

This week marks six months since Ohio's new distracted driving law took effect. The law was signed by Gov. Mike DeWine in January.

Although, the Ohio State Highway Patrol has cracked down on distracted driving and speeding, law enforcement has only been issuing warnings for distracted driving during the law's grace period.

The penalties include:

- A fine of up to \$150 and two points on your license for the first offense.
- A fine of up to \$250 and three points on your license for a second offense within two years.
- A fine of up to \$500, four points on your license and a 90-day driver's license suspension for a third offense within two years.
- Fines are doubled for those who use cellphones while driving in a work zone.

Since the law went into effect on April 4, approximately 3,997 distracted crashes have taken place, and 3,132 distracted driving violations have been issued.

So far in 2023, there's been a total of 6,281 distracted driving crashes and 5,189 distracted driving violations issued, according to the State Highway Patrol's [Distracted Driving Dashboard](#).

"Crashes are down about 20% in relation to distracted driving from what we've seen last year at this time," State Highway Patrol Lt. Nathan Dennis said.

The reason behind issuing citations, Dennis said, is about educating Ohio drivers and getting them to understand the dangers behind distracted driving and why the change in law was necessary. The hope for the law is motorists start making behavior changes and minor modifications to their driving habits.

"What we would really like to see is a huge decrease in the amount of fatal crashes as a result of distracted driving, but not just fatal crashes, crashes in general," Dennis said. "What we don't want to see is troopers having to issue a large amount of citations or having to make several traffic stops as a result of distracted driving."

The law applies to any form of distracted driving, from reading a book, eating, doing makeup and more, and as for automated cars, Dennis said drivers still have to be attentive while behind the wheel.

"If you're utilizing an automated car, you still, as a driver, have to be attentive to what's going on around you," Dennis said. "You have to ensure that you are in control of that vehicle, or (be) able to take over control of that vehicle in a situation where the vehicle may not respond to something."

What to expect on the road

State Highway Patrol Trooper John Moore says there are certain things he watches out for when patrolling for distracted drivers.

"You can train it (the human body) to do different things and your eyes are no different," Moore said. "You sit in a crossover long enough and you focus on

certain things, ... It becomes easier the more you do it, and that's going to be our focus with distracted driving. You're sitting in a crossover, somebody passes you and they're looking down at something, 'Hey, you see that?'"

When out on the road, Moore takes things into consideration that could look like distracted driving, like a driver swerving to avoid a pothole or an obstruction, for example.

Moore is usually on a motorcycle when out on the roads, which he said helps him watch for distracted driving.

"You sit up higher, you can see into vehicles a little easier than being in a cruiser, which sits a little lower," Moore said. "You can be a little more discreet on the motorcycle rather than being in a car, because the motorcycle's a newer concept than the car, so people aren't used to seeing us yet."

Moore said there could be a possibility to assign watching for distracted driving to patrol on motorcycles.

Though a cruiser can make it more difficult to be discreet on the road, a cruiser's dash camera has a 180 degree panoramic view, which helps with evidentiary value, Moore said.

He said that once Oct. 5 hits, he doesn't foresee more personnel being brought out. He said the focus will be about educating the public.

"We issue tickets to change people's driving behavior, and sometimes it doesn't take issuing a ticket to do that—it just takes a simple conversation," Moore said. "Some people ... they just don't know that this law is in effect or even exists."

Ohio State Highway Patrol Sgt. Christopher Hasty said the rules of engagement on how officers can stop drivers are clearly set out in policy and states what officers look out for and what behavior they can and cannot stop.

“I don’t speak for every agency, I just speak as a state trooper, as a sergeant on the Highway Patrol, unless there is a true violation law, we’re not going to be just stopping anybody,” Hasty said.

How aircraft watch the roads

In order to track distracted driving, the State Highway Patrol won’t only be patrolling from the streets but from the sky as well.

While up in the State Highway Patrol aircraft, there are certain driving behaviors Hasty looks out for, some of which can be related to distracted driving.

“A distracted driver, to us, looks like an impaired driver, or an aggressive driver, because the driving behaviors of a distracted driver are very much that anyone that would be under the influence of drug abuse or alcohol (would have)—rapid accelerations, rapid decelerations, not maintaining lanes of travel, aggressive passing and things like that,” Hasty said.

Aircraft are tracking this behavior from the air, but the actual engagement with the vehicle comes down to the road officer. The aircraft will be actively tracking a vehicle and if the vehicle is displaying any dangerous driving behaviors, they will communicate that with the ground units. It is then up to the road officer to determine if it was for distracted driving or impairment, Hasty said.

When an officer is working with an aircraft, Hasty said, they’ve multiplied their ground assets by at least a factor of five. Aircraft monitor the driving behavior on the road, find a target and communicate with the ground units, and while a road officer is stopped with the targeted vehicle, the aircraft can continue to monitor driving behaviors.

“For us,... October 5 is going to be another day of business because we have not changed any of our operations, whether or not a citation is issued or not,

we're claiming it as a traffic stop on our end," Hasty said. "All we can do is say 'We're observing this driving behavior, we're observing this, stop the car and see what you get.'"

Hasty said a new fleet of aircraft, which will start replacing current aircraft at the end of this year, will not only be larger than the current ones, but they'll all have cameras.

"Technology being what it is in this world, if it didn't happen on camera, it didn't happen," Hasty said. "Not that the word of an officer doesn't mean anything anymore but when you go to court, in the eyes of the public, if you didn't have a body camera on or a cruiser camera, everyone says 'Well that's not what happened,' because they wanted to see what happened."

More about the new law

The citations are on a two-year look back.

"If you receive a citation October 5, 2023 and you don't receive another citation until October 10, 2025, that October 10 citation in 2025 becomes a first offense again," Dennis said. "However, if it's all within that two year period, a second offense, now you're looking at a \$250 fine and three points on your license."

If one does receive a first offense, taking an approved distracted driving course can help avoid the fine and points.

A website is live to inform drivers on the law at phonesdown.ohio.gov.

Drivers over the age of 18 can make or receive calls using "hands-free" technology, but drivers under the age of 18 are still restricted from using their devices in any way, including hands-free features. The full law is available for view on the website as well.

The law, however, does have several exceptions, which include:

- making an emergency call to the police, the fire department or the hospital.
- using a phone while stopped on the side of the road, at a red light or because of an emergency or road closure.
- holding a phone near your ear for a call.
- using a speakerphone.
- using navigation services as long as you're not typing in a destination or holding the phone.
- using a single touch or swipe to end a call, for example.

There are also exceptions for first responders, utility workers, licensed operators and commercial truck drivers.