

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 129**

**Representative McClain**

**Cosponsors: Representatives Riedel, Carfagna, Becker, Patterson, Stein, Seitz,  
Hood, Schaffer**

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**A BILL**

To amend section 4511.84 of the Revised Code to 1  
permit a person to wear earphones or earplugs 2  
for hearing protection while operating a 3  
motorcycle. 4

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

**Section 1.** That section 4511.84 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 4511.84.** (A) ~~No person shall operate a motor vehicle~~ 7  
~~while wearing earphones over, or earplugs in, both ears. As used~~ 8  
~~in this section, "earphones":~~ 9

(1) "Earphones" means any headset, radio, tape player, or 10  
other similar device that covers all or a portion of both ears 11  
and that does either of the following: 12

(a) Through either a physical connection to another device 13  
or a wireless connection, provides the listener with radio 14  
programs, music, or other recorded information through a device 15  
attached to the head and that covers all or a portion of both 16  
ears; 17

<u>(b) Provides hearing protection. "Earphones"</u>	18
<u>"Earphones" does not include speakers or other listening devices that are built into protective headgear.</u>	19 20
<u>(2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:</u>	21 22
<u>(a) Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;</u>	23 24 25
<u>(b) Provides hearing protection.</u>	26
<u>(B) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.</u>	27 28
<u>(C) This section does not apply to:</u>	29
<u>(1) Any person wearing a hearing aid;</u>	30
<u>(2) Law enforcement personnel while on duty;</u>	31
<u>(3) Fire department personnel and emergency medical service personnel while on duty;</u>	32 33
<u>(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;</u>	34 35
<u>(5) Any person engaged in the operation of refuse collection equipment;</u>	36 37
<u>(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.</u>	38 39
<del>(C)</del> <u>(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor</u>	40 41 42 43

vehicle or traffic offense, whoever violates this section is 44  
guilty of a misdemeanor of the fourth degree. If, within one 45  
year of the offense, the offender previously has been convicted 46  
of two or more predicate motor vehicle or traffic offenses, 47  
whoever violates this section is guilty of a misdemeanor of the 48  
third degree. 49

**Section 2.** That existing section 4511.84 of the Revised 50  
Code is hereby repealed. 51