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Representative Jones

**Cosponsors: Representatives Brown, Evans, McGregor, J., Schindel, Stebelton, Uecker, Combs, Domenick, Newcomb, Ujvagi, Wachtmann, Boyd, Chandler, DeBose, DeGeeter, Dyer, Gardner, Heard, Hite, Hottinger, Koziura, Oelslager, Schneider, Skindell, Widener, Williams, S., Yates, Yuko
Senators Miller, D., Austria, Lehner, Kearney, Stivers, Morano, Padgett**

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A B I L L

To amend sections 4507.071, 4511.093, 4511.81, and 1
4513.263 of the Revised Code to require certain 2
children who are between four and eight years of 3
age to be secured in a booster seat, to make 4
violation of the booster seat provisions a 5
secondary traffic offense, and to allow a court, 6
under certain circumstances, to grant 7
unaccompanied driving privileges one time to a 8
probationary driver's license holder who, because 9
of a moving violation, otherwise would be subject 10
to a restriction that the person be accompanied by 11
the holder's parent or guardian. 12

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

Section 1. That sections 4507.071, 4511.093, 4511.81, and 13
4513.263 of the Revised Code be amended to read as follows: 14

Sec. 4507.071. (A) No driver's license shall be issued to any 15

person under eighteen years of age, except that a probationary
license may be issued to a person who is at least sixteen years of
age and has held a temporary instruction permit for a period of at
least six months.

(B)(1)(a) No holder of a probationary driver's license who
has not attained the age of seventeen years shall operate a motor
vehicle upon a highway or any public or private property used by
the public for purposes of vehicular travel or parking between the
hours of midnight and six a.m. unless the holder is accompanied by
the holder's parent or guardian.

(b) No holder of a probationary driver's license who has
attained the age of seventeen years but has not attained the age
of eighteen years shall operate a motor vehicle upon a highway or
any public or private property used by the public for purposes of
vehicular travel or parking between the hours of one a.m. and five
a.m. unless the holder is accompanied by the holder's parent or
guardian.

(2)(a) Subject to division (D)(1)(a) of this section,
division (B)(1)(a) of this section does not apply to the holder of
a probationary driver's license who is traveling to or from work
between the hours of midnight and six a.m. and has in the holder's
immediate possession written documentation from the holder's
employer.

(b) Division (B)(1)(b) of this section does not apply to the
holder of a probationary driver's license who is traveling to or
from work between the hours of one a.m. and five a.m. and has in
the holder's immediate possession written documentation from the
holder's employer.

(3) An employer is not liable in damages in a civil action
for any injury, death, or loss to person or property that
allegedly arises from, or is related to, the fact that the

employer provided an employee who is the holder of a probationary
driver's license with the written documentation described in
division (B)(2) of this section.

The registrar of motor vehicles shall make available at no
cost a form to serve as the written documentation described in
division (B)(2) of this section, and employers and holders of
probationary driver's licenses may utilize that form or may choose
to utilize any other written documentation to meet the
requirements of that division.

(4) No holder of a probationary driver's license who is less
than seventeen years of age shall operate a motor vehicle upon a
highway or any public or private property used by the public for
purposes of vehicular travel or parking with more than one person
who is not a family member occupying the vehicle unless the
probationary license holder is accompanied by the probationary
license holder's parent, guardian, or custodian.

(C) It is an affirmative defense to a violation of division
(B)(1)(a) or (b) of this section if, at the time of the violation,
the holder of the probationary driver's license was traveling to
or from an official function sponsored by the school the holder
attends, or an emergency existed that required the holder to
operate a motor vehicle in violation of division (B)(1)(a) or (b)
of this section, or the holder was an emancipated minor.

(D)(1)(a) ~~If~~ Except as otherwise provided in division (D)(2)
of this section, if a person is issued a probationary driver's
license prior to attaining the age of seventeen years and the
person pleads guilty to, is convicted of, or is adjudicated in
juvenile court of having committed a moving violation during the
six-month period commencing on the date on which the person is
issued the probationary driver's license, the holder must be
accompanied by the holder's parent or guardian whenever the holder
is operating a motor vehicle upon a highway or any public or

private property used by the public for purposes of vehicular 79
travel or parking during whichever of the following time periods 80
applies: 81

(i) If, on the date the holder of the probationary driver's 82
license pleads guilty to, is convicted of, or is adjudicated in 83
juvenile court of having committed the moving violation, the 84
holder has not attained the age of sixteen years six months, 85
during the six-month period commencing on that date; 86

(ii) If, on the date the holder pleads guilty to, is 87
convicted of, or is adjudicated in juvenile court of having 88
committed the moving violation, the holder has attained the age of 89
sixteen years six months but not seventeen years, until the person 90
attains the age of seventeen years. 91

(b) If the holder of a probationary driver's license commits 92
a moving violation during the six-month period after the person is 93
issued the probationary driver's license and before the person 94
attains the age of seventeen years and on the date the person 95
pleads guilty to, is convicted of, or is adjudicated in juvenile 96
court of having committed the moving violation the person has 97
attained the age of seventeen years, or if the person commits the 98
moving violation during the six-month period after the person is 99
issued the probationary driver's license and after the person 100
attains the age of seventeen years, the holder is not subject to 101
the restriction described in divisions (D)(1)(a)(i) and (ii) of 102
this section unless the court or juvenile court imposes such a 103
restriction upon the holder. 104

(2) Any person who is subject to the operating restrictions 105
established under division (D)(1) of this section as a result of a 106
first moving violation may petition the court for occupational or 107
educational driving privileges without being accompanied by the 108
holder's parent or guardian during the period of time specified in 109
that division. The court may grant the person such driving 110

privileges if the court finds reasonable cause to believe that the 111
restrictions established in division (D)(1) will seriously affect 112
the person's ability to continue in employment or educational 113
training or will cause undue hardship on the license holder or a 114
family member of the license holder. In granting the driving 115
privileges, the court shall specify the purposes, times, and 116
places of the privileges and shall issue the person appropriate 117
forms setting forth the privileges granted. Occupational or 118
educational driving privileges under this division shall not be 119
granted to the same person more than once. If a person is 120
convicted of, pleads guilty to, or is adjudicated in juvenile 121
court of having committed a second or subsequent moving violation, 122
any driving privileges previously granted under this division are 123
terminated upon the subsequent conviction, plea, or adjudication. 124

(3) No person shall violate division (D)(1)(a) of this 126
section. 127

(E) No holder of a probationary license shall operate a motor 128
vehicle upon a highway or any public or private property used by 129
the public for purposes of vehicular travel or parking unless the 130
total number of occupants of the vehicle does not exceed the total 131
number of occupant restraining devices originally installed in the 132
motor vehicle by its manufacturer, and each occupant of the 133
vehicle is wearing all of the available elements of a properly 134
adjusted occupant restraining device. 135

(F) A restricted license may be issued to a person who is 136
fourteen or fifteen years of age upon proof of hardship 137
satisfactory to the registrar of motor vehicles. 138

(G) Notwithstanding any other provision of law to the 139
contrary, no law enforcement officer shall cause the operator of a 140
motor vehicle being operated on any street or highway to stop the 141
motor vehicle for the sole purpose of determining whether each 142

occupant of the motor vehicle is wearing all of the available 143
elements of a properly adjusted occupant restraining device as 144
required by division (E) of this section, or for the sole purpose 145
of issuing a ticket, citation, or summons if the requirement in 146
that division has been or is being violated, or for causing the 147
arrest of or commencing a prosecution of a person for a violation 148
of that requirement. 149

(H) Notwithstanding any other provision of law to the 150
contrary, no law enforcement officer shall cause the operator of a 151
motor vehicle being operated on any street or highway to stop the 152
motor vehicle for the sole purpose of determining whether a 153
violation of division (B)(1)(a) or (b) of this section has been or 154
is being committed or for the sole purpose of issuing a ticket, 155
citation, or summons for such a violation or for causing the 156
arrest of or commencing a prosecution of a person for such 157
violation. 158

(I) As used in this section: 159

(1) "Occupant restraining device" has the same meaning as in 160
section 4513.263 of the Revised Code. 161

(2) "Family member" of a probationary license holder includes 162
any of the following: 163

(a) A spouse; 164

(b) A child or stepchild; 165

(c) A parent, stepparent, grandparent, or parent-in-law; 166

(d) An aunt or uncle; 167

(e) A sibling, whether of the whole or half blood or by 168
adoption, a brother-in-law, or a sister-in-law; 169

(f) A son or daughter of the probationary license holder's 170
stepparent if the stepparent has not adopted the probationary 171
license holder; 172

(g) An eligible adult, as defined in section 4507.05 of the Revised Code. 173
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(3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration. 175
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(J) Whoever violates division (B)(1) or (4), (D)~~(2)~~(3), or (E) of this section is guilty of a minor misdemeanor. 183
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Sec. 4511.093. (A)(1) No law enforcement officer who stops the operator of a motor vehicle in the course of an authorized sobriety or other motor vehicle checkpoint operation or a motor vehicle safety inspection shall issue a ticket, citation, or summons for a secondary traffic offense unless in the course of the checkpoint operation or safety inspection the officer first determines that an offense other than a secondary traffic offense has occurred and either places the operator or a vehicle occupant under arrest or issues a ticket, citation, or summons to the operator or a vehicle occupant for an offense other than a secondary offense. 185
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(2) A law enforcement agency that operates a motor vehicle checkpoint for an express purpose related to a secondary traffic offense shall not issue a ticket, citation, or summons for any secondary traffic offense at such a checkpoint, but may use such a checkpoint operation to conduct a public awareness campaign and distribute information. 196
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(B) As used in this section, "secondary traffic offense" means a violation of division (A) or (F)(2) of section 4507.05, 202
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division (B)(1)(a) or (b) or (E) of section 4507.071, division (C) 204
or (D) of section 4511.81, or division (B) of section 4513.263 of 205
the Revised Code. 206

Sec. 4511.81. (A) When any child who is in either or both of 207
the following categories is being transported in a motor vehicle, 208
other than a taxicab or public safety vehicle as defined in 209
section 4511.01 of the Revised Code, that is required by the 210
United States department of transportation to be equipped with 211
seat belts at the time of manufacture or assembly, the operator of 212
the motor vehicle shall have the child properly secured in 213
accordance with the manufacturer's instructions in a child 214
restraint system that meets federal motor vehicle safety 215
standards: 216

(1) A child who is less than four years of age; 217

(2) A child who weighs less than forty pounds. 218

(B) When any child who is in either or both of the following 219
categories is being transported in a motor vehicle, other than a 220
taxicab, that is owned, leased, or otherwise under the control of 221
a nursery school or day-care center, the operator of the motor 222
vehicle shall have the child properly secured in accordance with 223
the manufacturer's instructions in a child restraint system that 224
meets federal motor vehicle safety standards: 225

(1) A child who is less than four years of age; 226

(2) A child who weighs less than forty pounds. 227

(C) When any child who is less than eight years of age and 228
less than four feet nine inches in height, who is not required by 229
division (A) or (B) of this section to be secured in a child 230
restraint system, is being transported in a motor vehicle, other 231
than a taxicab or public safety vehicle as defined in section 232
4511.01 of the Revised Code or a vehicle that is regulated under 233

section 5104.011 of the Revised Code, that is required by the 234
United States department of transportation to be equipped with 235
seat belts at the time of manufacture or assembly, the operator of 236
the motor vehicle shall have the child properly secured in 237
accordance with the manufacturer's instructions on a booster seat 238
that meets federal motor vehicle safety standards. 239

(D) When any child who is at least ~~four~~ eight years of age 240
but not older than fifteen years of age, and who is not otherwise 241
required by division (A), (B), or (C) of this section to be 242
secured in a child restraint system or booster seat, is being 243
transported in a motor vehicle, other than a taxicab or public 244
safety vehicle as defined in section 4511.01 of the Revised Code, 245
that is required by the United States department of transportation 246
to be equipped with seat belts at the time of manufacture or 247
assembly, the operator of the motor vehicle shall have the child 248
properly restrained either in accordance with the manufacturer's 249
instructions in a child restraint system that meets federal motor 250
vehicle safety standards or in an occupant restraining device as 251
defined in section 4513.263 of the Revised Code. 252

~~(D)~~(E) Notwithstanding any provision of law to the contrary, 254
no law enforcement officer shall cause an operator of a motor 255
vehicle being operated on any street or highway to stop the motor 256
vehicle for the sole purpose of determining whether a violation of 257
division (C) or (D) of this section has been or is being committed 258
or for the sole purpose of issuing a ticket, citation, or summons 259
for a violation of ~~that nature~~ division (C) or (D) of this section 260
or causing the arrest of or commencing a prosecution of a person 261
for a violation of ~~that nature~~ division (C) or (D) of this 262
section, and ~~no~~ absent another violation of law, a law enforcement 263
~~officer shall~~ officer's view of the interior or visually inspect 264
~~any automobile~~ visual inspection of a motor vehicle being operated 265

on any street or highway may not be used for the sole purpose of 266
determining whether a violation of ~~that nature~~ division (C) or (D) 267
of this section has been or is being committed. 268

~~(E)~~(F) The director of public safety shall adopt such rules 270
as are necessary to carry out this section. 271

~~(F)~~(G) The failure of an operator of a motor vehicle to 272
secure a child in a child restraint system, a booster seat, or ~~in~~ 273
an occupant restraining device as required by this section is not 274
negligence imputable to the child, is not admissible as evidence 275
in any civil action involving the rights of the child against any 276
other person allegedly liable for injuries to the child, is not to 277
be used as a basis for a criminal prosecution of the operator of 278
the motor vehicle other than a prosecution for a violation of this 279
section, and is not admissible as evidence in any criminal action 280
involving the operator of the motor vehicle other than a 281
prosecution for a violation of this section. 282

~~(G)~~(H) This section does not apply when an emergency exists 283
that threatens the life of any person operating or occupying a 284
motor vehicle ~~and to whom this section otherwise would apply or~~ 285
~~the life of any~~ that is being used to transport a child who 286
otherwise would be required to be restrained under this section. 287
This section does not apply to a person operating a motor vehicle 288
who has an affidavit signed by a physician licensed to practice in 289
this state under Chapter 4731. of the Revised Code or a 290
chiropractor licensed to practice in this state under Chapter 291
4734. of the Revised Code that states that the child who otherwise 292
would be required to be restrained under this section has a 293
physical impairment that makes use of a child restraint system, 294
booster seat, or an occupant restraining device impossible or 295
impractical, provided that the person operating the vehicle has 296
safely and appropriately restrained the child in accordance with 297

any recommendations of the physician or chiropractor as noted on 298
the affidavit. 299

~~(H)~~(I) There is hereby created in the state treasury the 300
"child highway safety fund," consisting of fines imposed pursuant 301
to division ~~(J)~~(K)(1) of this section for violations of divisions 302
(A), (B), ~~and~~ (C), and (D) of this section. The money in the fund 303
shall be used by the department of health only to defray the cost 304
of designating hospitals as pediatric trauma centers under section 305
3727.081 of the Revised Code and to establish and administer a 306
child highway safety program. The purpose of the program shall be 307
to educate the public about child restraint systems ~~generally and~~ 308
booster seats and the importance of their proper use. The program 309
also shall include a process for providing child restraint systems 310
and booster seats to persons who meet the eligibility criteria 311
established by the department, and a toll-free telephone number 312
the public may utilize to obtain information about child restraint 313
systems and booster seats, and their proper use. 314

~~(I)~~(J) The director of health, in accordance with Chapter 316
119. of the Revised Code, shall adopt any rules necessary to carry 317
out this section, including rules establishing the criteria a 318
person must meet in order to receive a child restraint system or 319
booster seat under the department's child ~~restraint system~~ highway 320
safety program; provided that rules relating to the verification 321
of pediatric trauma centers shall not be adopted under this 322
section. 323

~~(J)~~(K) Nothing in this section shall be construed to require 324
any person to carry with the person the birth certificate of a 325
child to prove the age of the child, but the production of a valid 326
birth certificate for a child showing that the child was not of an 327
age to which this section applies is a defense against any ticket, 328
citation, or summons issued for violating this section. 329

(L)(1) Whoever violates division (A), (B), ~~or (C)~~, or (D) of 330
this section shall be punished as follows, provided that the 331
failure of an operator of a motor vehicle to secure more than one 332
child in a child restraint system, booster seat, or occupant 333
restraining device as required by this section that occurred at 334
the same time, on the same day, and at the same location is deemed 335
to be a single violation of this section: 336

(a) Except as otherwise provided in division ~~(J)~~(L)(1)(b) of 337
this section, the offender is guilty of a minor misdemeanor and 338
shall be fined not less than twenty-five dollars nor more than 339
seventy-five dollars. 340

(b) If the offender previously has been convicted of or 341
pleaded guilty to a violation of division (A), (B), ~~or (C)~~, or (D) 342
of this section or of a municipal ordinance that is substantially 343
similar to any of those divisions, the offender is guilty of a 344
misdemeanor of the fourth degree. 345

(2) All fines imposed pursuant to division ~~(J)~~(L)(1) of this 346
section shall be forwarded to the treasurer of state for deposit 347
in the "child highway safety fund" created by division ~~(H)~~(I) of 348
this section. 349

Sec. 4513.263. (A) As used in this section and in section 350
4513.99 of the Revised Code: 351

(1) "Automobile" means any commercial tractor, passenger car, 352
commercial car, or truck that is required to be factory-equipped 353
with an occupant restraining device for the operator or any 354
passenger by regulations adopted by the United States secretary of 355
transportation pursuant to the "National Traffic and Motor Vehicle 356
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 357

(2) "Occupant restraining device" means a seat safety belt, 358
shoulder belt, harness, or other safety device for restraining a 359

person who is an operator of or passenger in an automobile and 360
that satisfies the minimum federal vehicle safety standards 361
established by the United States department of transportation. 362

(3) "Passenger" means any person in an automobile, other than 363
its operator, who is occupying a seating position for which an 364
occupant restraining device is provided. 365

(4) "Commercial tractor," "passenger car," and "commercial 366
car" have the same meanings as in section 4501.01 of the Revised 367
Code. 368

(5) "Vehicle" and "motor vehicle," as used in the definitions 369
of the terms set forth in division (A)(4) of this section, have 370
the same meanings as in section 4511.01 of the Revised Code. 371

(6) "Tort action" means a civil action for damages for 372
injury, death, or loss to person or property. "Tort action" 373
includes a product liability claim, as defined in section 2307.71 374
of the Revised Code, and an asbestos claim, as defined in section 375
2307.91 of the Revised Code, but does not include a civil action 376
for damages for breach of contract or another agreement between 377
persons. 378

(B) No person shall do any of the following: 379

(1) Operate an automobile on any street or highway unless 380
that person is wearing all of the available elements of a properly 381
adjusted occupant restraining device, or operate a school bus that 382
has an occupant restraining device installed for use in its 383
operator's seat unless that person is wearing all of the available 384
elements of the device, as properly adjusted; 385

(2) Operate an automobile on any street or highway unless 386
each passenger in the automobile who is subject to the requirement 387
set forth in division (B)(3) of this section is wearing all of the 388
available elements of a properly adjusted occupant restraining 389
device; 390

(3) Occupy, as a passenger, a seating position on the front 391
seat of an automobile being operated on any street or highway 392
unless that person is wearing all of the available elements of a 393
properly adjusted occupant restraining device; 394

(4) Operate a taxicab on any street or highway unless all 395
factory-equipped occupant restraining devices in the taxicab are 396
maintained in usable form. 397

(C) Division (B)(3) of this section does not apply to a 398
person who is required by section 4511.81 of the Revised Code to 399
be secured in a child restraint device or booster seat. Division 400
(B)(1) of this section does not apply to a person who is an 401
employee of the United States postal service or of a newspaper 402
home delivery service, during any period in which the person is 403
engaged in the operation of an automobile to deliver mail or 404
newspapers to addressees. Divisions (B)(1) and (3) of this section 405
do not apply to a person who has an affidavit signed by a 406
physician licensed to practice in this state under Chapter 4731. 407
of the Revised Code or a chiropractor licensed to practice in this 408
state under Chapter 4734. of the Revised Code that states that the 409
person has a physical impairment that makes use of an occupant 410
restraining device impossible or impractical. 411

(D) Notwithstanding any provision of law to the contrary, no 412
law enforcement officer shall cause an operator of an automobile 413
being operated on any street or highway to stop the automobile for 414
the sole purpose of determining whether a violation of division 415
(B) of this section has been or is being committed or for the sole 416
purpose of issuing a ticket, citation, or summons for a violation 417
of that nature or causing the arrest of or commencing a 418
prosecution of a person for a violation of that nature, and no law 419
enforcement officer shall view the interior or visually inspect 420
any automobile being operated on any street or highway for the 421
sole purpose of determining whether a violation of that nature has 422

been or is being committed. 423

(E) All fines collected for violations of division (B) of 424
this section, or for violations of any ordinance or resolution of 425
a political subdivision that is substantively comparable to that 426
division, shall be forwarded to the treasurer of state for deposit 427
as follows: 428

(1) Eight per cent shall be deposited into the seat belt 429
education fund, which is hereby created in the state treasury, and 430
shall be used by the department of public safety to establish a 431
seat belt education program. 432

(2) Eight per cent shall be deposited into the elementary 433
school program fund, which is hereby created in the state 434
treasury, and shall be used by the department of public safety to 435
establish and administer elementary school programs that encourage 436
seat safety belt use. 437

(3) Two per cent shall be deposited into the occupational 438
licensing and regulatory fund created by section 4743.05 of the 439
Revised Code. 440

(4) Twenty-eight per cent shall be deposited into the trauma 441
and emergency medical services fund, which is hereby created in 442
the state treasury, and shall be used by the department of public 443
safety for the administration of the division of emergency medical 444
services and the state board of emergency medical services. 445

(5) Fifty-four per cent shall be deposited into the trauma 446
and emergency medical services grants fund, which is hereby 447
created in the state treasury, and shall be used by the state 448
board of emergency medical services to make grants, in accordance 449
with section 4765.07 of the Revised Code and rules the board 450
adopts under section 4765.11 of the Revised Code. 451

(F)(1) Subject to division (F)(2) of this section, the 452
failure of a person to wear all of the available elements of a 453

properly adjusted occupant restraining device in violation of 454
division (B)(1) or (3) of this section or the failure of a person 455
to ensure that each minor who is a passenger of an automobile 456
being operated by that person is wearing all of the available 457
elements of a properly adjusted occupant restraining device in 458
violation of division (B)(2) of this section shall not be 459
considered or used by the trier of fact in a tort action as 460
evidence of negligence or contributory negligence. But, the trier 461
of fact may determine based on evidence admitted consistent with 462
the Ohio Rules of Evidence that the failure contributed to the 463
harm alleged in the tort action and may diminish a recovery of 464
compensatory damages that represents noneconomic loss, as defined 465
in section 2307.011 of the Revised Code, in a tort action that 466
could have been recovered but for the plaintiff's failure to wear 467
all of the available elements of a properly adjusted occupant 468
restraining device. Evidence of that failure shall not be used as 469
a basis for a criminal prosecution of the person other than a 470
prosecution for a violation of this section; and shall not be 471
admissible as evidence in a criminal action involving the person 472
other than a prosecution for a violation of this section. 473

(2) If, at the time of an accident involving a passenger car 474
equipped with occupant restraining devices, any occupant of the 475
passenger car who sustained injury or death was not wearing an 476
available occupant restraining device, was not wearing all of the 477
available elements of such a device, or was not wearing such a 478
device as properly adjusted, then, consistent with the Rules of 479
Evidence, the fact that the occupant was not wearing the available 480
occupant restraining device, was not wearing all of the available 481
elements of such a device, or was not wearing such a device as 482
properly adjusted is admissible in evidence in relation to any 483
claim for relief in a tort action to the extent that the claim for 484
relief satisfies all of the following: 485

(a) It seeks to recover damages for injury or death to the occupant. 486
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(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car. 488
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(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy. 490
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(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars. 494
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(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars. 496
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(3) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree. 498
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Section 2. That existing sections 4507.071, 4511.093, 4511.81, and 4513.263 of the Revised Code are hereby repealed. 504
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Section 3. Notwithstanding any provision of law to the contrary, during the first six months after the effective date of this section, no person who violates division (C) of section 4511.81 of the Revised Code concerning the use of booster seats, as that division is amended by this act, shall be issued a ticket, citation, or summons in relation to the violation or be arrested for the violation. Instead, the person shall be issued a written warning that states the requirements contained in division (C) of section 4511.81 of the Revised Code, as amended by this act. In addition, the warning shall explain that on or after a date 506
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certain, which date shall be six months after the effective date 516
of this section, the law will allow a person to be charged with 517
and prosecuted for such a violation. 518

Section 4. Sections 1, 2, and 3 of this act, except for 519
section 4507.071 of the Revised Code, shall take effect six months 520
after the effective date of this act. Section 4507.071 of the 521
Revised Code, as amended by this act, shall take effect at the 522
earliest time permitted by law. 523