

**As Reported by the Senate Highways and Transportation
Committee**

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Sub. H. B. No. 320

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
Senator Miller, D.**

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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 16
license may be issued to a person who is at least sixteen years of 17
age and has held a temporary instruction permit for a period of at 18
least six months. 19

(B)(1)(a) No holder of a probationary driver's license who 20
has not attained the age of seventeen years shall operate a motor 21
vehicle upon a highway or any public or private property used by 22
the public for purposes of vehicular travel or parking between the 23
hours of midnight and six a.m. unless the holder is accompanied by 24
the holder's parent or guardian. 25

(b) No holder of a probationary driver's license who has 26
attained the age of seventeen years but has not attained the age 27
of eighteen years shall operate a motor vehicle upon a highway or 28
any public or private property used by the public for purposes of 29
vehicular travel or parking between the hours of one a.m. and five 30
a.m. unless the holder is accompanied by the holder's parent or 31
guardian. 32

(2)(a) Subject to division (D)(1)(a) of this section, 33
division (B)(1)(a) of this section does not apply to the holder of 34
a probationary driver's license who is traveling to or from work 35
between the hours of midnight and six a.m. and has in the holder's 36
immediate possession written documentation from the holder's 37
employer. 38

(b) Division (B)(1)(b) of this section does not apply to the 39
holder of a probationary driver's license who is traveling to or 40
from work between the hours of one a.m. and five a.m. and has in 41
the holder's immediate possession written documentation from the 42
holder's employer. 43

(3) An employer is not liable in damages in a civil action 44
for any injury, death, or loss to person or property that 45

allegedly arises from, or is related to, the fact that the 46
employer provided an employee who is the holder of a probationary 47
driver's license with the written documentation described in 48
division (B)(2) of this section. 49

The registrar of motor vehicles shall make available at no 50
cost a form to serve as the written documentation described in 51
division (B)(2) of this section, and employers and holders of 52
probationary driver's licenses may utilize that form or may choose 53
to utilize any other written documentation to meet the 54
requirements of that division. 55

(4) No holder of a probationary driver's license who is less 56
than seventeen years of age shall operate a motor vehicle upon a 57
highway or any public or private property used by the public for 58
purposes of vehicular travel or parking with more than one person 59
who is not a family member occupying the vehicle unless the 60
probationary license holder is accompanied by the probationary 61
license holder's parent, guardian, or custodian. 62

(C) It is an affirmative defense to a violation of division 63
(B)(1)(a) or (b) of this section if, at the time of the violation, 64
the holder of the probationary driver's license was traveling to 65
or from an official function sponsored by the school the holder 66
attends, or an emergency existed that required the holder to 67
operate a motor vehicle in violation of division (B)(1)(a) or (b) 68
of this section, or the holder was an emancipated minor. 69

(D)(1)(a) ~~If~~ Except as otherwise provided in division (D)(2) 70
of this section, if a person is issued a probationary driver's 71
license prior to attaining the age of seventeen years and the 72
person pleads guilty to, is convicted of, or is adjudicated in 73
juvenile court of having committed a moving violation during the 74
six-month period commencing on the date on which the person is 75
issued the probationary driver's license, the holder must be 76
accompanied by the holder's parent or guardian whenever the holder 77

is operating a motor vehicle upon a highway or any public or 78
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" 202
means a violation of division (A) or (F)(2) of section 4507.05, 203
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, that is required by the United States 233
department of transportation to be equipped with seat belts at the 234
time of manufacture or assembly, the operator of the motor vehicle 235
shall have the child properly secured in accordance with the 236
manufacturer's instructions on a booster seat that meets federal 237
motor vehicle safety standards. 238

(D) When any child who is at least ~~four~~ eight years of age 239
but not older than fifteen years of age, and who is not otherwise 240
required by division (A), (B), or (C) of this section to be 241
secured in a child restraint system or booster seat, is being 242
transported in a motor vehicle, other than a taxicab or public 243
safety vehicle as defined in section 4511.01 of the Revised Code, 244
that is required by the United States department of transportation 245
to be equipped with seat belts at the time of manufacture or 246
assembly, the operator of the motor vehicle shall have the child 247
properly restrained either in accordance with the manufacturer's 248
instructions in a child restraint system that meets federal motor 249
vehicle safety standards or in an occupant restraining device as 250
defined in section 4513.263 of the Revised Code. 251

~~(D)~~(E) Notwithstanding any provision of law to the contrary, 253
no law enforcement officer shall cause an operator of a motor 254
vehicle being operated on any street or highway to stop the motor 255
vehicle for the sole purpose of determining whether a violation of 256
division (C) ~~or (D)~~ of this section has been or is being committed 257
or for the sole purpose of issuing a ticket, citation, or summons 258
for a violation of ~~that nature~~ division (C) or (D) of this section 259
or causing the arrest of or commencing a prosecution of a person 260
for a violation of ~~that nature~~ division (C) or (D) of this 261
section, and ~~no~~ absent another violation of law, a law enforcement 262
officer shall officer's view of the interior or ~~visually inspect~~ 263

~~any automobile~~ visual inspection of a motor vehicle being operated 264
on any street or highway may not be used for the ~~sole~~ purpose of 265
determining whether a violation of ~~that nature~~ division (C) or (D) 266
of this section has been or is being committed. 267

~~(E)~~(F) The director of public safety shall adopt such rules 269
as are necessary to carry out this section. 270

~~(F)~~(G) The failure of an operator of a motor vehicle to 271
secure a child in a child restraint system, a booster seat, or ~~in~~ 272
an occupant restraining device as required by this section is not 273
negligence imputable to the child, is not admissible as evidence 274
in any civil action involving the rights of the child against any 275
other person allegedly liable for injuries to the child, is not to 276
be used as a basis for a criminal prosecution of the operator of 277
the motor vehicle other than a prosecution for a violation of this 278
section, and is not admissible as evidence in any criminal action 279
involving the operator of the motor vehicle other than a 280
prosecution for a violation of this section. 281

~~(G)~~(H) This section does not apply when an emergency exists 282
that threatens the life of any person operating or occupying a 283
motor vehicle ~~and to whom this section otherwise would apply or~~ 284
~~the life of any~~ that is being used to transport a child who 285
otherwise would be required to be restrained under this section. 286
This section does not apply to a person operating a motor vehicle 287
who has an affidavit signed by a physician licensed to practice in 288
this state under Chapter 4731. of the Revised Code or a 289
chiropractor licensed to practice in this state under Chapter 290
4734. of the Revised Code that states that the child who otherwise 291
would be required to be restrained under this section has a 292
physical impairment that makes use of a child restraint system, 293
booster seat, or an occupant restraining device impossible or 294
impractical, provided that the person operating the vehicle has 295

safely and appropriately restrained the child in accordance with 296
any recommendations of the physician or chiropractor as noted on 297
the affidavit. 298

~~(H)~~(I) There is hereby created in the state treasury the 299
"child highway safety fund," consisting of fines imposed pursuant 300
to division ~~(J)~~(K)(1) of this section for violations of divisions 301
(A), (B), ~~and~~ (C), and (D) of this section. The money in the fund 302
shall be used by the department of health only to defray the cost 303
of designating hospitals as pediatric trauma centers under section 304
3727.081 of the Revised Code and to establish and administer a 305
child highway safety program. The purpose of the program shall be 306
to educate the public about child restraint systems generally and 307
booster seats and the importance of their proper use. The program 308
also shall include a process for providing child restraint systems 309
and booster seats to persons who meet the eligibility criteria 310
established by the department, and a toll-free telephone number 311
the public may utilize to obtain information about child restraint 312
systems and booster seats, and their proper use. 313

~~(I)~~(J) The director of health, in accordance with Chapter 315
119. of the Revised Code, shall adopt any rules necessary to carry 316
out this section, including rules establishing the criteria a 317
person must meet in order to receive a child restraint system or 318
booster seat under the department's child ~~restraint system~~ highway 319
safety program; provided that rules relating to the verification 320
of pediatric trauma centers shall not be adopted under this 321
section. 322

~~(J)~~(K) Nothing in this section shall be construed to require 323
any person to carry with the person the birth certificate of a 324
child to prove the age of the child, but the production of a valid 325
birth certificate for a child showing that the child was not of an 326
age to which this section applies is a defense against any ticket. 327

citation, or summons issued for violating this section. 328

(L)(1) Whoever violates division (A), (B), ~~or~~ (C), or (D) of 329
this section shall be punished as follows, provided that the 330
failure of an operator of a motor vehicle to secure more than one 331
child in a child restraint system, booster seat, or occupant 332
restraining device as required by this section that occurred at 333
the same time, on the same day, and at the same location is deemed 334
to be a single violation of this section: 335

(a) Except as otherwise provided in division ~~(J)~~(L)(1)(b) of 336
this section, the offender is guilty of a minor misdemeanor and 337
shall be fined not less than twenty-five dollars nor more than 338
seventy-five dollars. 339

(b) If the offender previously has been convicted of or 340
pleaded guilty to a violation of division (A), (B), ~~or~~ (C), or (D) 341
of this section or of a municipal ordinance that is substantially 342
similar to any of those divisions, the offender is guilty of a 343
misdemeanor of the fourth degree. 344

(2) All fines imposed pursuant to division ~~(J)~~(K)(1) of this 345
section shall be forwarded to the treasurer of state for deposit 346
in the "child highway safety fund" created by division ~~(H)~~(I) of 347
this section. 348

Sec. 4513.263. (A) As used in this section and in section 349
4513.99 of the Revised Code: 350

(1) "Automobile" means any commercial tractor, passenger car, 351
commercial car, or truck that is required to be factory-equipped 352
with an occupant restraining device for the operator or any 353
passenger by regulations adopted by the United States secretary of 354
transportation pursuant to the "National Traffic and Motor Vehicle 355
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 356

(2) "Occupant restraining device" means a seat safety belt, 357

shoulder belt, harness, or other safety device for restraining a 358
person who is an operator of or passenger in an automobile and 359
that satisfies the minimum federal vehicle safety standards 360
established by the United States department of transportation. 361

(3) "Passenger" means any person in an automobile, other than 362
its operator, who is occupying a seating position for which an 363
occupant restraining device is provided. 364

(4) "Commercial tractor," "passenger car," and "commercial 365
car" have the same meanings as in section 4501.01 of the Revised 366
Code. 367

(5) "Vehicle" and "motor vehicle," as used in the definitions 368
of the terms set forth in division (A)(4) of this section, have 369
the same meanings as in section 4511.01 of the Revised Code. 370

(6) "Tort action" means a civil action for damages for 371
injury, death, or loss to person or property. "Tort action" 372
includes a product liability claim, as defined in section 2307.71 373
of the Revised Code, and an asbestos claim, as defined in section 374
2307.91 of the Revised Code, but does not include a civil action 375
for damages for breach of contract or another agreement between 376
persons. 377

(B) No person shall do any of the following: 378

(1) Operate an automobile on any street or highway unless 379
that person is wearing all of the available elements of a properly 380
adjusted occupant restraining device, or operate a school bus that 381
has an occupant restraining device installed for use in its 382
operator's seat unless that person is wearing all of the available 383
elements of the device, as properly adjusted; 384

(2) Operate an automobile on any street or highway unless 385
each passenger in the automobile who is subject to the requirement 386
set forth in division (B)(3) of this section is wearing all of the 387
available elements of a properly adjusted occupant restraining 388

device; 389

(3) Occupy, as a passenger, a seating position on the front 390
seat of an automobile being operated on any street or highway 391
unless that person is wearing all of the available elements of a 392
properly adjusted occupant restraining device; 393

(4) Operate a taxicab on any street or highway unless all 394
factory-equipped occupant restraining devices in the taxicab are 395
maintained in usable form. 396

(C) Division (B)(3) of this section does not apply to a 397
person who is required by section 4511.81 of the Revised Code to 398
be secured in a child restraint device or booster seat. Division 399
(B)(1) of this section does not apply to a person who is an 400
employee of the United States postal service or of a newspaper 401
home delivery service, during any period in which the person is 402
engaged in the operation of an automobile to deliver mail or 403
newspapers to addressees. Divisions (B)(1) and (3) of this section 404
do not apply to a person who has an affidavit signed by a 405
physician licensed to practice in this state under Chapter 4731. 406
of the Revised Code or a chiropractor licensed to practice in this 407
state under Chapter 4734. of the Revised Code that states that the 408
person has a physical impairment that makes use of an occupant 409
restraining device impossible or impractical. 410

(D) Notwithstanding any provision of law to the contrary, no 411
law enforcement officer shall cause an operator of an automobile 412
being operated on any street or highway to stop the automobile for 413
the sole purpose of determining whether a violation of division 414
(B) of this section has been or is being committed or for the sole 415
purpose of issuing a ticket, citation, or summons for a violation 416
of that nature or causing the arrest of or commencing a 417
prosecution of a person for a violation of that nature, and no law 418
enforcement officer shall view the interior or visually inspect 419
any automobile being operated on any street or highway for the 420

sole purpose of determining whether a violation of that nature has 421
been or is being committed. 422

(E) All fines collected for violations of division (B) of 423
this section, or for violations of any ordinance or resolution of 424
a political subdivision that is substantively comparable to that 425
division, shall be forwarded to the treasurer of state for deposit 426
as follows: 427

(1) Eight per cent shall be deposited into the seat belt 428
education fund, which is hereby created in the state treasury, and 429
shall be used by the department of public safety to establish a 430
seat belt education program. 431

(2) Eight per cent shall be deposited into the elementary 432
school program fund, which is hereby created in the state 433
treasury, and shall be used by the department of public safety to 434
establish and administer elementary school programs that encourage 435
seat safety belt use. 436

(3) Two per cent shall be deposited into the occupational 437
licensing and regulatory fund created by section 4743.05 of the 438
Revised Code. 439

(4) Twenty-eight per cent shall be deposited into the trauma 440
and emergency medical services fund, which is hereby created in 441
the state treasury, and shall be used by the department of public 442
safety for the administration of the division of emergency medical 443
services and the state board of emergency medical services. 444

(5) Fifty-four per cent shall be deposited into the trauma 445
and emergency medical services grants fund, which is hereby 446
created in the state treasury, and shall be used by the state 447
board of emergency medical services to make grants, in accordance 448
with section 4765.07 of the Revised Code and rules the board 449
adopts under section 4765.11 of the Revised Code. 450

(F)(1) Subject to division (F)(2) of this section, the 451

failure of a person to wear all of the available elements of a 452
properly adjusted occupant restraining device in violation of 453
division (B)(1) or (3) of this section or the failure of a person 454
to ensure that each minor who is a passenger of an automobile 455
being operated by that person is wearing all of the available 456
elements of a properly adjusted occupant restraining device in 457
violation of division (B)(2) of this section shall not be 458
considered or used by the trier of fact in a tort action as 459
evidence of negligence or contributory negligence. But, the trier 460
of fact may determine based on evidence admitted consistent with 461
the Ohio Rules of Evidence that the failure contributed to the 462
harm alleged in the tort action and may diminish a recovery of 463
compensatory damages that represents noneconomic loss, as defined 464
in section 2307.011 of the Revised Code, in a tort action that 465
could have been recovered but for the plaintiff's failure to wear 466
all of the available elements of a properly adjusted occupant 467
restraining device. Evidence of that failure shall not be used as 468
a basis for a criminal prosecution of the person other than a 469
prosecution for a violation of this section; and shall not be 470
admissible as evidence in a criminal action involving the person 471
other than a prosecution for a violation of this section. 472

(2) If, at the time of an accident involving a passenger car 473
equipped with occupant restraining devices, any occupant of the 474
passenger car who sustained injury or death was not wearing an 475
available occupant restraining device, was not wearing all of the 476
available elements of such a device, or was not wearing such a 477
device as properly adjusted, then, consistent with the Rules of 478
Evidence, the fact that the occupant was not wearing the available 479
occupant restraining device, was not wearing all of the available 480
elements of such a device, or was not wearing such a device as 481
properly adjusted is admissible in evidence in relation to any 482
claim for relief in a tort action to the extent that the claim for 483
relief satisfies all of the following: 484

(a) It seeks to recover damages for injury or death to the occupant.

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car.

(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.

(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars.

(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.

Section 2. That existing sections 4507.071, 4511.093, 4511.81, and 4513.263 of the Revised Code are hereby repealed.

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

certain, which date shall be six months after the effective date 515
of this section, the law will allow a person to be charged with 516
and prosecuted for such a violation. 517

Section 4. Sections 1, 2, and 3 of this act, except for 518
section 4507.071 of the Revised Code, shall take effect six months 519
after the effective date of this act. Section 4507.071 of the 520
Revised Code, as amended by this act, shall take effect at the 521
earliest time permitted by law. 522