

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 27

Senator Kearney

—

A BILL

To amend section 4511.81 of the Revised Code to 1
require certain children who are between four and 2
eight years of age to be secured in a booster 3
seat. 4

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

Section 1. That section 4511.81 of the Revised Code be 5
amended to read as follows: 6

Sec. 4511.81. (A) When any child who is in either or both of 7
the following categories is being transported in a motor vehicle, 8
other than a taxicab or public safety vehicle as defined in 9
section 4511.01 of the Revised Code, that is required by the 10
United States department of transportation to be equipped with 11
seat belts at the time of manufacture or assembly, the operator of 12
the motor vehicle shall have the child properly secured in 13
accordance with the manufacturer's instructions in a child 14
restraint system that meets federal motor vehicle safety 15
standards: 16

(1) A child who is less than four years of age; 17

(2) A child who weighs less than forty pounds. 18

(B) When any child who is in either or both of the following 19
categories is being transported in a motor vehicle, other than a 20

taxicab, that is owned, leased, or otherwise under the control of 21
a nursery school, kindergarten, or day-care center, the operator 22
of the motor vehicle shall have the child properly secured in 23
accordance with the manufacturer's instructions in a child 24
restraint system that meets federal motor vehicle safety 25
standards: 26

(1) A child who is less than four years of age; 27

(2) A child who weighs less than forty pounds. 28

(C) When any child who is less than eight years of age and 29
less than four feet nine inches in height, who is not required by 30
division (A) or (B) of this section to be secured in a child 31
restraint system, is being transported in a motor vehicle, other 32
than a taxicab or public safety vehicle as defined in section 33
4511.01 of the Revised Code, that is registered in this state and 34
is required by the United States department of transportation to 35
be equipped with seat belts at the time of manufacture or 36
assembly, the operator of the motor vehicle shall have the child 37
properly secured in accordance with the manufacturer's 38
instructions on a booster seat that meets federal motor vehicle 39
safety standards. 40

(D) When any child who is at least four years of age but not 41
older than fifteen years of age, and who is not otherwise required 42
by division (A), (B), or (C) of this section to be secured in a 43
child restraint system or booster seat, is being transported in a 44
motor vehicle, other than a taxicab or public safety vehicle as 45
defined in section 4511.01 of the Revised Code, that is required 46
by the United States department of transportation to be equipped 47
with seat belts at the time of manufacture or assembly, the 48
operator of the motor vehicle shall have the child properly 49
restrained either in accordance with the manufacturer's 50
instructions in a child restraint system that meets federal motor 51
vehicle safety standards or in an occupant restraining device as 52

defined in section 4513.263 of the Revised Code. 53

~~(D)~~(E) Notwithstanding any provision of law to the contrary, 54
no law enforcement officer shall cause an operator of a motor 55
vehicle being operated on any street or highway to stop the motor 56
vehicle for the sole purpose of determining whether a violation of 57
division ~~(C)~~(D) of this section has been or is being committed or 58
for the sole purpose of issuing a ticket, citation, or summons for 59
a violation of that nature or causing the arrest of or commencing 60
a prosecution of a person for a violation of that nature, and no 61
law enforcement officer shall view the interior or visually 62
inspect any automobile being operated on any street or highway for 63
the sole purpose of determining whether a violation of that nature 64
has been or is being committed. 65

~~(E)~~(F) The director of public safety shall adopt such rules 66
as are necessary to carry out this section. 67

~~(F)~~(G) The failure of an operator of a motor vehicle to 68
secure a child in a child restraint system, a booster seat, or ~~in~~ 69
an occupant restraining device as required by this section is not 70
negligence imputable to the child, is not admissible as evidence 71
in any civil action involving the rights of the child against any 72
other person allegedly liable for injuries to the child, is not to 73
be used as a basis for a criminal prosecution of the operator of 74
the motor vehicle other than a prosecution for a violation of this 75
section, and is not admissible as evidence in any criminal action 76
involving the operator of the motor vehicle other than a 77
prosecution for a violation of this section. 78

~~(G)~~(H) This section does not apply when an emergency exists 79
that threatens the life of any person operating a motor vehicle 80
and to whom this section otherwise would apply or the life of any 81
child who otherwise would be required to be restrained under this 82
section. 83

~~(H)~~(I) There is hereby created in the state treasury the 84
"child highway safety fund," consisting of fines imposed pursuant 85
to division ~~(J)~~(K)(1) of this section for violations of divisions 86
(A), (B), ~~and (C)~~, and (D) of this section. The money in the fund 87
shall be used by the department of health only to defray the cost 88
of designating hospitals as pediatric trauma centers under section 89
3727.081 of the Revised Code and to establish and administer a 90
child highway safety program. The purpose of the program shall be 91
to educate the public about child restraint systems ~~generally and~~ 92
booster seats and the importance of their proper use. The program 93
also shall include a process for providing child restraint systems 94
and booster seats to persons who meet the eligibility criteria 95
established by the department, and a toll-free telephone number 96
the public may utilize to obtain information about child restraint 97
systems and booster seats, and their proper use. 98

~~(I)~~(J) The director of health, in accordance with Chapter 99
119. of the Revised Code, shall adopt any rules necessary to carry 100
out this section, including rules establishing the criteria a 101
person must meet in order to receive a child restraint system or 102
booster seat under the department's child ~~restraint system~~ highway 103
safety program; provided that rules relating to the verification 104
of pediatric trauma centers shall not be adopted under this 105
section. 106

~~(J)~~(K)(1) Whoever violates division (A), (B), ~~or (C)~~, or (D) 107
of this section shall be punished as follows: 108

(a) Except as otherwise provided in division ~~(J)~~(K)(1)(b) of 109
this section, the offender is guilty of a minor misdemeanor and 110
shall be fined not less than twenty-five dollars. 111

(b) If the offender previously has been convicted of or 112
pleaded guilty to a violation of division (A), (B), ~~or (C)~~, or (D) 113
of this section or of a municipal ordinance that is substantially 114
similar to any of those divisions, the offender is guilty of a 115

misdemeanor of the fourth degree. 116

(2) All fines imposed pursuant to division ~~(J)~~(K)(1) of this 117
section shall be forwarded to the treasurer of state for deposit 118
in the "child highway safety fund" created by division ~~(H)~~(I) of 119
this section. 120

Section 2. That existing section 4511.81 of the Revised Code 121
is hereby repealed. 122