



**S.B. 27**

127th General Assembly  
(As Introduced)

**Sen. Kearney**

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**BILL SUMMARY**

- Requires any child who is less than eight years old and less than four feet, nine inches tall to be secured in a booster seat when traveling in a motor vehicle if the child is not otherwise required to be secured in a child restraint system.

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**CONTENT AND OPERATION**

Under current law, a child who is less than four years old or who weighs less than 40 pounds, or both, must be secured in a federally approved child restraint system when being transported in a motor vehicle (other than a taxi or public safety vehicle). (R.C. 4511.81(A) and (B).) Current law also provides that when any child who is at least 4 years of age but not older than 15 years of age is being transported in a motor vehicle (other than a taxicab or a public safety vehicle) that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the vehicle operator must have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system (which may be a booster seat; see **COMMENT**) that meets federal motor vehicle safety standards or in an occupant restraining device (seat belt) (R.C. 4511.81(C)).

Violation of this requirement is a minor misdemeanor on a first offense and the offender is subject to a mandatory fine of at least \$25. Subsequent offenses are a fourth degree misdemeanor. Current law also establishes that the failure to use a child restraint system when required may not be used in a related civil or other criminal action. (R.C. 4511.81(G) and (K).)

Under the bill, a child who is less than eight years old and less than four feet nine inches in height, must be secured in a booster seat when being transported in a motor vehicle (other than a taxi or public safety vehicle), if that child is not otherwise required to be transported in a child restraint system.

Booster seats required under the bill must meet federal motor vehicle safety standards. (R.C. 4511.81(C).)

The bill modifies the provision of current law that requires any child who is at least 4 years of age but not older than 15 years of age to be properly restrained either in a child restraint system or in an occupant restraining device so that this requirement applies only if the child is not otherwise required to be in a child restraint system or a booster seat. For example, a child who is 7 years old and over four feet nine inches in height would not specifically be required to be in a booster seat, but would continue to be required by current law to be in a child restraint system or occupant restraining system. A child who is 7 years old and less than four feet nine inches in height specifically would be required to be in a booster seat. (R.C. 4511.81(D).)

Current law also creates the Child Highway Safety Fund, which consists of fines from child restraint violations and is used by the Department of Health, in part, to administer a child highway safety program to educate the public about child restraint systems generally and the importance of their proper use. The program also includes a process for providing child restraint systems to persons who meet the eligibility criteria established by the Department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and their proper use. The bill specifies that the Fund and program also apply to booster seats.

The penalty for a violation of the booster seat requirement is the same as described above. Current law provisions governing the effect of failure to secure a child in a child restraint system in a civil or other criminal action also apply to the failure to use a booster seat.

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## COMMENT

Many types of child restraint systems are approved under federal law, including built-in and portable systems. Most systems are height and weight specific. Under 49 C.F.R. § 571.213, a booster seat is a type of child restraint system that is "either a backless child restraint system or a belt-positioning seat." A belt-positioning seat means a child restraint system that positions a child on a vehicle seat to improve the fit of a vehicle belt system on the child and that lacks any component, such as a belt system, designed to restrain the child's forward movement.

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## **HISTORY**

ACTION

DATE

Introduced

02-20-07

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