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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Cross and K. Miller

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SUMMARY

- Makes failure to wear a properly adjusted occupant restraining device (i.e., a “seat belt”) as either the operator or front-seat passenger of an automobile a primary offense, rather than a secondary offense as under current law.
- Makes the failure for all passengers to wear a seat belt in a motor vehicle driven by an operator who has a learner’s permit or a probationary driver’s license a primary offense, rather than a secondary offense as under current law.
- Makes failure to properly secure a child in the appropriate booster seat or seat belt, according to the child’s age, weight, height, and manufacturer’s instructions, a primary offense, rather than a secondary offense as under current law.
- Allows an offender who commits a violation of the seat belt law or the child restraint system law for the first time to complete an occupant restraint safety course in lieu of paying a fine for the offense.
- Requires the Director of Public Safety to establish the course, and prohibits the Director from charging a fee for the course.
- Establishes specified reporting requirements that apply to law enforcement officers and law enforcement agencies regarding the number of tickets issued for violations of the seat belt law and child restraint law.
- Requires the Attorney General to compile reports completed by law enforcement agencies and submit an annual report to the Governor and the General Assembly regarding the number of tickets issued in total and by each law enforcement agency for violations of the seat belt law and the child restraint system law.

DETAILED ANALYSIS

Seatbelts and child restraint systems: primary offenses

The bill makes a violation of Ohio's seat belt laws a primary offense, rather than a secondary offense as under current law. A primary offense means that a law enforcement officer may issue a ticket for the offense solely for a violation of that offense. When an offense is a secondary offense, the law enforcement officer may only stop a driver if the driver is actively committing a primary offense at the same time as the secondary offense. Thus, under current law, if a driver is speeding and not wearing a seat belt, an officer can cite the driver for both offenses. However, if a driver is driving legally and not wearing a seat belt, the officer has no cause to cite the driver even though the driver is violating the seat belt law.

Under current law and the bill, the general prohibitions related to seat belts are the same. Namely, a person may not do any of the following:

1. Operate an automobile or school bus on any street or highway without wearing a seat belt;
2. Operate an automobile on any street or highway without ensuring that any front-seat passenger is wearing a seat belt;
3. Occupy the front seat of an automobile being operated on any street or highway without wearing a seat belt;
4. Operate a taxicab on any street or highway unless the seat belts are maintained in usable form; or
5. Occupy a motor vehicle driven by an operator who has either a learner's permit or a probationary driver's license without wearing a seat belt.

The bill also makes not using the proper child restraint system, booster seat, or seat belt a primary offense for all children up to age 15. Under current law, improperly securing a child who is less than age four and less than 40 pounds is a primary offense. However, properly securing a child between the ages of four (and 40 pounds) and 15 (typically by using a booster seat or a seat belt) is a secondary offense.

Under continuing law, children must be properly secured in a child restraint system that meets federal motor vehicle safety standards. A person securing a child in a restraint system must do so in accordance with manufacturer's instructions. Examples of child restraint systems include car seats, booster seats, and seat belts. Which child restraint system is required for each child is based on the child's age, weight, height, the type of vehicle transporting the child, and the manufacturer's instructions for the system.¹

¹ R.C. 307.15, 733.40, 2152.21, 4501.11, 4507.05, 4507.071, 4511.043, 4511.81, 4513.263, 4513.35, and 5503.04.

Fines and occupant restraint safety course

Under the bill, in lieu of paying a fine for a violation of the seat belt law or child restraint system law, a first-time offender may opt to complete an occupant restraint safety course. In order to be eligible for the course, the offender cannot have been previously issued a ticket, citation, or summons and paid a fine for violating any of the following:

1. The seat belt law;
2. The child restraint system law; or
3. An equivalent municipal ordinance to either the seat belt law or child restraint system law.

If the offender successfully completes the course, the offender must submit to the court written evidence of course completion within 90 days of the offense in order to receive the waiver of the fine.

The bill requires the Director of Public Safety to establish the occupant restraint safety course. The Director must require the course to consist of 30 minutes of online instruction regarding both of the following:

1. Laws governing the importance of wearing a properly adjusted seat belt; and
2. Laws governing and the importance of properly securing children in appropriate child restraint systems, booster seats, and seat belts.

When an offender successfully completes the course, the Director must issue to the offender written evidence of completion. The Director may not charge a fee for the course.

Under current law, unchanged by the bill, the fine for a violation of the seat belt law as the adult driver is \$30. The fine for an offender who was a passenger in the front seat of an automobile and who was not wearing a seat belt is \$20. For a first-time offender of the child restraint system law, the fine ranges from \$25 to \$75. An offender with prior violations of the child restraint system law is guilty of a fourth degree misdemeanor and is subject to those higher penalties.²

Reporting requirements

The bill requires a law enforcement officer who issues a ticket, citation, or summons to any person for violating the seat belt or child restraint system law to report the issuance of the ticket, citation, or summons to the officer's law enforcement agency. Every other month, the agency must collect all of the reports from its officers and submit a compiled report to the Attorney General.

Using the submitted information, the Attorney General must complete an annual report describing the total number of offenders who received a ticket, citation, or summons for a

² R.C. 4510.312, 4511.81(K), and 4513.263(F).

violation of the seat belt and child restraint system laws. The report must include the totals for the state and the totals for each law enforcement agency. Upon completion of the report, the Attorney General must submit it to the Governor, the Speaker of the House of Representatives, and the President of the Senate.³

HISTORY

Action	Date
Introduced	05-15-24

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³ R.C. 4513.264.