



H.B. 290

123rd General Assembly
(As Introduced)

Reps. Peterson, Metelsky, Allen, Barrett, Bateman, Bender, Boyd, Brading, Distel, Flannery, Ford, Hartnett, Jolivette, Jones, Mead, D. Miller, Ogg, Olman, Opfer, Roberts, Sykes, Wilson

BILL SUMMARY

- Makes violation of the state seat belt law a "primary stop offense" by permitting a law enforcement officer to cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of that law has been or is being committed, for the sole purpose of issuing a ticket, citation, or summons for such a violation, or for causing the arrest of or commencing a prosecution of a person for such a violation.
- Prohibits a law enforcement officer from searching or inspecting any automobile being operated on any street or highway, or the operator, any passenger, or the contents of that automobile, solely because a violation of the state seat belt law has been or is being committed.

CONTENT AND OPERATION

The state seat belt law

Existing law

Current law prohibits any person from doing any of the following (sec. 4513.263(B)):

(1) Operating an automobile, which term includes commercial tractors, passenger cars, commercial cars, and trucks, on any street or highway unless the person is wearing all of the available elements of a properly adjusted occupant restraining device (commonly known as a "seat belt"), or operating a school bus that has a seat belt installed for use in its operator's seat unless the person is wearing all of the available elements of the device, as properly adjusted;

(2) Operating an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in following item (3) is wearing all of the available elements of a properly adjusted seat belt;

(3) Occupying, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless the person is wearing all of the available elements of a properly adjusted seat belt;

(4) Operating a taxicab on any street or highway unless all factory-equipped seat belts in the taxicab are maintained in usable form.

Whoever violates the prohibition contained in item (1) must be fined \$25, whoever violates the prohibition contained in item (3) must be fined \$15, and whoever violates the prohibition contained in item (4) is guilty of a minor misdemeanor on a first offense and a misdemeanor of the third degree on a second or subsequent offense. (Sec. 4513.99(F), (G), and (B), respectively, not in the bill.)

Current law also provides that notwithstanding any provision of law to the contrary, no law enforcement officer may cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether any of the above four violations has been or is being committed, for the sole purpose of issuing a ticket, citation, or summons for such a violation, or for causing the arrest of or commencing a prosecution of a person for such a violation. In addition, no law enforcement officer may view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether such a violation has been or is being committed. (Sec. 4513.236(D).)

Operation of the bill

Under the bill, a law enforcement officer may cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether any of the above four violations has been or is being committed, for the sole purpose of issuing a ticket, citation, or summons for such a violation, or for causing the arrest of or commencing a prosecution of a person for such violation. In addition, the bill prohibits a law enforcement officer from searching or inspecting any automobile being operated on any street or highway, or the operator, any passenger, or the contents of that automobile, solely because a violation of that nature has been or is being committed. (Sec. 4513.263(D).)

HISTORY

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