



S.B. 336

123rd General Assembly
(As Introduced)

Sens. Prentiss, Drake

BILL SUMMARY

- Makes violation of the state seat belt law a "primary stop offense" by permitting a law enforcement officer to stop an automobile for the sole purpose of determining whether a violation of that law has been or is being committed and lawfully proceeding against the violator.
- Prohibits a law enforcement officer from searching or inspecting an automobile, or the operator, any passenger, or the contents of an automobile, solely because a violation of the state seat belt law is committed.
- Prohibits any insurer from increasing the cost of a private passenger automobile insurance policy based on the insured's pleading guilty to or being convicted of a state or local seat belt violation committed during the policy period.
- Provides a six-month period after its effective date during which violators of the state seat belt law upon arrest will be issued a written warning rather than a ticket, citation, or summons.

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; or

(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.) There is no penalty for a violation of item (2).

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 a 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).)

Prohibition against an insurer increasing the cost of a private passenger automobile insurance policy due to a seat belt violation

The bill prohibits any insurer from increasing the cost of a private passenger automobile insurance policy based on the insured's being charged during the policy period with a violation of the state seat belt law or a substantially similar municipal ordinance and the insured's pleading guilty to or being convicted of the violation (sec. 3937.24).

Six-month grace period after the bill becomes effective

The bill provides that for six months after its effective date, no person may be issued a ticket, citation, or summons in relation to any seat belt violation or be arrested for the violation. Instead, the person must be issued a written warning that states the requirements of the state seat belt law concerning the operation of motor vehicles and the use of seat belts. In addition, the warning must explain that the person was in violation of one of those prohibitions but is not being charged with the offense, must explain that under the bill a person now may be stopped and issued a ticket, citation, or summons solely because of such a violation, in contrast to prior law, and must contain a warning that on or after the actual date that occurs six months after the effective date of the bill, the law will allow a person stopped solely for a seat belt violation to be charged with and prosecuted for that violation. (Section 3.)

HISTORY

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