



S.B. 125

125th General Assembly
(As Introduced)

Sen. Armbruster

BILL SUMMARY

- Eliminates the restriction against a law enforcement officer stopping an automobile for the sole purpose of determining whether a seat belt violation has occurred or for the sole purpose of issuing a ticket, citation, or summons or causing the arrest of a person for a seat belt violation.
- Prohibits a law enforcement officer from searching or further inspecting any automobile, or the operator, any passenger, or the contents of that automobile solely because a seat belt violation has been committed.
- 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 seat belt violation.

CONTENT AND OPERATION

Seat belt prohibitions

The Revised Code contains four general prohibitions related to seat belt use. First, it prohibits any person from operating an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; this prohibition also applies to a school bus driver if the bus has an occupant restraining device for its operator and is punishable by a \$30 fine. Second, the law prohibits any person from operating an automobile on any street or highway unless each front seat passenger is wearing all of the available elements of a properly adjusted occupant restraining device; there is no penalty for a violation of this prohibition. Next, the law prohibits any person from being a front seat passenger in an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; a front seat passenger who violates this prohibition may be fined \$20. Lastly, the Revised Code prohibits any person

from operating a taxicab unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form; violation of this prohibition is a minor misdemeanor on a first offense and subsequent offenses are third degree misdemeanors. (R.C. 4513.263.) (See **COMMENT 1**.)

Enforcement restrictions

Current law

The Revised Code specifically limits the enforcement of the state seat belt requirements. Under current law, "no law enforcement officer shall cause an operator of an automobile. . . to stop the automobile for the sole purpose of determining whether a violation of [the requirement to use a seat belt] has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature. . . ." Additionally, no law enforcement officer may view the interior or visually inspect any automobile "for the sole purpose of determining whether a violation of that nature has been or is being committed." (R.C. 4513.263(D).) (See **COMMENT 2**.)

The bill

The bill eliminates the restriction against a law enforcement officer stopping an automobile "for the sole purpose" of determining whether a seat belt violation has occurred or "for the sole purpose of issuing a ticket, citation, or summons" or "causing the arrest" of a person for a seat belt violation. However, the bill retains and revises the prohibition against a law enforcement officer further inspecting a vehicle related to a seat belt violation. (See **COMMENT 3**.) Under the bill, no law enforcement officer may further search or inspect any automobile, or the operator, any passenger, or the contents of that automobile solely because a seat belt violation has been committed. (R.C. 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 (R.C. 3937.24).

COMMENT

1. Revised Code section 4507.071 contains a seat belt requirement for persons ages 16 and 17 who hold probationary driver's licenses. These license holders are prohibited from operating a motor vehicle unless each person in the vehicle has a seat belt available and is wearing the seat belt. Violation of this prohibition is a minor misdemeanor. Law enforcement officers also are prohibited from stopping a motor vehicle for the sole purpose of determining whether a probationary license holder has violated the probationary license seat belt provisions. The bill currently does not address the seat belt requirements for persons who hold probationary driver's licenses or the enforcement of these requirements.

2. Although state law prohibits law enforcement officers from stopping an automobile for the sole purpose of enforcing the seat belt requirements, it does not require that a person who is cited for a seat belt violation also be cited for an independent traffic law violation. See, *State v. Stevenson* (Dec. 26, 1997), Portage App. No. 97-P-0021, unreported, 1997 WL 799915 (Ohio App. 11 Dist.), upholding the seat belt conviction of a defendant who was stopped initially for not properly displaying a front license plate; the defendant had been issued only a warning for license plate violation, but was issued a citation for the seat belt violation that was observed when the law enforcement officer approached the vehicle.

3. Such a further inspection presumably might be for such purpose as determining whether illegal drugs or stolen property might be hidden in the car or whether the car was properly equipped with turn signals or other safety measures in working order.

HISTORY

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