



H.B. 90

126th General Assembly
(As Introduced)

Reps. Chandler, Barrett, Brown, Combs, Miller, Skindell, Williams

BILL SUMMARY

- Makes a seatbelt violation a primary traffic offense that is enforceable in the same manner as any other traffic offense.
- Contains a grace period of six months after the effective date of the bill during which a person must be issued a written warning instead of a citation for a seatbelt violation.

CONTENT AND OPERATION

Seatbelt use

Current law

Current law, unaffected by the bill, contains four general prohibitions related to seatbelt use. First, current law prohibits a 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, or operating a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted. A violation of this prohibition is punishable by a \$30 fine. Postal service employees or newspaper delivery persons who are delivering mail or newspapers are not required to comply with this requirement. Also, this requirement does not apply to a person who has an affidavit signed by a physician or chiropractor that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical. (R.C. 4513.263(B)(1), (C), and (G)(1).)

Second, current law prohibits a person from operating an automobile on any street or highway unless each front-seat passenger in the automobile is wearing all of the available elements of a properly adjusted occupant restraining

device. There is no penalty for a violation of this prohibition. (R.C. 4513.263(B)(2).)

Third, current law prohibits a person from occupying, as a passenger, a seating position on the front seat of 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 violation of this prohibition is punishable by a fine of \$20. This requirement does not apply to a person who has an affidavit signed by a physician or chiropractor that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical or to a person who is required to be secured in a child restraint device. (R.C. 4513.263(B)(3), (C), and (G)(2).)

Fourth, current law prohibits a person from operating a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form. A violation of this prohibition is a minor misdemeanor for a first offense and a misdemeanor of the third degree for subsequent offenses. (R.C. 4513.263(B)(4) and (G)(3).)

Under current law, a law enforcement officer is prohibited from causing the 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 the seatbelt requirements, discussed above, has been or is being committed. Also, a law enforcement officer is prohibited under current law from stopping an automobile operator for the sole purpose of issuing a ticket, citation, or summons for a seatbelt violation or from viewing the interior or visually inspecting any automobile being operated on any street or highway for the sole purpose of determining whether a seatbelt violation has been or is being committed. (R.C. 4513.263(D).)

Current law also contains specific provisions regarding seat belt use by occupants of an automobile that is being operated by a temporary instruction permit holder or a probationary license holder. One such restriction is that the total number of occupants cannot exceed the total number of seat belts originally installed in the automobile by its manufacturer, and each occupant must wear all available seat belt elements, properly adjusted (R.C. 4507.05(A)(1)(c) and (A)(2)(c) and 4507.071(D)). A law enforcement officer is prohibited from causing a permit or probationary license holder to stop the automobile for the sole purpose of determining whether the occupants are complying with these restrictions (R.C. 4507.05(G)(1) and 4507.071(F)).

Operation of the bill

The bill removes all the prohibitions against a law enforcement officer stopping an automobile for the sole purpose of a seatbelt violation. Under the bill,

a law enforcement officer may cause the operator of any automobile being operated on any street or highway to stop the automobile solely because the officer observes that a seatbelt violation has been or is being committed in the same manner as any other motor vehicle traffic violation. (R.C. 4507.05(G)(1), 4507.071(F), and 4513.263(D).)

The bill also contains a six-month "grace period" during which a person who commits any seatbelt violation described above in "Seatbelt use" cannot be issued a ticket, citation, or summons in relation to the seatbelt violation or be arrested for the seatbelt violation. Instead, the bill requires that the person be issued a written warning that states all of the following:

- (1) The seatbelt requirements;
- (2) Explains that the person was in violation of a seatbelt requirement but is not being charged with any offense arising from that violation;
- (3) Explains that under the bill a person may now be stopped and issued a ticket, citation, or summons solely because of a seatbelt violation, in contrast to prior law;
- (4) Contains a warning that on or after six months after the effective date of the bill, the law will allow a person to be stopped solely for a seatbelt violation and to be charged with and prosecuted for that violation. (Section 3.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-01-05	p. 237

h0090-i-126.doc/kl

