



H.B. 614

126th General Assembly
(As Introduced)

Reps. Chandler, DeGeeter, Williams, Skindell, Barrett, Cassell, Distel, Otterman, Foley, Woodard, Carano, Yuko, Domenick, Sayre, Perry, Brown

BILL SUMMARY

- Eliminates the prohibition against using a child restraint law violation in a criminal proceeding.

CONTENT AND OPERATION

Child restraint law

Current law, unchanged by the bill, generally requires the operator of a motor vehicle registered in Ohio to properly secure a child who is either less than four years old or less than 40 pounds in a child restraint system that meets federal motor vehicle safety standards in accordance with the manufacturer's instructions.¹ Similarly, the operator of a motor vehicle registered in Ohio that is owned, leased, or otherwise under the control of a nursery school, kindergarten, or day-care center must properly restrain a child who is younger than four years of age or less than 40 pounds. This requirement does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this requirement otherwise would apply or the life of any child who otherwise would be required to be restrained. A violation of this requirement is a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for a subsequent offense. (R.C. 4511.81.)

¹ *This requirement does not apply if the motor vehicle is a taxicab or a public safety vehicle as defined in R.C. 4511.01 or if the motor vehicle was not required at the time of manufacture or assembly to be equipped with safety restraints.*

Use of a child restraint law violation in a criminal proceeding

Under current law, the failure of an operator of a motor vehicle to properly secure a child in a child restraint system is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, *is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of the child restraint requirement, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of the child restraint requirement.* The bill removes the italicized provisions and thus eliminates current law's prohibition against using a child restraint law violation in a criminal proceeding. (R.C. 4511.81(D).)

HISTORY

ACTION	DATE
Introduced	06-13-06

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