

# Child Passenger Restraint Laws

*Ohio Revised Code*

## Age Newborn to 4 Years & 40 lbs.

Primary Enforcement – **Child Restraint** Violation

*\* Children must be in properly used child restraints*

4511.81 – If a child is both under 4 and under 40lbs

- A 1 – If child is younger than 4
- A 2 – If child weighs less than 40 lbs.

4511.81 – If a child is in a day care or preschool vehicle

- B 1 – for child younger than 4
- B 2 – for child weighing less than 40 lbs.

## Age 4 up to 8 and less than 4'9" tall

Secondary Enforcement – **Booster Seat** Violation

4511.81 (C) – Child age 4 up to 8 and less than 4'9" tall

*\* Children must be properly secured in accordance with the manufacturers' instructions in booster seats or child restraints that meet federal motor vehicle safety standards.*

## Age 8 up to age 15

Secondary Enforcement – **Seat Belt** Violation

4511.81(D) – Child age 8 up to age 15

*\* Regardless of front or back seat occupancy*

All of the above section have the following exceptions:

- Taxicabs
- Public Safety Vehicles
- Vehicles not equipped with seat belts at the time of manufacture
- Chiropractor or physician affidavit of exemption
- Life threatening emergencies

All of the above sections require the driver to be ticketed, **not the child.**

All of the above sections are MM on a first offense.

If more than one child is not restrained at the time of stop, only one citation can be issued.

*Portage Muni Court*

*Waiver on above violations \$140.00*

## Adult Occupant Restraint Laws

4513.263 – **Seat Belt** Violation/Secondary Enforcement – MM

- (B) (1) Driver not wearing
- (B) (2) Passenger not wearing, but driver gets ticket
- (B) (3) Passenger not wearing and gets ticket
- (B) (4) All seatbelts in taxicabs must work

(B) No person shall do any of the following:

(1) Operate an automobile on any street or highway unless that person is wearing **all of the available elements of a properly adjusted occupant restraining device.**

*\* All of the above sections are cited as UM.*

(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars.

*Note\* Fine amounts do not include court costs.*

*Portage Muni Court*

*Waiver on above violations \$88.00*

# Portage County Ohio Sheriff's Office

## Child Passenger Restraint & Safety Laws



Click It or Ticket  
**Click It or Ticket**

Seat Belts **SAVE Lives!**

David W. Doak  
Sheriff

## Child Endangering and OVI Enforcement

2919.22 (C) (1) – No person shall operate a vehicle, streetcar, or trackless trolley within this state in violation of division (A) of section 4511.19 of the Revised Code when one or more children under eighteen years of age are in the vehicle, streetcar, or trackless trolley. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of division (A) of section 4511.19 of the Revised Code that constitutes the basis of the charge of the violation of this division. For purposes of sections 4511 to 4511.19 of the Revised Code that constitutes the basis of the charge of the violation of this division. For purposes of the sections of 4511.191 to 4511.197 of the Revised Code and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in division (C) (1) of this section:

- (a) “Controlled substance” has the same meaning as in section 3719.01 of the Revised Code.
- (b) “Vehicle,” “streetcar,” and “trackless trolley” have the same meanings as in section 4511.01 of the Revised Code.

If more than one child is present in the vehicle at the time of the stop, only one charge can be issued.

First Offense – M – 1, With Prior Conviction – F – 5

- If offense results in serious physical harm (even if first offense) – F-5
- If offense results in serious physical harm and offender has prior conviction – F-4

Court may also impose a Class 7 license suspension (up to one year)

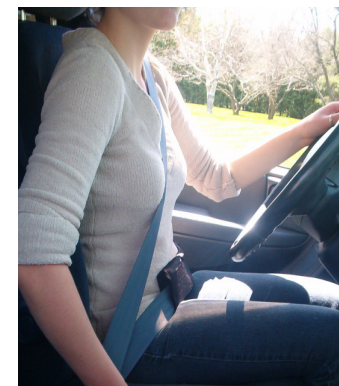
- Offender may not be granted driving privileges if, within the preceding six years, the offender has been convicted of three or more violations of any of the following: (a) a prior conviction of 2919.22 (C) or (b) any OVI equivalent offense

Court may also impose not more than 200 hours of community service at the time of sentencing.

Also be mindful of the general child endangering section, R.C. 2919.00(A). The OVI section applies to anyone operating the car with children in it whether you are related or not. Section (A) of R.C. 2919.22 applies to the “...parent, guardian, custodian, person having custody or control, or person in *loco parentis* of a child under age eighteen...” So, if the operator is the parent or in the capacity of one of the other people listed, they could be charged under R.C. 2919.22(A) and could be charged per child.



## Click It or Ticket!



According to the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA), 52 percent of the

21,253 passenger vehicle occupants killed in 2011 were not wearing their safety belts at the time of the crash. In 2012, of the fatal crashes where safety belt information was known, 61 percent of the people killed on Ohio's roadways were not wearing a safety restraint.

“Too many drivers and passengers are not wearing their safety belts, and it all too often ends in tragedy,” said Ohio Department of Public Safety Director Thomas P. Charles. “Our goal is to save more lives; therefore, our law enforcement partners will be out enforcing safety belt laws around the clock.”

“It's simple - safety belts save lives and reduce injury in crashes,” said Colonel John Born, superintendent of the Ohio State Highway Patrol. “It is the easiest thing you can do to protect yourself, your family and your friends.”

In 2011, safety belts saved an estimated 11,949 lives nationwide according to NHTSA.