

JURISDICTION:
General Reference:

OHIO
Ohio Revised Code Annotated

Required Use of Safety Belts¹:

Requirements:

I. No person shall operate an automobile² (or school bus) less they wear a safety belt³. §4513.263(A)(2) & (B)(1)
II. A person shall not operate an automobile² unless all front seat passengers are wearing safety belts³. §4513.263(A)(3) & (B)(2)
III. A front seat passenger shall not ride in an automobile² unless they are wearing a safety belt³. §4513.263(A)(2) & (B)(3)
Secondary Enforcement. A law enforcement officer shall not stop a person operating an automobile for the sole purpose of determining a violation of these requirements. §4513.263(D)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

I. A person who violates I⁴ above is subject to a fine of **\$25**. §4513.99(F)
II. A passenger who violates III above is subject to a fine of **\$15**. §4513.99(G)
Note: No points are to be assessed against person's driving record for a violation of the above requirements. §4507.021(G)(16)

Effect on Civil Liability:

A violation of these requirements may be considered as either contributory negligence or tortious conduct if the violation contributed to the harm. And, such failure may be used to diminish recovery of compensatory damages in a civil action. §4513.263(F)

Required Use of Child Safety Restraint Systems⁵:

Requirements:

For a motor vehicle⁶ that is registered in this State, the operator (except a taxicab or public safety vehicle⁷ operator), who transports a child who is <4 years old or who weighs <40 lbs., shall secure such child in a

Required Use of Child Safety Restraint Systems:
(continued)

¹**Exemptions.** The requirement to use a safety belt does not apply in the following circumstances: (1) To automobile operators while performing official duties for the U.S. Postal Service; (2) to automobile operators who are delivering newspapers; and, (3) to persons who for physical reasons cannot use a safety belt. §4513.263(C)

²The term "automobile" means any commercial tractor, passenger car, commercial car or truck that is required to have safety belts under Federal law. §4513.263(A)(1)

³The law refers to a safety belt as an "occupant restraining device." §4513.263(A)(2)

⁴Note: The law is not clear as to whether there is a penalty for a violation of II. The penalty provision of the law, §4513.99, does not provide a specific sanction for a violation of this requirement. However, the sanction for a violation of I may apply.

⁵**Exemptions.** The requirement to use a child restraint system does not apply when an emergency exist that threatens the life of either the vehicle operator or the child. §4511.81(E)

⁶This requirement only applies to motor vehicles that are required to be equipped with seat belts under Federal law. §4511.81(A)

⁷A "public safety vehicle" means either (1) ambulances, (2) a motor vehicles used by law enforcement officers, (3) motor vehicles used to provide emergency medical services, (4) vehicles used by fire departments or (5) vehicles used by the commercial motor vehicle safety enforcement unit. §4511.01(E)

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Requirements: (continued)

Federally approved child restraint system.⁸ §4511.81(A)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

1st offense (Minor Misdemeanor)-A fine of not more than **\$100**. §§2929.21(D) &4511.99(H)(1)(a) Subsequent offense (4th Degree Misdemeanor)-An imprisonment term of not more than **30 days** and/or a fine of not more than **\$250**. §§2929.21(B)(4), (C)(4) & (D), 4511.81(F) and 4511.99(H)(1) & (2) In addition, although the law is not specific, it appears that a person is assessed 2 points against their driving record. §4507.021(G)(16)

Effect on Civil Liability:

The failure an operator to comply with this requirement is not negligence which can be imputed to the child. Evidence of such a failure is not admissible in any civil action of the child to recover damages against any other person. §4511.81(D)

Required Use of Motorcycle Protective Headgear⁹:

Requirements:

- I. No person <18 years old, who holds a motorcycle operator's license, shall operate or be a passenger on a motorcycle unless they are wearing a State approved protective helmet. §4511.53 (¶6)
- II. No person (regardless of age), who holds a novice motorcycle operator's license, shall operate or be a passenger on a motorcycle unless they are wearing a State approved protective helmet. §4511.53 (¶6)
- III. A person (regardless of age), who is a passenger on a motorcycle operated by a person <18 years, must wear a State approved protective helmet. §4511.53 (¶6)

Sanctions for Failure to Use:

1st offense (Minor Misdemeanor)-A fine of not more than **\$100**. 2nd offense (within 1 year) (4th Degree Misdemeanor)-An imprisonment term of not more than **30 days** and/or a fine of not more than **\$250**. 3rd or subsequent offense (within 1 year) (3rd Degree Misdemeanor)-An imprisonment term of not more than **60 days** and/or a fine of not more than **\$500**. §§2929.21(B)(3), (B)(4), (C)(3), (C)(4) & (D) and 4511.99(D) In addition, although the law is not specific, it appears that a person is assessed 2 points against their driving record. §4507.021(G)(16)

Required Use of Motorcycle Eye Protection Device:

Requirements:

No person shall operate or ride on a motorcycle without using safety

Required Use of Motorcycle Eye Protection Device:
(continued)

⁸This same requirement applies to persons who transport children in motor vehicles (except taxicabs) for nursery schools, kindergartens or day-care centers. §4511.81(B)

⁹**Motorized Bicycle.** A person <18 years old, who operates a motorized bicycle, shall wear a protective helmet. §4511.521 A violation of this requirement is a Minor Misdemeanor. §4511.99(F) A person, who has been convicted of a Minor Misdemeanor, is subject to a fine of not more than **\$100**. §2929.21(D)

Requirements: (continued)

glasses or other protective eye device. §4511.53 (¶6)

Sanctions for Failure to Use:

1st offense (Minor Misdemeanor)-A fine of not more than **\$100**. 2nd offense (within 1 year) (4th Degree Misdemeanor)-An imprisonment term of not more than **30 days** and/or a fine of not more than **\$250**. 3rd or subsequent offense (within 1 year) (3rd Degree Misdemeanor)-An imprisonment term of not more than **60 days** and/or a fine of not more than **\$500**. §§2929.21(B)(3), (B)(4), (C)(3), (C)(4) & (D) and 4511.99(D) In addition, although the law is not specific, it appears that a person is assessed 2 points against their driving record. §4507.021(G)(16)

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

I. A driver of a truck, trailer or semitrailer shall not knowingly permit a person <16 years old to ride in the vehicle's unenclosed or unroofed cargo storage area when such vehicle is traveling >25 MPH. §4511.51(E)
 II. A driver of a truck, trailer or semitrailer shall not permit a person to ride in the cargo storage area or a tailgate of the vehicle while the tailgate is unlatched. §4511.51(F)
 III. No operator shall allow a person to and no person shall hang onto or ride on the outside of any motor vehicle, streetcar or trackless trolley while it is moving. §4511.51(C) & (D)

Sanctions for a Violation:

I. A violation of the requirements in I and II above is a Minor Misdemeanor: A fine of not more than **\$100**. §§2929.21(d) & 4511.99(F)
 II. The following sanctions apply for a violation of III above. 1st offense (Minor Misdemeanor)-A fine of not more than **\$100**. 2nd offense (within 1 year) (4th Degree Misdemeanor)-A jail term of not more than **30 days** and/or a fine of not more than **\$250**. 3rd or subsequent offense (within 1 year) (3rd Degree Misdemeanor)-A jail term of not more than **60 days** and/or a fine of not more than **\$500**. §§2929.21 & 4511.99(D)(1)
 III. Although the law is not specific, it appears that a person is assessed 2 points against their driving record for a violation of the above requirements. §4507.021(G)(16)

Prohibition Against Riding in Unsecured Portion of Vehicle: (continued)

Exemptions:

I. The requirement in I above does not apply in the following circumstances: (1) The person <16 years old is seated in the cargo area and is wearing a safety belt. And, (2) an emergency exist that threatens the life of either the driver or the person <16 years old. §4511.51(E)(1) & (2)
 II. The requirement in II above does not apply to workers who riding in

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such vehicles and who are performing specialized highway or street maintenance or construction under the authority of a public agency. §4511.51(F)

III. The requirement in III does not apply to mechanics or test engineers making repairs or adjustments or to workers performing specialized highway or street maintenance or construction under the authority of a public agency. §4511.51(C) & (D)