

AN ORDINANCE AMENDING SECTION 337.26 OF THE TRAFFIC CODE PERTAINING TO CHILD RESTRAINT SYSTEM USAGE

WHEREAS, the State of Ohio amended Section 4511.81 by Amended Substitute House Bill 381, effective June 23, 1994, pertaining to the usage of child restraint systems; and

WHEREAS, this Council wishes to amend its Traffic Code to make provisions with respect to the use of child restraint systems consistent with State law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That Section 337.26 be amended to read as follows:

"337.26 CHILD RESTRAINT SYSTEM USAGE.

(a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle, that is registered in this State, and is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

- (1) A child who is less than four years of age.
- (2) A child who weighs less than forty pounds.

(b) When any child who is either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is registered in this State and is owned, leased or otherwise under the control of a nursery school, kindergarten, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age.
- (2) A child who weighs less than forty pounds.

(c) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(d) The failure of an operator of a motor vehicle to secure a child in a child restraint system as required by this section is not negligence imputed 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 this section, 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 this section.

(e) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(f) If a person who is not a resident of this State is charged with a violation of subsection (a) or (b) hereof and does not prove to the court, by a preponderance of the evidence, that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident, the court shall impose the penalty provided under Section 337.99 (ORC 4511.81)

(g) Penalty.

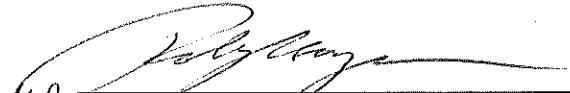
(1) Whoever is a resident of this State and violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree.

(2) Whoever is not a resident of this State and violates this section, and fails to prove by a preponderance of the evidence that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree."

SECTION 2. That Section 337.26 of the Traffic Code as it existed prior to the effective date of this ordinance be, and the same hereby is, repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 4, 1994



V.P. President of Council



Mayor

Dated: 10/4/94

ATTEST:


Clerk of Council