



Car crashes are the #1 cause of death among children in the United States. Depending on age, weight and height, children need to be in car seats, booster seats, or seat belts every time they are in the car. This fact sheet explains Ohio's Child Passenger Safety Laws and provides parents with additional tips to keep children safe on the road.

Facts about Car Crashes

- Every day, averages of 5 children are killed and nearly 600 are injured in car crashes in the United States.
- More than half of the children killed are not using child safety seats or seat belts.
- Using a child safety seat can reduce the risk of death by up to 70 percent.

Ohio Child Passenger Safety Laws

- Parents and caregivers are required by Ohio law to obey the following safety practices:
 - Infants and young children must ride in a child safety seat until they are 4 years old AND weigh at least 40 pounds.
 - Every child ages 4-8 who is no longer in a car seat must use a booster seat until she reaches 4'9" tall.
 - Children and teens ages 8-15 that are not in booster seats must use adult seat belts.

Safety Tips for Child Passengers

- Make sure your child is in the proper seat for her age, weight and height.
- Have children ride in the backseat of the car until they are at least 13 years old.
- Before installing a child safety seat, read the instructions and your owner's manual.
- Check that you have used the correct belt path for the seat belt or the lower anchors.
- The car seat should be installed tightly. It should not move more than one inch from side-to-side or toward the front of the car.

- Harness straps must be snug around your child. You should not be able to pinch any slack in the harness.
- If the car seat has a plastic retainer clip, adjust it to be level with the armpits.
- Replace any child safety seat that has cracks, missing pieces or worn straps, or that has reached the manufacturer's expiration date.

1. Rear-Facing Car Seats

- Babies and young children are required by Ohio law to be in child safety seats until they are at least 4 years old and weigh more than 40 pounds.
- For best protection, infants and toddlers should be in safety seats facing the back of the car until 2 years of age, or until reaching the maximum height or weight of their convertible car seat.

2. Forward-Facing Car Seats

- Once a child has outgrown the weight or height limits of the rear-facing seat, he or she can switch to a seat that faces forward.
- Infants must not face forward until they are at least 1 year old and weigh at least 20 pounds.
- Children should remain in a harnessed car seat until reaching the weight or height limit of the seat. Most car seats have forward-facing weight limits of 40-65 pounds.

3. Booster Seats

- Once a child reaches 4 years of age and weighs at least 40 pounds, she can move to a booster seat.
- A child is required by law to use the booster seat until she is 8 years old or 4'9" tall.
- Both backless and high back booster seats are available. Check the manufacturer's instructions to see which is best for your child.

4. Lap and Shoulder Seat belts

- Most children are ready to use a lap and shoulder seat belt without a booster when they are about 4'9" tall.
 - Children are required by law to be secured in a child safety seat or seat belt until they are 15 years old.
 - For best protection, everyone in the car should be buckled up on every trip.
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The State of Ohio Laws on Child Restraints and Seat Belts

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 as defined in Ohio R.C. 4511.01, that is required by the 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 vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than 40 pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school, 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 40 pounds.

(c) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by division (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01 or a vehicle that is regulated under Ohio R.C. 5104.015, that 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 on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight years of age but not older than 15 years of age, and who is not otherwise required by division (a), (b), or (c) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that 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 restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in Ohio R.C. 4513.263.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of division (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (c) or (d) of this section, and

absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed.

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

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or in an occupant restraining device as required in this section 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 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.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this state under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) (1) Whoever violates division (a), (b), (c), or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat or occupant restraining device as required by this section that occurred at the same time, on the same day and at the same location is deemed to be a single violation of this section:

A. Except as otherwise provided in division (j)(1)B. of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b),(c) or (d) of this section or of a state law or municipal ordinance that is substantially equivalent any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (j)(1) of this section shall be forwarded to the State Treasurer for deposit in the Child Highway Safety Fund created by Ohio R.C. 4511.81(I).

337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS; PENALTY.

(a) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Automobile" means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C. 1392.

(2) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in Ohio R.C. 4501.01.

(3) "Occupant restraining device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.

(4) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(5) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71, and as asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

(6) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth above, have the same meanings as in Ohio R.C. 4511.01.

(b) Prohibited Acts. No person shall do either of the following:

(1) Operate an automobile on any street or highway unless he is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in Its operator's seat unless he is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (b)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless he or she is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(c) Exceptions. Division (b)(3) of this section does not apply to a person who is required by Ohio R.C. 4511.81 to be secured in a child restraint device or booster seat. Division (b)(1) of this section does not apply to a person who is an employee of the United States Postal Service or of a

newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Division (b)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4734 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(d) Officers Not Permitted to Stop Cars to Determine Violation. Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an 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 division (b) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether such a violation has been or is being committed.

(e) Use of Fines for Educational Program. All fines collected for violations of division (b) of this section shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263(E).

(f) Limitations on evidence used for prosecution.

(1) Subject to division (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of division (b)(1) or (b)(3) of this section or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device in violation of division (b)(2) of this section shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But, the trier of fact may determine based on evidence admitted consistent with the Ohio Rules of Evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents non-economic loss, as defined in Ohio R.C. 2307.011, in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

(2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

A. It seeks to recover damages for injury or death to the occupant;

B. The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car;

C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(g) Penalty.

(1) Whoever violates division (b)(1) of this section shall be fined \$30.

(2) Whoever violates division (b)(2) of this section shall be subject to the penalty set forth in Section [303.99](#).

(3) Whoever violates division (b)(3) of this section shall be fined \$20.

(4) Except as otherwise provided in this division, whoever violates division (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (b)(4) of this section, whoever violates division (b)(4) of this section is guilty of a misdemeanor of the third degree.

device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

A. It seeks to recover damages for injury or death to the occupant;

B. The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car;

C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

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(4) Except as otherwise provided in this division, whoever violates division (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (b)(4) of this section, whoever violates division (b)(4) of this section is guilty of a misdemeanor of the third degree.