ORDINANCE NO. C-25-86

AN ORDINANCE TO ENACT SECTION NO. 337.27 OF THE CODIFIED ORDINANCES OF GROVE CITY TO REQUIRE DRIVERS AND PASSENGERS OF MOTOR VEHICLES TO WEAR SEAT BELTS

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WHEREAS, The Ohio General Assembly enacted the "Ohio Seat Belt Law" effective on May 6, 1986; and

WHEREAS, it is necessary that the Codified Ordinances of the City of Grove City incorporate this state law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT

SECTION 1. There is hereby created Section 337.27 of the Codified Ordinances of the City of Grove City entitled "Drivers and passengers required to wear seat belts" and to set a penalty. A copy of said section is attached hereto as Exhibit "A" and made a part hereof as if fully rewritten herein.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law. However, only written warnings may be issued to violators of this section prior to July 3, 1986.

Earl R. Nicholson

Earl R. Nicholson, President of Council

Submitted: 5/5/86

Passed: 5/19/86

Effective: 6/18/86

Robert E. Evans

Robert E. Evans, Mayor

June A. Cook

June A. Cook, Clerk of Council

I Certify that this ordinance is correct as to form.

R. E. Gunderman

R. E. Gunderman, Director of Law

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

(a) As used in this section:

(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.A. 1392.

(2) "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.

(3) "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.

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

(5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meaning as provided in Chapter 301.

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

(c) Subsection (b)(2) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device. Subsection (b)(1) hereof 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 addresses. Subsections (b)(1) and (2) hereof 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 4731 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. Subsection (b) hereof does not apply to an operator of or a passenger in an automobile who is protected by an automatic air cushion restraint system.

(d) 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 subsection (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) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit in the Seat Belt Education Special Account.

(f) A court in which a charge against a person for violation of subsection (b) hereof is pending shall dismiss the charge, and shall waive any fine if the person proves to the court, by a preponderance of the evidence, that he, before the scheduled court appearance indicated on the citation issued to him, viewed one of the films or videotapes prepared or acquired by the Department of Highway Safety as part of its seat belt education program. In coordination with the Department of Highway Safety's seat belt safety program, a court charged with enforcement of subsection (b) hereof shall advise persons charged with a violation of subsection (b) hereof of opportunities for viewing the films or videotapes.

A court in which a charge against a person for violation of subsection (b) hereof is pending shall not dismiss the charge and shall impose the fine levied by subsection (h) or (i) hereof if either of the following applies:

(1) The defendant fails to appear at the scheduled court appearance and is convicted of the offense;

(2) The defendant fails to prove by a preponderance of the evidence, that he has viewed a seat belt education film or videotape in accordance with this section and is convicted of the offense.

(g) A person's failure to wear all of the available elements of a properly adjusted occupant restraining device or to ensure that each passenger of an automobile being operated by the person is wearing all of the available elements of such a device, in violation of subsection (b) hereof, shall not be considered or used as evidence of negligence or contributory negligence, shall not diminish recovery for damages in any civil action involving the person arising from the ownership, maintenance or operation of an automobile, 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 any civil or criminal action involving the person other than a prosecution for a violation of subsection (b) hereof.
(ORC 4513.263)

(h) Whoever violates subsection (b)(1) hereof shall be fined twenty dollars ($20.00).
(ORC 4513.99(F))

(i) Whoever violates subsection (b)(2) hereof shall be fined ten dollars ($10.00).
(ORC 4513.99(H))

(j) Notwithstanding any provision of law to the contrary, no person who at any time before July 3, 1986, violates subsection (b) hereof shall be issued a ticket, citation or summons in relation to the violation or be arrested for the violation. Instead, the person shall be issued a written warning that may contain a summary of the prohibitions contained in subsection (b) hereof, the penalties for violation of those prohibitions and the dismissal and waiver provisions contained in subsection (f) hereof, may explain that the person was in violation of one or more of those prohibitions but is not being charged with any offense arising out of that violation or those violations, and may contain a warning that indicates that any person who violates any of those prohibitions on or after July 3, 1986, will be charged with and prosecuted for an offense arising out of the violation.