

## Ohio's new child car seat standard

by Mark Kitrick and Sean Harris

Car crashes are the leading cause of death for children in the United States who are older than three. According to the Centers for Disease Control, when used properly car seats can reduce the risk of death by 71 percent for infants and 54 percent for toddlers.

Unfortunately, consumers improperly install nearly three out of every four car seats. Partially to blame may be the fact that Ohio's rules and regulations on when to use a car seat or booster seat or regular seat belt can be confusing and variable depending on the child's age, height, and weight, and these rules have changed over the years. As of Jan. 1, 2014, Ohio law mandates that children less than four years old or less than 40 pounds use a car seat.<sup>1</sup> For a child who is either less than eight years old or less than 4' 9" tall, the statute requires a booster seat.<sup>2</sup> Children less than 15 years old who do not fit into the previous categories must wear a seatbelt.<sup>3</sup> The statute states specifically that failure to comply with these requirements will not be evidence of negligence imputable to the child.<sup>4</sup> However, violations constitute a misdemeanor offense with fines as much as \$75. Violations can lead to civil negligence claims against a driver if a child dies or is seriously injured.

Beginning in 2014, the National Highway Transportation Safety Administration enacted a new regulation regarding the use of the lower anchors and tethers for children, or LATCH system. LATCH has been mandated for all cars made after 2001. The new rules state that the lower anchors should no longer be used when the child and car seat's combined weight are over 65 pounds.<sup>5</sup> For more information, go to [nhtsa.gov/safety/LATCH](http://nhtsa.gov/safety/LATCH). So, the old adage "buckle up" certainly should be adhered to when it comes to our vulnerable youth.

One final note: If a car has been in any wreck, the child seat—even if it looks fine—should never be used again because its integrity has been compromised. 🚗

### Endnotes

- <sup>1</sup> R.C. 4511.81(A).
- <sup>2</sup> R.C. 4511.81(C).
- <sup>3</sup> R.C. 4511.81(D).
- <sup>4</sup> R.C. 4511.81(G).
- <sup>5</sup> 49 CFR 571.213.

### Author bios



Mark Kitrick is the senior partner with Kitrick, Lewis & Harris Co., L.P.A. in Columbus. Over the last 33 years Mark has handled complex injury and death cases, aviation crashes and consumer class actions. He is past president of the Ohio Association for Justice and the Central Ohio Association for Justice, and he is Budget Chair for AAJ, formerly ATLA. Mark is a long-time member of the OSBA and serves on the OSBF Grant Committee.



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