

By Representatives Lippman and Jones

1                                   A bill to be entitled  
2           An act relating to the Florida Safety Belt Law;  
3           amending s. 316.614, F.S.; deleting obsolete  
4           language; providing an exception to safety belt  
5           use; eliminating a provision which requires  
6           enforcement of the act only as a secondary  
7           action; providing an effective date.

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9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Paragraph (c) is added to subsection (6),  
12           and subsections (7), (9), and (10) of section 316.614, Florida  
13           Statutes, are amended to read:

14           316.614 Safety belt usage.--

15           (4) It is unlawful for any person:

16           (a) To operate a motor vehicle in this state unless  
17           each front seat passenger of the vehicle under the age of 16  
18           years is restrained by a safety belt or by a child restraint  
19           device pursuant to s. 316.613, if applicable; or

20           (b) To operate a motor vehicle in this state unless  
21           the person is restrained by a safety belt.

22           (5) It is unlawful for any person 16 years of age or  
23           older to be a passenger in the front seat of a motor vehicle  
24           unless such person is restrained by a safety belt when the  
25           vehicle is in motion.

26           (6)

27           (c) An employee of a solid waste or recyclable  
28           collection service is not required to be restrained by a  
29           safety belt while in the course of employment collecting solid  
30           waste or recyclables on designated routes.

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1           (7) ~~After January 1, 1987,~~Any person who violates  
2 subsection (4) or subsection (5) shall be subject to the  
3 penalties provided in s. 318.18 ~~fined \$20, including court~~  
4 ~~costs, for each separate offense.~~

5           ~~(9) Enforcement of this section by state or local law~~  
6 ~~enforcement agencies shall be accomplished only as a secondary~~  
7 ~~action when a driver of a motor vehicle has been detained for~~  
8 ~~a suspected violation of another section of this chapter,~~  
9 ~~chapter 320, or chapter 322.~~

10           (9)~~(10)~~ A violation of the provisions of this section  
11 shall not constitute negligence per se, nor shall such  
12 violation be used as prima facie evidence of negligence or be  
13 considered in mitigation of damages, but such violation may be  
14 considered as evidence of comparative negligence, in any civil  
15 action.

16           Section 2. This act shall take effect October 1, 1997.

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19           HOUSE SUMMARY

20           Provides that an employee of a solid waste or recyclable  
21 collection service is not required to be restrained by a  
22 safety belt while in the course of employment collecting  
23 solid waste or recyclables on designated routes.  
24 Eliminates a provision in the Florida Safety Belt Law  
25 which requires enforcement of the law only as a secondary  
26 action.