

By Senator Carlton

24-928-01

1 A bill to be entitled
2 An act relating to motor vehicle safety belts;
3 amending s. 316.614, F.S.; eliminating
4 provisions relating to compatability with
5 federal law; requiring certain persons to wear
6 safety belts in a moving vehicle; eliminating
7 provisions that require safety-belt laws to be
8 enforced only as a secondary violation
9 following detention of the driver for another
10 violation; prohibiting searches of vehicles or
11 occupants solely because of a safety-belt
12 violation; providing an effective date.

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

16 Section 1. Section 316.614, Florida Statutes, is
17 amended to read:

18 316.614 Safety belt usage.--

19 (1) This section may be cited as the "Florida Safety
20 Belt Law."

21 ~~(2) It is the policy of this state that enactment of~~
22 ~~this section is intended to be compatible with the continued~~
23 ~~support by the state for federal safety standards requiring~~
24 ~~automatic crash protection, and the enactment of this section~~
25 ~~should not be used in any manner to rescind or delay the~~
26 ~~implementation of the federal automatic crash protection~~
27 ~~system requirements of Federal Motor Safety Standard 208 as~~
28 ~~set forth in S4.1.2.1 thereof, as entered on July 17, 1984,~~
29 ~~for new cars.~~

30 (2)(3) As used in this section, the term:

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1 (a) "Motor vehicle" means a motor vehicle as defined
2 in s. 316.003 that is operated on the roadways, streets, and
3 highways of this state. The term does not include:

- 4 1. A school bus.
- 5 2. A bus used for the transportation of persons for
6 compensation.
- 7 3. A farm tractor or implement of husbandry.
- 8 4. A truck of a net weight of more than 5,000 pounds.
- 9 5. A motorcycle, moped, or bicycle.

10 (b) "Safety belt" means a seat belt assembly that
11 meets the requirements established under Federal Motor Vehicle
12 Safety Standard No. 208, 49 C.F.R. s. 571.208.

13 (c) "Restrained by a safety belt" means being
14 restricted by an appropriately adjusted safety belt which is
15 properly fastened at all times when a motor vehicle is in
16 motion.

17 (3)~~(4)~~ It is unlawful for any person:

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

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

24 (4)~~(5)~~ It is unlawful for any person 18 years of age
25 or older to be a passenger in ~~the front seat of~~ a motor
26 vehicle unless such person is restrained by a safety belt when
27 the vehicle is in motion.

28 (5)~~(6)~~ The following are exempt from the safety-belt
29 requirements of this section:

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1 (a) ~~Neither~~ A person who is certified by a physician
2 as having a medical condition that causes the use of a safety
3 belt to be inappropriate or dangerous, nor

4 **(b)** An employee of a newspaper home delivery service
5 while in the course of his or her employment delivering
6 newspapers on home delivery routes ~~is required to be~~
7 ~~restrained by a safety belt.~~

8 **(c)** ~~(b)~~ The ~~number of front seat~~ passengers of a
9 vehicle in excess of pickup truck ~~required to wear a safety~~
10 ~~belt pursuant to this section shall not exceed~~ the number of
11 safety belts which were installed ~~in the front seat of such~~
12 ~~pickup truck~~ by the manufacturer.

13 **(d)** ~~(c)~~ An employee of a solid waste or recyclable
14 collection service ~~is not required to be restrained by a~~
15 ~~safety belt~~ while in the course of employment collecting solid
16 waste or recyclables on designated routes.

17 **(e)** ~~(d)~~ The ~~requirements of this section shall not~~
18 ~~apply to the~~ living quarters of a recreational vehicle or a
19 space within a truck body primarily intended for merchandise
20 or property.

21 **(6)** ~~(7)~~ It is the intent of the Legislature that all
22 state, county, and local law enforcement agencies, safety
23 councils, and public school systems, in recognition of the
24 fatalities and injuries attributed to unrestrained occupancy
25 of motor vehicles, shall conduct a continuing safety and
26 public awareness campaign as to the magnitude of the problem
27 and adopt programs designed to encourage compliance with the
28 safety belt usage requirements of this section.

29 **(7)** ~~(8)~~ Any person who violates the provisions of this
30 section commits a nonmoving violation, punishable as provided
31 in chapter 318. ~~However, except for violations of s. 316.613,~~

1 ~~enforcement of this section by state or local law enforcement~~
2 ~~agencies must be accomplished only as a secondary action when~~
3 ~~a driver of a motor vehicle has been detained for a suspected~~
4 ~~violation of another section of this chapter, chapter 320, or~~
5 ~~chapter 322.~~

6 (8) A law enforcement officer may not search a motor
7 vehicle or its occupants solely because of a violation of this
8 section.

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

15 Section 2. This act shall take effect July 1, 2001.

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18 SENATE SUMMARY

19 Revises provisions relating to motor vehicle safety-belt
20 usage. Eliminates certain compatability provisions;
21 requires all occupants to wear safety belts with certain
22 exceptions; eliminates requirements that the law be
23 enforced only as a secondary violation following
24 detention for another violation; and prohibits vehicle or
25 occupant searches solely because of safety-belt
26 violations. (See bill for details.)
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