

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1412

SPONSOR: Senator Posey

SUBJECT: Child Restraint Devices

DATE: March 23, 2001 REVISED: 03/28/01 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/1 amendment</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises the requirements for child restraint devices in motor vehicles. For children 3 years of age or younger and for children aged 4 through 8 years who weigh 40 pounds or less, the restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 8 years who weigh more than 40 pounds but less than 80 pounds and who are less than 4 feet 9 inches in height, a separate carrier, an integrated child seat, or a child booster child seat must be used.

This bill substantially amends section 316.613 of the Florida Statutes.

II. Present Situation:

Currently, s. 316.613, F.S., requires every motor vehicle operator to properly use a crash-tested, federally approved child restraint device when transporting a child 5 years of age or younger. For children 3 years of age or younger, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a seat belt may be used. A driver who violates this requirement is subject to a civil penalty of \$60 and a 3 point assessment on their driving record.

A driver who violates this requirement may elect, with the court's approval, to participate in a child restraint safety program. Upon completing such program, the above penalties may be waived at the court's discretion and the assessment of points waived. The child restraint safety program must use a course approved by the Department of Highway Safety and Motor Vehicles, and the fee for the course must bear a reasonable relationship to the cost of providing the course.

A number of traffic safety authorities have recently endorsed the use of a belt positioning booster seat for children between the ages of 4 and 8. Proponents of booster seats maintain that children outgrow a car safety seat at about 40 pounds. When a child's shoulders are above the top set of strap slots on a car safety seat, the child has outgrown the seat. Most 40-pound children are not big enough to fit standard equipment lap and shoulder belts properly. The adult lap and shoulder belt normally does not fit a child until the child is about 4 feet 9 inches tall and weighs approximately 80 pounds. Research indicates that adult seat belts fail to keep small children in place, increasing their chances of being thrown from the car. Similarly, a belt that rides up on the stomach or that cuts into the neck of a child could cause serious injury.

III. Effect of Proposed Changes:

This bill would amend s. 316.613, F. S., revising the requirements for child restraint devices in motor vehicles. The bill would require that children 8 years of age or younger, who weigh less than 80 pounds, and who are less than 4 feet 9 inches in height be provided the protection of a crash-tested, federally approved child restraint device. For children 3 years of age or younger and for children aged 4 through 8 years who weigh 40 pounds or less, the restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 8 years who weigh more than 40 pounds but less than 80 pounds and who are less than 4 feet 9 inches in height, a separate carrier, an integrated child seat, or a child booster child seat must be used.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Motor vehicle operators would be required to use child restraint devices for certain children up to 8 years of age (currently 5 years of age). Violation would be punishable by a fine of \$60 and a 3 point assessment on the operator's driving record.

C. Government Sector Impact:

The bill would have no impact on the Department of Highway Safety and Motor Vehicles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The State of Washington recently mandated the use of booster seats for children between the ages of 4 and 6, or children weighing between 40 and 60 pounds. The Washington law will go into effect on July 1, 2002. Several other states are considering similar legislation.

Based upon a 1999 Florida Department of Transportation study, 38.7 percent of Florida's children under the age of 6 years do not use a safety restraint while traveling in a motor vehicle. The study found that 15.3 percent use seat belts, 8.9 percent use an infant seat, 26.9 percent use a convertible seat, and 10.2 percent use a booster seat.

VIII. Amendments:

#1 by Transportation:

Eliminates child weight provisions contained in the bill.