

STORAGE NAME: h0239a.cpcs.doc

DATE: April 12, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIME PREVENTION, CORRECTIONS & SAFETY
ANALYSIS**

BILL #: CS/HB 239

RELATING TO: Child Restraint Requirements

SPONSOR(S): Committee on Transportation and Representative(s) Allen

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 10 NAYS 2
 - (2) CRIME PREVENTION, CORRECTIONS & SAFETY YEAS 7 NAYS 0
 - (3) COUNCIL FOR READY INFRASTRUCTURE
 - (4)
 - (5)
-

I. SUMMARY:

This bill creates the "Child Safety Booster Seat Act of 2001" which revises 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 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 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 seat must be used.

Law enforcement officers will issue warnings for violations of the bill and give educational literature from July 1, 2001, until January 1, 2002. After the warning period, moving traffic violations may be issued to drivers. The court must dismiss first violations if the driver provides proof of purchase of an approved child restraint device.

The bill has an effective date of July 1, 2001.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government: This bill revises child restraint requirements for children passengers in motor vehicles. Motor vehicle operators will be required to use child restraint devices for certain children up to 8 years of age instead of the current 5 years of age.

B. 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 \$60 fine, court costs and add-ons, and having 3 points assessed against their driver's license.

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.

C. EFFECT OF PROPOSED CHANGES:

Section 1: The bill creates the "Child Safety Booster Seat Act of 2001."

Section 2: This bill amends 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 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 seat must be used. Seat belts alone would no longer be legal restraints for children not meeting the age, weight or height requirements of the bill.

The bill provides that law enforcement officers may only issue verbal warnings and educational literature between July 1, 2001 and December 31, 2001. After January 1, 2002, drivers of a motor

vehicle who violate the child restraint requirement of the bill would be issued a moving traffic violation. Courts are required to dismiss the charge against a driver for a first violation of this paragraph upon proof of purchase of a federally approved child restraint device.

Section 3: This bill takes effect July 1, 2001.

D. SECTION-BY-SECTION ANALYSIS:

See Effect of Proposed Changes.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Drivers of vehicles must use a separate carrier, an integrated child seat or a child booster seat to transport children required by the bill to be restrained. Seat belts alone would no longer be legal restraints for children not meeting the age, weight or height criteria in the bill. This will have a fiscal impact to vehicle operators for the cost of acquiring the necessary restraint devices. Because the number of additional children who will need restraint devices other than seat belts is unknown the amount of this impact cannot be determined.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the amount of state tax shared with any city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The Department of Health recommended that the bill be amended to add specifications that child restraint devices should be appropriate for the height and weight of the child, and that such devices display the child weight and height specifications for the seat on the attached manufacturer's label as required by Federal Motor Vehicle safety standards.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 239 was considered by the Transportation Committee on March 20, 2001. The bill's sponsor offered a strike everything amendment which made the following changes:

- Named the act the "Child Safety Booster Seat Act of 2001."
- Provided that law enforcement officers may only issue verbal warnings and educational literature between July 1, 2001 and December 31, 2001.
- After January 1, 2002 drivers of a motor vehicle who violate the child restraint requirement of the bill would be issued a moving traffic violation.
- Required courts to dismiss the charge against a driver for a first violation of this paragraph upon proof of purchase of a federally approved child restraint device.

The amendment was adopted and the bill was reported favorably as a committee substitute.

The Committee on Crime Prevention, Corrections and Safety considered the bill on April 12, 2001 and adopted a strike everything amendment with the following changes:

- Deletes weight requirements and retains height requirements to provide that children who are 8 years or younger and less than 4 feet 9 inches in height must be restrained by a crash tested federally approved child restraint device, and for children aged 4 through 8 years who are less than 4 feet 9 inches in height, a separate carrier, an integrated child seat, or a child booster seat must be used.

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- Specifies that protection of a child be provided by the proper use of a crash-tested, federally approved child restraint device *that is appropriate for the height and weight of the child.*
- Provides that a crash-tested, federally approved child restraint device is a vehicle manufacturer's integrated child seat, a separate child safety seat, or a child booster seat that displays the child weight and height specifications for the seat on the attached manufacturer's label as required by Federal Motor Vehicle safety standards. Such child restraint device must comply with U.S. Department of Transportation standards and should be secured in the vehicle in accordance with manufacturer's instructions.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Phillip B. Miller

Staff Director:

Phillip B. Miller

AS REVISED BY THE COMMITTEE ON CRIME PREVENTION, CORRECTIONS & SAFETY:

Prepared by:

Lynn Dodson

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David De La Paz