

797-114AXA-02

Bill No. CS/HB 1225

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Slosberg offered the following:

Amendment (with title amendment)

On page 1, line 13, of the bill

insert:

Section 1. (1) Short title.--This section may be cited as the "Dori Slosberg Act of 2002."

(2) Section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.--

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

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

1 ~~for new cars.~~

2 ~~(2)(3)~~ As used in this section:

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

6 1. A school bus.

7 2. A bus used for the transportation of persons for
8 compensation.

9 3. A farm tractor or implement of husbandry.

10 4. A truck of a net weight of more than 5,000 pounds.

11 5. A motorcycle, moped, or bicycle.

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

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

19 ~~(3)(4)~~ It is unlawful for any person:

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

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

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

30 (5) The following are not required to be restrained by
31 a safety belt:

1 ~~(6)~~(a) ~~Neither~~ A person who is certified by a
2 physician as having a medical condition that causes the use of
3 a safety belt to be inappropriate or dangerous.

4 **(b)** ~~nor~~ An employee of a newspaper home delivery
5 service while in the course of his or her employment
6 delivering newspapers on home delivery routes ~~is required to~~
7 ~~be restrained by a safety belt.~~

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

13 (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 **(d)** The passengers of a motor vehicle in excess of the
18 number of safety belts installed by the manufacturer.

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

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

31 (8) Any person who violates the provisions of this

1 section commits a nonmoving violation, punishable as provided
 2 in chapter 318. A law enforcement officer may not search or
 3 inspect a motor vehicle, its contents, the driver, or a
 4 passenger solely because of a violation of this section.
 5 However, except for violations of s. 316.613, and except for
 6 persons under the age of 18 years, enforcement of this section
 7 by state or local law enforcement agencies must be
 8 accomplished only as a secondary action when a driver of a
 9 motor vehicle has been detained for a suspected violation of
 10 another section of this chapter, chapter 320, or chapter 322.
 11 Persons who are under 18 years of age shall be subject to
 12 enforcement of this section, accomplished as a primary action,
 13 only if law enforcement detains the motor vehicle based upon a
 14 reasonable belief that the driver and any unrestrained
 15 passengers are under 18 years of age.

16 (9) A violation of the provisions of this section
 17 shall not constitute negligence per se, nor shall such
 18 violation be used as prima facie evidence of negligence or be
 19 considered in mitigation of damages, but such violation may be
 20 considered as evidence of comparative negligence, in any civil
 21 action.

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24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, lines 2-3,
 27 remove: all of said lines

28

29 and insert:

30 An act relating to motor vehicle safety;
 31 creating the "Dori Slosberg Act of 2002";

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1 amending s. 316.614, F.S.; deleting obsolete
2 language; revising the Florida Safety Belt Law
3 to provide conditions for enforcement;
4 restricting authority to search; amending s.
5 316.191, F.S.; revising
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