

By Senator Wasserman Schultz

32-520-02

See HB 75

1 A bill to be entitled
2 An act relating to the Florida Safety Belt Law;
3 creating the "Dori Slosberg Act of 2002";
4 amending s. 316.614, F.S.; deleting obsolete
5 language; revising the Florida Safety Belt Law
6 to eliminate the requirement that the law be
7 enforced as a secondary action when a driver of
8 a motor vehicle has been detained for another
9 violation; providing restrictions on authority
10 to search based on a safety belt violation;
11 providing an effective date.

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

15 Section 1. Short title.--This act may be cited as the
16 "Dori Slosberg Act of 2002."

17 Section 2. Section 316.614, Florida Statutes, is
18 amended to read:

19 316.614 Safety belt usage.--

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

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

31 (2)(3) As used in this section:

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) The following are not required to be restrained by
29 a safety belt:

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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.

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1 (8) Any person who violates the provisions of this
2 section commits a nonmoving violation, punishable as provided
3 in chapter 318. A law enforcement officer may not search or
4 inspect a motor vehicle, its contents, the driver, or a
5 passenger solely because of a violation of this section
6 ~~However, except for violations of s. 316.613, enforcement of~~
7 ~~this section by state or local law enforcement agencies must~~
8 ~~be 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 (9) A violation of the provisions of this section
12 shall not constitute negligence per se, nor shall such
13 violation be used as prima facie evidence of negligence or be
14 considered in mitigation of damages, but such violation may be
15 considered as evidence of comparative negligence, in any civil
16 action.

17 Section 3. This act shall take effect July 1, 2002.

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HOUSE SUMMARY

Creates the "Dori Slosberg Act of 2002." Eliminates the requirement that the law be enforced as a secondary action when the driver has been detained for another violation. Provides restrictions on authority to search based on a safety belt violation. See bill for details.