

HB 1901

2004

1 A bill to be entitled
 2 An act relating to child restraint requirements; amending
 3 s. 316.613, F.S.; providing child-restraint requirements
 4 for children ages 4 through 7; providing a grace period;
 5 providing exceptions to such requirements; providing
 6 effective dates.

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

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 10 Section 1. Effective January 1, 2006, paragraph (a) of
 11 subsection (1) of section 316.613, Florida Statutes, is amended
 12 to read:

13 316.613 Child restraint requirements.--

14 (1)(a) Every operator of a motor vehicle as defined
 15 herein, while transporting a child in a motor vehicle operated
 16 on the roadways, streets, or highways of this state, shall, if
 17 the child is 7 5 years of age or younger, provide for protection
 18 of the child by properly using a crash-tested, federally
 19 approved child restraint device that is appropriate for the
 20 height and weight of the child. Such devices may include a
 21 vehicle manufacturer's integrated child seat, a separate child
 22 safety seat, or a child booster seat that displays the child's
 23 weight and height specifications for the seat on the attached
 24 manufacturer's label as required by Federal Motor Vehicle Safety
 25 Standards FMVSS213. The device must comply with standards of the
 26 United State Department of Transportation and be secured in the
 27 vehicle in accordance with instructions of the manufacturer. For
 28 children aged through 3 years, such restraint device must be a
 29 separate carrier or a vehicle manufacturer's integrated child

HB 1901

2004

30 seat. For children aged 4 through 7 ~~5~~ years, a separate carrier,
 31 an integrated child seat, or a child booster seat ~~belt~~ may be
 32 used. The court shall dismiss the charge against a motor vehicle
 33 operator for a first violation of this paragraph upon proof of
 34 purchase of a federally approved child restraint device.

35 Section 2. Effective July 1, 2005, a driver of a motor
 36 vehicle who does not violate the then-existing provisions of
 37 section 316.613(1)(a), Florida Statutes, but whose conduct would
 38 violate that provision, as amended January 1, 2006, may be
 39 issued a verbal warning and given educational literature by a
 40 law enforcement officer.

41 Section 3. This act does not apply to a person who is
 42 transporting a child aged 4 through 7 if the person is:

43 (1) Visiting in this state;

44 (2) Not the parent or guardian of the child and is
 45 transporting the child in a vehicle that is not owned by the
 46 child's parent or guardian;

47 (3) Transporting the child gratuitously and in good faith
 48 in response to a declared emergency situation or an immediate
 49 emergency involving the child; or

50 (4) Is acting generally as a Good Samaritan.

51 Section 4. This act shall take effect July 1, 2004.