



698874

CHAMBER ACTION

Senate

.

House

.

.

.

.



1 Senator Posey moved the following **amendment**:

2

3 **Senate Amendment (with title amendment)**

4 Delete line(s) 1331-1346

5 and insert:

6 Section 23. Effective January 1, 2010, paragraph (a) of
7 subsection (1) and paragraphs (b) and (d) of subsection (2) of
8 section 316.613, Florida Statutes, are amended to read:

9 316.613 Child restraint requirements.--

10 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
11 ~~herein~~, while transporting a child in a motor vehicle operated on
12 the roadways, streets, or highways of this state, shall, if the
13 child is 7 ~~5~~ years of age or younger, provide for protection of
14 the child by properly using a crash-tested, federally approved
15 child restraint device that is appropriate for the height and
16 weight of the child. Such devices may include a vehicle
17 manufacturer's integrated child seat, a separate child safety

Bill No. CS for CS for CS for SB 1978



698874

18 seat, or a child booster seat that displays the child's weight
19 and height specifications for the seat on the attached
20 manufacturer's label as required by Federal Motor Vehicle Safety
21 Standards FMVSS213. The device must comply with standards of the
22 United States Department of Transportation and be secured in the
23 vehicle in accordance with instructions of the manufacturer. For
24 children aged through 3 years, such restraint device must be a
25 separate carrier or a vehicle manufacturer's integrated child
26 seat. For children aged 4 through 7 5 years, a separate carrier,
27 an integrated child seat, or a child booster seat ~~belt~~ may be
28 used. The court shall dismiss the charge against a motor vehicle
29 operator for a first violation of this paragraph upon proof of
30 purchase of a federally approved child restraint device.

31 (2) As used in this section, the term "motor vehicle" means
32 a motor vehicle as defined in s. 316.003 that is operated on the
33 roadways, streets, and highways of the state. The term does not
34 include:

35 (b) A bus or a passenger vehicle designed to accommodate 10
36 or more persons and used for the transportation of persons for
37 compensation, other than a bus regularly used to transport
38 children to or from school, as defined in s. 316.615(1)(b), or in
39 conjunction with school activities.

40 (d) A truck having a gross vehicle weight rating of more
41 than 26,000 ~~of net weight of more than 5,000~~ pounds.

42 Section 24. Effective July 1, 2009, a driver of a motor
43 vehicle who does not violate the then-existing provisions of s.
44 316.613(1)(a), Florida Statutes, but whose conduct would violate
45 that provision, as amended January 1, 2010, may be issued a
46 verbal warning and given educational literature by a law
47 enforcement officer.



698874

48 Section 25. Section 23 of this act does not apply to a
49 person who is transporting a child aged 4 through 7 if the person
50 is:

51 (1) Visiting in this state;

52 (2) Transporting the child gratuitously and in good faith
53 in response to a declared emergency situation or an immediate
54 emergency involving the child; or

55 (3) Acting generally as a Good Samaritan.

56
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete line(s) 120-123

60 and insert:

61 for commercial vehicles; amending s. 316.613, F.S.;
62 providing child-restraint requirements for children ages 4
63 through 7; redefining the term "motor vehicle" so as to
64 exclude certain vehicles from such child restraint
65 requirements; providing a grace period; providing
66 exceptions to such requirements; amending s. 316.614,
67 F.S.; revising the definition of "motor vehicle" for
68 purposes of safety belt usage requirements; amending s.
69 316.656, F.S.; lowering the