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CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/17/2008 11:44 AM



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

2
3 **Senate Amendment (with title amendment)**

4 Between line(s) 2490 and 2491,

5
6 insert:

7
8 Section 55. Effective January 1, 2010, paragraph (a) of
9 subsection (1) and paragraph (b) of subsection (2) of section
10 316.613, Florida Statutes, are amended to read:

11 316.613 Child restraint requirements.--

12 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
13 ~~herein~~, while transporting a child in a motor vehicle operated on
14 the roadways, streets, or highways of this state, shall, if the
15 child is 7 ~~5~~ years of age or younger, provide for protection of
16 the child by properly using a crash-tested, federally approved
17 child restraint device that is appropriate for the height and

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

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

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

42 Section 56. 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.



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48 Section 57. Section 55 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 On line(s) 212, after the semicolon,
60 insert:

61 amending s. 316.613, F.S.; providing child-restraint
62 requirements for children ages 4 through 7; redefining the
63 term "motor vehicle" so as to exclude certain vehicles
64 from such requirements; providing a grace period;
65 providing exceptions to such requirements;