

By Senator Posey

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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; redefining the term "motor
5 vehicle" so as to exclude certain vehicles from such
6 requirements; providing a grace period; providing
7 exceptions to such requirements; providing effective
8 dates.

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

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12 Section 1. Effective January 1, 2010, paragraph (a) of
13 subsection (1) and paragraph (b) of subsection (2) of section
14 316.613, Florida Statutes, are amended to read:

15 316.613 Child restraint requirements.--

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

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30 children aged through 3 years, such restraint device must be a
31 separate carrier or a vehicle manufacturer's integrated child
32 seat. For children aged 4 through 7 ~~5~~ years, a separate carrier,
33 an integrated child seat, or a child booster seat ~~belt~~ may be
34 used. The court shall dismiss the charge against a motor vehicle
35 operator for a first violation of this paragraph upon proof of
36 purchase of a federally approved child restraint device.

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

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

46 Section 2. Effective July 1, 2009, a driver of a motor
47 vehicle who does not violate the then-existing provisions of s.
48 316.613(1)(a), Florida Statutes, but whose conduct would violate
49 that provision, as amended January 1, 2010, may be issued a
50 verbal warning and given educational literature by a law
51 enforcement officer.

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

54 (1) Visiting in this state;

55 (2) Transporting the child gratuitously and in good faith
56 in response to a declared emergency situation or an immediate
57 emergency involving the child; or

58 (3) Acting generally as a Good Samaritan.

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59 Section 4. Except as otherwise expressly provided in this
60 act, this act shall take effect July 1, 2008.