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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2009	.	
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The Committee on Transportation (Baker) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) and paragraph (b) of subsection (2) of section 316.613, Florida Statutes, are amended and paragraph (b) of subsection (1) is redesignated as paragraph (d), and new paragraphs (b) and (c) are added to subsection (1) of that section, to read:

316.613 Child restraint requirements.-

(1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~



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12 herein, while transporting a child in a motor vehicle operated
13 on the roadways, streets, or highways of this state, shall, if
14 the child is 7 ½ years of age or younger, provide for protection
15 of the child by properly using a crash-tested, federally
16 approved child restraint device that is appropriate for the
17 height and weight of the child. The device may include a vehicle
18 manufacturer's integrated child seat, a separate child safety
19 seat, or a child booster seat that displays the child's weight
20 and height specifications for the seat on the attached
21 manufacturer's label as required by Federal Motor Vehicle Safety
22 Standards FMVSS213. The device must comply with the standards of
23 the United States Department of Transportation and be secured in
24 the motor vehicle in accordance with the manufacturer's
25 instructions. The court may dismiss the charge against a motor
26 vehicle operator for a first violation of this subsection upon
27 proof of purchase of a federally approved child restraint
28 device.

29 (b) For children aged through 3 years, such restraint
30 device must be a separate carrier or a vehicle manufacturer's
31 integrated child seat.

32 (c) For children aged 4 through 7 ½ years, a separate
33 carrier, an integrated child seat, or a child booster seat ~~belt~~
34 may be used. However, the requirement to use a child booster
35 seat does not apply when a separate carrier, integrated child
36 seat, or seat belt as required in s. 316.614(4) (a), is used and
37 the person is:

38 1. Traveling on a highway with a posted maximum speed limit
39 of 45 miles per hour or less;

40 2. Visiting in this state and driving with a valid out-of-



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41 state driver's license;

42 3. Transporting the child gratuitously and in good faith in
43 response to a declared emergency situation or an immediate
44 emergency involving the child; or

45 4. Transporting a child whose medical condition
46 necessitates an exception as evidenced by appropriate
47 documentation from a health professional.

48 (d) ~~(b)~~ The Division of Motor Vehicles shall provide notice
49 of the requirement for child restraint devices, which notice
50 shall accompany the delivery of each motor vehicle license tag.

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

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

60 Section 2. Effective July 1, 2010, a driver of a motor
61 vehicle who does not violate the then-existing provisions of s.
62 316.613(1)(c), Florida Statutes, but whose conduct would violate
63 that provision, as amended January 1, 2011, may be issued a
64 verbal warning and given educational literature by a law
65 enforcement officer.

66 Section 3. Except as otherwise expressly provided in this
67 act, this act shall take effect July 1, 2009.

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70 ===== T I T L E A M E N D M E N T =====

71 And the title is amended as follows:

72 Delete everything before the enacting clause

73 and insert:

74 An act relating to child-restraint requirements; amending
75 s. 316.613, F.S.; providing child-restraint requirements for
76 children ages 4 through 7; redefining the term "motor vehicle"
77 to exclude certain vehicles from such requirements; providing a
78 grace period; providing exceptions; providing effective dates.