

By Senator Altman

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1 A bill to be entitled
2 An act relating to child-restraint requirements;
3 amending s. 316.613, F.S.; providing child-restraint
4 requirements for children ages 4 through 7; redefining
5 the term "motor vehicle" to exclude certain vehicles
6 from such requirements; providing a grace period;
7 providing exceptions; providing effective dates.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Effective January 1, 2011, paragraph (a) of
12 subsection (1) and paragraph (b) of subsection (2) of section
13 316.613, Florida Statutes, are amended to read:

14 316.613 Child restraint requirements.—

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

24-00396A-09

20091404__

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

46 Section 2. Effective July 1, 2010, 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, 2011, 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 and driving with a valid out-of-
55 state driver's license;

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

24-00396A-09

20091404__

59 (3) Transporting a child whose medical condition
60 necessitates an exception as evidenced by appropriate
61 documentation from a health professional.

62 Section 4. Except as otherwise expressly provided in this
63 act, this act shall take effect July 1, 2009.