

By the Committee on Transportation; and Senators Altman, Gelber, Ring, Rich, and Deutch

596-02962-09

20091404c1

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:  
10

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, present paragraph (b) of  
14 subsection (1) of that section is redesignated as paragraph (d),  
15 and new paragraphs (b) and (c) are added to that subsection, to  
16 read:

17 316.613 Child restraint requirements.—

18 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~  
19 ~~herein~~, while transporting a child in a motor vehicle operated  
20 on the roadways, streets, or highways of this state, shall, if  
21 the child is 7 ~~5~~ years of age or younger, provide for protection  
22 of the child by properly using a crash-tested, federally  
23 approved child restraint device that is appropriate for the  
24 height and weight of the child. The device may include a vehicle  
25 manufacturer's integrated child seat, a separate child safety  
26 seat, or a child booster seat that displays the child's weight  
27 and height specifications for the seat on the attached  
28 manufacturer's label as required by Federal Motor Vehicle Safety  
29 Standard No. 213. The device must comply with the standards of

596-02962-09

20091404c1

30 the United States Department of Transportation and be secured in  
31 the motor vehicle in accordance with the manufacturer's  
32 instructions. The court may dismiss the charge against a motor  
33 vehicle operator for a first violation of this subsection upon  
34 proof that a federally approved child restraint device has been  
35 purchased or otherwise obtained.

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

39 (c) For children aged 4 through 7 ~~5~~ years, a separate  
40 carrier, an integrated child seat, or a child booster seat belt  
41 may be used. However, the requirement to use a child booster  
42 seat does not apply when a separate carrier, integrated child  
43 seat, or seat belt as required in s. 316.614(4)(a) is used and  
44 the person is:

45 1. Traveling on a highway having a posted maximum speed  
46 limit of 45 miles per hour or less;

47 2. Visiting in this state and driving with a valid out-of-  
48 state driver's license;

49 3. Transporting the child gratuitously and in good faith in  
50 response to a declared emergency situation or an immediate  
51 emergency involving the child; or

52 4. Transporting a child whose medical condition  
53 necessitates an exception as evidenced by appropriate  
54 documentation from a health professional.

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

58 (2) As used in this section, the term "motor vehicle" means

596-02962-09

20091404c1

59 a motor vehicle as defined in s. 316.003 that is operated on the  
60 roadways, streets, and highways of the state. The term does not  
61 include:

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

67 Section 2. Effective July 1, 2010, a driver of a motor  
68 vehicle who does not violate the then-existing provisions of s.  
69 316.613(1)(c), Florida Statutes, but whose conduct would violate  
70 that provision, as amended January 1, 2011, may be issued a  
71 verbal warning and given educational literature by a law  
72 enforcement officer.

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