

HB 217

2010

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 4 through 7 years of age; redefining the term  
 5           "motor vehicle" to exclude certain vehicles from such  
 6           requirements; providing exceptions; providing a grace  
 7           period; providing effective dates.

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

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 11           Section 1. Effective January 1, 2012, paragraph (a) of  
 12           subsection (1) and paragraph (b) of subsection (2) of section  
 13           316.613, Florida Statutes, are amended, and subsection (6) is  
 14           added to that section, 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  
 18           on the roadways, streets, or highways of this state, shall, if  
 19           the child has not attained 8 ~~is 5~~ years of age ~~or younger~~,  
 20           provide for protection of the child by properly using a crash-  
 21           tested, federally approved child restraint device that is  
 22           appropriate for the height and weight of the child. The device  
 23           may include a vehicle manufacturer's integrated child seat, a  
 24           separate child safety seat, or a child booster seat that  
 25           displays the child's weight and height specifications for the  
 26           seat on the attached manufacturer's label as required by Federal  
 27           Motor Vehicle Safety Standards FMVSS213. The device must comply  
 28           with the standards of the United States Department of

29 Transportation and be secured in the motor vehicle in accordance  
 30 with the manufacturer's instructions. For children who have not  
 31 attained 4 ~~aged through 3~~ years of age, such restraint device  
 32 must be a separate carrier or a vehicle manufacturer's  
 33 integrated child seat. For children ~~aged~~ 4 through 7 ~~5~~ years of  
 34 age, a separate carrier, an integrated child seat, or a child  
 35 booster seat ~~belt~~ may be used. The court may dismiss the charge  
 36 against a motor vehicle operator for a first violation of this  
 37 paragraph upon proof of purchase of a federally approved child  
 38 restraint device.

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

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

48 (6) This section does not apply to a person who is  
 49 transporting a child 4 through 7 years of age if the person is:

50 (a) Visiting in this state and driving with a valid out-  
 51 of-state driver's license;

52 (b) 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 (c) Transporting a child whose medical condition  
 56 necessitates an exception as evidenced by appropriate

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57 documentation from a health professional.

58 Section 2. Effective July 1, 2011, a driver of a motor  
59 vehicle who does not violate the then-existing provisions of s.  
60 316.613(1)(a), Florida Statutes, but whose conduct would violate  
61 that provision, as amended January 1, 2012, may be issued a  
62 verbal warning and given educational literature by a law  
63 enforcement officer.

64 Section 3. Except as otherwise expressly provided in this  
65 act, this act shall take effect July 1, 2010.