

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 certain children ages 4 through 7;
5 redefining the term "motor vehicle" to exclude certain
6 vehicles from such requirements; providing a grace
7 period; providing exceptions; 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, 2011, 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
18 on the roadways, streets, or highways of this state, shall, if
19 the child is 7 5 years of age or younger and is less than 4 feet
20 9 inches in height, provide for protection of the child by
21 properly using a crash-tested, federally approved child
22 restraint device that is appropriate for the height and weight
23 of the child. The device may include a vehicle manufacturer's
24 integrated child seat, a separate child safety seat, or a child
25 booster seat that displays the child's weight and height
26 specifications for the seat on the attached manufacturer's label
27 as required by Federal Motor Vehicle Safety Standards FMVSS213.
28 The device must comply with the standards of the United States
29 Department of Transportation and be secured in the motor vehicle

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

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

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

47 Section 2. Effective July 1, 2010, a driver of a motor
48 vehicle who does not violate the then-existing provisions of s.
49 316.613(1)(a), Florida Statutes, but whose conduct would violate
50 that provision, as amended January 1, 2011, may be issued a
51 verbal warning and given educational literature by a law
52 enforcement officer.

53 Section 3. This act does not apply to a person who is
54 transporting a child who is 4 through 7 years of age if the
55 person is:

56 (1) 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

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59 (2) 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, 2010.