

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

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

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

41 (b) A bus or a passenger vehicle designed to accommodate
 42 10 or more persons and used for the transportation of persons
 43 for 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 who is 4 through 7 years of age if the
 54 person is:

55 (1) Transporting the child gratuitously and in good faith
 56 in response to a declared emergency situation or an immediate

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57 emergency involving the child; or

58 (2) Transporting a child whose medical condition

59 necessitates an exception as evidenced by appropriate

60 documentation from a health professional.

61 Section 4. Except as otherwise expressly provided in this

62 act, this act shall take effect July 1, 2010.