

HB 11

2011

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

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Effective January 1, 2012, subsection (1) and
 12 paragraph (b) of subsection (2) of section 316.613, Florida
 13 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 Standard No. 213.
 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. The court
 30 may dismiss the charge against a motor vehicle operator for a
 31 first violation of this subsection upon proof that a federally
 32 approved child restraint device has been purchased or otherwise
 33 obtained.

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

37 (c) For children aged 4 through 7 5 years who are less
 38 than 4 feet 9 inches in height, a separate carrier, an
 39 integrated child seat, or a child booster seat ~~belt~~ may be used.
 40 However, the requirement to use a child booster seat does not
 41 apply when a separate carrier, integrated child seat, or seat
 42 belt as required in s. 316.614(4) (a) is used and the person is:

43 1. Transporting the child gratuitously and in good faith
 44 in response to a declared emergency situation or an immediate
 45 emergency involving the child; or

46 2. Transporting a child whose medical condition
 47 necessitates an exception as evidenced by appropriate
 48 documentation from a health professional.

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

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

56 (b) A bus or a passenger vehicle designed to accommodate

HB 11

2011

57 10 or more persons and used for the transportation of persons
58 for compensation, other than a bus regularly used to transport
59 children to or from school, as defined in s. 316.615(1)(b), or
60 in conjunction with school activities.

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

67 Section 3. Except as otherwise expressly provided in this
68 act, this act shall take effect July 1, 2011.