

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Steinberg offered the following:

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3 **Amendment to Amendment (162081) (with title amendment)**

4 Between lines 401 and 402, insert:

5 Section 18. Effective July 1, 2012, subsection (1) and
6 paragraph (b) of subsection (2) of section 316.613, Florida
7 Statutes, are amended, and subsection (6) is added to that
8 section, to read:

9 316.613 Child restraint requirements.—

10 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
11 ~~herein~~, while transporting a child in a motor vehicle operated
12 on the roadways, streets, or highways of this state, shall, if
13 the child is 7 5 years of age or younger and is less than 4 feet
14 9 inches in height, provide for protection of the child by
15 properly using a crash-tested, federally approved child
16 restraint device that is appropriate for the height and weight

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17 of the child. The device may include a vehicle manufacturer's
18 integrated child seat, a separate child safety seat, or a child
19 booster seat that displays the child's weight and height
20 specifications for the seat on the attached manufacturer's label
21 as required by Federal Motor Vehicle Safety Standard No. 213.
22 The device must comply with the standards of the United States
23 Department of Transportation and be secured in the motor vehicle
24 in accordance with the manufacturer's instructions. The court
25 may dismiss the charge against a motor vehicle operator for a
26 first violation of this subsection upon proof that a federally
27 approved child restraint device has been purchased or otherwise
28 obtained.

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

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

38 1. Transporting the child gratuitously and in good faith
39 in response to a declared emergency situation or an immediate
40 emergency involving the child; or

41 2. Transporting a child whose medical condition
42 necessitates an exception as evidenced by appropriate
43 documentation from a health professional.

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

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

51 (b) A bus or a passenger vehicle designed to accommodate
52 10 or more persons and used for the transportation of persons
53 for compensation, other than a bus regularly used to transport
54 children to or from school, as defined in s. 316.615(1)(b), or
55 in conjunction with school activities.

56 (6) It is the legislative intent that the child-restraint
57 requirements imposed by this section shall not apply to a
58 chauffeur-driven taxi, limousine, sedan, van, bus, motor coach,
59 or other passenger vehicle if the operator and the motor vehicle
60 are hired and used for transporting persons for compensation. It
61 shall be the obligation and responsibility of the parent,
62 guardian, or other person responsible for a child's welfare as
63 defined in s. 39.01(47), to comply with the requirements of this
64 section.

65 Section 19. Effective July 1, 2011, a driver of a motor
66 vehicle who does not violate the then-existing provisions of s.
67 316.613(1)(c), Florida Statutes, but whose conduct would violate
68 that provision, as amended July 1, 2012, shall be issued a
69 verbal warning and given educational literature by a law
70 enforcement officer.

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T I T L E A M E N D M E N T

Remove line 3323 and insert:

vehicles; providing child-restraint requirements for children
ages 4 through 7 years of age who are less than a specified
height; providing certain exceptions; redefining the term "motor
vehicle" to exclude certain vehicles from such requirements;
providing that parents and others are responsible for complying
with child-restraint requirements in certain chauffeur-driven
vehicles; providing a grace period; amending s. 317.0003, F.S.,
relating to off-highway