

By Senator Altman

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1 A bill to be entitled
2 An act relating to child safety devices in motor
3 vehicles; amending s. 316.613, F.S.; providing child
4 restraint requirements for children age 7 years or
5 younger who are less than a specified height;
6 providing exceptions; redefining the term "motor
7 vehicle" to exclude certain vehicles from such
8 requirements; providing a grace period; requiring a
9 law enforcement officer to issue a warning and give
10 educational literature to an operator of a motor
11 vehicle during the grace period under certain
12 circumstances; providing effective dates.

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

16 Section 1. Effective January 1, 2015, paragraph (a) of
17 subsection (1) and paragraph (b) of subsection (2) of section
18 316.613, Florida Statutes, are amended to read:

19 316.613 Child restraint requirements.—

20 (1) (a) A person who operates ~~Every operator of~~ a motor
21 vehicle as defined in this section on the roadways, streets, or
22 highways of this state, while transporting a child who is 7 in a
23 ~~motor vehicle operated on the roadways, streets, or highways of~~
24 ~~this state, shall, if the child is 5 years of age or younger and~~
25 less than 4 feet 9 inches in height shall, provide for
26 protection of the child by properly using a crash-tested,
27 federally approved child restraint device that is appropriate
28 for the height and weight of the child. The device may include a
29 separate carrier, a vehicle manufacturer's integrated child

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30 seat, or a child booster seat that displays the child's height
31 and weight specifications for the seat on the attached
32 manufacturer's label as required by Federal Motor Vehicle Safety
33 Standard No. 213, "Child Restraint Systems," 49 C.F.R. s.
34 571.213. The device must comply with the standards of the United
35 States Department of Transportation and be secured in the motor
36 vehicle in accordance with the manufacturer's instructions. The
37 court may dismiss a charge against a motor vehicle operator for
38 a first violation of this section upon proof that a federally
39 approved child restraint device has been purchased or otherwise
40 obtained.

41 1. For children younger than 4 ~~aged through 3~~ years of age,
42 such restraint device must be a separate carrier or a vehicle
43 manufacturer's integrated child seat.

44 2. For children between the ages of 4 and 7 who are less
45 than 4 feet 9 inches in height ~~aged 4 through 5~~ years, a
46 separate carrier, an integrated child seat, or a child booster
47 seat ~~belt~~ may be used. However, the requirement to use a child
48 restraint device under this subparagraph does not apply when a
49 safety belt is used as required in s. 316.614(4) (a) and the
50 motor vehicle operator is:

51 a. Transporting the child gratuitously and in good faith in
52 response to a declared emergency situation or an immediate
53 emergency involving the child; or

54 b. Transporting a child whose medical condition
55 necessitates an exception as indicated by appropriate
56 documentation from a health professional.

57 (2) As used in this section, the term "motor vehicle" means
58 a motor vehicle as defined in s. 316.003 that is operated on the

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59 roadways, streets, and highways of the state. The term does not
60 include:

61 (b) A bus or a passenger vehicle designed to accommodate 10
62 or more persons which is used for the transportation of persons
63 for compensation, other than a bus regularly used to transport
64 children to or from school, as defined in s. 316.615(1)(b), or
65 in conjunction with school activities.

66 Section 2. Effective July 1, 2014, an operator of a motor
67 vehicle who does not violate the then-existing provisions of s.
68 316.613(1)(a), Florida Statutes, but whose conduct would violate
69 that paragraph as amended January 1, 2015, shall be issued a
70 verbal warning and given educational literature by a law
71 enforcement officer.

72 Section 3. Except as otherwise expressly provided in this
73 act, this act shall take effect July 1, 2014.