

HB 151

2012

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 that
9 a law enforcement officer 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.

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

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16 Section 1. Effective January 1, 2013, subsection (1) and
17 paragraph (b) of subsection (2) of section 316.613, Florida
18 Statutes, are amended to read:

19 316.613 Child restraint requirements.—

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

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

38 1. For children aged through 3 years, such restraint
39 device must be a separate carrier or a vehicle manufacturer's
40 integrated child seat.

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

47 a. Transporting the child gratuitously and in good faith
48 in response to a declared emergency situation or an immediate
49 emergency involving the child; or

50 b. Transporting a child whose medical condition
51 necessitates an exception as indicated by appropriate
52 documentation from a health professional.

53 (b) The department shall provide notice of the requirement
54 for child restraint devices, which notice shall accompany the
55 delivery of each motor vehicle license tag.

56 (2) As used in this section, the term "motor vehicle"

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57 means a motor vehicle as defined in s. 316.003 that is operated
58 on the roadways, streets, and highways of the state. The term
59 does not include:

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

65 Section 2. Effective July 1, 2012, an operator of a motor
66 vehicle who does not violate the then-existing provisions of s.
67 316.613(1)(a), Florida Statutes, but whose conduct would violate
68 that paragraph as amended January 1, 2013, shall be issued a
69 verbal warning and given educational literature by a law
70 enforcement officer.

71 Section 3. Except as otherwise expressly provided in this
72 act, this act shall take effect July 1, 2012.