

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 518

INTRODUCER: Transportation Committee and Senator Flores

SUBJECT: Child Safety Devices in Motor Vehicles

DATE: March 6, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 518 revises child restraint requirements for children passengers in motor vehicles. Current law requires certain child restraint devices for children through age 5 years, although for ages 4 through 5 years, a seat belt may be used in lieu of a specialized device. Under the bill's provisions, a separate carrier, an integrated child seat or a child booster seat is required for transporting children between the ages of 4 through 6 years. A seat belt alone will no longer legally provide sufficient protection for children aged 4 through 6 years. The infraction is a moving violation punishable by a fine of \$60 plus court costs and add-ons and by the assessment of 3 points against the driver's license of the motor vehicle operator.

**II. Present Situation:**

Currently, s. 316.613, F.S., requires every motor vehicle operator to properly use a crash-tested, federally approved child restraint device when transporting a child 5 years of age or younger. For children 3 years of age or younger, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a seat belt may be used. These requirements apply to motor vehicles operated on the roadways, streets, and highways of this state. The requirements do not apply to a school bus; a bus used to transport persons for compensation; a farm tractor; a truck of net weight of more than 26,000 pounds; or a motorcycle, moped, or bicycle.<sup>1</sup> A driver who violates

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<sup>1</sup> s. 316.613(2)(a-e), F.S.

this requirement is subject to a \$60 fine, court costs and add-ons, and having 3 points assessed against their driver's license.

A driver who violates this requirement may elect, with the court's approval, to participate in a child restraint safety program. Upon completing such program the above penalties may be waived at the court's discretion and the assessment of points waived. The child restraint safety program must use a course approved by the Department of Highway Safety and Motor Vehicles (DHSMV), and the fee for the course must bear a reasonable relationship to the cost of providing the course.

Section 316.613(4), F.S., provides it is legislative intent that all state, county, and local law enforcement agencies, and safety councils, conduct a continuing safety and public awareness campaign as to the magnitude of the problem with child death and injury from unrestrained occupancy in motor vehicles.

### **Other States' Child Passenger Safety Laws**

Child passenger restraint requirements vary based on age, weight and height. Often, this happens in three stages: infants use rear-facing infant seats; toddlers use forward-facing child safety seats; and older children use booster seats.

- All 50 states, the District of Columbia, Guam, the Northern Mariana Islands and the Virgin Islands require child safety seats for infants and children fitting specific criteria.
- 48 states and District of Columbia and Puerto Rico require booster seats or other appropriate devices for children who have outgrown their child safety seats but are still too small to use of adult seat belt safely. Only Florida and South Dakota allow the use of seatbelts (only) for children under the age of 5.
- Five states (California, Florida, Louisiana, New Jersey and New York) have seat belt requirements for school buses. Texas requires them on buses purchased after September 2010.<sup>2</sup>

Most child seat laws are primary enforcement violations throughout the states. Nebraska and Ohio are the only states having secondary enforcement laws. Both states refer to children older than 4 years of age. The age at which a child-specific restraint or booster seat is required varies by state.

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<sup>2</sup> [http://www.ghsa.org/html/stateinfo/laws/childsafety\\_laws.html](http://www.ghsa.org/html/stateinfo/laws/childsafety_laws.html), March 2014 (last visited 3/2/14)

**Child-specific restraint or booster seat required<sup>3</sup>**

Age Requirement	Number of States
3 and younger	1 (Florida)
4 and younger	South Dakota
5 and younger	9 (AL, SC, LA, AR, OK, IA, NE, MT, NV)
6 and younger	7 MS, KY, CT, NH, NM, ID, ND
7 and younger	31 states including, TX, AZ, CA, GA, NC, VA
8 and younger	2 TN, WY

**Safety Benefits**

According to the Center for Disease Control and Prevention (CDC), “Child Passenger Safety: Fact Sheet,” motor vehicle injuries are a leading cause of death among children in the U.S.

- Car seat use reduces the risk for death to infants (aged <1 year) by 71%; and to toddlers (aged 1-4 years) by 54% in passenger vehicles.
- Booster seat use reduces the risk for serious injury by 45% for children aged 4-8 years when compared with seat belt use alone)
- For older children and adults, seat belt use reduces the risk for death and serious injury by approximately half.

A recent study of five states that increased the age requirement to 7 or 8 years for car seat/booster seat use found that the rate of children using car seats and booster seats increased nearly three times and the rate of children who sustained fatal or incapacitating injuries decreased by 17%.<sup>4</sup>

The CDC has produced the following guidelines for parents and caregivers.

**Child Seat Stages:**

- *Birth up to age 2*—Rear-facing car seat.
- *Age 2 up to at least age 5*—Forward-facing car seat. When child outgrows rear-facing seat, he or she should be buckled in a forward-facing car seat, in the back seat, until at least age 5 or when they reach the upper weight or height limit of seat.
- *Age 5 up until seat belts fit properly*—booster seat. Once child outgrows forward-facing seat, (by reaching the upper height or weight limit of their seat) he or she should be buckled in a belt positioning booster seat until seat belts fit properly.

<sup>3</sup> <http://www.iihs.org/iihs/topics/laws/safetybeltuse> (last visited 3/4/14)

<sup>4</sup> [http://www.cdc.gov/motorvehiclesafety/child\\_passenger\\_safety/cps-factsheet.html](http://www.cdc.gov/motorvehiclesafety/child_passenger_safety/cps-factsheet.html) (last visited 3/4/14)

- *Once seat belts fit properly without a booster seat*—Child no longer need to use a booster seat once seat belts fit them properly. Seat belts fit properly when the lap belt lays across the upper thighs (not the stomach) and the shoulder belt lays across the chest (not the neck). The recommended height for proper seat belt fit is 57” tall.<sup>5</sup>

### III. Effect of Proposed Changes:

The bill amends s. 316.613, F.S., requiring an operator of a motor vehicle who is transporting a child 6 years of age or younger to provide for the protection of the child by properly using a crash-tested, federally approved child restraint device. The bill specifies the device must be a separate carrier, an integrated child seat, or a booster seat.

Any such device must comply with the standards of the United States Department of Transportation and be secured in the vehicle.

Children through 3 years of age must be transported in an integrated or separate child safety seat, and children aged 4 through 6 years must be transported in a separate carrier, an integrated child seat, or a booster seat. Under the provisions of this bill, motorists will no longer be permitted to transport children aged 4 to 7 with only a seat belt used as protection. However, the provisions of the bill does allow for seat belt use if child is being transported gratuitously or in the case of an emergency.

The infraction is a moving violation punishable by a fine of \$60 plus court costs and add-ons, and by assessment of 3 points against the driver’s license.

The bill will be effective January 1, 2015.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

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<sup>5</sup> Id.

**B. Private Sector Impact:**

There may be an increase in child restraint devices sales due to the expanded age requirement specified in the bill. There is potential citation fines for individuals failing to use the child restraint devices. Also, there could be additional costs to individuals that either replace current child restraint devices or will make a first time purchase.

**C. Government Sector Impact:**

The bill may generate additional revenues to local and state government resulting from penalties as a result of the expanded child safety device requirements. However, the additional citations that may be issued and resulting revenues is unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends s. 316.613 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation Committee on March 6, 2014:**

Reduces the upper age limit of children from 7 to 6 years and allows use of aftermarket booster seats for children aged 4 to 6 years when child is being transported in a motor vehicle. A seat belt alone is no longer sufficient protection for children 4 to 6 years of age. However, this provision does not apply when a safety belt is used by the driver and he or she is not a member of the immediate family transporting the child gratuitously or in case of an emergency.

**B. Amendments:**

None.