                        CHAMBER ACTION
              Senate   House
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   5   ORIGINAL STAMP BELOW
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  11 Representative(s) Slosberg offered the following:
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  13   **Amendment (with title amendment)**
  14   On page 23, between lines 24 and 25 of the bill
  15
  16 insert:
  17   Section 9. Short title.--Sections 9 and 10 of this act
  18 may be cited as the "Dori Slosberg Act of 2001."
  19   Section 10. Effective July 1, 2001, section 316.614,
  20 Florida Statutes, is amended to read:
  21   316.614 Safety belt usage.--
  22   (1) This section may be cited as the "Florida Safety
  23 Belt Law."
  24   (2) It is the policy of this state that enactment of
  25 this section is intended to be compatible with the continued
  26 support by the state for federal safety standards requiring
  27 automatic crash protection, and the enactment of this section
  28 should not be used in any manner to rescind or delay the
  29 implementation of the federal automatic crash protection
  30 system requirements of Federal Motor Safety Standard 208 as
  31 set forth in S4.1.2.1 thereof, as entered on July 17, 1984,

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1 for new cars.

2   (2)(3) As used in this section:

3   (a) "Motor vehicle" means a motor vehicle as defined

4 in s. 316.003 that is operated on the roadways, streets, and

5 highways of this state. The term does not include:

6   1. A school bus.

7   2. A bus used for the transportation of persons for

8 compensation.

9   3. A farm tractor or implement of husbandry.

10   4. A truck of a net weight of more than 5,000 pounds.

11   5. A motorcycle, moped, or bicycle.

12   (b) "Safety belt" means a seat belt assembly that

13 meets the requirements established under Federal Motor Vehicle

14 Safety Standard No. 208, 49 C.F.R. s. 571.208.

15   (c) "Restrained by a safety belt" means being

16 restricted by an appropriately adjusted safety belt which is

17 properly fastened at all times when a motor vehicle is in

18 motion.

19   (3)(4) It is unlawful for any person:

20   (a) To operate a motor vehicle in this state unless

21 each passenger of the vehicle under the age of 18 years is

22 restrained by a safety belt or by a child restraint device

23 pursuant to s. 316.613, if applicable; or

24   (b) To operate a motor vehicle in this state unless

25 the person is restrained by a safety belt.

26   (4)(5) It is unlawful for any person 18 years of age

27 or older to be a passenger in the front seat of a motor

28 vehicle unless such person is restrained by a safety belt when

29 the vehicle is in motion.

30   (5) The following are not required to be restrained by

31 a safety belt:

1   (6)(a) Neither A person who is certified by a
2   physician as having a medical condition that causes the use of
3   a safety belt to be inappropriate or dangerous.
4   (b) nor An employee of a newspaper home delivery
5   service while in the course of his or her employment
6   delivering newspapers on home delivery routes is required to
7   be restrained by a safety belt.
8   (b) The number of front seat passengers of a pickup
9   truck required to wear a safety belt pursuant to this section
10 shall not exceed the number of safety belts which were
11 installed in the front seat of such pickup truck by the
12 manufacturer.
13   (c) An employee of a solid waste or recyclable
14 collection service is not required to be restrained by a
15 safety belt while in the course of employment collecting solid
16 waste or recyclables on designated routes.
17   (d) The passengers of a motor vehicle in excess of the
18 number of safety belts installed by the manufacturer.
19   (e)(d) The requirements of this section shall not
20 apply to the living quarters of a recreational vehicle or a
21 space within a truck body primarily intended for merchandise
22 or property.
23   (6)(7) It is the intent of the Legislature that all
24 state, county, and local law enforcement agencies, safety
25 councils, and public school systems, in recognition of the
26 fatalities and injuries attributed to unrestrained occupancy
27 of motor vehicles, shall conduct a continuing safety and
28 public awareness campaign as to the magnitude of the problem
29 and adopt programs designed to encourage compliance with the
30 safety belt usage requirements of this section.
31   (7)(8) Any person who violates the provisions of this

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 1 | section commits a nonmoving violation, punishable as provided
 2 | in chapter 318. A law enforcement officer may not search or
 3 | inspect a motor vehicle, its contents, the driver, or a
 4 | passenger solely because of a violation of this section
 5 | However, except for violations of s. 316.613, enforcement of
 6 | this section by state or local law enforcement agencies must
 7 | be accomplished only as a secondary action when a driver of a
 8 | motor vehicle has been detained for a suspected violation of
 9 | another section of this chapter, chapter 320, or chapter 322.
10 | (8)(9) A violation of the provisions of this section
11 | shall not constitute negligence per se, nor shall such
12 | violation be used as prima facie evidence of negligence or be
13 | considered in mitigation of damages, but such violation may be
14 | considered as evidence of comparative negligence, in any civil
15 | action.
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17 |
18 | =============== T I T L E   A M E N D M E N T ===============
19 | And the title is amended as follows:
20 | On page 2, line 3
21 |
22 | after the semicolon, insert:
23 | creating the "Dori Slosberg Act of 2001";
24 | amending s. 316.614, F.S.; deleting obsolete
25 | language; providing for all persons in a motor
26 | vehicle to wear a safety belt; revising the
27 | Florida Safety Belt Law to eliminate the
28 | requirement that the law be enforced as a
29 | secondary action when a driver of a motor
30 | vehicle has been detained for another
31 | violation; providing restrictions on authority

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1   to search based on a safety belt violation;

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