

Amendment No. a1s

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Drake offered the following:

3
 4 **Amendment to Amendment (676701) by Representative Albritton**
 5 **(with title amendment)**

6 Between lines 275 and 276 of the amendment, insert:

7 Section 12. Section 316.613, Florida Statutes, is amended
 8 to read:

9 316.613 Child restraint requirements.—

10 (1) (a) Every operator of a motor vehicle as defined in
 11 this section herein, while transporting a child in a motor
 12 vehicle operated on the roadways, streets, or highways of this
 13 state, shall, if the child is 5 years of age or younger, provide
 14 for protection of the child by properly using a crash-tested,
 15 federally approved child restraint device. For children aged
 16 through 3 years, such restraint device must be a separate
 17 carrier or a vehicle manufacturer's integrated child seat. For
 18 children aged 4 through 5 years, a separate carrier, an
 19 integrated child seat, or a seat belt may be used.

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

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

27 (a) A school bus as defined in s. 316.003(45).

28 (b) A bus used for the transportation of persons for
29 compensation, other than a bus regularly used to transport
30 children to or from school, as defined in s. 316.615(1)(b), or
31 in conjunction with school activities.

32 (c) A farm tractor or implement of husbandry.

33 (d) A truck having a gross vehicle weight rating of more
34 than 26,000 pounds.

35 (e) A motorcycle, moped, or bicycle.

36 (3) The failure to provide and use a child passenger
37 restraint shall not be considered comparative negligence, nor
38 shall such failure be admissible as evidence in the trial of any
39 civil action with regard to negligence.

40 (4) It is the legislative intent that all state, county,
41 and local law enforcement agencies, and safety councils, in
42 recognition of the problems with child death and injury from
43 unrestrained occupancy in motor vehicles, conduct a continuing
44 safety and public awareness campaign as to the magnitude of the
45 problem.

46 (5) Any person who violates ~~the provisions of~~ this section
47 commits a moving violation, punishable as provided in chapter

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48 318 and shall have 3 points assessed against his or her driver
49 ~~driver's~~ license as set forth in s. 322.27. In lieu of the
50 penalty specified in s. 318.18 and the assessment of points, a
51 person who violates ~~the provisions of~~ this section may elect,
52 with the court's approval, to participate in a child restraint
53 safety program approved by the chief judge of the circuit in
54 which the violation occurs, and, upon completing such program,
55 the penalty specified in chapter 318 and associated costs may be
56 waived at the court's discretion and the assessment of points
57 shall be waived. The child restraint safety program must use a
58 course approved by the Department of Highway Safety and Motor
59 Vehicles, and the fee for the course must bear a reasonable
60 relationship to the cost of providing the course.

61 (6) The child restraint requirements imposed by this
62 section do not apply to a chauffeur-driven taxi, limousine,
63 sedan, van, bus, motor coach, or other passenger vehicle if the
64 operator and the motor vehicle are hired and used for the
65 transportation of persons for compensation. It is the obligation
66 and responsibility of the parent, guardian, or other person
67 responsible for a child's welfare, as defined in s. 39.01(47),
68 to comply with the requirements of this section.

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

74 Remove line 2237 of the amendment and insert:

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75 conform to changes made by the act; amending s. 316.613, F.S.,
76 relating to requirements for the operator of a vehicle to use
77 child restraints; providing that such provisions do not apply to
78 certain for-hire vehicles; providing for the obligation of a
79 parent, guardian, or other person responsible for a child's
80 welfare to comply with the requirements; amending s. 316.6135,
81