

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 225 Transportation & Highway Safety Subcommittee; Child Safety Devices in Motor Vehicles

SPONSOR(S): Perry and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 518

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	14 Y, 0 N, As CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Subcommittee	12 Y, 0 N	Perkins	Davis
3) Economic Affairs Committee	15 Y, 0 N	Thompson	Creamer

SUMMARY ANALYSIS

Current law governing the use of child restraint devices (CRDs) requires every motor vehicle operator to properly use a crash-tested, federally approved CRD when transporting a child 5 years of age or younger. However, for children aged 4 through 5 years, a separate carrier, an integrated child seat, or a seat belt may be used. A driver who violates this requirement is subject to a \$60 fine, court costs and add-ons, and having three points assessed against his or her driver's license. However, the driver may elect, with the court's approval, to participate in a child restraint safety program, completion of which, authorizes the court to waive the penalties and assessment of points.

The bill revises CRD requirements for children passengers in motor vehicles. The bill revises the provision allowing a seat belt to be used in lieu of a specialized device for children between 4 and 5 years of age. The bill specifies the device used for a child aged 4 through 5 must be a separate carrier, an integrated child seat, or a booster seat. A seat belt may be used for children between 4 and 5 years of age when the motor vehicle operator is not a member of the child's immediate family and the child is being transported either gratuitously, in the case of an emergency, or when a medical condition necessitates an exception as evidenced by appropriate documentation from a health professional.

The bill has an indeterminate positive fiscal impact for state and local governments. Additional fine revenues may be generated through citations issued for violating the new CRD requirements.

The bill provides an effective date of January 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

According to the National Center for Disease Control and Prevention (CDC), motor vehicle injuries are the leading cause of death among children in the United States (U.S.). A major risk factor includes the incorrect use of child restraint systems. CDC provides that:

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

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 percent.²

National Guidelines

The CDC recommends making sure children are properly buckled in a seat belt, booster seat, or car seat, whichever is appropriate for their age, height and weight. The following chart depicts the National Highway Traffic Safety Administration's (NHTSAs) latest car seat recommendations for children³:

- Birth up to age 2—Rear-facing car seat.
- Age 2 up to at least age 5—Forward-facing car seat. When a child outgrows a 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 a child outgrows a 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.
- Once seat belts fit properly without a booster seat—Child no longer needs to use a booster seat once seat belts fit them properly. The seat belt fits 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 inches tall.⁴

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, the 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 an

¹ See the CDC Child Passenger Safety: Fact Sheet at: http://www.cdc.gov/Motorvehiclesafety/Child_Passenger_Safety/CPS-Factsheet.html, (Last viewed Dec. 13, 2013).

² Id.

³ Additional information and resources regarding car seats and keeping kids safe is available at the National Highway Traffic Safety Administration Parents Central website, at <http://www.safercar.gov/parents/index.htm>, (Last viewed 2/18/14).

⁴ The CDC car seat recommendations for children are adapted from the National Highway Traffic Safety Administration recommendations. The CDC Guidelines for Parents and Caregivers can be viewed at:

http://www.cdc.gov/motorvehiclesafety/images/child_passenger_safety/VS_cps_image_fullsize.jpg, (Last viewed 3/19/14).

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 2010.⁵

Present Situation

Currently, s. 316.613, F.S., governing the use of CRDs,⁶ requires every motor vehicle operator to properly use a crash-tested, federally approved CRD when transporting a child 5 years of age or younger. For children 3 years of age or younger, the CRD 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.⁷ These requirements apply to motor vehicles operated on the roadways, streets, and highways of this state.⁸

The requirements do not apply to a:

- school bus;
- bus used to transport persons for compensation;
- farm tractor;
- truck of net weight of more than 26,000 pounds;
- motorcycle, moped, or bicycle;⁹ or
- chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of persons for compensation.¹⁰

A driver who violates this requirement is subject to a \$60 fine,¹¹ court costs and add-ons, and having three points assessed against his or her driver's license.¹² However, a driver who violates this requirement may elect, with the court's approval, to participate in a child restraint safety program.¹³ Upon completing such program the above penalties may be waived at the court's discretion and the assessment of points waived.¹⁴ 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.¹⁵

Proposed Changes

The bill amends s. 316.613, F.S., to revise both the CRD requirements, and the safety belt authorization, for children aged 4 through 5.

⁵ The Governor's Highway Safety Association website at: http://www.ghsa.org/html/stateinfo/laws/childsafety_laws.html (Last viewed 3/19/14).

⁶ The United States Department of Transportation Federal Motor Carrier Safety Standards, Standard No. 213; "Child restraint systems" provides definitions and specifies requirements for various child restraint systems used in motor vehicles and aircraft. The standard defines a "child restraint system" as any device, except Type I or Type II seat belts, designed for use in a motor vehicle or aircraft to restrain, seat, or position children who weigh 30 kilograms (kg) or less. The standard provides various types of child restraint systems, including, but not limited to, "booster seats," "add-on child restraint systems" (portable child restraint system), "rear-facing child restraint systems," and "factory-installed built-in child restraints." The standard also provides requirements, including, but not limited to, system integrity, injury criteria, impact protection, installation, performance, belt restraint, labeling, and test condition and procedures.

⁷ s. 316.613(1)(a), F.S.

⁸ s. 316.613(2), F.S., provides that the term "motor vehicle" means a motor vehicle as defined in s. 316.003, F.S., that is operated on the roadways, streets, and highways of the state.

⁹ s. 316.613(2), F.S.

¹⁰ s. 316.613(6), F.S.

¹¹ s. 318.18(3)(a), F.S.

¹² See s. 316.613(5), F.S.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

Specifically, the bill adds child booster seats to the types of CRDs in which children aged 4 through 5 must be transported while in a motor vehicle. The bill also removes the authorization to transport children aged 4 through 5 with only a safety belt, and instead specifies that a safety belt may only be used for this age group when the child:

- Is being transported gratuitously by an operator who is not a member of the child's immediate family;
- Is being transported in a medical emergency situation involving the child; or
- Has a medical condition which necessitates an exception as evidenced by appropriate documentation from a health professional.

B. SECTION DIRECTORY:

Section 1. amends s. 316.613, F.S., relating to CRDs.

Section 2. provides an effective date of January 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. See fiscal comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See fiscal comments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motor vehicle operators will be required to use either a child booster seat, a separate carrier, or an integrated child seat to transport children within the ages of 4 through 5. Seat belts alone will no longer be legal restraints for children ages 4 through 5, unless the child:

- Is being transported gratuitously by an operator who is not a member of the child's immediate family;
- Is being transported in a medical emergency situation involving the child; or
- Has a medical condition which necessitates an exception as evidenced by appropriate documentation from a health professional..

There may be an increase in overall sales of CRDs, including booster seats, for children aged 4 through 5 due to the bill's removal of the seat belt authorization for this age group and the inclusion of booster seats as one of the three child restraint devices required for this age group.

Individuals who fail to use child restraint devices will be subject to a fine of at least \$60 and a three point assessment on the operator's driver license. However, it is unknown how many additional violations will occur. As a result, the fiscal impact is indeterminate.

D. FISCAL COMMENTS:

While indeterminate, the bill may generate additional fine revenues for state and local governments,¹⁶ the amount of which cannot be quantified as it is unknown how many citations will be issued for violating these new requirements for this specific age group.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 24, 2014, the Transportation and Highway Safety Subcommittee adopted one amendment to HB 225 before reporting it favorable as a committee substitute. The amendment:

- Changed the upper age requirement from 7 to 5 years;
- Removed the height requirement;
- Added booster seats; and
- Allowed seat belts for ages 4 through 5 only for free by a non-family member or in medical situations.

This analysis is drafted to the committee substitute as reported favorably by the Transportation & Highway Safety Subcommittee.

¹⁶ s. 318.21, F.S., provides for the general distribution of traffic fine revenues.
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DATE: 4/4/2014