

**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 Appropriations

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**BILL:** CS/CS/SB 518

**INTRODUCER:** Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Transportation Committee; and Senator Flores

**SUBJECT:** Child Safety Devices in Motor Vehicles

**DATE:** April 24, 2014

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
2. <u>Carey</u>	<u>Martin</u>	<u>ATD</u>	<u>Fav/CS</u>
3. <u>Carey</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 518 revises current law to allow the use of a child booster seat as an approved child restraint device approved for use when transporting children from 4 through 5 years of age in a motor vehicle, and removes a provision allowing a seat belt to be used in lieu of a specialized device. An exception is made to allow the use of a seat belt 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 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 may have an indeterminate, but insignificant, positive fiscal impact on state and local government revenues if additional citations are issued.

**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, the restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children ages 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 weighing

more than 26,000 pounds; or a motorcycle, moped, or bicycle.<sup>1</sup> Violation of these requirements constitutes a moving violation and violators have 3 points assessed against their driver license. The fine for a moving violation is \$60,<sup>2</sup> in addition to other court costs<sup>3</sup>.

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 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 an 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>4</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>1</sup> Section. 316.613(2)(a-e), F.S.

<sup>2</sup> Section. 318.18(3)(a), F.S.

<sup>3</sup> Section. 318.21, F.S.

<sup>4</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>5</sup>**

Age Requirement	Number of States
3 and younger	1 (Florida)
4 and younger	South Dakota
5 and younger	9 states including AL, SC, LA, AR, OK, IA, NE, MT, NV
6 and younger	7 states including 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.

- 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.

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.<sup>6</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 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

<sup>5</sup> <http://www.iihs.org/iihs/topics/laws/safetybeltuse> (last visited 3/4/14)

<sup>6</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)

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.<sup>7</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 for a child aged 4 through 6 years of age must be a separate carrier, an integrated child seat, or a booster seat.

Motorists will no longer be permitted to transport children aged 4 through 5 with only a seat belt used as protection. However, the bill does allow for seat belt use if a child aged 4 through 5 years is being transported by an operator who is not a member of the child's immediate family 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 infraction is a moving violation punishable by a fine of \$60 (and other court costs) and the assessment of 3 points against the motor vehicle operator driver 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.

#### **B. Private Sector Impact:**

There may be an increase in child restraint devices sales due to the expanded age requirement specified in CS/CS/SB 518. Individuals who fail to use child restraint

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<sup>7</sup> Id.

devices will subject to a fine. 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 increased child safety device requirements. The potential revenue impact is likely positive, but indeterminate.

**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/CS by Appropriations on April 24, 2014:**

Provides that a child booster seat may be used as an approved child restraint device approved for use when transporting children from 4 through 5 years of age in a motor vehicle, and removes a provision allowing a seat belt to be used in lieu of a specialized device.

**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.