

STORAGE NAME: h0239.tr.doc
DATE: March 1, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 239

RELATING TO: Child Restraint Devices

SPONSOR(S): Representative(s) Allen, Rubio; Co-Sponsor Murman

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION
 - (2) CRIME PREVENTION, CORRECTIONS & SAFETY
 - (3) COUNCIL FOR READY INFRASTRUCTURE
 - (4)
 - (5)
-

I. SUMMARY:

This bill revises the requirements for child restraint devices in motor vehicles. The bill would require that children 8 years of age or younger, who weigh less than 80 pounds and are less than 4 feet 9 inches in height be provided the protection of a crash-tested, federally approved child restraint device. For children 3 years of age or for younger and children aged 4 through 8 years who weigh 40 pounds or less the restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 8 years who weigh more than 40 pounds but less than 80 pounds and who are less than 4 feet 9 inches in height, a separate carrier, an integrated child seat or a child booster child seat must be used.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government: This bill revises child restraint requirements for children passengers in motor vehicles. Motor vehicle operators will be required to use child restraint devices for certain children up to 8 years of age instead of the current 5 years of age.

B. 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. A driver who violates 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, and the fee for the course must bear a reasonable relationship to the cost of providing the course.

C. EFFECT OF PROPOSED CHANGES:

This bill would amend s. 316.613, F. S., revising the requirements for child restraint devices in motor vehicles. The bill would require that children 8 years of age or younger, who weigh less than 80 pounds and are less than 4 feet 9 inches in height be provided the protection of a crash-tested, federally approved child restraint device. For children 3 years of age or younger and for children aged 4 through 8 years who weigh 40 pounds or less the restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 8 years who weigh more than 40 pounds but less than 80 pounds and who are less than 4 feet 9 inches in height, a separate carrier, an integrated child seat or a child booster child seat must be used.

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the amount of state tax shared with any city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

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B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The sponsor of the bill plans to offer an amendment that would allow law enforcement officers to issue verbal warnings and educational literature between July 1, 2001 and December 31, 2001. After January 1, 2002 drivers of a motor vehicle who violate the child restraint requirement of the bill would be issued a moving traffic violation. However, the court would have discretion to dismiss the charge against a motor vehicle operator for a first violation of this paragraph upon proof of purchase of a federally approved child restraint device.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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