

## Model Language Safety Belts

### Existing Florida Statute

#### 316.614 Safety belt usage.—

- (1) This section may be cited as the “Florida Safety Belt Law.”
- (2) It is the policy of this state that enactment of this section is intended to be compatible with the continued support by the state for federal safety standards requiring automatic crash protection, and the enactment of this section should not be used in any manner to rescind or delay the implementation of the federal automatic crash protection system requirements of Federal Motor Safety Standard 208 as set forth in S4.1.2.1 thereof, as entered on July 17, 1984, for new cars.
- (3) As used in this section:
  - (a) “Motor vehicle” means a motor vehicle as defined in s. 316.003 which is operated on the roadways, streets, and highways of this state. The term does not include:
    1. A school bus.
    2. A bus used for the transportation of persons for compensation.
    3. A farm tractor or implement of husbandry.
    4. A truck having a gross vehicle weight rating of more than 26,000 pounds.
    5. A motorcycle, moped, or bicycle.
  - (b) “Safety belt” means a seat belt assembly that meets the requirements established under Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.
  - (c) “Restrained by a safety belt” means being restricted by an appropriately adjusted safety belt which is properly fastened at all times when a motor vehicle is in motion.
- (4) It is unlawful for any person:
  - (a) To operate a motor vehicle or an auticycle in this state unless each passenger and the operator of the vehicle or auticycle under the age of 18 years are restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or
  - (b) To operate a motor vehicle or an auticycle in this state unless the person is restrained by a safety belt.
- (5) It is unlawful for any person 18 years of age or older to be a passenger in the front seat of a motor vehicle or an auticycle unless such person is restrained by a safety belt when the vehicle or auticycle is in motion.
- (6)
  - (a) Neither a person who is certified by a physician as having a medical condition that causes the use of a safety belt to be inappropriate or dangerous nor an employee of a newspaper home delivery service

- while in the course of his or her employment delivering newspapers on home delivery routes is required to be restrained by a safety belt.
- (b) An employee of a solid waste or recyclable collection service is not required to be restrained by a safety belt while in the course of employment collecting solid waste or recyclables on designated routes.
  - (c) The requirements of this section do not apply to the living quarters of a recreational vehicle or a space within a truck body primarily intended for merchandise or property.
  - (d) The requirements of this section do not apply to motor vehicles that are not required to be equipped with safety belts under federal law.
  - (e) A rural letter carrier of the United States Postal Service is not required to be restrained by a safety belt while performing duties in the course of his or her employment on a designated postal route.
- (7) It is the intent of the Legislature that all state, county, and local law enforcement agencies, safety councils, and public school systems, in recognition of the fatalities and injuries attributed to unrestrained occupancy of motor vehicles, shall conduct a continuing safety and public awareness campaign as to the magnitude of the problem and adopt programs designed to encourage compliance with the safety belt usage requirements of this section.
- (8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318.
- (9) Each law enforcement agency in this state shall adopt departmental policies to prohibit the practice of racial profiling. When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and forward the information to the department in a form and manner determined by the department. The department shall collect this information by jurisdiction and annually report the data to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must show separate statewide totals for the state's county sheriffs and municipal law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies.
- (10) A violation of the provisions of this section shall not constitute negligence per se, nor shall such violation be used as prima facie evidence of negligence or be considered in mitigation of damages, but such violation may be considered as evidence of comparative negligence, in any civil action.

## Limitations of Existing Florida Statute

Florida's existing safety belt statute does not align with the terminology preferred by the National Highway Traffic Safety Administration (NHTSA). The statute does not adequately address seat belt usage for all ages or for all seating positions, leaving all occupants 18 years and older in a rear seating position at a higher risk when involved in a crash. Additionally, any occupant that is not properly restrained may become a hazard to other occupants that are properly restrained when the forces exerted during a crash event cause them to collide with one another.

## Proposed Model Legislative Language

Note: New language is underlined and deleted language is shown by a ~~strikethrough~~.

### 316.614 Safety Seat belt usage.—

- (1) This section may be cited as the “Florida ~~Safety Seat~~ Seat Belt Law.”
- (2) It is the policy of this state that enactment of this section is intended to be compatible with the continued support by the state for federal safety standards requiring automatic crash protection, and the enactment of this section should not be used in any manner to rescind or delay the implementation of the federal automatic crash protection system requirements of Federal Motor Safety Standard 208 as set forth in S4.1.2.1 thereof, as entered on July 17, 1984, for new cars.
- (3) As used in this section:
  - (a) “Motor vehicle” means a motor vehicle as defined in s. 316.003 which is operated on the roadways, streets, and highways of this state. The term does not include:
    1. A school bus.
    2. A bus used for the transportation of persons for compensation.
    3. A farm tractor or implement of husbandry.
    4. A truck having a gross vehicle weight rating of more than 26,000 pounds.
    5. A motorcycle, moped, or bicycle.
  - (b) “~~Safety Seat~~ Seat belt” means a seat belt assembly that meets the requirements established under Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.
  - (c) “Restrained by a ~~safety seat~~ seat belt” means being restricted by an appropriately adjusted ~~safety seat~~ seat belt which is properly fastened at all times when a motor vehicle is in motion.
- (4) It is unlawful for any person:
  - (a) To operate a motor vehicle or an autocycle in this state unless each passenger and the operator of the vehicle or autocycle ~~under the age of 18 years~~ are restrained by a ~~safety seat~~ seat belt or by a child restraint device pursuant to s. 316.613, if applicable; or
  - (b) To operate a motor vehicle or an autocycle in this state unless the person is restrained by a ~~safety seat~~ seat belt.
- (5) It is unlawful for any person 18 years of age or older to be ~~a passenger in the front in a passenger seat~~ of a motor vehicle or an autocycle unless such person is restrained by a ~~safety seat~~ seat belt when the vehicle or autocycle is in motion.
- (6)
  - (a) Neither a person who is certified by a physician as having a medical condition that causes the use of a ~~safety seat~~ seat belt to be inappropriate or dangerous nor an employee of a newspaper home delivery service while in the course of his or her employment delivering newspapers on home delivery routes is required to be restrained by a ~~safety seat~~ seat belt.
  - (b) An employee of a solid waste or recyclable collection service is not required to be restrained by a ~~safety seat~~ seat belt while in the course of employment collecting solid waste or recyclables on designated routes.
  - (c) The requirements of this section do not apply to the living quarters of a recreational vehicle ~~or a space within a truck body primarily intended for merchandise or property.~~

- (d) The requirements of this section do not apply to motor vehicles that are not required to be equipped with safety seat belts under federal law.
- (e) A rural letter carrier of the United States Postal Service is not required to be restrained by a safety seat belt while performing duties in the course of his or her employment on a designated postal route.
- (7) It is the intent of the Legislature that all state, county, and local law enforcement agencies, safety councils, and public school systems, in recognition of the fatalities and injuries attributed to unrestrained occupancy of motor vehicles, shall conduct a continuing safety and public awareness campaign as to the magnitude of the problem and adopt programs designed to encourage compliance with the safety seat belt usage requirements of this section.
- (8) Any person 18 years of age or older who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318.
- (9) Each law enforcement agency in this state shall adopt departmental policies to prohibit the practice of racial profiling. When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and forward the information to the department in a form and manner determined by the department. The department shall collect this information by jurisdiction and annually report the data to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must show separate statewide totals for the state's county sheriffs and municipal law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies.
- (10) A violation of the provisions of this section shall not constitute negligence per se, nor shall such violation be used as prima facie evidence of negligence or be considered in mitigation of damages, but such violation may be considered as evidence of comparative negligence, in any civil action.

## Rationale for Model Language Adjustment

NHTSA uses the term "seat belt" instead of "safety belt." The proposed language applies this terminology for consistency with NHTSA.

The safety benefits of seat belt use are significant and well-documented. Seat belts help keep occupants inside vehicles and also prevent them from becoming projectiles inside the vehicle and hurting others. The National Highway Traffic Safety Administration (NHTSA) has estimated that lap/ shoulder seat belts, when used, reduce the risk of:

- fatal injury to front-seat passenger car occupants by 45 percent;
- moderate-to-critical injury to front-seat passenger car occupants by 50 percent;
- fatal injury to front-seat light-truck occupants by 60 percent; and
- moderate-to-critical injury to front-seat light-truck occupants by 65 percent (Kahane, 2015; NHTSA, 1984).

In 2017 seat belts saved an estimated 14,955 lives of passenger vehicle occupants 5 and older (latest data available).<sup>1</sup>

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<sup>1</sup> National Center for Statistics and Analysis. (2020, June). *Occupant protection in passenger vehicles: 2018 data* (Traffic Safety Facts. Report No. DOT HS 812 967). National Highway Traffic Safety Administration.