

**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.)

Prepared By: The Professional Staff of the Judiciary Committee

BILL: CS/SB 344

INTRODUCER: Transportation Committee, Senator Rich, and others

SUBJECT: Safety Belt Law

DATE: April 20, 2009 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hansson	Meyer	TR	<b>Fav/CS</b>
2.	Sumner	Maclure	JU	<b>Favorable</b>
3.			TA	
4.				
5.				
6.				

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

- A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes  
 B. AMENDMENTS.....  Technical amendments were recommended  
 Amendments were recommended  
 Significant amendments were recommended

**I. Summary:**

The bill, cited as the “Dori Slosberg and Katie Marchetti Safety Belt Law,”<sup>1</sup> amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and front seat passengers. Section 316.614, F.S., currently provides for primary enforcement of the safety belt law for all passengers under 18 years of age and secondary enforcement of the safety belt law for operators and front seat passengers over 18 years of age. The bill would allow law enforcement officers to stop motorists solely for not using their safety belts. It also removes from the list of exemptions to the safety belt law front seat passengers of a pickup truck in excess of the number of safety belts installed. A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine.

This bill substantially amends section 16.614, Florida Statutes.

<sup>1</sup> Dori Slosberg was the 14-year-old daughter of former state Rep. Irving Slosberg, D-Boca Raton. Dori was killed in a car crash in 1996 with another teenager driving. Katie Marchetti was a 16-year-old Brandon resident who was killed in 2006 in a car crash with another teenager driving.

## II. Present Situation:

In 1986, the Legislature enacted the “Florida Safety Belt Law.” Section 316.614, F.S., requires a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear safety belts. The law is enforced against any adult driver or adult passenger who is not restrained by a safety belt. If a person under 18 years of age is unrestrained, the law is enforced against the driver. The Florida Safety Belt Law for operators and passengers over 18 years is enforced as a secondary offense, meaning that law enforcement officers cannot stop motorists solely for not using their safety belts. Instead, the officer must first stop the motorist for a suspected violation of chs. 316, 320, or 322, F.S., before the officer can issue a uniform traffic citation for failure to wear a safety belt.

However, there is primary enforcement of the safety belt law for operators and passengers under 18 years of age. Similarly, the child restraint requirements of s. 316.613, F.S., are enforced as a primary offense. The law requires all children 5 years of age and younger being transported in a motor vehicle to be restrained in a carrier, integrated car seat, or seat belt. Motorists are subject to being stopped by law enforcement officers for failure to comply with these requirements.

The penalty for failure to wear a safety belt is \$30, plus administrative and court costs. Revenues collected from citations issued for safety belt violations are distributed like other traffic citation revenues, pursuant to s. 318.21, F.S., except \$5 of each citation paid is directed to the Epilepsy Services Trust Fund.

Those not subject to the safety belt law include:

- Persons certified by a physician as having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous;
- Persons delivering newspapers on home delivery routes during the course of their employment;
- Front seat passengers of a pickup truck in excess of the number of safety belts installed;
- Employees of a solid waste or recyclable collection service on designated routes during the course of their employment;
- Persons occupying the living quarters of a recreational vehicle or the space within the body of a truck used for the storage of merchandise.

According to a May 2008 study by the National Highway Traffic Safety Administration (NHTSA), 26 states and the District of Columbia currently have primary enforcement of safety belt laws.<sup>2</sup> An April 2008 study by the NHTSA further revealed that Florida had a seat belt usage rate of 79.1 percent in 2007 and has increased the seat belt usage rate by 13.8 percent since 2001. However, Florida falls below the national average of 83 percent. Nationally, Florida is ranked 35th in seat belt usage. All of the states ranked in the top 5 have primary enforcement of seat belt laws. Also, in a September 2008 study, NHTSA estimated that the average rate of safety belt use

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<sup>2</sup> The states with primary seat belt enforcement are: Alabama; Alaska; California; Connecticut; Delaware; Georgia; Hawaii; Illinois; Indiana; Iowa; Kentucky; Louisiana; Maine; Maryland; Michigan; Mississippi; New Jersey; New Mexico; New York; North Carolina; Oklahoma; Oregon; South Carolina; Tennessee; Texas; and Washington. (On file with the Senate Committee on Judiciary.)

in jurisdictions permitting primary enforcement of the safety belt law was 13 percentage points higher than in states with secondary enforcement.<sup>3</sup>

### **III. Effect of Proposed Changes:**

The bill (cited as the “Dori Slosberg and Katie Marchetti Safety Belt Law”) amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and front seat passengers. Law enforcement officers would be authorized to stop motorists and issue citations for a safety belt violation. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine, plus applicable fees and court costs.

The exemption for front seat passengers of a pickup truck in excess of the number of safety belts installed is removed from the list of exemptions to the safety belt law. The operator and any front seat passengers of a pickup truck will be subject to primary enforcement of the safety belt law.

Enforcement of the safety belt law for operators and passengers under 18 years of age would remain primary. Similarly, primary enforcement of the child restraint requirements provided for in s. 316.613, F.S., would remain in effect.

The bill provides an effective date of June 30, 2009.

#### **Other Potential Implications:**

In 2005, Congress adopted a federal incentive program as a way to encourage states to adopt primary enforcement of seat belt laws. Any state that adopts primary enforcement or achieves a safety belt usage rate of 85 percent for two consecutive years will receive a one-time federal grant. To qualify for the federal funds, the state must pass a bill and have it signed by the governor by June 30, 2009, and begin issuing citations by September 30, 2009. The federal money the state receives can only be spent on highway-related projects.

The bill conforms to the criteria set by the federal grant program by providing an effective date of June 30, 2009, and eliminating front seat passengers of a pickup truck in excess of the number of safety belts installed from the list of exemptions to the seat belt law. The passage of the bill may qualify Florida to take advantage of the federal grant offered to states passing primary enforcement safety belt laws. The potential grant could be as high as \$35 million.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>3</sup> Report on file with the Senate Committee on Judiciary.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Primary enforcement of safety belt violations for all operators and front seat passengers may result in the issuance of an increased number of citations, and the assessment of additional traffic penalties and court costs. However, because it is impossible to forecast how many additional violations will be cited, the fiscal impact on state and local government is unknown. Crash-related injuries and death could be reduced, thereby decreasing associated medical and insurance costs to the state.

Passage of a primary enforcement safety belt law, subject to the criteria set by the federal grant program, may qualify Florida for as much as \$35 million in additional revenue from the federal government.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on February 23, 2009:**

The committee substitute:

- Amends the effective date to June 30, 2009.
- Removes from the list of exemptions to the safety belt law front seat passengers of a pickup truck in excess of the number of safety belts installed.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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