

**STORAGE NAME:** h0447s3.ft

**DATE:** March 5, 1998

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE COMMITTEE ON  
FINANCE AND TAXATION  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/CS/CS/HB 447

**RELATING TO:** Florida Safety Belt Law

**SPONSOR(S):** Committees on Governmental Operations and Transportation and Reps. Lippman, Jones, Feeney, and others

**COMPANION BILL(S):**

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

- (1) TRANSPORTATION YEAS 8 NAYS 0
  - (2) LAW ENFORCEMENT AND PUBLIC SAFETY YEAS 3 NAYS 1
  - (3) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0
  - (4) FINANCE AND TAXATION YEAS 10 NAYS 4
  - (5) CRIMINAL JUSTICE APPROPRIATIONS
- 

**I. FINAL ACTION STATUS:**

Pursuant to House Rule 96, CS/HB 447 was carried over to the 1998 Session in the House Committee on Governmental Operations. Some of the provisions of CS/HB 447 became law when CS/SB 1002 passed and was approved by the Governor, see Chapter 97-300, Laws of Florida. CS/CS/HB 447 eliminates the duplicative provisions in CS/HB 447 resulting from the passage of CS/SB 1002. CS/CS/CS/HB 447 adds the provision that until October 1, 1999, law enforcement officers are authorized to stop motorists and issue a warning when the driver or passengers are not using seat belts. Currently, CS/CS/CS/HB 447 does not have a Senate bill companion.

**II. SUMMARY:**

Current law requires motor vehicle drivers and passengers to wear seat belts. The "Florida Safety Belt Law" is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their seat belts. Instead, the officer must first stop the motorist for a suspected violation of state traffic, motor vehicle, or driver license laws, before the officer can issue a uniform traffic citation for failure to wear a seat belt.

This bill amends the Florida Safety Belt Law to provide for primary enforcement of the seat belt law. Under this bill, law enforcement officers are authorized to stop motorists and issue warnings when the driver or passengers are not using seat belts until October 1, 1999. Thereafter, law enforcement officers are authorized to stop motorists and issue citations when the driver or passengers are not using seat belts.

Although it is unclear whether seat belt enforcement would increase, CS/CS/HB 447 would most likely increase seat belt use. Increased seat belt use in Florida should decrease the severity of crash related injuries, as well as decrease medical and insurance costs related to motor vehicle crashes that would have been experienced otherwise. To the extent that such costs are reduced this bill has a positive, but indeterminate fiscal impact. There are also indeterminate costs associated with implementing this legislation. However, there will also be an indeterminate amount of revenues collected as a result of citations issued.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The "Florida Safety Belt Law," (s. 316.614, F.S.) requires drivers and front seat passengers to wear seat belts. The "Florida Safety Belt Law" is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their seat belts. Instead, the officer must first stop the motorist for a suspected violation of Chapters 316, 320, or 322, F.S., before the officer can issue a uniform traffic citation for failure to wear a seat belt. The penalty for failure to wear a seat belt is \$30, plus court costs.

Revenues collected from citations issued for seat belt violations are distributed like other citation revenues, pursuant to s. 318.21, F.S., except \$5 for each citation paid is directed to be deposited into the Epilepsy Services Trust Fund. The Department of Highway Safety and Motor Vehicles records indicate that 226,948 citations were issued for seat belt violations during calendar year 1995.

There are, however, exceptions for when seat belts are required to be worn. For example, passengers who are over 5 years of age may travel unrestrained by a seat belt in a motor vehicle if they are not in the front seat. Also, persons who deliver newspapers on home delivery routes are not required to wear seat belts during the course of their employment. There is no such exception for employees of solid waste or recyclable services.

In December 1996, the National Highway Traffic Safety Administration reported to Congress that "...the manner in which the law is enforced also affects use rates. ... The average use rate in the eleven states which have laws that permit primary enforcement is 14 percentage points higher than the average of those states which permit only secondary enforcement. The average use rate among primary law enforcement states in 1995 was 75 percent. The average use rate among secondary law enforcement states in 1995 was 61 percent."

Further, the National Highway Traffic Safety Administration reported that the most recent average seat belt use rate in Florida was 59 percent. This rate appears to be consistent with a 1994 statewide seat belt use survey by AAA. AAA had determined that Florida's statewide seat belt use rate for front seat passengers was 65.4 percent.

B. EFFECT OF PROPOSED CHANGES:

This bill amends the Florida Safety Belt Law to provide for primary enforcement of the seat belt law. Under this bill, law enforcement officers are authorized to stop motorists and issue warnings when the driver or passengers are not using seat belts until October 1, 1999. Thereafter, law enforcement officers are authorized to stop motorists and issue citations when the driver or passengers are not using seat belts.

It is unclear whether primary enforcement will result in more violations being cited since the level of enforcement in Florida must be balanced with other competing demands placed on law enforcement officers.

Although it is unclear whether seat belt enforcement would increase, this bill would most likely increase seat belt use. Based on other states that have primary enforcement and/or periodic enforcement "blitzes," Florida's seat belt use rate could increase to over 70 percent.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

This bill authorizes law enforcement to provide for primary enforcement of the Florida Seat Belt Law.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

**Not applicable.**

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not applicable.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Not applicable.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

**Not applicable.**

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

**Not applicable.**

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

**Not applicable.**

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. STATUTE(S) AFFECTED:

Amends s. 316.614.

E. SECTION-BY-SECTION ANALYSIS:

Not applicable.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate. See D. Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Indeterminate. See D. Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate. See D. Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

Indeterminate. See D. Fiscal Comments.

2. Direct Private Sector Benefits:

Indeterminate. See D. Fiscal Comments.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. **FISCAL COMMENTS:**

Although it is unclear whether seat belt enforcement would increase, this bill would most likely increase seat belt use. Increased seat belt use in Florida should decrease the severity of crash related injuries, as well as decrease medical and insurance costs related to motor vehicle crashes that would have been experienced otherwise. To the extent that such costs are reduced, this bill has a positive but indeterminate impact. There are also indeterminate costs associated with implementing this legislation; however, there will also be an indeterminate amount of revenues collected as a result of citations issued.

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

A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties and municipalities to expend funds. Therefore, the provisions of this bill are exempt from the mandate provisions of Article VII, Section 18 of the Florida Constitution.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

The counties' and municipalities' authority to raise revenue is not affected by this bill. Therefore, the bill is exempt from the mandate provisions of Article VII, Section 18 of the Florida Constitution.

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

This bill would not reduce the percentage of a state tax that is shared with counties and municipalities. Therefore, the bill is exempt from the mandate provisions of Article VII, Section 18 of the Florida Constitution.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 4, 1997, the House Transportation Committee adopted one amendment to HB 447. The amendment corrected a scrivener's error and required all motor vehicle passengers who are 6 through 15 years of age to wear a seat belt, regardless of where they are sitting in the motor vehicle.

CS/SB 1002, Chapter 97-300, Laws of Florida, became law on June 3, 1997, and takes effect on October 1, 1997. Chapter 97-300, Laws of Florida, requires all motor vehicle passengers who are 6 through 15 years of age to be restrained by a seat belt (not just those in the front seat). Furthermore, it exempts employees of solid waste or recyclable collection services from wearing a seat belt while performing employment duties. These provisions found in CS/HB 447 are deleted in CS/CS/HB 447.

On February 19, 1998, the House Committee on Finance and Tax adopted one amendment to CS/CS/HB 447 that adds the provision that until October 1, 1999, law enforcement officers are authorized to stop motorists and issue a warning when the driver or the passengers are not using seat belts. This amendment was rolled into the bill as a committee substitute.

VIII. SIGNATURES:

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