

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 90

SPONSOR: Committee on Transportation and Senator Grant

SUBJECT: Florida Safety Belt Law

DATE: April 14, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This CS amends the Florida Safety Belt Law to provide for primary enforcement of the seat belt law. Under this bill, law enforcement officers would be authorized to stop motorists and issue citations when an operator, front seat passenger, or a passenger under 16 years of age is not using a seat belt. The CS further provides that a law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of the safety belt law.

This CS substantially amends section 316.614 of the Florida Statutes.

II. Present Situation:

Section 316.614, the "Florida Safety Belt Law" provides it is unlawful for a person to operate a motor vehicle unless the driver, any passenger under sixteen years old and any passenger in the front seat is wearing a seat belt. However, the section provides the "Florida Safety Belt Law" is only enforceable as a secondary offense. A law enforcement officer may not stop motorists solely for not using their seat belts. However, if an officer stops a motorist for a suspected violation of chapter 316, 320, or 322, F.S., the officer may then issue a uniform traffic citation for failure to wear a seat belt. The section provides a violation of the seat belt law is a "nonmoving violation" punishable as provided in chapter 318. Section 318.18(2) provides the penalty for a nonmoving traffic violation is thirty dollars.

Section 316.613 requires all children three years of age or younger being transported in a motor vehicle to be secured in a "separate carrier" or a "integrated child seat". A child four or five years of age must be secured in a separate carrier, an integrated child seat or a seat belt. The child restraint requirements of this section are enforceable as a primary offense.

The Florida Department of Highway Safety and Motor Vehicle's records indicate 226,948 citations were issued for seat belt violations during calender year 1995, 264,710 were issued in 1996, and 239,547 citations were issued in 1997.

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."

III. Effect of Proposed Changes:

This CS amends the Florida Safety Belt Law to delete the provision that the law can only be enforced as a secondary offense. Under this bill, law enforcement officers would be authorized to stop motorists and issue traffic citations when an operator, front seat passenger, or a passenger under 16 years of age is not using a seat belt. The CS further provides that a law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of the safety belt law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Unknown.

C. Government Sector Impact:

To the extent this CS may increase seat belt use in Florida, it may decrease the severity of crash related injuries, as well as decrease medical and insurance costs related to motor vehicle crashes and thus have a positive fiscal impact. Further, since counties and municipalities receive a portion of the fines levied for a non-moving violation, they may see a positive fiscal impact as a result of this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
