

**STORAGE NAME:** h0373.tr

**DATE:** February 9, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** HB 373

**RELATING TO:** Aggressive Careless Driving

**SPONSOR(S):** Representatives Russell, Bense, Prieguez, Andrews, Byrd, Kelly, Goodlette, and C. Green

**TIED BILL(S):**

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

- (1) TRANSPORTATION
  - (2) JUDICIARY
  - (3) LAW ENFORCEMENT & CRIME PREVENTION
  - (4) CRIMINAL JUSTICE APPROPRIATIONS
  - (5)
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**I. SUMMARY:**

Currently, there is not a specific statute that addresses aggressive careless driving. The bill creates s. 316.1923, F.S. to provide a definition for aggressive careless driving and penalties for violations of this provision. A person is guilty of aggressive careless driving when he or she commits two or more moving violations simultaneously or in succession.

The bill provides for a first conviction of this provision a minimum of a six point assessment on the person's driver's license, a fine of not less than \$60, and a mandatory court appearance. The offender would have the option to attend an ADI (Advanced Driver Improvement) course to reduce the point assessment to one point.

A second conviction of this provision would result in a minimum of a six point assessment on the person's driver's license, a fine of not less than \$250 and not more than \$500, a mandatory court appearance, and the possible revocation of the person's driver's license for not more than one year.

A person guilty of a third or subsequent violation of this provision would be treated as a habitual traffic offender resulting in a minimum of a six point assessment on the person's driver's license, a fine of not less than \$500 and not more than \$1,000, and a mandatory court appearance. Furthermore, a sentence of 120 community service hours may be issued if a third or subsequent violation of this provision causes or results in a crash.

The bill also provides that if a court has reason to believe that alcohol or chemical abuse contributed to the aggressive careless driving, the offender may be required to complete a DUI program substance abuse education and treatment.

The bill provides technical changes to several statutes regarding driver improvement courses, fees, mandatory court appearances, habitual traffic offenders, and license suspension and revocation.

The bill has an effective date of July 1, 2000.

The bill has an unknown fiscal impact due to the uncertainty of the number of citations that would be issued for violations of this provision.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1. Less Government Yes  No  N/A

Law enforcement officers would be required to issue citations for aggressive careless driving. The mandatory court appearance would increase the work load of the court system.

2. Lower Taxes Yes  No  N/A

3. Individual Freedom Yes  No  N/A

Persons who violate the provisions of the bill would be required to appear in a court and will have to pay court costs and fees for attending applicable or required driving courses.

4. Personal Responsibility Yes  No  N/A

5. Family Empowerment Yes  No  N/A

B. PRESENT SITUATION:

Currently, there is not a specific statute within the state's traffic laws that addresses aggressive driving. Law enforcement officers will usually cite an offender for the most serious traffic offense or the offense for which the best evidence exists. Furthermore, some law enforcement agencies' policies prohibit the issuance of more than one traffic citations for hazardous, careless moving violations. In these cases, officers are required to issue citations for the most serious traffic offense committed.

C. EFFECT OF PROPOSED CHANGES:

The bill creates s. 316.1923, F.S. to provide a definition for aggressive careless driving and penalties for violations of this provision. The bill defines aggressive careless driving as violating two or more of the following moving violations simultaneously or in succession:

- ▶ Exceeding the posted speed,
- ▶ Unsafely or improperly changing lanes,
- ▶ Following another vehicle too closely,
- ▶ Failing to yield the right-of-way,
- ▶ Improperly passing, and
- ▶ Violating traffic-control and signal devices.

The bill provides for a first conviction of this provision a minimum of a six point assessment on the person's driver's license, a fine of not less than \$60, and a mandatory court appearance. The offender would have the option to attend an ADI course to reduce the point assessment to one point.

A second conviction of this provision would result in a minimum of a six point assessment on the person's driver's license, a fine of not less than \$250 and not more than \$500, and a

mandatory court appearance. At the discretion of the court, the person's driver's license may be revoked for not more than one year.

A person guilty of a third or subsequent violation of this provision would be treated as a habitual traffic offender resulting in a minimum of a six point assessment on the person's driver's license, a fine of not less than \$500 and not more than \$1,000, and a mandatory court appearance. Furthermore, a sentence of 120 community service hours may be issued if a third or subsequent violation of this provision causes or results in a crash. The option of attending an ADI course to reduce the point assessment would not be available to a second offender.

The bill also provides that if a court has reason to believe that alcohol or chemical abuse contributed to the aggressive careless driving, the offender may be required to complete a DUI program substance abuse education and treatment. A failure to complete a substance abuse course and treatment may result in the loss of the person's driving privilege until the course and treatment are completed.

The bill provides technical changes to ss. 318.1451, F.S., relating to driver improvement schools, 318.17, F.S., 318.19, F.S., relating to requiring mandatory court appearances for infractions, 322.264, F.S., relating to habitual traffic offenders, and 322.27, F.S., relating to the department's authority to suspend or revoke a license.

D. SECTION-BY-SECTION ANALYSIS:

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The bill provides for 910 hours of contracted programming modifications at \$135 per hour to modify the Driver License Software System with a total cost of \$122,850.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The department is expected to absorb all the costs associated with the data processing required to update the license software system resulting from the provisions of the bill.

If certain moving violations become cited as aggressive careless violations, then the optional court appearance associated with a moving violation becomes a mandatory court appearance. Therefore, the work load for the courts would increase resulting in the necessity of additional funds. The exact fiscal impact on the state, however, is unknown due to the uncertainty of the number of citations that would be issued for aggressive careless driving.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

According to the Department of Highway Safety and Motor Vehicles, aggressive driving and associated road rage endangers millions of drivers traveling the streets and highways. The bill would create a specific statute defining and providing strict penalties for aggressive careless driving which would be an aid to law enforcement officers and would reduce the number of accidents resulting from aggressive driving. The severe penalties are thought, by the department, to become a discouragement in those who exhibit aggressive tendencies in their driving behavior.

Statistics

Recent data revealed that fatalities resulting from aggressive driving has become a concern. In a list released by USAA Magazine in 1999 of 10 metro areas in the United States with the highest number of fatalities as a result of aggressive driving, Florida had four out of the ten cities listed. The Surface Transportation Policy Project (STPP) revealed in this article that Florida had an average of 800,000 death as a result of aggressive driving.

The Department of Highway Safety and Motor Vehicles released a study in 1998, found in the Florida Metro Time on December 28, 1999, which revealed that over 78 percent of aggressive driving cases resulted in an accident.

In 1999, Operation R.A.G.E. was conducted by law enforcement agencies in three counties; Polk, Pinellas, and Hillsborough. The summary reports revealed that in:

- ▶ Polk county -- out of 860 traffic stops, 67 were due to aggressive driving,
- ▶ Pinellas county -- out of 391 traffic stops, 12 were due to aggressive driving, and
- ▶ Hillsborough county -- out of 1280 traffic stops, 104 were due to aggressive driving.

Amendments

The sponsor intends to offer a "Strike Everything" amendment to further provide clarification of the penalties associated with violations of this provision and of the optional course to reduce the point assessment for first offenders. In particular, the amendment provides:

- ▶ An aggressive driver abatement course for first offenders covering topics such as, how to control driving related stress and anger, education about the possible consequences of aggressive driving, and intervention in self-destructive behavioral patterns specific to aggressive driving,
- ▶ References to the statutes relating to the revocation of a habitual traffic offender's license for a minimum of five years and the requirement of an ADI course prior to having his or her license reinstated;
- ▶ A section which allows the department to assess the fees associated with the aggressive driver abatement and ADI courses,
- ▶ Technical changes throughout the bill, and
- ▶ A new effective date of January 1, 2001.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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Jennifer L. Sexton-Bartelme

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John R. Johnston