

**STORAGE NAME:** h0373s1.tr

**DATE:** March 7, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** CS/HB 373

**RELATING TO:** Aggressive Careless Driving

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

**TIED BILL(S):**

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

- (1) TRANSPORTATION YEAS 11 NAYS 0
  - (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. 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 a minimum of a six point assessment for a first conviction 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 aggressive driver abatement course to reduce the point assessment to one point.

A second conviction 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 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 required if a third or subsequent violation of this provision causes or results in a crash.

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 January 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

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. 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 a minimum of a six point assessment for a first conviction 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 aggressive driver abatement course to reduce the point assessment to one point. This eight hour course would cover 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.

A second conviction 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 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 required if a third or subsequent violation of this provision causes or results in a crash. The option of attending an aggressive driver abatement course to reduce the point assessment would not be available to a second offender.

The bill provides technical changes to ss. 316.1923, F.S., relating to following another vehicle too closely, 318.1451, F.S., relating to driver improvement schools and assessment of fees for driving courses by the department, 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:

According to the Department of Highway Safety and Motor Vehicles, 910 hours of contracted programming modifications at \$135 per hour will be required 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 will absorb costs associated with license software system modifications.

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. The exact fiscal impact on the state, however, is unknown due to the uncertainty of the number of court cases.

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. According to a recent USAA Magazine, of 10 metro areas in the United States with the highest number of fatalities resulting from aggressive driving, Florida had four out of the ten cities listed. The magazine also included a statistic showing 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 showing 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.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

An amendment was adopted to provide clarification of the penalties associated with violations. 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;
- Eliminating the DUI court provisions and the DUI program substance abuse course and evaluation;
- 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.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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Jennifer L. Sexton-Bartelme

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