

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 732

SPONSOR: Transportation Committee and Senator Sebesta

SUBJECT: Traffic Infractions

DATE: April 26, 2000 REVISED: _____

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

I. Summary:

This CS creates s. 316.1923, F.S., which provides a definition for the offense of aggressive careless driving and establishes penalties for violations of this provision. A person is guilty of aggressive careless driving when he or she commits two or more of the specified moving violations simultaneously or in succession.

The CS provides for a minimum six point assessment on the person's driving record, a fine of not less than \$60, and a mandatory court appearance upon the first conviction of this provision. The offender would have the option to attend an aggressive driver behavior modification course to reduce the point assessment to three points. A second conviction of this provision would result in a six point assessment, a fine of not less than \$250 and not more than \$500, and the possible revocation of the person's driver's license for not more than one year. Upon a third or subsequent violation of this provision, the offender would be treated as a habitual traffic offender (five year license revocation), a six point assessment, and a fine of not less than \$500 and not more than \$1,000. 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.

This CS substantially amends the following sections of the Florida Statutes: 322.27, 318.1451, 318.17, 318.1923, 318.19, 322.264, and 316.65. This CS creates section 316.1923, Florida Statutes.

II. Present Situation:

Currently, there is not a specific statute within the state's traffic laws addressing aggressive driving. In instances where a motorist commits more than one moving violation, law enforcement officers generally issue a citation for the most serious traffic offense or the offense for which the best evidence exists. Some law enforcement agencies' policies prohibit the issuance of more than one traffic citation for hazardous or careless moving violations. In these cases, officers are required to issue citations for the most serious traffic offense committed.

III. Effect of Proposed Changes:

The CS creates s. 316.1923, F.S., to provide a definition for aggressive careless driving and penalties for violations. The CS 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 CS provides that a first conviction would result in a six point assessment on the person's driving record, 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 three points. 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 six point assessment on the person's driving record and a fine of not less than \$250 and not more than \$500. At the discretion of the court, the person's license may be revoked for not more than one year. The option of attending an aggressive driver abatement course to reduce the point assessment would not be available to a second offender.

A person convicted of a third or subsequent violation would be treated as a habitual traffic offender pursuant to s. 322.264, F.S. The person's license would be revoked for a minimum of five years. In order to obtain reinstatement, the person must show proof of enrollment in an advanced driver improvement course. In addition, a third or subsequent conviction would result in a minimum six point assessment on the person's driving record, and a fine of not less than \$500 and not more than \$1,000. 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 CS amends s. 322.27, F.S., to reflect that persons convicted of aggressive careless driving shall receive six points on their driving record.

The CS amends s. 328.1451, F.S., to provide that the provider for an aggressive driver behavior modification course may only be a governmental program or a not-for-profit organization, unless approved and operated within a Florida judicial circuit. In addition to the fee charged for the aggressive driver course, the offender is subject to a \$2.50 assessment fee to be deposited into the Highway Safety Operating Trust Fund.

The CS amends ss. 318.17 and 318.19, F.S., to add aggressive careless driving to a list of offenses for which an offender cannot use the provisions of chapter 318, F.S., to avoid appearing in court. For other traffic offenses, a driver can avoid a court appearance by simply paying a fine

or attending driving school. Attendance at driving school can, in other situations, prevent points from being assessed on a driving record. This CS provides that persons charged with aggressive careless driving must appear in court and cannot avoid the assessment of points by means other than those stated in the CS.

The CS amends s. 322.264, F.S., to provide that a person convicted three or more times of aggressive careless driving is deemed an habitual traffic offender.

The CS amends s. 316.650, F.S., to provide that future printings of the uniform traffic citation form are to include a box to be checked by the law enforcement officer when a traffic violation and/or crash was caused due to aggressive careless driving.

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:

The CS creates a new criminal violation. 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 applicable driver improvement courses.

To the extent the CS reduces incidence of aggressive driving highway safety would be enhanced.

C. Government Sector Impact:

The CS would require 910 hours of contracted programming modifications at \$135 per hour to modify the Driver License Software System. The estimated cost of these modifications would total \$122,850.

The fiscal impact of the CS on the courts associated with additional workload is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Research indicates aggressive driving and associated “road rage” endangers millions of drivers traveling the streets and highways. This CS would create a specific statute defining and providing strict penalties for aggressive careless driving which would be an aid to law enforcement officers and could reduce the incidence of aggressive driving and resulting crashes.

VIII. Amendments:

None.

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