

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1288

SPONSOR: Transportation Committee and Senator Carlton

SUBJECT: Motor Vehicle Safety Belts

DATE: April 23, 2001

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.	_____	_____	CA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

Section 316.614, F.S., the “Florida Safety Belt Law,” requires a motor vehicle operator, front seat passengers, and all passengers under 18 years of age 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.

This CS amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and passengers under the age of 18 years. Law enforcement officers would be authorized to stop motorists and issue citations for safety belt violations. A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine. However, law enforcement officers would be prohibited from searching or inspecting the vehicle, its contents, or the driver based upon a violation of the safety belt law.

This CS substantially amends section 316.614 of the Florida Statutes.

## II. Present Situation:

Section 316.614, F.S., the “Florida Safety Belt Law,” requires a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear seat belts. This section also provides that the number of front seat passengers in a pickup truck required to wear a seat belt shall not exceed the number of seat belts installed by the manufacturer. 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.

There are, however, exceptions for when seat belts are required to be worn. For example, persons who deliver newspapers on home delivery routes are not required to wear seat belts during the course of their employment. Similarly, the living quarters of a recreational vehicle and the space within a truck body that is used for storage or merchandise (truck beds) are exempt from the requirements of this section.

The penalty for failure to wear a seat belt under s. 316.614, F.S., is \$30, plus add-ons and 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 from each citation paid is directed to the Epilepsy Services Trust Fund.

Although the “Florida Safety Belt Law” is enforced as a secondary offense, the child restraint requirements of s. 316.613, F.S., are enforced as a primary offense. The law requires all children 5 years of age and younger being transported in a motor vehicle to be restrained in a carrier, integrated car seat, or seat belt. Motorists are subject to being stopped by a law enforcement officer for failure to comply with this requirement. Violators of the child restraint provisions contained in s. 316.613, F.S., are subject to a \$60 fine and 3-point assessment.

Currently, there is no language in the “Florida Safety Belt Law” statute which relates to searches and inspections of a motor vehicle, its contents, or the driver by a law enforcement officer for a traffic stop which results in a secondary violation of s. 316.614, F.S.

### **III. Effect of Proposed Changes:**

This CS (cited as the “Dori Slosberg Act of 2001”) amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and passengers under 18 years of age. Law enforcement officers would be authorized to stop motorists and issue citations for a safety belt violation. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine.

Enforcement of the safety belt law for operators and passengers 18 years of age and older would remain secondary. Similarly, primary enforcement of the child restraint requirements provided for in s. 316.613, F.S., would remain in effect.

Law enforcement officers would be prohibited from searching or inspecting the vehicle, its contents, or the driver based upon 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.

**D. Other Constitutional Issues:**

The provision in this CS prohibiting an officer from searching or inspecting “a motor vehicle, its contents, the driver, or a passenger because of a violation of this section” is essentially a restatement of existing law. A lawful stop by an officer to enforce the provisions of this section would still be subject to all of the protections of the Fourth Amendment to the United States Constitution and Article I, Section 12 of the Florida Constitution.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

To the extent the CS increases safety belt use in Florida, crash-related injuries and deaths will be reduced, decreasing associated medical and insurance costs.

The CS provides for primary enforcement of Florida’s safety belt law for persons under the age of 18 years. Law enforcement officers would be authorized to stop motorists for not wearing a safety belt. Persons violating this provision would be subject to a \$30 non-moving infraction.

The CS prohibits a law enforcement officer from searching or inspecting a motor vehicle, its contents, the driver, or a passenger because of a violation of this section.

**C. Government Sector Impact:**

The number of additional citations issued as a result of this CS and the resulting fiscal impact is unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

According to the National Highway Traffic Safety Administration (NHTSA), as of March 1999, the average seat belt use rate in the 19 states (including the District of Columbia and Puerto Rico) which have laws that permit primary enforcement is 12 percentage points higher than the average of those states which permit only secondary enforcement. The average use rate among primary law enforcement states in 1999 was 73 percent and the average use rate among

secondary law enforcement states in 1999 was 61 percent. In Florida, the NHTSA reported that the average safety belt use rate was 57 percent in 1999.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), this CS would strengthen Florida's Safety Belt Law by increasing compliance and, thereby reducing the number of deaths and injuries associated with failure to wear a seat belt. DHSMV's records indicate that 313,684 citations were issued in Florida for seat belt violations during calendar year 1999.

**VIII. Amendments:**

None.

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

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