

HOUSE OF REPRESENTATIVES ANALYSIS

BILL #: HB 103
SPONSOR(S): Kosmas
TIED BILLS:

RELATING TO: Motor Vehicles
IDEN./SIM. BILLS: SB 1422

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
(1) <u>Highway Safety (Sub)</u>	<u>6 Y, 1 N</u>	<u>Garner</u>	<u>Miller</u>
(2) <u>Transportation</u>	<u>18 Y, 0 N</u>	<u>Garner</u>	<u>Miller</u>
(3) <u>Local Affairs (Sub)</u>	<u> </u>	<u> </u>	<u> </u>
(4) <u>Local Government & Veterans Affairs</u>	<u> </u>	<u> </u>	<u> </u>
(5) <u>Transportation & Econ. Dev. Apps. (Sub)</u>	<u> </u>	<u> </u>	<u> </u>
(6) <u>Appropriations</u>	<u> </u>	<u> </u>	<u> </u>

SUMMARY ANALYSIS

Current law restricts persons from riding outside the passenger compartment of a motor vehicle, or on any portion not designed or intended for the use of passengers, unless occupying a seat securely affixed to the vehicle's exterior, or in a space within a truck body intended for carrying merchandise, except for employees acting in their employment duties.

HB 103 prohibits persons from riding on the exterior of a motor vehicle except employees of a fire department, a governmentally operated solid waste disposal department, a contracted waste disposal service, or volunteer firefighters acting in the line of duty, or persons being transported by a public agency in response to an emergency.

Furthermore, the bill prohibits a minor 16 years of age and under from riding on the bed of a pickup or flatbed truck unless the truck has been modified to include secure seating and safety restraints and the minor is properly restrained. This provision does not apply if the truck is operated on a farm or off public roads, or in the case of a medical emergency, if the minor is accompanied in the truck by an adult.

The bill allows local governments to adopt an ordinance authorizing persons to ride on the bed of a pickup or flatbed truck, notwithstanding the bill's provisions. The bill does not appear to have a substantial fiscal impact on state or local government.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0103b.tr.doc
DATE: April 14, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

Reduce Government?

The bill increases the regulation of motor vehicle passengers traveling on public roads by further restricting who may ride on those portions of vehicles not specifically designed to carry passengers. Increased regulation of this kind is arguably an expansion of state government rather than a reduction.

Expand Individual Freedom?

The bill reduces the freedom some passengers have in riding on the exterior of motor vehicles and in the beds of pickup and flatbed trucks.

Increase Personal Responsibility?

For safety reasons, the bill dictates to operators and passengers of motor vehicles where they must ride on passenger vehicles and on pickup and flatbed trucks. Restricting a person's choices in providing for his or her own safety arguably decreases that person's personal responsibility for his or her own safety.

Empower Families?

The bill restricts certain minors from riding on the beds of pickup or flatbed trucks. To the extent that some families rely solely on pickup trucks for personal transportation, the bill arguably reduces the ability of some families to provide personal transportation for their children.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Current law prohibits the operator of a passenger vehicle from allowing anyone to ride outside of the passenger compartment of the motor vehicle unless the passenger occupies a seat that has been securely affixed to the vehicle's exterior. This infraction is a moving violation punishable by a fine of \$60 plus applicable costs and fees.

In addition, the law prohibits a passenger from riding on any portion of a vehicle that is not designed or intended for the use of passengers, except for employees doing so as part of employment duties, or persons riding within truck bodies in space intended for merchandise. This infraction is a non-moving violation punishable by a fine of \$30 plus applicable costs and fees.

These prohibitions do not apply to a performer engaging in, or preparing for, an exhibition or parade.

Effect of Proposed Changes

Under HB 103, an operator of a passenger vehicle would no longer be able to allow a passenger to ride outside the compartment in a seat that has been securely affixed to the vehicle's exterior.

In addition, HB 103 would no longer allow any employee engaged in the necessary discharge of his or her duty to ride on portions of a vehicle not intended for the use of passengers. Rather, the bill would allow only an employee of a fire department, a governmentally operated solid waste disposal department, a contracted waste disposal service, or a volunteer firefighter acting in the line of duty, or a person being transported by a public agency in response to an emergency to ride on the vehicle's exterior. A passenger would also no longer be allowed to ride within a truck body in the space intended for merchandise.

Furthermore, the bill provides that a minor 16 years and under is prohibited from riding on public roads within the body of an open pickup truck or flatbed truck unless the truck has been modified to include secure seating and safety restraints and the minor is properly restrained. These provisions do not apply if the truck is operated on a farm or off public roads, or in the case of a medical emergency, if the minor is accompanied in the truck by an adult.

The bill allows local governments to adopt an ordinance authorizing persons to ride on the bed of a pickup or flatbed truck, notwithstanding the bill's provisions.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.2015, F.S., to revise provisions regulating carrying motor vehicle passengers on the exterior of a vehicle.

Section 2. Amends s. 316.008, F.S., to give local governments the option of authorizing persons to ride on the bed of a pickup or flatbed truck.

Section 3. Provides an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a substantial impact on state revenues.

2. Expenditures:

This bill does not appear to require any state expenditure.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a substantial impact on local government revenues.

2. Expenditures:

This bill does not appear to require any local government expenditure.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector. However, to the extent that some families rely solely on pickup trucks for personal transportation, they may be disparately impacted by the provisions of this bill.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision

This bill does not implicate the municipality/county mandates provisions of the Florida Constitution.

2. Other

None.

B. RULE-MAKING AUTHORITY:

This bill does not reduce or expand the rule-making authority of state or local government.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill regulates the actions of motor vehicle operators and passengers who are traveling on the "public roads of the state." Because ch. 316, F.S., does not provide a definition for "public roads," the use of the phrase may be ambiguous to law enforcement officials. For example, officials could construe the phrase to include only publicly maintained roads. On the other hand, officials could construe the phrase to include any road open to the public regardless of whether a public or private entity maintains it. Law enforcement officers and court officials would be required to interpret the scope of the phrase leading officials in different jurisdictions within the state to apply different interpretations. Differing interpretations could lead to uneven statewide application of the law. Likewise, "opt out" provisions in the bill could also lead to different enforcement requirements throughout the state, potentially causing confusion to both law enforcement and the public.

According to the Department of Highway Safety and Motor Vehicles, HB 103 would significantly enhance traffic safety, particularly for minors 16 years and under.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES