

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 125 Safety Belt Law Enforcement
SPONSOR(S): Slosberg
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	_____	Garner	Miller
2) Transportation	_____	_____	_____
3) Criminal Justice (Sub)	_____	_____	_____
4) Public Safety & Crime Prevention	_____	_____	_____
5) Public Safety Apps. (Sub)	_____	_____	_____
6) Appropriations	_____	_____	_____

SUMMARY ANALYSIS

Current law requires a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear safety belts. The "Florida Safety Belt Law" is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using safety belts. Instead, an officer must first stop a motorist for a suspected violation of state traffic, motor vehicle, or driver license laws before issuing a uniform traffic citation for failure to wear a safety belt.

HB 125 amends the "Florida Safety Belt Law" to provide for primary enforcement in certain situations. Law enforcement officers would be authorized to stop motorists and issue citations for a safety belt violation upon reasonable suspicion that both the driver and any passenger under the age of 18 years are not restrained. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine.

Primary enforcement of certain safety belt violations could result in an increase in the number of citations issued. However, the potential fiscal impacts to state and local governments are unknown because it is impossible to forecast how many additional citations may be issued.

The bill takes effect upon becoming law.

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

STORAGE NAME: h0125.tr.doc
DATE: March 24, 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 type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

Reduce Government?

The bill expands the authority of law enforcement to detain motor vehicle operators arguably increasing the scope of government rather than decreasing it.

Expand Individual Freedom?

Although the bill does not impose any new regulation upon motor vehicle operators, it does increase the authority of law enforcement officials to detain motorists.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

In 1986, the Legislature enacted the "Florida Safety Belt Law." Section 316.614, F.S., requires a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear safety 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 safety 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 safety belt.

The penalty for failure to wear a safety belt is \$30, plus administrative and court costs. Revenues collected from citations issued for safety belt violations are distributed like other traffic citation revenues, pursuant to s. 318.21, F.S., except that \$5 of each citation paid is directed to the Epilepsy Services Trust Fund. According to the Uniform Traffic Citation Statistics compiled by the Department of Highway Safety and Motor Vehicles, there were 360,617 citations issued for safety belt violations during the 2001 calendar year, more than for any other non-moving violation.

Those not subject to the safety belt law include:

- Persons certified by a physician as having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous;
- Persons delivering newspapers on home delivery routes during the course of their employment;
- Front seat passengers of a pickup truck in excess of the number of safety belts installed; and
- Persons occupying the living quarters of a recreational vehicle or the space within the body of a truck used for the storage of merchandise.

According to National Highway Traffic Safety Administration (NHTSA) estimates, the average rate of safety belt use in jurisdictions permitting primary enforcement of the safety belt law is 11 percentage points higher than in states with secondary enforcement. Research has found that lap/shoulder belts,

when used properly, reduce the risk of fatal injury to front seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent (for occupants of light trucks, 60 percent and 65 percent, respectively).

Effect of Proposed Changes

HB 124 provides for enforcement accomplished as a primary action, without reasonable suspicion of any other violation, if a law enforcement officer suspects that both the driver and any passenger under 18 years of age are unrestrained by a safety belt or an appropriate child restraint device. A law enforcement officer may not detain the occupants of a motor vehicle based solely on his or her suspicion that the occupants are unbelted. He or she must reasonably suspect that at least one of the unbelted occupants is under the age of 18, and that the driver is also unbelted.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.614, F.S., to provide for primary enforcement of the safety belt law when a law enforcement officer suspects that the driver and occupants under 18 years of age are unrestrained.

Section 2. Provides that the act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section.

2. Expenditures:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS section.

D. FISCAL COMMENTS:

Primary enforcement of some safety belt violations may result in the issuance of an increased number of citations; however, because it is impossible to forecast how many violations will occur and be cited the fiscal impact on state and local government is unknown.

DOT Comments

Section 1403 of TEA-21 established Section 157 in Title 23 USC and authorizes incentive funds for Federal Fiscal Years (FFY) 1999 through 2003. These incentive funds are awarded annually to states whose seat belt use rates for a given year either exceed the national average or exceed the state's

highest achieved seat belt usage rate during certain designated previous years. The allocations to states are based on savings in medical costs to the Federal Government resulting from these seat belt use rates. TEA-21 is set to expire in September 2003 and reauthorization of federal transportation laws is an ongoing issue in Congress.

Through strong statewide enforcement/education efforts under the Buckle Up Florida/Click It or Ticket campaign, administered by the Florida Department of Transportation (FDOT) Safety Office, Florida has shown a continuing increase in seat belt usage rates from 58.7% to 64.8% from 1999 to 2000, and from 64.8% to 69.5% from 2000 to 2001. This has enabled the state to receive these Section 157 incentive funds in FFY 2002 (\$1,255,600) and FFY 2003 (\$2,863,600). Due to obligation limitations, only \$1,935,919 of the FFY 2003 amount has been made available to Florida as of this date. Our 2002 seat belt use rate of 75.1% will enable FDOT to receive more incentive funds if this program is continued in the next highway bill after September 30, 2003.

Section 157 allows these funds to be used for any eligible project under Title 23 USC. Florida DOT has used these funds for enhancing the Buckle Up Florida/Click It or Ticket Campaign to help insure continued seat belt usage increases, primarily to purchase incentive items for law enforcement agencies to encourage their involvement in enforcing the seat belt and child restraint laws. Portions of these funds have also been used to support the Law Enforcement Liaison program, which is an essential component of Buckle Up Florida.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

HB 125 does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES