

HOUSE OF REPRESENTATIVES ANALYSIS

BILL #: HB 75 w/CS
SPONSOR(S): Stansel
TIED BILLS:

RELATING TO: Motor Vehicles
IDEN./SIM. BILLS: SB 1558

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
(1) <u>Highway Safety (Sub)</u>	<u>10 Y, 0 N</u>	<u>Garner</u>	<u>Miller</u>
(2) <u>Transportation</u>	<u>19 Y, 0 N w/CS</u>	<u>Garner</u>	<u>Miller</u>
(3) <u>Insurance</u>	<u>17 Y, 0 N</u>	<u>Cheek</u>	<u>Schulte</u>
(4) _____	_____	_____	_____
(5) _____	_____	_____	_____

SUMMARY ANALYSIS

Section 316.2398, F.S., authorizes volunteer firefighters and certain medical staff personnel display red lights on their personal vehicles when they are traveling to the scene of an emergency or to the stationhouse prior to proceeding to an emergency scene. The statute restricts the number, placement, type, and size of the red lights that these emergency personnel may use. Due to the scope of the statute's restrictions, volunteer firefighters and medical staff are prohibited from using many generally accepted types of red warning signals.

HB 75 w/CS eliminates many of the restrictions in s. 316.2398, F.S., and would allow volunteer firefighters and medical staff personnel to display no more than two warning signals that could be selected from among a much wider variety of warning signal assemblies available on the market. Also, the bill allows a volunteer firefighter to display the red warning signal at the location of a fire or emergency, and not merely when en route.

This bill does not appear to have any significant fiscal impacts on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input 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 checked="" type="checkbox"/> | No <input 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:

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Current law authorizes a volunteer firefighter, or a staff physician or medical technician to display one red light on his or her personal vehicle when responding to an emergency. The light must be of the revolving type, between 3 and 8 inches in diameter, no more than 50 candlepower, must consist of a lamp with a red lens, and must be permanently or magnetically mounted to the dashboard or the roof of the vehicle. The red light may not be a part of the vehicle's regular headlamps, taillights, or turn signal lights.

Among volunteer firefighters, only those who are active members of a regularly organized volunteer firefighting company or association, and who have a written permit from the chief executive officer of the firefighting organization may display the red light. The permit must be carried by the volunteer firefighter at all times while the red light is displayed. Among physicians and medical technicians, only those who are employed by a medical facility licensed by the state may display the red light.

The volunteer firefighter may only display the light while he or she is en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency, or while en route directly to the scene while in the line of duty. Similarly, staff physicians or medical technicians may only display the light while responding to an emergency in the line of duty. However, the statute does not authorize display of red lights at the scene of a fire or emergency.

Violation of this statute is a non-moving violation, however, a volunteer firefighter found in violation of this statute must be dismissed from membership in the firefighting organization.

Issues Raised

According to bill proponents, the statute governing the use of red lights by volunteer firefighters is out of date in that it requires the use of lights that are no longer routinely used by emergency response personnel, and that it forecloses the use of emergency signals that are now state-of-the-art. Proponents claim that a volunteer firefighter wishing to use industry-accepted lighting assemblies would be in violation of the statute in most cases, despite that these assemblies are widely used and safe.

This statute has not changed substantially since it was created with the enactment of the Uniform Traffic Control Act in 1971. Since that time, both technology and practice have changed in the use of emergency signals. Today's multi-color warning light units are designed to utilize incandescent, halogen, sealed beam light, or light-emitting diode (LED) sources. The current statute allows only for a single white incandescent lamp with a red lens.

Among the familiar types of emergency lighting assemblies used today but prohibited by the current statute are: grill and deck lights; visor lights; mini light bars; dash lights utilizing strobe or LED-type light sources or more than one light source; and any signal utilizing strobe or LED-type light sources. Many emergency signals currently manufactured and marketed specifically for volunteer firefighters utilize these types of assemblies or configurations.

Additionally, although the current statute requires any red light used by a volunteer firefighter to have a light source of no greater than 50 candlepower, specifications advertised by manufacturers of emergency signals rarely, if ever, include information on a signal's light output in terms of candlepower, or candela, the more modern term.

According to the Uniform Traffic Citation statistics maintained by the Department of Highway Safety and Motor Vehicles, in 2001 law enforcement wrote 22 citations for violations of the law governing the use of red lights on vehicles of volunteer firefighters or medical staff.

Proposed Changes

The bill eliminates restrictions on the type, size, and placement of visual emergency signals that can be used by volunteer firefighters and eligible medical staff, limits the use of the emergency signals to no more than two, and replaces the term "red light" with "red warning signal." The bill also authorizes volunteer firefighters to display red warning signals at the scene of a fire or other emergency.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.2398, F.S., relating to the display or use of red lights on the motor vehicles of volunteer firefighters or medical staff, to remove restrictions on the use of the red lights, designate red lights as "red warning signals," and authorize the display of these signals at the scene of an emergency.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See the FISCAL COMMENTS section below.

2. Expenditures:

See the FISCAL COMMENTS section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See the FISCAL COMMENTS section below.

2. Expenditures:

See the FISCAL COMMENTS section below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See the FISCAL COMMENTS section below.

D. FISCAL COMMENTS:

To the extent that enactment of HB 75 may result in a reduction of the number of citations issued for violations, revenues collected by state and local governments may be minimally impacted. According to the Uniform Traffic Citation statistics maintained by the Department of Highway Safety and Motor Vehicles, in 2001 law enforcement wrote 22 citations for violations of the law governing the use of red lights on vehicles of volunteer firefighters or medical staff. The bill is not expected to have a direct economic impact on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision

Not Applicable.

2. Other

None.

B. RULE-MAKING AUTHORITY:

The rule making authority of state agencies is not affected by HB 75.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 5, 2003, the Highway Safety Subcommittee recommended an amendment proposed by the bill sponsor that restricts the number of signals allowed to no more than two. Later the same day, the Committee on Transportation adopted the amendment, and it is now reflected in HB 75 w/CS. Prior to adoption of the amendment, HB 75 placed no restrictions on the number of red warning signals that a volunteer firefighter or medical staff person could place on his or her vehicle.