

# 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 402  
SPONSOR: Transportation Committee and Senator Carlton  
SUBJECT: Emergency Lights on Vehicles  
DATE: February 18, 2004 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable/CS
2.	_____	_____	GO	_____
3.	_____	_____	CP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This CS requires a wrecker to use amber lights while performing recoveries and loading on the roadside day or night. Also, the CS provides that when a wrecker is performing a recovery or loading on the roadside while displaying amber rotating or flashing lights, motorists are to, as soon as it is safe, vacate the lane closest to the wrecker when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle. On two lane roads, motorists are required to reduce their speed to 20 mph less than the posted speed limit when the posted speed limit is 25 mph or greater or slow to a speed of 5 mph when the posted speed limit is 20 mph or less; unless otherwise instructed by a law enforcement officer.

This CS provides for an effective date of July 1, 2004.

This CS substantially amends sections 316.2397 and 316.126 of the Florida Statutes.

## II. Present Situation:

Section 316.2397(3), F.S., authorizes wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public services corporations to display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Also, wreckers may use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and while towing a vehicle on wheel lifts, slings, or under reach if the operator of the wrecker deems such lights necessary. Currently, flatbeds, car carriers, or rollbacks are prohibited from using amber rotating lights when hauling a vehicle on the bed unless a hazard is created for other motorists because of

protruding objects. A violation of the above section is currently punishable as a nonmoving traffic violation (\$30 fine, no points).

Section 316.126(1), F.S., provides that when an emergency vehicle is parked and using its visual signals, motorists are to, as soon as it is safe, vacate the lane closest to the emergency vehicle when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle. On two lane roads, motorists are required to reduce their speed to 20 miles per hour (mph) less than the posted speed limit when the posted speed limit is 25 mph or greater or slow to a speed of 5 mph when the posted speed limit is 20 mph or less; unless otherwise instructed by a law enforcement officer. These requirements are in addition to those requiring a motorist to yield for a moving emergency vehicle. Further, this section provides the motorist's responsibilities do not relieve a driver of an emergency vehicle from the duty to drive with due regard for the safety of all person using the highway. A violation of this section is a noncriminal traffic infraction, currently punishable as a nonmoving traffic violation (\$30 fine, no points).

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

The CS amends s. 316.2397, F.S., to provide greater specificity regarding the use of rotating amber lights by wreckers. This CS requires a wrecker to use amber lights or flashing lights while performing recoveries and loading on the roadside day or night.

This CS amends s. 316.126, F.S., to provide that when a wrecker is performing a recovery or loading on the roadside while displaying amber rotating or flashing lights, motorists are to, as soon as it is safe, vacate the lane closest to the wrecker when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle. On two lane roads, motorists are required to reduce their speed to 20 mph less than the posted speed limit when the posted speed limit is 25 mph or greater or slow to a speed of 5 mph when the posted speed limit is 20 mph or less; unless otherwise instructed by a law enforcement officer.

### **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 requires wrecker operators to use amber rotating or flashing lights while recovering or towing a vehicle. Persons violating this provision would be subject to a non-moving infraction (\$30 fine, no points).

This CS requires motorists who are approaching a wrecker performing a recovery or loading on the roadside to take certain precautions. A violation of this section is a non-criminal traffic infraction, currently punishable as a non-moving traffic violation (\$30 fine, no points).

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.