

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 537 Traffic Signal Preemption Transmitters
SPONSOR(S): Adams
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1570

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation	19 Y, 0 N	Garner	Miller
2) Public Safety & Crime Prevention		Cole	De La Paz
3)			
4)			
5)			

SUMMARY ANALYSIS

Certain emergency response vehicles, primarily fire trucks and ambulances, carry a device known as a traffic signal preemption transmitter, which allows the user to alter the operation of traffic control signals. By activating the transmitter, the user alters the normal operation of the signal by causing it to release traffic traveling in the same direction as the vehicle carrying the transmitter. Recently, such devices have become available for prices below \$500, making them affordable for purchase online by members of the general public. The use of such devices by the general public to alter the regular operation of traffic control signals poses an obvious danger to motorists, and may exacerbate gridlock and other problems caused by high-volume traffic.

HB 537 defines a "traffic signal preemption transmitter" as "any device capable of transmitting optical or radio signals to activate any mechanism installed on or near an official traffic control signal which alters the operation of the traffic signal." The term includes "any electronic transmission device capable of changing, altering, or otherwise interfering with the normal operation of any official traffic control signal."

The bill makes possession of such a device by any person except statutorily defined emergency personnel a third-degree felony punishable by up to 5 years in prison and a fine of up to \$5,000.

The bill is not expected to have a significant fiscal impact on state government or local governments.

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

STORAGE NAME: h0537b.ps.doc
DATE: February 24, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

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

Certain emergency response vehicles, primarily fire trucks and ambulances, carry a device known as a traffic signal preemption transmitter, which allows the user to alter the operation of traffic control signals. By activating the transmitter, the user alters the normal operation of the signal by causing it to release traffic traveling in the same direction as the vehicle carrying the transmitter. The transmitter works only at intersections equipped with a compatible receiver. The purpose of such devices is to allow emergency response personnel to expedite travel to the scene of an emergency.

Finished transmitters and kits to build such transmitters are available for purchase to the public for prices ranging from approximately \$100 up to \$500. A search of an on-line auction internet site on February 9, 2004, found a starting bid of \$250 for one of these transmitters. The use of such devices by the general public to alter the regular operation of traffic control signals poses an obvious danger to motorists, and may exacerbate gridlock and other problems caused by high-volume traffic.

HB 537 defines a "traffic signal preemption transmitter" as "any device capable of transmitting optical or radio signals to activate any mechanism installed on or near an official traffic control signal which alters the operation of the traffic signal." The term includes "any electronic transmission device capable of changing, altering, or otherwise interfering with the normal operation of any official traffic control signal."

The bill makes possession of such a device by any person except statutorily defined emergency personnel a third-degree felony punishable by up to 5 years in prison and a fine of up to \$5,000. Personnel authorized to have possession of such a device include those operating ambulances, law enforcement vehicles, fire trucks, and certain other rescue vehicles while in the line of duty. Authorization does not extend to those persons operating wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.003, F.S., providing a definition of traffic signal preemption transmitter.

Section 2. Amends s. 316.0775, F.S., providing that it is a third-degree felony for any person not operating certain authorized emergency vehicles to possess a traffic signal preemption transmitter.

Section 3. Provides an effective date of October 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

It is uncertain how many violations will be prosecuted and punished under the provisions of HB 537. Therefore, revenue impacts generated by fines, prison impacts generated by confinement sentences, and impacts to the courts created by an increase in case loads are indeterminate. However, the impacts are expected to be insignificant.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions 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:

No exercise of rulemaking authority is necessary to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES