

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 160

INTRODUCER: Fiscal Policy Committee and Senator Evers

SUBJECT: Rural Letter Carriers

DATE: March 19, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Favorable
2.	Wells	Miller	ATD	Recommended: Favorable
3.	Jones	Hrdlicka	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 160 exempts a United States Postal Service rural letter carrier from mandatory seat belt usage requirements while performing duties in the course of his or her employment on a designated postal route.

According to the Department of Highway Safety and Motor Vehicles, the bill will have an indeterminate but insignificant negative fiscal impact from the loss of revenue associated with a reduction in the number of citations issued for failure to use a safety belt.

II. Present Situation:

Florida's Safety Belt Law

In 1986, the Legislature enacted the "Florida Safety Belt Law" to require a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear safety belts while the vehicle is in motion.¹ However, the law only provided for secondary enforcement for a violation, meaning that law enforcement officers could not stop motorists solely for not using their safety belts. In 2009, the Legislature enacted SB 344 (ch. 2009-32, L.O.F.) to allow law enforcement officers to stop motorists solely for not using their safety belts. The penalty for failure to wear a safety belt is \$30, plus administrative and court costs.²

¹ Section 316.614, F.S.; ch. 86-49, s. 2, L.O.F. Additional child restraint requirements are established in s. 316.613, F.S.

² Section 318.18(2), F.S.

Certain individuals are exempted from the safety belt law; they include:

- Persons certified by a physician as having a medical condition that causes the use of a safety belt to be inappropriate or dangerous;
- Employees of newspaper home delivery service while in the course of their employment delivering newspapers on home delivery routes;
- Employees of a solid waste or recyclable collection service while in the course of their employment collecting solid waste or recyclables on designated routes;
- Persons occupying the living quarters of a recreational vehicle;
- Persons occupying the space within a truck body primarily intended for merchandise or property; and
- Persons operating motor vehicles that are not required to be equipped with safety belts under federal law.³

Florida does not provide an exemption for the safety belt requirements for rural letter carriers. Forty-six other states do provide an exemption for safety belt usage for rural letter carriers.⁴

Postal Service Rules Regarding Safety Belts

Under a United States Postal Service (USPS) rule, a safety belt must be worn by rural letter carriers at all times when operating:

- A USPS-owned or –leased vehicle;
- A privately-owned right-hand-drive vehicle; or
- A privately-owned dual control vehicle.⁵

The rule also requires carriers to wear safety belts when operating a privately-owned left-hand-drive (LHD) vehicle or such a vehicle partially equipped with dual control, when:

- Traveling to and from the designated delivery route;
- Between Postal Service units; and
- During any deviations from the established line of travel beyond one-half mile for delivery, including travel between routes when service is provided on more than one route.⁶

The rule advises the use of a safety belt but allows rural carriers operating a private LHD vehicle to not wear a safety belt providing the carrier determines it is safe to do so considering the:

- Distance between stops;
- Traffic density and weather conditions;
- Road design characteristics; and
- Other factors affecting safety.⁷

³ Section 316.614(6), F.S.

⁴ *Florida Department of Transportation 2015 Legislative Bill Analysis SB 160* (Dec. 9, 2014) (on file with the Senate Fiscal Policy Committee).

⁵ Handbook PO-603, *Rural Carrier Duties and Responsibilities* (11-10-05), available at <https://about.usps.com/postal-bulletin/2005/html/pb22167/postoffice.html> (last visited Mar. 5, 2015).

⁶ *Id.*

⁷ *Id.*

III. Effect of Proposed Changes:

The bill creates a new paragraph (e) to s. 316.614(6), F.S., which exempts a rural letter carrier employed by the USPS from mandatory seat belt usage requirements while performing duties in the course of his or her employment on a designated postal route.

The bill is effective upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Laws having insignificant fiscal impact are exempt from the mandates requirements.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

A rural letter carrier will not be subject to penalties (\$30 fine plus administrative costs) for failure to wear his or her safety belt when servicing a designated postal delivery route.

C. Government Sector Impact:

According to the Department of Highway Safety and Motor Vehicles, the bill will have an indeterminate but insignificant negative fiscal impact from the loss of revenue associated with a reduction in the number of citations issued for failure to use a safety belt.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁸ Conversation of Appropriation Subcommittee on Transportation, Tourism, and Economic Development staff with the Department of Highway Safety and Motor Vehicles.

VIII. Statutes Affected:

This bill substantially amends section 316.614 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on March 19, 2015:

The CS changes the effective date from July 1, 2015, to effective upon becoming a law.

- B. **Amendments:**

None.