

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1239 School Bus Safety  
**SPONSOR(S):** Eagle  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1622

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	11 Y, 0 N	Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee	14 Y, 0 N	Cobb	Davis
3) Government Accountability Committee	20 Y, 0 N	Johnson	Williamson

### SUMMARY ANALYSIS

Current law provides that passing a stopped school bus is a moving violation with a base fine of \$100. With additional fees and surcharges the fine can total up to \$363, depending upon which side of the bus a motorist passes. However, there are no enhanced penalties for passing a stopped school bus causing serious bodily injury or death of another person.

The bill creates the Cameron Mayhew Act, providing that in addition to any other civil, criminal, or administrative penalty, a person who fails to stop for a school bus causing or resulting in the serious bodily injury or death of another person is required to:

- Serve 120 hours of community service in a trauma center or hospital.
- Participate in a victim's impact panel session in a judicial circuit or attend a driver improvement course approved by the Department of Highway Safety and Motor Vehicles relating to the rights of vulnerable road users relative to vehicles on the roadway.

The bill provides for a fine of \$1,500 and a one-year driver license suspension for failing to stop for a school bus resulting in the serious bodily injury or death of another.

The bill provides that additional points are added to a driver license record for passing a stopped school bus.

The bill may have an indeterminate, though likely insignificant, positive fiscal impact to state and local government revenues. See fiscal section for additional details.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Section 316.172, F.S., requires vehicles to stop for any school bus displaying a stop signal. Section 316.172(1)(a), F.S., provides that any person using, operating, or driving a vehicle upon approaching any school bus which displays a stop signal, is required to bring the vehicle to a full stop while the bus is stopped, and the vehicle may not pass the school bus until the signal has been withdrawn. A person who violates this requirement commits a moving violation, punishable as provided in Ch. 318, F.S.<sup>1</sup>

Section 316.172(1)(b), F.S., provides that any person using, operating, or driving a vehicle that passes a school bus on the side that children enter and exit when the school bus displays a stop signal commits a moving violation, punishable as provided in Ch. 318, F.S., and is subject to a mandatory hearing.<sup>2</sup>

Section 316.027, F.S., relates to crashes involving death or personal injuries. Section 316.027(4), F.S., provides that in addition to any other civil, criminal, or administrative penalty imposed, a person who commits a noncriminal traffic infraction or a violation of Ch. 316, F.S.,<sup>3</sup> or s. 1006.66, F.S.,<sup>4</sup> causing or resulting in the death of another person may be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

Section 318.18, F.S., provides the amount of penalties for various traffic infractions. Section 318.18(5), F.S., provides penalties for failing to stop for a school bus, which includes a \$100 fine for failing to stop for a school bus. If, at a hearing, the alleged offender is found to have committed this offense, the court imposes a minimum civil penalty of \$100. In addition to this penalty, for a second or subsequent offense within a period of five years, the Department of Highway Safety and Motor Vehicles (DHSMV) is directed to suspend the driver license of the person for not less than 90 days and not more than six months. Including various service charges, the total fine for this violation is \$263, which is distributed to various funds.<sup>5</sup>

Section 318.18(5)(b), F.S., provides a penalty of \$200 for passing a school bus on the side that children enter and exit when the school bus displays a stop signal. If, at a hearing, the alleged offender is found to have committed this offense, the court imposes a minimum civil penalty of \$200. In addition to this penalty, for a second or subsequent offense within a period of five years, DHSMV suspends the driver license of the person for not less than 180 days and not more than 1 year. Including various service charges, the total fine for this violation is \$363, which is distributed to various funds.<sup>6</sup>

Section 318.18(5)(c), F.S., provides that in addition to the penalties described above, a \$65 penalty is imposed for a violation of s. 316.172(1)(a) or (b), F.S. If the alleged offender is found to have committed the offense, the court imposes the above penalty plus an additional \$65. The additional \$65 is collected

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<sup>1</sup> Chapter 318, F.S., relates to the disposition of traffic infractions.

<sup>2</sup> Mandatory hearings are subject to the provisions of s. 318.19, F.S.

<sup>3</sup> Chapter 316, F.S., is the Florida Uniform Traffic Control Law.

<sup>4</sup> Section 1006.66, F.S., relates to the regulation of traffic at universities.

<sup>5</sup> Florida Association of Clerks of Court:

[http://archive.flclerks.com/Pub\\_info/2015\\_Pub\\_info/2015\\_Distribution\\_Schedule\\_with\\_codes-7-1-2015\\_final.pdf](http://archive.flclerks.com/Pub_info/2015_Pub_info/2015_Distribution_Schedule_with_codes-7-1-2015_final.pdf) (Last visited March 15, 2017).

<sup>6</sup> *Id.*

and is remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036, F.S.

Section 322.27, F.S., authorizes DHSMV to suspend or revoke a driver license. Section 322.27(3), F.S., establishes a points system to evaluate convictions for violations of motor vehicle laws and the continuing qualification of a person to operate a motor vehicle. The points system is a graduated scale of points assigning relative values to convictions for various violations. Currently a violation for passing a school bus is four points on a driver license.<sup>7</sup>

According to DHSMV data, in 2016, 2,418 traffic citations were issued for failing to stop for a school bus or passing a stopped school bus. DHSMV's data does not differentiate on which side of the school bus the motor vehicle passed.<sup>8</sup>

## **Proposed Changes**

The bill creates the Cameron Mayhew Act. Cameron Mayhew was a 16 year old boy in Ft. Myers who was struck and killed by a driver improperly passing a school bus on June 1, 2016.

The bill creates s. 316.027(4)(b), F.S., providing that notwithstanding s. 316.027(4)(a), F.S., in addition to any other civil, criminal, or administrative penalty, a court must require a person who fails to stop for a school bus causing or resulting in the serious bodily injury or death of another person to:

- Serve 120 hours of community service in a trauma center or hospital that regularly receives victims of vehicle accidents under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.
- Participate in a victim's impact panel session in a judicial circuitry if such panel exists, or if such panel does not exist, attend a DHSMV-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway.<sup>9</sup>

The bill creates s. 318.18(5)(d), F.S., establishing a fine of \$1,500 for failing to stop for a school bus resulting in the serious bodily injury or death of another. The person may enter into a payment plan with the clerk of the court.<sup>10</sup> In addition to this penalty, DHSMV must suspend the driver license of the person for at least one year.

The bill amends s. 322.27(3)(d)4., F.S., providing that passing a school bus where there is no resulting serious bodily injury or death will result in the imposition of four points on a driving record and, where there is a resulting serious bodily injury or death, will result in the imposition of six points on a driving record.

## **B. SECTION DIRECTORY:**

Section 1 provides a short title.

Section 2 amends s. 316.027, F.S., relating to crashes involving death or personal injuries.

Section 3 amends s. 318.18, F.S., proving the amount of penalties.

Section 4 amends s. 322.27, F.S., relating to the authority for DHSMV to suspend or revoke a driver license.

Section 5 provides an effective date of July 1, 2017.

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<sup>7</sup> Section 322.27(3)(d)4. F.S.

<sup>8</sup> Email from DHSMV, March 15, 2017. (Copy on file with Transportation & Infrastructure Subcommittee).

<sup>9</sup> This is provided in s. 322.0261(2), F.S.

<sup>10</sup> Payment plans with the clerk of the court are pursuant to s. 28.246, F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill may have a positive fiscal impact to General Revenue and various state trust funds. The number of individuals who will be subjected to the additional \$1,500 fine, license suspension, and subsequent reinstatement fees is unknown at this time; therefore, the impact is indeterminate, though likely insignificant.

#### 2. Expenditures:

The bill does not appear to impact state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill may have a positive fiscal impact to local government revenues. The number of individuals who will be subjected to the additional \$1,500 fine, license suspension, and subsequent reinstatement fees is unknown at this time; therefore, the impact is indeterminate, though likely insignificant.

#### 2. Expenditures:

The bill does not appear to impact local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill increases penalties for persons failing to stop for a school bus and causing the serious bodily injury or death of a person.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.