

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 37 School Bus Safety  
**SPONSOR(S):** State Affairs Committee, Zika and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee	10 Y, 0 N	Hicks	Davis
3) State Affairs Committee	23 Y, 0 N, As CS	Roth	Williamson

### SUMMARY ANALYSIS

School buses are required to stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers. Other drivers are required to bring their vehicles to a full stop when approaching a stopped school bus displaying a stop signal until the signal has been withdrawn.

The minimum civil penalty for failing to stop for a school bus displaying the stop signal is \$100. For a second or subsequent offense within a period of five years, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver license of the driver for not less than three months and not more than six months. The minimum civil penalty for passing a school bus on the side that children enter and exit when the school bus displays a stop signal is \$200. For a second or subsequent offense within a period of five years, DHSMV must suspend the driver license of the driver for not less than six months and not more than one year.

The bill increases the minimum civil penalty for failure to stop for a school bus from \$100 to \$200. For a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than six months and not more than one year. The bill also increases the minimum civil penalty for passing a school bus on the side that children enter and exit from \$200 to \$400. For a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than one year and not more than two years.

The bill will likely have an indeterminate, positive fiscal impact on state and local government revenues because of increasing the civil penalties for failing to stop for a school bus and passing a stopped school bus. DHSMV estimates an insignificant negative impact to the Highway Safety Operating Trust Fund due to required programming and implementation costs. Those costs can be absorbed within existing resources. See Fiscal Comments.

# FULL ANALYSIS

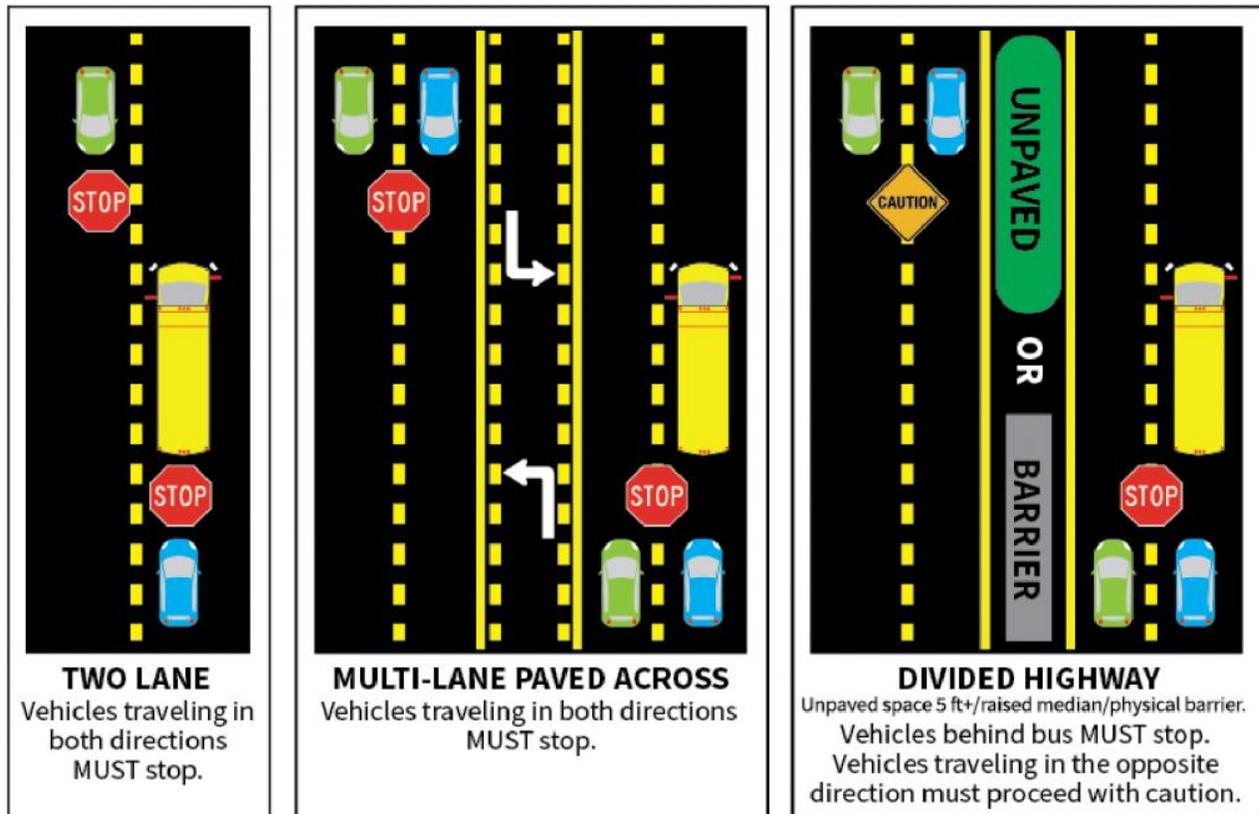
## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

School buses are required to stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.<sup>1</sup> When possible, school buses should not stop where visibility is obscured for a distance of 200 feet from the bus.<sup>2</sup>

When approaching a stopped school bus displaying a stop signal, other drivers must bring their vehicles to a full stop until the signal has been withdrawn.<sup>3</sup> However, a driver is not required to stop if the vehicle is traveling in the opposite direction of a stopped school bus upon a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier.<sup>4</sup>



A person cited for failing to stop for a school bus displaying the stop signal commits a moving violation and can pay the civil penalty or request a hearing to contest the citation.<sup>6</sup> A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal<sup>7</sup> also commits a moving violation and the driver must attend a mandatory hearing at a specified time and location.<sup>8</sup>

The minimum civil penalty for failing to stop for a school bus displaying the stop signal is \$100. For a second or subsequent offense within a period of five years, the Department of Highway Safety and

<sup>1</sup> Section 316.172(3), F.S.

<sup>2</sup> Section 316.172(3), F.S.

<sup>3</sup> Section 316.172(1)(a), F.S.

<sup>4</sup> Section 316.172(2), F.S.

<sup>5</sup> Florida Department of Highway Safety and Motor Vehicles, *Child Safety: School Bus Safety*, available at <https://www.flhsmv.gov/safety-center/child-safety/school-bus-safety/> (last visited December 4, 2019).

<sup>6</sup> Section 318.14, F.S.

<sup>7</sup> Section 316.172(1)(b), F.S.

<sup>8</sup> Sections 316.172(1)(b) and 318.19(3), F.S.

Motor Vehicles (DHSMV) must suspend the driver license of the driver for not less than three months and not more than six months.<sup>9</sup> Including various fees and service charges, the total fine for this violation is up to \$263, which is distributed to various funds.<sup>10</sup>

The minimum civil penalty for passing a school bus on the side that children enter and exit when the school bus displays a stop signal is \$200. For a second or subsequent offense within a period of five years, DHSMV must suspend the driver license of the driver for not less than six months and not more than one year.<sup>11</sup> Including various fees and service charges, the total fine for this violation is up to \$363, which is distributed to various funds.<sup>12</sup>

In addition to the above penalties, a driver who illegally passes a stopped school bus, but does not cause serious bodily injury to or death of another, will receive four points on his or her driver license record.<sup>13</sup> A driver who illegally passes a stopped school bus and causes serious bodily injury to or death of another will receive six points on his or her driver license record.<sup>14</sup> A driver who illegally passes a school bus on either side and causes serious bodily injury to or death of another person must serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents and must participate in a victim's impact panel session. If such panel does not exist, the driver must attend a DHSMV-approved driver improvement course.<sup>15</sup> In addition, the driver must pay a fine of \$1,500 and will have his or her driver license suspended by DHSMV for not less than one year.<sup>16</sup>

If the driver receives a traffic citation for illegally passing a stopped school bus and the court withholds adjudication, DHSMV will require him or her to complete a driver improvement course. If the course is not completed within 90 days of receiving a notice of the requirement to attend, the driver's license will be canceled until the improvement course is successfully completed.<sup>17</sup>

According to DHSMV, in Fiscal Year 2018-2019, 3,760 traffic citations were issued for failing to stop for a school bus or passing a stopped school bus and 38 citations were issued for passing a school bus on the side children enter and exit.<sup>18</sup>

The Department of Education created a statewide survey for bus drivers to complete regarding the illegal passing of their school buses. The survey results from 2019 show that on a single day, 12,749 illegal passes were made based on 10,136 school bus drivers completing the survey. Of these illegal passes, 526 were made on the right side of the bus where children generally enter and exit the vehicle, 11,316 were made on the left side, and for 526 of the passes, the side was unknown.<sup>19</sup>

The National Highway Traffic Safety Administration indicates that from 2007 to 2016, 98 school-age pedestrians (18 and younger) died in school-transportation-related crashes. Sixty percent were struck

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<sup>9</sup> Section 318.18(5)(a), F.S.

<sup>10</sup> Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines, Including a Fee Schedule for Recording*, effective July 1, 2019, available at: [https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories\\_2019/19bull053\\_Attach\\_1\\_2019\\_Dist.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories_2019/19bull053_Attach_1_2019_Dist.pdf), p. 34 [http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/PublicationsAndDocuments/2016\\_Distribution\\_Schedule\\_w.pdf](http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/PublicationsAndDocuments/2016_Distribution_Schedule_w.pdf) (last visited October 2, 2019).

<sup>11</sup> Section 318.18(5)(b), F.S.

<sup>12</sup> Florida Court Clerks, *supra*, at FN 10, p. 35.

<sup>13</sup> Section 322.27(3)(d)4.a., F.S.

<sup>14</sup> Section 322.27(3)(d)4.b., F.S.

<sup>15</sup> Section 316.027(4)(b), F.S.

<sup>16</sup> Section 318.18(5)(d), F.S.

<sup>17</sup> Section 322.0261(4)(c), F.S.

<sup>18</sup> Department of Highway Safety and Motor Vehicles, Agency Analysis of 2020 House Bill 37, p. 2 (October 24, 2019).

<sup>19</sup> Florida Department of Education, *School Transportation, Illegal Passing of School Buses – Survey Results for 2019*, available at: <http://www.fldoe.org/core/fileparse.php/18815/urlt/2019IllegalPassing.pdf> (last visited January 30, 2020).

by school buses, 2 percent by vehicles functioning as school buses, and 38 percent by other vehicles involved in the crashes.<sup>20</sup>

### **Effect of Proposed Changes**

The bill increases the minimum civil penalty for failure to stop for a school bus from \$100 to \$200. For a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than six months and not more than one year.

The bill increases the minimum civil penalty for passing a school bus on the side that children enter and exit from \$200 to \$400. For a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than one year and not more than two years.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 318.18, F.S., relating to amount of penalties.

**Section 2:** Provides an effective date of January 1, 2021.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

The bill will likely have a positive fiscal impact on the General Revenue Fund as well as various state trust funds due to the increase in penalties for failing to stop for a school bus or passing a stopped school bus. The number of drivers who will be subjected to the additional \$100 or \$200 penalty is unknown; therefore, the impact is indeterminate.

##### **2. Expenditures:**

DHSMV estimates that approximately 72 hours of technology programming will be required because of this bill. These hours are estimated to have a fiscal impact to the Highway Safety Operating Trust Fund of \$3,120 in FTE and contracted resources.<sup>21</sup> DHSMV indicates that all costs related to programming and implementation can be absorbed within existing resources.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

The bill will have a positive fiscal impact to local government revenues. The number of drivers who will be subjected to the additional \$100 or \$200 fine is unknown; therefore, the impact is indeterminate.

##### **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.

#### **D. FISCAL COMMENTS:**

None.

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<sup>20</sup> National Highway Traffic Safety Administration, *Traffic Safety Facts, 2007-2016 Data, School-Transportation-Related Crashes*, DOT HS 812 476, revised January 2018, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812476> (last visited October 3, 2019).

<sup>21</sup> Department of Highway Safety and Motor Vehicles, Agency Analysis of 2020 House Bill 37, p. 4-5 (October 24, 2019).

### **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 expenditure 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:**

The bill does not provide a grant of rulemaking authority nor does it require rulemaking.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 30, 2020, the State Affairs Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment changed the effective date from July 1, 2020, to January 1, 2021.

This analysis is drafted to the committee substitute as approved by the State Affairs Committee.