

**STORAGE NAME:** h0649a.tr.doc  
**DATE:** January 30, 2002

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** HB 649  
**RELATING TO:** State Uniform Traffic Control  
**SPONSOR(S):** Representative(s) Cusack  
**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) TRANSPORTATION YEAS 13 NAYS 0
- (2) READY INFRASTRUCTURE COUNCIL
- (3)
- (4)
- (5)

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I. SUMMARY:

This bill requires a motorist approaching a county-maintained road from a *paved or unpaved* "non-maintained" road, where traffic control devices have not been posted, to yield to traffic approaching on the county-maintained road. Currently, a motorist is required to yield to approaching traffic under similar circumstances only if entering or crossing a county-maintained road from an *unpaved* road.

This bill does not appear to have a fiscal impact on state or local governments.

**[Note: On January 30, 2002, the Committee on Transportation adopted one amendment and reported the bill FAVORABLY. The amendment is traveling with the bill. For more detail, see the AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES section.]**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | 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. PRESENT SITUATION:

Current law provides which driver has the right of way under a variety of circumstances when more than one driver approaches or enters an intersection. The law provides that:

- i. The driver of a vehicle approaching an intersection must yield to a vehicle which has entered the intersection from a different highway;
- ii. When two vehicles enter an intersection from different highways at the same time, the driver of the vehicle on the left must yield to the driver of the vehicle on the right;
- iii. The driver of a vehicle about to enter or cross a state-maintained road or highway from a paved or unpaved road, and where there is no traffic control device, must yield to all approaching vehicles on the state-maintained road or highway;
- iv. The driver of a vehicle about to enter or cross a paved county or city-maintained road or highway from an unpaved road, where there is no traffic control device, must yield to all approaching vehicles on the county or city-maintained road or highway.

Violation of these provisions of the law is a non-criminal moving violation punishable by a \$60 fine and three points assessed against the violator's driver's license pursuant to s. 322.27, F.S.

In some areas of the state, homes located near county roadways access those roads by way of unpaved non-maintained roads. In many cases, the intersections of these county and private roads are not controlled by official traffic control devices. Therefore, the law, as described above, governs which motorists have the right of way at these intersections.

However, some of these private access roads are paved for approximately the first fifty feet from the county road to prevent erosion. Since current law does not address the right-of-way for a driver approaching a county road from a paved, non-maintained road, this partial paving of dirt roads has raised a question as to which motorist has a duty to yield the right-of-way – the motorist approaching the county road, or the motorist approaching the partially-paved dirt road.

C. EFFECT OF PROPOSED CHANGES:

The bill provides that a driver of a vehicle about to enter or cross a paved county-maintained road from a non-maintained paved or unpaved road where no traffic control devices have been installed must yield the right of way to vehicles approaching on the county-maintained road. Thus, the bill

clarifies that motorists entering or crossing a county road from a partially-paved, non-maintained road where traffic control devices have not been installed must first yield to traffic approaching on the county road. Note, however, that the bill does not address the duty to yield under similar circumstances when the private road joins or crosses a city-maintained road.

D. SECTION-BY-SECTION ANALYSIS:

**Section 1.** Provides that a motorist approaching a paved county-maintained road from a non-maintained paved or unpaved road and not subject to control by an official traffic control device shall yield the right-of-way to all vehicles approaching on the county-maintained road.

**Section 2.** Provides an effective date of July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A motorist entering or crossing a paved county-maintained road or highway from a non-maintained paved or unpaved road, where there is no official traffic control device, without yielding to all vehicles approaching on the county-maintained road or highway commits a moving violation punishable by a \$60 fine and three points assessed against the driver's license.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to expend funds or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that cities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with cities or counties.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The bill uses the term "non-maintained" road. Florida law does not currently provide a definition for this term, and it is unclear from the text of the bill whether this term describes only roads that are not maintained by a governmental entity or also describes private roads. Transportation Committee staff recommends amending the bill to clarify the meaning of "non-maintained."

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 30, 2002, the Committee on Transportation adopted one amendment to the bill. The bill uses the term "non-maintained" road. Florida law does not currently provide a definition for this term, and it is unclear specifically what that term means. The amendment replaces the phrase "non-maintained road" with the phrase "road that is not maintained by a governmental entity." The Committee then voted to report the bill FAVORABLY. The amendment is traveling with the bill.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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William C. Garner

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Phillip B. Miller