

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 540
SPONSOR: Transportation Committee and Senator Wasserman Schultz
SUBJECT: Florida Safety Belt Law
DATE: February 27, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.	_____	_____	CA	_____
3.	_____	_____	APJ	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Section 316.614, F.S., the “Florida Safety Belt Law,” requires a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear seat belts. The “Florida Safety Belt Law” is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their seat belts.

This CS amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and passengers under the age of 18 years. Law enforcement officers would be authorized to stop motorists and issue citations for safety belt violations. A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine. However, law enforcement officers would be prohibited from searching or inspecting the vehicle, its contents, or the driver based upon a violation of the safety belt law.

This bill substantially amends section 316.614 of the Florida Statutes

II. Present Situation:

Section 316.614, F.S., the “Florida Safety Belt Law,” requires a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear seat belts. This section also provides that the number of front seat passengers in a pickup truck required to wear a seat belt shall not exceed the number of seat belts installed by the manufacturer. The “Florida Safety Belt Law” is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their seat belts. Instead, the officer must first stop the motorist for a suspected violation of chapters 316, 320, or 322, F.S., before the officer can issue a uniform traffic citation for failure to wear a seat belt.

There are, however, exceptions to this requirement. For example, persons who deliver newspapers on home delivery routes are not required to wear seat belts during the course of their employment. Similarly, the living quarters of a recreational vehicle and the space within a truck body that is used for storage or merchandise (truck beds) are exempt from the requirements of this section.

The penalty for failure to wear a seat belt under s. 316.614, F.S., is \$30, plus court costs. Revenues collected from citations issued for seat belt violations are distributed like other citation revenues, pursuant to s. 318.21, F.S., except \$5 from each citation paid is directed to the Epilepsy Services Trust Fund. According to the Department of Highway Safety and Motor Vehicles (DHSMV), 305,500 traffic citations were issued in 2000 for violations of s. 316.614, F.S.

Although the "Florida Safety Belt Law" is enforced as a secondary offense, the child restraint requirements of s. 316.613, F.S., are enforced as a primary offense. This section requires all children 5 years of age and younger being transported in a motor vehicle to be restrained in a carrier, integrated car seat, or seat belt. Motorists are subject to being stopped by a law enforcement officer for failure to comply with this requirement. Violators of the child restraint provisions contained in s. 316.613, F.S., are subject to a \$60 fine and 3-point assessment. According to DHSMV, 18,420 traffic citations were issued in 2000 for violations of s. 316.613, F.S.

Currently, there is no language in the "Florida Safety Belt Law" statute which relates to searches and inspections of a motor vehicle, its contents, or the driver by a law enforcement officer for a traffic stop which results in a secondary violation of s. 316.614, F.S.

According to the National Highway Traffic Safety Administration, the average rate of safety belt use in Florida was 69.5 percent during 2001.

III. Effect of Proposed Changes:

This CS (cited as the "Dori Slosberg Act of 2002") amends the "Florida Safety Belt Law" to provide for primary enforcement of the safety belt law for operators and passengers under 18 years of age. Law enforcement officers would be authorized to stop motorists and issue citations for a safety belt violation. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine.

Enforcement of the safety belt law for operators and passengers 18 years of age and older would remain secondary. Similarly, primary enforcement of the child restraint requirements provided for in s. 316.613, F.S., would remain in effect.

Law enforcement officers would be prohibited from searching or inspecting the vehicle, its contents, or the driver based upon a violation of the safety belt law.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The provision in this CS prohibiting an officer from searching or inspecting “a motor vehicle, its contents, the driver, or a passenger because of a violation of this section” is essentially a restatement of existing law. A lawful stop by an officer to enforce the provisions of this section would still be subject to all of the protections of the Fourth Amendment to the United States Constitution and Article I, Section 12 of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

To the extent the CS increases safety belt use in Florida, crash-related injuries and deaths will be reduced, decreasing associated medical and insurance costs.

The CS provides for primary enforcement of Florida’s safety belt law for persons under the age of 18 years. Law enforcement officers would be authorized to stop motorists for not wearing a safety belt. Persons violating this provision would be subject to a \$30 non-moving infraction.

The CS prohibits a law enforcement officer from searching or inspecting a motor vehicle, its contents, the driver, or a passenger because of a violation of this section.

C. Government Sector Impact:

The number of additional citations issued as a result of this CS and the resulting fiscal impact is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the National Highway Traffic Safety Administration, 49 states require all motor vehicle occupants to wear seat belts. New Hampshire requires only children under 18 to buckle up. Seventeen states -- Alabama, California, Connecticut, Georgia, Hawaii, Indiana, Iowa, Louisiana, Maryland, Michigan, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon and Texas -- the District of Columbia and Puerto Rico have primary seat belt law. In states with primary enforcement laws, seat belt use averages 78 percent. States without primary enforcement laws average about 67 percent use.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
