

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1873 (PCB PS 03-12) Motorcycle Operation by Firefighters
SPONSOR(S): Public Safety & Crime Prevention
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Public Safety & Crime Prevention</u>	<u>17 Y, 0 N</u>	<u>Cole</u>	<u>De La Paz</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

While s. 316.003 and s. 322.01(4), F.S., define an "Authorized Emergency Vehicle", motorcycles are not specifically covered. The definitions are broad enough that a police or firefighter motorcycle can be assumed to be an emergency vehicle.

Section 316.072 (3), F.S., exempts certified Emergency Medical Technicians (EMT's) or paramedics from s. 316 F.S., while responding to an emergency scene...and provide transport of patients in the performance of their duties for an emergency medical service provider licensed under s. 401 F.S. This applies specifically to ambulances, and not necessarily paramedics or EMT's who are firefighters and work for a municipal or county fire department. The bill will allow firefighters to operate motorcycles while responding to an emergency scene and be exempt from s. 316.209, F.S.

Section 316.072 (5), F.S., currently exempts authorized emergency vehicles from the requirements of s. 316 F.S., in certain situations. Firefighters are currently only exempt from these statutes while responding to a fire. This bill will allow firefighter motorcycles to be exempt from s. 316.209, F.S., as it relates to motorcycle operations while in the performance of their duties.

The bill also repeals the noise levels set for motorcycles in s. 316.203(2)(a), F.S.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1873.pscp.doc
DATE: April 16, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

Section 322.01(4), F.S., defines an “authorized emergency vehicle” as a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized by s. 316.2397, F.S., display red or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles. The term does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

Section 316.003, F.S., defines “authorized emergency vehicle” as vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the Department of Environmental Protection, the Department of Health, and the Department of Transportation as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

Police motorcycles are currently specifically exempt from the requirements of s. 316.209, F.S., in regards to motorcycle operation. Firefighter motorcycles are not. This bill will specifically exempt firefighter motorcycles from the requirements of this statute.

Section 316.072(3), exempts (EMT’s) or paramedics from s. 316 F.S., while responding to an emergency scene...and provide transport of patients in the performance of their duties for an emergency medical service provider licensed under s. 401 F.S. This section applies specifically to ambulances, and not necessarily paramedics or EMT’s who are firefighters and work for a municipal or county fire department. The bill will allow firefighters to operate motorcycles while responding to an emergency scene and be exempt from s. 316.209, F.S.

Section 316.072(5), F.S., does not exempt firefighters from traffic laws except when responding to a fire. These firefighter motorcycles are designed to allow firefighters, paramedics, and EMT’s to quickly respond to a scene where medical attention is needed in a greatly reduced amount of time. This bill will exempt them from current statutes when in the performance of their official duties.

The bill also repeals noise level restrictions on motorcycles.

C. SECTION DIRECTORY:

Section 1: Amends s. 316.209, F.S., relating to firefighter motorcycles.

Section 2: Amends s. 316.293 (2)(a), F.S. relating to noise levels for motorcycles.

Section 3: Provides and effective date.

II. 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:

None.

D. FISCAL COMMENTS:

There does not appear to be any negative fiscal impact on state and/or local government.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: N/A.
2. Other: None.

B. RULE-MAKING AUTHORITY: N/A.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Amendment 1

The Public Safety and Crime Prevention Committee passed an amendment to the original draft of the bill to repeal the noise levels of motorcycles as provided in s. 316.293 (2)(a), F.S.