

# 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 504  
SPONSOR: Transportation Committee and Senator Sebesta  
SUBJECT: Highway Safety  
DATE: April 22, 2003 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

## 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. Instead, an officer must first stop a motorist for a suspected violation of state traffic, motor vehicle, or driver license laws before issuing a uniform traffic citation for failure to wear a safety belt.

The committee substitute amends the Florida Safety Belt Law to provide for primary enforcement. A law enforcement officer would be authorized to stop a motorist and issue a citation for a safety belt violation upon reasonable suspicion the driver, any passenger under the age of 18 years, or any passenger in the front seat who is 18 years of age or older, is not restrained. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine plus applicable fees and court costs.

This CS 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 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 for when seat belts are not required to be worn. Examples include:

- A person who is certified by a physician as having a medical condition that causes the use of a safety belt to be inappropriate or dangerous is not required to wear seat belts.
- A person who delivers newspapers on home delivery routes is not required to wear seat belts during the course of his or her employment.
- An employee of a solid waste or recyclable collection service on designated routes is not required to wear seat belts during the course of his or her 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 add-ons and 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.

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. The law 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 National Highway Traffic Safety Administration (NHTSA) estimates, the average rate of safety belt use in jurisdictions permitting primary enforcement of the safety belt law is 11 percentage points higher than in states with secondary enforcement. Research has found lap/shoulder belts, when used properly, reduce the risk of fatal injury to front seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent (for occupants of light trucks, 60 percent and 65 percent, respectively).

### **III. Effect of Proposed Changes:**

This CS amends the Florida Safety Belt Law to provide for primary enforcement. A law enforcement officer would be authorized to stop a motorist and issue a citation for a safety belt violation upon reasonable suspicion the driver, any passenger under the age of 18 years, or any passenger in the front seat who is 18 years of age or older, is not restrained. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine plus applicable fees and court costs.

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

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**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 amends the “Florida Safety Belt Law” to provide for primary enforcement without reasonable suspicion of any other violation. Law enforcement officers would be authorized to stop motorists and issue citations for a safety belt violation upon reasonable suspicion the driver, any passenger under the age of 18 years, or any passenger in the front seat who is 18 years of age or older, is not restrained. Persons violating this provision would be subject to a \$30 non-moving infraction.

**C. Government Sector Impact:**

Primary enforcement of some safety belt violations may result in the issuance of an increased number of citations; however, because it is impossible to forecast how many violations will occur and be cited the fiscal impact on state and local government is unknown.

**Florida Department of Transportation (FDOT) Comments**

Section 1403 of TEA-21 established Section 157 in Title 23 USC and authorizes incentive funds for Federal Fiscal Years (FFY) 1999 through 2003. These incentive funds are awarded annually to states whose seat belt use rates for a given year either exceed the national average or exceed the state's highest achieved seat belt usage rate during certain designated previous years. The allocations to states are based on savings in medical costs to the Federal Government resulting from these seat belt use rates. TEA-21 is set to expire in September 2003 and reauthorization of federal transportation laws is an ongoing issue in Congress.

Through strong statewide enforcement/education efforts under the Buckle Up Florida/Click It or Ticket campaign, administered by the FDOT Safety Office, Florida has shown a continuing increase in seat belt usage rates from 58.7% to 64.8% from 1999 to 2000, and from 64.8% to 69.5% from 2000 to 2001. This has enabled the state to receive these Section 157 incentive funds in FFY 2002 (\$1,255,600) and FFY 2003 (\$2,863,600). Due to obligation limitations, only \$1,935,919 of the FFY 2003 amount has been made available to Florida as of this date. Our 2002 seat belt use rate of 75.1% will enable FDOT to receive more incentive funds if this program is continued in the next highway bill after September 30, 2003.

Section 157 allows these funds to be used for any eligible project under Title 23 USC, while not required to do so. FDOT has used these funds for enhancing the Buckle Up Florida/Click It or Ticket Campaign to help insure continued seat belt usage increases, primarily to purchase incentive items for law enforcement agencies to encourage their involvement in enforcing the seat belt and child restraint laws. Portions of these funds have also been used to support the Law Enforcement Liaison program, which is an essential component of Buckle Up Florida.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.