

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 1558

SPONSOR: Transportation Committee and Senator Argenziano

SUBJECT: Red Light/Volunteer Fire or Medical Staff

DATE: April 17, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	_____	_____	<u>CJ</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Section 316.2398, F.S., is amended to eliminate restrictions on the type, size, and placement of visual emergency signals used by volunteer firefighters and eligible medical staff, limits the use of the emergency signals to no more than two on his or her personal motor vehicle, and replaces the term “red light” with “red warning signal.” Also, the committee substitute (CS) authorizes volunteer firefighters to display red warning signals at the scene of a fire or other emergency.

This CS substantially amends s. 316.2398, F.S.

II. Present Situation:

Section 316.2398(1), F.S., provides a privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active firefighter member of a regularly organized firefighting company or association, or a privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state, while responding to an emergency in the line of duty, may display or use a red light visible from the front and from the rear of such vehicle, subject to the following restrictions and conditions:

- A light may not have a light source greater than 50 candlepower;
- Only one red light of the revolving type may be displayed, and such light must be permanently or magnetically mounted to the dashboard or roof of the vehicle;

- The red light must consist of a lamp with a red lens, but may not consist of an uncolored lens with a red bulb;
- The red light may not be a part of the regular headlamps, taillights, or turn signal lights displayed on such vehicle;
- No inscription of any kind may appear across the face of the lens of the red light;
- The lens of the red light may not be less than 3 inches or more than 8 inches in diameter; and
- In order for an active volunteer firefighter to display such a red light on his or her vehicle, the volunteer firefighter must first secure a written permit from the chief executive officers of the firefighting organization to use the red light, and this permit must be carried by the volunteer firefighter at all times while the red light is displayed.

Section 316.2398(2), (3), and (4) F.S., sets forth the following unlawful acts:

- The display of a red light by a person who is not an active firefighter member of a regularly organized volunteer firefighting company or association or a physician or technician of the medical staff of a medical facility licensed by the state to display on a motor vehicle owned by him or her, at any time, a red light as described in subsection (1) (s. 316.2398(2), F.S.);
- The operation of a red light as authorized in subsection (1) by an active volunteer firefighter when not en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency, in the line of duty (s. 316.2398(3), F.S.); and
- The operation of a red light as authorized in subsection (1) by a physician or technician of the medical staff of a medical facility when not responding to an emergency in the line of duty (s. 316.2398(4), F.S.).

A violation of this section is punishable as a nonmoving violation (\$30 fine). In addition, any volunteer firefighter must be dismissed from membership in the firefighting organization by the chief executive officer.

This statute has not changed substantially since it was created with the enactment of the Uniform Traffic Control Act in 1971. Since then, both technology and practice have changed in the use of emergency signals. Today's multi-color warning light units are designed to utilize incandescent, halogen, sealed beam light, or light-emitting diode (LED) sources. The current statute allows only for a single white incandescent lamp with a red lens.

Additionally, although the current statute requires any red light used by a volunteer firefighter to have a light source of no greater than 50 candlepower, specifications advertised by manufacturers of emergency signal rarely, if ever, include information on a signal's light output in terms of candlepower, or candela, the more modern term.

According to the Uniform Traffic Citation statistics maintained by the Department of Highway Safety and Motor Vehicles (DHSMV), in 2001, law enforcement wrote 22 citations for violations of the law governing the use of red lights on vehicles of volunteer firefighters or medical staff.

III. Effect of Proposed Changes:

Section 316.2398, F.S., is amended to eliminate restrictions on the type, size, and placement of visual emergency signals used by volunteer firefighters and eligible medical staff, limits the use of the emergency signals to no more than two on his or her personal motor vehicle, and replaces the term “red light” with “red warning signal.” Also, the CS authorizes volunteer firefighters to display red warning signals at the scene of a fire or other emergency.

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:

None.

C. Government Sector Impact:

This CS could reduce revenues collected by state and local governments as a result of a reduction of the number of citations issued for violations involving the use of red lights on vehicles of volunteer firefighters or medical staff. However, the fiscal impact may only have a minimal impact. According to the Uniform Traffic Citation statistics maintained by DHSMV, in 2001, law enforcement wrote 22 citations for violations of the law governing the use of red lights on vehicles of volunteer firefighters or medical staff.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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