

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 497 CS Highway Safety
SPONSOR(S): Cannon and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1264

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>14 Y, 0 N, w/CS</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Judiciary Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Finance & Tax Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>State Infrastructure Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Under current law the civil penalty for violation of traffic control signal devices is \$60 and under certain circumstances mandatory driver improvement courses are required. The moneys collected under this provision are distributed to local governments, the general revenue fund and various trust funds. Also, under the current point system for evaluation of convictions of violations of motor vehicle laws, violations of traffic control signal devices are assigned 3 points as a moving violation. The bill makes the following changes:

- If a person runs a red light and no crash occurs, the person is subject to a \$125 fine, and 4 points is assessed against his or her driver's license.
- If a person is convicted of a second violation for violation of traffic control signal devices within 12 months of the first violation, a mandatory driver improvement course is required.
- Moneys collected for the additional penalty amount imposed by the bill for violation of traffic control signal devices are distributed to trauma centers based on trauma caseload and severity of trauma patients.
- Trauma centers provided funding under this provision are subject to audit and attestation requirements regarding use of the funds.

It is estimated that increasing the civil penalty to \$125 will generate \$18,887,960 in additional revenues for deposit into the Department of Health Administrative Trust Fund for funding of trauma centers assuming a 100% compliance factor. The revenue impact is estimated by combining traffic control violations cited pursuant to s. 316.074(1), and 316.075 (1) (c)1, F.S. Each would be subject to the additional \$65 fine. The revenue impact from requiring persons who are cited for a second red light violation occurring twelve months after the first violation to attend a driver improvement school is indeterminate.

The bill takes effect October 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill requires mandatory driver improvement courses where none is required presently. The bill also increases fines and license penalties for certain civil traffic infractions. The bill creates auditing and attestation responsibilities for certain trauma centers and for the Department of Health.

B. EFFECT OF PROPOSED CHANGES:

Red Light Running

The law prohibits traffic from entering an intersection when facing a traffic signal (red light running) see, s. 316.074 (1), and 316.075 (1) (c)1., F.S. Violation of this prohibition is a moving traffic infraction punishable by a \$60 civil fine. If a red light runner causes a crash or an injury, that person may be subject to a license suspension or an enhanced penalty,

Penalties and Distributions:

Under current law the penalty for a moving violation of a traffic control device is punishable by a \$60 fine. Pursuant to s. 318.21 F.S. the moneys collected from violations of traffic laws are distributed and paid monthly as follows:

- One dollar from every civil penalty is remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund for child welfare training purposes.
- One dollar from every civil penalty is remitted to the Department of Revenue for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes.
- Twenty and six-tenths percent is remitted to the Department of Revenue for deposit into the General Revenue Fund of the state, except that the first \$300,000 is deposited into the Grants and Donations Trust Fund in the Justice Administrative Commission for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels in a constitutional charter county.
- Seven and two-tenths percent is remitted to the Department of Revenue for deposit in the Emergency Medical Services Trust Fund.
- Five and one-tenth percent is remitted to the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund established for criminal justice purposes.
- Eight and two-tenths percent is remitted to the Department of Revenue for deposit in the Brain and Spinal Cord Injury Rehabilitation Trust Fund.
- Two percent is remitted to the Department of Revenue for deposit in the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation.
- Five-tenths percent is paid to the clerk of the court for administrative costs.
- If the violation occurred within a special improvement district of the Seminole or Miccosukee Indian Tribe, 56.4 percent is paid to that special improvement district.
- If the violation occurred within a municipality, 50.8 percent is paid to that municipality and 5.6 percent is deposited into the fine and forfeiture trust fund.
- If the violation occurred within the unincorporated area of a county that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent is deposited into the fine and forfeiture fund.
- Moneys paid to a municipality or special improvement district must be used to fund local criminal justice training when such a program is established by ordinance; to fund a municipal school crossing guard training program; and for any other lawful purpose.

- Twelve dollars and fifty cents from each moving traffic violation must be used by the county to fund that county's participation in an intergovernmental radio communication program or to fund local law enforcement automation.

The bill would impose a fine of one hundred twenty-five dollars for a violation of a traffic control devices, of which \$60 would be distributed as provided in s. 318.21 F.S. and the remaining \$65 would be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health.

Driver Improvement Course:

Currently the Department of Highway Safety and Motor Vehicles (DHSMV) screens crash reports to identify crashes involving the following:

- A crash involving death or a bodily injury requiring transport to a medical facility; or
- A second crash by the same operator within the previous 2-year period involving property damage in an apparent amount of at least \$500.
- With respect to an operator convicted of, or who pleaded nolo contendere to, a traffic offense giving rise to a crash, the department requires that the operator, in addition to other applicable penalties, attend a departmentally approved driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days of receiving notice from the department, the operator's driver's license is canceled by the department until the course is successfully completed.
- In determining whether to approve a driver improvement course, the (DHSMV) considers course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

DHSMV does not require a driver to attend a department-approved driver improvement course in order to maintain driving privileges if the driver has been convicted of, or who pleaded nolo contendere to, a second violation of a traffic control device.

The bill would require the Department of Highway Safety and Motor Vehicles to identify any operator convicted of, or who pleaded nolo contendere to, a second violation of s. 316.074 (1), and 316.075(1)(c)1, F.S. Each violation must occur within 12 months of the first violation, and shall require the operator, in addition to other applicable penalties, to attend a department- approved driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days after receiving notice from the department, the operator's driver license is canceled by the department until the course is successfully completed.

Point System:

Points are assessed against a person's driver's license upon violation of certain traffic laws so that DHSMV may determine the continuing qualification of any person to operate a motor vehicle. DHSMV may suspend the license of any person who accumulates 12 or more points against a license in a 12-month period. The point system is a graduated scale of points assigning relative values to convictions of the following violations:

- Reckless driving, willful and wanton – 4 points.
- Leaving the scene of a crash resulting in property damage of more than \$50--6 points.
- Unlawful speed resulting in a crash – 6 points.
- Passing a stopped school bus – 4 points.
- Excessive speed, 15 mph over or less – 3 points.
- Excessive speed, more than 15 mph over – 4 points.
- All other moving violations – 3 points.

- Any moving violation covered above, excluding unlawful speed, resulting in a crash--4 points.
- Any conviction of the Florida Litter Law --3 points.

The bill would assign a value of 4 points for a violation of a traffic control device pursuant to s. 316.074 (1) and 316.075 (1) (c)1, F.S.

Trauma Centers:

Under current law the distribution of moneys collected for traffic control device violations does not include trauma centers. Currently there is the Trauma Services Trust Fund in the State Treasury, which is used exclusively for the development and support of a system of state-sponsored trauma centers. Trust fund revenue is used for the purpose of funding trauma patient care in a provisional state-sponsored trauma center, or a state-sponsored trauma center; for funding the associated trauma claims processing costs, including the costs for the design, development, implementation, and operation of a payment system; and for administrative costs.

The bill creates funding intended to provide financial support to the current verified trauma centers and to provide incentives for the establishment of additional trauma centers. The Department of Health (DOH), would deposit funds from the additional penalty for traffic control device violations into the Administrative Trust Fund to fund the availability and accessibility of trauma services throughout the state, as follows:

- Twenty percent of the total funds collected would be distributed to verified trauma centers located in a region that has a local funding contribution as of December 31. Distribution of funds under this paragraph would be based on trauma caseload volume.
- Forty percent of the total funds collected would be distributed to verified trauma centers based on trauma caseload volume of the previous calendar year. The determination of caseload volume would be based on the DOH Trauma Registry data.
- Forty percent of the total funds would be distributed to verified trauma centers based on severity of trauma patients. The determination of severity would be based on the DOH Injury Severity Scores.

Any trauma center not subject to audit must annually attest, under penalties of perjury, that the proceeds were used in compliance with law. The annual attestation must be made in a form and format determined by the DOH. Trauma centers that are subject to audit must submit an audit report in accordance with rules adopted by the Auditor General. The annual attestation would be submitted to the DOH for review within 9 months after the end of the organization's fiscal year. The DOH, working with the Agency for Health Care Administration, must maximize resources for trauma services wherever possible.

C. SECTION DIRECTORY:

Section 1. Gives the name "Angelica and Victoria Velez Memorial Traffic Safety Act."

Section 2. Amends s. 318.18, F.S. to revise penalty for moving violation of traffic control devices;

Section 3. Amends s. 318.21, F.S. to provide for distribution of penalties collected under s. 318.18 (14), F.S.;

Section 4. Amends s. 322.0261, F.S. requiring driver improvement course for a second moving violation of traffic control device within a specified time period;

Section 5. Amends s. 322.27, F.S. assigning point value for conviction of moving violation of traffic control device;

Section 6. Creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing for audits and attestations;

Section 7. This act shall take effect October 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to the Department of Highway Safety and Motor Vehicles (DHSMV) the estimated revenue amount for year one would be \$18,887,960 to the DOH Administrative Trust Fund. This assumes that 290,584 red light violations occurred (this estimate is based on the number of violations that occurred last year) multiplied by the \$65 additional fine. This impact is estimated by combining traffic control violations cited pursuant to s. 316.074(1), and 316.075 (1) (c)1, F.S. Each would be subject to the additional \$65 fine.

2. Expenditures:

This bill would require 120 hours at \$135 per hour of contracted programming to modify the Driver License Information Systems. According to the DHSMV the total expenditures from the Highway Safety and Motor Vehicles General Highway Fund will be \$16,200.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

The bill may have a positive fiscal impact on local governments to the extent that some funds may be directed to trauma centers which currently receive local government funding.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The fine for running a red light would be increased from \$60 to \$125. Persons running a red light would have four points assessed on their driving record, which could result in additional license suspensions, the payment of reinstatement fees, and higher insurance premiums.

Persons found guilty of a second violation of running a red light within twelve months would be required to attend a driver improvement school to retain driving privileges.

D. FISCAL COMMENTS:

Based on the 2003 Annual Uniform Traffic Citation Statistics and the Driver License Warehouse (both in-house DHSMV databases), there were 290,584 violations of s. 316.074(1), and 316.075(1)(c)1, F.S., that resulted in a guilty or paid civil penalty, or adjudication was withheld by the clerk of the court or judge. Based on this population, increasing the civil penalty for red light violations from \$60 to \$125 may generate an additional \$18,887,960 annually for the DOH Administrative Trust Fund assuming a 100% compliance factor.

The number of persons who have committed a second violation of s. 316.075(1)(c)1, F.S., within 12 months of the first violation is unknown.

Additional revenues distributed to specified trauma centers has the potential for increasing job opportunities in the trauma care field with an unknown fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On February 22, 2005 the Committee on Transportation adopted 3 amendments to HB 497.

Amendment #1 by Rep. Cannon: Corrected a statutory cross reference relating to traffic control devices;

Amendment #2 by Rep. Cannon: Changed the bill's effective date from, "upon becoming law" to October 1, 2005; and

Amendment #3 by Rep. Cannon: Reorganized the bill's text to put trauma center attestation submission language in the correct place.

The committee then voted 14-0 to report the bill favorably with committee substitute.