

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Transportation Committee

BILL: SB 2372

INTRODUCER: Senator Wilson

SUBJECT: Cellular Telephones/Motor Vehicles

DATE: April 4, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>CU</u>	_____
3.	_____	_____	<u>CJ</u>	_____
4.	_____	_____	<u>TA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill prohibits the operation of a motor vehicle while dialing or sending a call or text message on a cellular telephone, or while listening to or speaking on a cellular telephone. An exception is provided for law enforcement or safety purposes if the use is approved by the Department of Highway Safety and Motor Vehicles. A violation of the new section is a noncriminal traffic infraction, punishable as a nonmoving violation.

This bill creates a new, unnumbered section of the Florida Statutes.

II. Present Situation:

There is currently no prohibition on the use of cellular telephones while operating a motor vehicle in Florida. Section 316.0075, F.S., specifically preempts regulation of mobile radio services and other electronic communications devices to the state.

Section 817.4821, F.S., defines a cellular telephone as:

“(A) communication device containing a unique electronic serial number that is programmed into its computer chip by its manufacturer and whose operation is dependent on the transmission of that electronic serial number along with a mobile identification number, which is assigned by the cellular telephone carrier, in the form of radio signals through cell sites and mobile switching stations.”

Section 316.304, F.S., prohibits operating a vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid or instrument for the improvement of defective human

hearing. However, an exception is provided for persons using a headset in conjunction with a cellular telephone that only provides sound through one ear and allows surrounding sounds to be heard with the other ear. Violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in ch. 318, F.S.

III. Effect of Proposed Changes:

The bill prohibits the operation of a motor vehicle while dialing or sending a call or text message on a cellular telephone, or while listening to or speaking on a cellular telephone. An exception is provided for law enforcement or safety purposes if the use is approved by the Department of Highway Safety and Motor Vehicles.

A violation of the new section is a noncriminal traffic infraction, punishable as a nonmoving violation (\$30 fine plus various court costs assessed by the county).

The bill takes effect July 1, 2007.

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:

Offenders could be assessed fines of \$30 plus court costs, per violation.

C. Government Sector Impact:

This bill has no negative fiscal impact; however, the bill may generate indeterminate positive fine revenues to state and local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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