

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 324

INTRODUCER: Transportation Committee and Senator Baker

SUBJECT: Motor Vehicle Operators/Text Messaging

DATE: March 24, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McManus	Meyer	TR	Fav/CS
2.			CU	
3.			TA	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill prohibits any person under the age of 18 from operating a motor vehicle while using an electronic communications device to write or send text-based communications. It would not be a violation to read, select, or enter a telephone number or name in order to make a telephone call. Exceptions are provided for reporting illegal activity, summoning medical or other emergency help, or to prevent injury or damage to person or property. Violations are noncriminal traffic infractions punishable as a moving violation as provided in ch. 318, F.S.

This bill substantially amends s. 316.304, F.S.

II. Present Situation:

There are currently no prohibitions related to texting while driving.

Section 316.304, F.S., prohibits any person wearing a headset, headphone, or other listening device from operating a vehicle, aside from a hearing aid or other instrument to improve defective human hearing. This section does not apply to any:

- law enforcement officer equipped with any necessary communication device, or emergency vehicle operator with an ear protection device;

- applicant for a license to operate a motorcycle while taking the required examination;
- person operating a motorcycle, using a helmet headset worn so as to prevent the speakers from making direct contact with the ears, allowing the user to hear surrounding sounds; and
- person using a headset that only provides sound through one ear and allows surrounding sounds to be heard with the other ear, such as a headset in conjunction with a cellular telephone.

A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in ch. 318, F.S.

III. Effect of Proposed Changes:

This bill would prohibit the operation of a motor vehicle while using an electronic communications device to write or send a text-based communication, including text messages, instant messages, or electronic mail for those who are 17 years of age or younger.

It is not a violation to read, select, or enter a telephone number or name in order to make or receive a telephone call. The restrictions of this bill would not apply to a person sending a text-based message to:

- report illegal behavior;
- summon medical or emergency help; or
- prevent injury or damage to a person or property.

A violation is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.

The bill would take effect July 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill will affect persons under the age of 18 using electronic communications devices for texting purposes while operating a motor vehicle.

C. Government Sector Impact:

This bill may generate additional revenues for agencies receiving monies under s. 318.21, F.S., for using electronic communications devices for texting purposes while operating a motor vehicle.

VI. Technical Deficiencies:

The Department of Highway Safety and Motor Vehicles recommends changing the effective date to October 1, 2010, to allow for programmatic updates to be implemented.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on March 24, 2010:**

Amendment 677704 amended the bill to apply only to drivers who are younger than 18 years of age.

B. Amendments:

None.