

STORAGE NAME: h1479.tr
DATE: April 4, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1479

RELATING TO: Traffic Control/Traffic Infraction Detectors

SPONSOR(S): Rep. Cosgrove

STATUTE(S) AFFECTED: ss. 316.003, 316.0745, 316.008, 318.1415, 316.1971, 320.03, F.S.

COMPANION BILL(S): SB 1568 (s) & SB 2310(c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION
- (2) COMMUNITY AFFAIRS
- (3) LAW ENFORCEMENT & PUBLIC SAFETY
- (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
- (5)

I. SUMMARY:

The bill authorizes counties and municipalities to use photographic traffic enforcement for failure to stop at a red traffic light and other traffic infractions. Tickets, similar to parking tickets for these infractions as documented by a traffic infraction detector would be issued and mailed to vehicle owners. The vehicle owner would be liable for paying the fine, unless the owner provides evidence that the vehicle was in the control of another person at the time of the violation.

Local governments that establish photographic traffic enforcement programs would have discretion in implementing such a program, including regulating the number of traffic detectors used and determining the fine amounts. Local governments would also have authority to contract with private providers to operate the detectors which are set up to detect a motorist's failure to stop for a red traffic signal. Depending on the effectiveness of such photographic traffic enforcement efforts implemented by local governments, the amount of traffic crashes and fatalities could be reduced due to increased compliance with traffic laws.

Counties and municipalities that adopt ordinances to implement this bill would incur the cost of implementing photographic traffic enforcement. All revenues collected would remain at the local level, except that 20 percent of the net proceeds collected for violations for failure to stop for a red traffic signal are to be deposited into Highway Safety Operating Trust Fund. In addition, the bill may also have minor costs to the Department of Highway Safety and Motor Vehicles (DHS&MV) associated with adopting uniform standards for traffic infraction detectors and in placing "stops" on vehicle registrations of violators who have not paid their fines.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Except for photographic enforcement for failure to pay a toll, (s.316.1001, F.S.), local governments are not specifically authorized to use photographic traffic enforcement efforts to enforce state traffic laws.

Chapter 316, F.S., provides that a driver of a vehicle must obey traffic control devices and authorizes local governments to enforce traffic laws on the roads within their jurisdiction. Law enforcement officers issue citations for traffic violations which occur in their presence or for violations, which after investigation, occur at the scene of a traffic crash. A violation of s. 316.074, F.S., which requires obedience to traffic control devices, currently has to be witnessed by the officer or evidence obtained at the scene of a traffic crash for a citation to be lawfully issued to a violator.

Section 316.1967, F.S., establishes a process that local governments use to enforce parking ordinances. The law provides that the owner of a vehicle is liable for the payment of any parking ticket violation unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person.

B. EFFECT OF PROPOSED CHANGES:

The bill authorizes counties and municipalities to use photographic traffic enforcement methods to enforce compliance with traffic laws. Although some portions of the bill refer specifically to failure to stop at a red traffic signal, other parts of the bill refer to speed calculating devices and to failure to comply with traffic control laws of Chapter 316, F.S. Tickets, similar to parking tickets, for failure to failure to comply with traffic laws as documented by a traffic infraction detector, would be issued and mailed to the vehicle owner. The vehicle owner would be liable for paying the fine as set by the local government, unless the owner provides evidence that the vehicle was in the control of another person at the time of the violation. If the fines are not paid, the DHS&MV will place a "stop" on the motor vehicle records so that the owner of the vehicle will not be allowed to renew his or her registration.

Counties and municipalities that adopt ordinances to establish photographic traffic enforcement programs would have discretion for how such programs would be designed and implemented, including regulating the number of traffic detectors used and determining the fine amounts. Local governments would also have authority to contract with private providers to operate those detectors which are set up to detect a motorist's failure to stop for a red traffic signal. In addition to a cap on the amount of the fine that counties and municipalities may charge for failure to stop for a red traffic signal, the bill requires that signs be posted to provide motorists with advance notification that a traffic infraction detector is in use.

All revenues collected by use of traffic infraction detectors would remain at the local level, except that 20 percent of the net proceeds collected for violations for failure to stop for a red traffic signal are to be deposited into Highway Safety Operating Trust Fund. The bill provides that local governments may use 50 or 35 percent of the

proceeds collected for violations for failure to stop for a red traffic signal to fund law enforcement and correctional officer positions and salary enhancements.

The bill contains language referring to demonstration projects in counties with populations exceeding 1 million. However, the provisions of the bill which amend state traffic control laws do not contain language that limits the use of traffic infraction detectors to demonstration projects areas and the demonstration project provision does not specifically restrict the bill's statutory changes to demonstration project areas. Therefore, it appears that these detectors could be used statewide.

Depending on how photographic traffic enforcement programs are designed and implemented, motorist obedience to traffic signals could increase and result in fewer traffic crashes and fatalities than might have been experienced without the photographic enforcement program.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes, local governments would be specifically authorized to set up ordinances that impose and collect fines for traffic violations detected by photographic means. The fines would be imposed based on photographs of activities which are currently violations of state traffic control laws.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No

- e. Does the bill authorize any fee or tax increase by any local government?

Yes, local governments would be specifically authorized to set up ordinances that impose and collect fines for traffic violations detected by photographic means. The fines would be imposed based on photographs of activities which are currently violations of state traffic control laws and subject to civil traffic penalties.

3. Personal Responsibility:

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

Not applicable.

D. SECTION-BY-SECTION RESEARCH:

Section 1: Creates s. 316.003(82), F.S., to define "traffic infraction detector."

Section 2: Amends s. 316.0745, F.S., to provide that all traffic infraction detectors must comply with uniform standards established by the Department of Highway Safety and Motor Vehicles.

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Section 3: Creates s. 316.008(7), F.S., to provide counties and municipalities the authority to use traffic infraction detectors for the purposes of enforcing obedience to traffic laws relating to running red lights. The subsection further provides that: 1) local governments may contract with private providers to operate traffic infraction detectors; 2) any operator of a traffic infraction detector must qualify as a traffic infraction enforcement officer; 3) signs be posted informing motorists that a traffic infraction detector is in use; 4) a schedule of fines be established by the authorizing local government, however, the fine is capped at \$60; and 5) local governments may use at least 50 percent of the net proceeds for law enforcement and correctional officers.

Section 4: Creates s. 318.1415, F.S., to authorize traffic infraction enforcement officers to issue tickets based on inspection of photographs or other recorded images produced by a traffic infraction detector.

Section 5: Creates s. 316.1971(1)(a), F.S., to provide that a ticket may be issued to the owner of a motor vehicle for a violation documented by a traffic infraction detector in the same manner and subject to the same limitations as a parking ticket defined by s. 316.1967, F.S., except that the provisions of chapter 318 (disposition of traffic infractions) and s. 322.27, F.S. (authority of the Department of Highway Safety and Motor Vehicles to suspend or revoke licenses), would not apply.

Subsection (1)(b) is created to provide that the same procedure for issuing a parking ticket will be used for issuing a ticket for a violation documented by a traffic infraction detector, except that the ticket issued based on photographic evidence would be issued by first class mail.

Subsection (2) provides that the owner of the motor vehicle is responsible for paying the fine unless the motor vehicle owner can furnish evidence that the car was in the care, custody, or control of another person when the violation occurred.

Subsection (3) provides that a certificate sworn by a traffic infraction enforcement officer by or under contract to the county or municipality based on inspection of photographs or other recorded images produced by a traffic infraction detector shall be prima facie evidence of the facts. In addition, photographs and other recorded images evidencing such violations are to be available for inspection in any proceeding to adjudicate liability for violations pursuant to the local ordinance.

Subsection (4) provides that the names of persons with one or more outstanding violations documented by a traffic infraction detector may be included on the list authorized by s. 316.1967(6), F.S. A person may not be issued a license plate or revalidation sticker for their motor vehicle if their name appears on the list.

Subsection (5) provides that uniform traffic citations may not be issued for an infraction documented by a traffic infraction detector.

Section 6: Requires that 20 percent of the net proceeds collected by counties and municipalities as a result of using traffic infraction detectors to impose fines for failure to stop at a red traffic control signal be deposited into the Highway Safety Operating Trust Fund and used for authorized purposes of the trust fund, including adding Florida Highway Patrol personnel and salary enhancements. This section also authorizes local

governments to use at least 35 percent of the remaining proceeds for law enforcement and correctional officers.

Section 7: Amends s. 320.03(8), F.S., conforming change.

Section 8: Creates language referring to demonstration projects in counties with populations exceeding 1 million. However, the provisions of the bill which amend state traffic control laws do not contain language that limits the use of traffic infraction detectors to demonstration projects areas and this demonstration project section does not specifically restrict the bill's statutory changes to demonstration project areas.

Section 9: Provides an effective date of October 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate, see D. Fiscal Comments, below.

2. Recurring Effects:

Indeterminate, see D. Fiscal Comments, below.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Indeterminate, see D. Fiscal Comments, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Indeterminate, see D. Fiscal Comments, below.

2. Recurring Effects:

Indeterminate, see D. Fiscal Comments, below.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

A vehicle owner could be subject to a fine (up to \$60) for failing to stop at a red light if the violation was photographed or recorded by a traffic infraction detector. If such a violation was observed by a law enforcement officer and the driver issued a standard uniform traffic citation, the fine is \$60, plus local additional fees, and 3 points assessed against the driver's license.

2. Direct Private Sector Benefits:

Private vendors of traffic infraction detectors would benefit to the extent that local governments create programs as authorized by the bill and contract with private firms for operation of the detectors.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

State Impacts: The Department of Highway Safety and Motor Vehicles will experience some initial costs of developing uniform standards for traffic infraction detectors and computer programming, but these amounts are insignificant. The bill requires that 20 percent of the net proceeds collected by local governments as a result of using traffic infraction detectors to impose fines for failure to stop at a red traffic control signal be deposited into the Highway Safety Operating Trust Fund. The Highway Safety Operating Trust Fund could experience an increase in revenues, but this amount will be determined by the extent that local governments create traffic infraction detector programs, and therefore the amount of revenue is unknown.

Local Government Impacts: Local governments which create traffic infraction detector programs will incur costs associated with developing appropriate ordinances and procedures, as well as for administering contracts with private vendors. These costs are likely to be minor, and will be offset by fine revenues generated by the traffic infraction detectors. The amount of this revenue is unknown because it will be based on the extent that local governments create traffic infraction detector programs.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Not applicable. This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

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B. REDUCTION OF REVENUE RAISING AUTHORITY:

Not applicable. This bill does not reduce the authority of counties or municipalities to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

Not applicable. This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:
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