

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 266

SPONSOR: Transportation Committee and Senator Forman

SUBJECT: Traffic Control

DATE: April 22, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This CS authorizes counties and municipalities to use photographic traffic enforcement for failure to stop at a red traffic light. 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 the vehicle was in the control of another person at the time of the violation.

Local governments establishing photographic traffic enforcement programs would have discretion in implementing such a program, including regulating the number of traffic detectors used and setting fine amounts up to a maximum of \$52. 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 are to be deposited into Highway Safety Operating Trust Fund. In addition, the CS may also have minor costs to the Department of Highway Safety and Motor Vehicles (DHSMV) for establishing training and operation requirements for traffic infraction detector officers, and to the Department of Transportation for adopting uniform standards for traffic infraction detectors.

This CS substantially amends ss. 316.003, 316.008, 316.0745, and 320.03, of the Florida Statutes. This CS creates s. 316.1971, of the Florida Statutes.

II. Present Situation:

Except for photographic enforcement for failure to pay a toll, local governments are not specifically authorized to use photographic traffic enforcement efforts to enforce state traffic laws.

Chapter 316, F.S., provides 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 local governments use to enforce parking ordinances. The law provides the owner of a vehicle is liable for the payment of any parking ticket violation unless the owner can furnish evidence the vehicle was in the care, custody, or control of another person at the time of the parking violation.

III. Effect of Proposed Changes:

This CS authorizes counties and municipalities to use photographic traffic enforcement devices (which meet requirements established by the Department of Transportation) to enforce compliance with the requirement to stop at a red traffic signal. Tickets, similar to parking tickets, would be issued and mailed to the vehicle owner for failing to stop when facing a steady red traffic control signal as documented by a traffic infraction detector. The detector would record photographs or images of only the rear of the vehicle. The ticket must include a photograph showing the offending vehicle and the traffic control device being violated in the same frame.

The vehicle owner would be liable for paying the fine as set by the local government, unless the owner provides evidence the vehicle was in the control of another person at the time of the violation. If the fines are not paid, DHSMV will place a “stop” on the motor vehicle records so the owner of the vehicle will not be allowed to renew his or her registration. When a person is issued two tickets within 12 months, that person would be required to attend a driver improvement course. Such violations would not be convictions, are not part of the driving record, and may not be used for purposes of setting motor vehicle insurance rates. Further, points may not be assessed against the operator’s license based on a traffic infraction detector violation.

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, up to a maximum of \$52 per violation. If a county or municipality elects to use a traffic-infraction detector to enforce compliance, then no portion of any fine collected through the use of such system may be paid to the manufacturer or vendor of the traffic-infraction detector equipment. The compensation paid by the county or municipality for such equipment shall be based on the value of the photographic traffic enforcement equipment and may not be based on the number of traffic citations issued or the revenue generated by such equipment.

Traffic infraction detector officers must successfully meet training and qualification standards established by DHSMV. The CS requires signs be posted and public awareness campaigns be conducted to provide motorists with advance notification that traffic infraction detectors are in use.

All revenues collected by use of traffic infraction detectors would remain at the local level, except 20 percent of the net proceeds collected are to be deposited into the Highway Safety Operating Trust Fund. These funds are to be used for the general purposes of the trust fund, including as a priority, the hiring of additional personnel for the Florida Highway Patrol, and if additional funds are available enhancing salaries of existing highway patrol employees. The CS provides that local

governments may use up to 50 percent of the remaining proceeds collected to fund law enforcement and correctional officer positions and salary enhancements.

Each county or municipality that operates a traffic infraction detector must submit an annual report to DHSMV detailing the results of using traffic infraction detectors and the procedures for enforcement. DHSMV is directed to provide a summary report to the Legislature and the Governor regarding the use and operation of traffic infraction detectors.

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:

A vehicle owner could be subject to a fine (up to \$52) for failing to stop at a red light if the violation was photographed or recorded by a traffic infraction detector. Also, when a person is issued two tickets within 12 months, that person would be required to attend a driver improvement course. 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.

To the extent additional drivers are required by this CS to attend driver improvement schools, such schools will benefit from collecting more school fees.

C. Government Sector Impact:

The Department of Highway Safety and Motor Vehicles will incur minor costs for establishing training and operation requirements for traffic infraction detector officers. The Department of Transportation will experience some initial costs of developing uniform standards for traffic infraction detectors and computer programming, but these amounts are insignificant.

The bill requires 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 governments which create traffic infraction detector programs will incur costs associated with developing appropriate ordinances and procedures, for required signage and public awareness campaigns, and 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 net revenue is unknown because: 1) it will be based on the extent local governments create traffic infraction detector programs; and 2) the costs of developing and operating traffic infraction detectors is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

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

Critics of photographic traffic enforcement programs argue these programs constitute an unwarranted invasion of privacy and violate a person's due process rights.

VIII. Amendments:

None.