

**STORAGE NAME:** h0927a.tr

**DATE:** March 3, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** HB 927

**RELATING TO:** Florida Safety Belt Law

**SPONSOR(S):** Representatives Cantens, Effman, Jones, and others

**COMPANION BILL(S):** SB 90 (s)

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

- (1) TRANSPORTATION YEAS 10 NAYS 0
- (2) CRIME & PUNISHMENT
- (3) CRIMINAL JUSTICE APPROPRIATIONS
- (4)
- (5)

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I. SUMMARY:

Current law requires a motor vehicle operator, front seat passengers, and all passengers under 16 years of age to wear seat belts. The "Florida Safety Belt Law" is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their seat belts. Instead, the officer must first stop the motorist for a suspected violation of state traffic, motor vehicle, or driver license laws, before the officer can issue a uniform traffic citation for failure to wear a seat belt.

This bill amends the Florida Safety Belt Law to provide for primary enforcement of the seat belt law. Under this bill, law enforcement officers would be authorized to stop motorists and issue citations when an operator, front seat passenger, or a passenger under 16 years of age is not using a seat belt.

Although it is unclear whether seat belt enforcement would increase, this bill would most likely increase seat belt use. Increased seat belt use in Florida should decrease the severity of crash related injuries, as well as decrease medical and insurance costs related to motor vehicle crashes that would have been experienced otherwise. To the extent that such costs are reduced this bill has a positive, but indeterminate impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The "Florida Safety Belt Law," (s. 316.614, F.S.) requires a motor vehicle operator, front seat passengers, and all passengers under 16 years of age to wear seat belts. The "Florida Safety Belt Law" is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their seat belts. Instead, the officer must first stop the motorist for a suspected violation of Chapters 316, 320, or 322, F.S., before the officer can issue a uniform traffic citation for failure to wear a seat belt. DHS&MV's records indicate that 226,948 citations were issued for seat belt violations during calendar year 1995.

Although the "Florida Safety Belt Law" is enforced as a secondary offense, the child restraint requirements of s. 316.613, F.S., are enforced as a primary offense. The law requires all children 5 years of age and younger being transported in a motor vehicle to be restrained in a carrier, integrated car seat, or seat belt. Motorists are subject to being stopped by a law enforcement officer for failure to comply with this requirement.

The penalty for failure to wear a seat belt is \$30, plus add-ons and court costs. Revenues collected from citations issued for seat belt violations are distributed like other citation revenues, pursuant to s. 318.21, F.S., except \$5 for each citation paid is directed to the Epilepsy Services Trust Fund.

There are, however, exceptions for when seat belts are required to be worn. For example, persons who deliver newspapers on home delivery routes are not required to wear seat belts during the course of their employment.

In December 1996, the National Highway Traffic Safety Administration reported to Congress that "...the manner in which the law is enforced also affects use rates. ... The average use rate in the eleven states which have laws that permit primary enforcement is 14 percentage points higher than the average of those states which permit only secondary enforcement. The average use rate among primary law enforcement states in 1995 was 75 percent. The average use rate among secondary law enforcement states in 1995 was 61 percent."

Further, the National Highway Traffic Safety Administration reported that the most recent average seat belt use rate in Florida was 59 percent. This rate appears to be consistent with a 1994 statewide seat belt use survey by AAA. AAA had determined that Florida's statewide seat belt use rate for front seat passengers was 65.4 percent.

B. EFFECT OF PROPOSED CHANGES:

This bill amends the Florida Safety Belt Law to provide for primary enforcement of the seat belt law. Under this bill law enforcement officers would be authorized to stop motorists and issue citations when an operator, front seat passenger, or a passenger under 16 years of age is not using a seat belt.

It is unclear whether primary enforcement will result in more violations being cited since the level of enforcement in Florida must be balanced with other competing demands placed on law enforcement officers.

Although it is unclear whether seat belt enforcement would increase, this bill would most likely increase seat belt use. Based on other states that have primary enforcement and/or periodic enforcement "blitzes," Florida's seat belt use rate could increase to over 70 percent.

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?

N/A

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

N/A

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

N/A

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

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

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

N/A

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

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 316.614, F.S.

E. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Indeterminate. See D. Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

Indeterminate. See D. Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Indeterminate. See D. Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

Although it is unclear whether seat belt enforcement would increase, this bill would most likely increase seat belt use. Increased seat belt use in Florida should decrease the severity of crash related injuries, as well as decrease medical and insurance costs related to motor vehicle crashes that would have been experienced otherwise. To the extent that such costs are reduced this bill has a positive, but indeterminate impact.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 3, 1999, the Committee on Transportation adopted one amendment to HB 927. The amendment prohibits law enforcement officers from searching or inspecting a motor vehicle, its contents, the driver, or a passenger solely because of a violation of the Safety Belt Law.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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Thomas E. Duncan

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