

STORAGE NAME: h1159a.lec

DATE: March 22, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Law Enforcement & Crime Prevention
ANALYSIS**

BILL #: HB1159

RELATING TO: Red Light Safety Act of 2000

SPONSOR(S): Reps. Effman and Levine

TIED BILL(S): None

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

- (1) LAW ENFORCEMENT & CRIME PREVENTION YEAS 7 NAYS 1
 - (2) TRANSPORTATION
 - (3) COMMUNITY AFFAIRS
 - (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (5)
-

I. SUMMARY:

HB 1159 creates the Red Light Safety Act of 2000. This bill authorizes Palm Beach County or Broward County or any municipality within the two counties to implement a pilot program, administered by the Department of Highway Safety and Motor Vehicles, to test traffic infraction detectors (cameras) for the purpose of taking pictures of the back end of vehicles that run red lights. HB 1159 authorizes these two counties and any municipality within them to enact ordinances permitting the use of traffic infraction detectors. This bill also mandates a public awareness campaign and public announcement, and requires local ordinances be enacted to levy fines to not exceed \$100 for a red light violations under this bill. The bill also describes requirements that must be met when issuing a ticket issued through documentation by the traffic infraction detector and the procedure that must be followed if someone other than the owner is driving the car at the time of a violation. HB 1159 provides that a report shall be made by the participating local governments to the Department of Highway Safety and Motor Vehicles who shall then provide a summary report to the Senate President, House Speaker, and the Governor and then make a recommendation on whether or not the program should be expanded statewide.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1. Less Government Yes No N/A

If enacted, violations documented through the traffic infraction devices would create a greater work load for law enforcement agencies and the court system.

2. Lower Taxes Yes No N/A

3. Individual Freedom Yes No N/A

There is a concern that the privacy of individuals may be violated by the government using this method of electronic surveillance to document violations of Florida law.

4. Personal Responsibility Yes No N/A

5. Family Empowerment Yes No N/A

B. PRESENT SITUATION:

Currently, to issue an traffic citation a law enforcement officer is required to observe or have independent evidence that a violation has occurred. There is no statutory provision that allows traffic light violation citations to be issued on the basis of photographic evidence.

Evidence from implementation of similar traffic infraction devices is inconclusive. However, there are some reports of accident rate decreases in intersections where they are used, and a decrease in the number of red light violations. For example, in Fairfax, Virginia, traffic light violations fell by 40% after one year of enforcement. In Victoria, Australia, the Road Traffic Authority found a 32% decrease in right-angle collisions and a 10% reduction in injuries after the cameras were installed.

C. EFFECT OF PROPOSED CHANGES:

HB 1159 would allow the use of photographic evidence for the enforcement of traffic stop light violation in Palm Beach and Broward Counties. If an individual tries to proceed through a toll booth without paying the toll, a camera takes a picture of the rear of a vehicle to document the tag number. If proven to be successful and implemented statewide, it could significantly alter the method of traffic citations.

HB 1159 amends portions of Florida Statutes, Chapters 316 and 320 to create the Red Light Safety Act of 2000. The bill authorizes the creation of a pilot project of traffic infraction detectors, administered by the Department of Highway Safety and Motor Vehicles (HSMV), in Palm Beach and Broward Counties through December 1, 2002. These traffic infraction detectors must meet established requirements and be regularly tested by the Department of Transportation

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These two counties (and municipalities included within them) are authorized to enact ordinances providing for the use of traffic infraction detectors to enforce stop light violations. HB 1159 mandates these ordinances establish a schedule of fines to not exceed \$100 for these violations.

Counties or municipalities operating the traffic infraction detectors are required to submit an annual report to HSMV detailing the results of the use and operation of traffic infraction detectors and the procedures and results of enforcement. HSMV then must provide on or before December 1, 2002, to the Senate President, House Speaker, and Governor a summary report regarding the use and operation of the traffic infraction detectors and recommendation on statewide implementation.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides for the short title of the bill -- Red Light Safety Act of 2000.

Section 2: Amends 316.003, Florida Statutes, to add subsection 82 which defines the term "Traffic Infraction Detector."

Subsection (1): Creates the traffic infraction detector pilot project in Palm Beach and Broward Counties.

Paragraph (1)(a): Authorizes said counties and municipalities within their territorial jurisdictions, to enact ordinances to provide for the use of traffic infraction detectors and enforcement of fines to not exceed \$100 for a red light violation. Requires signs to be posted at intersections using the detectors and requires a public awareness campaign by the participating municipality or county.

Paragraph (1)(b): Provides for exceptions for emergency vehicles responding to an emergency call.

Paragraph (1)(c): Authorizes counties participating in the pilot project to impose fines on the registered owner of a vehicles. This subsection requires these fines to be issued and face the same limitations as a parking violations as provided in 316.1967, Florida Statutes. Provides that a violation may not be made part of the driving record or the driver, may not be used for setting insurances rates, and provides that points may not be assessed for violations.

Paragraph (1)(d): Requires specific information regarding location of violation, vehicle information, and registered owner information to be printed on the ticket. Requires a disclaimer to be printed that states liability is admitted if the violation is not contested. Requires county or municipality with jurisdiction over the street where the violation occurred to prepare and enforce the ticket.

Paragraph (1)(e): Requires the owner of the vehicle involved in the violation to be liable for the payment of the ticket unless the owner can provide the county or municipality:

1. Name, address, and driver's license information, if known, of the driver who had custody of the car at the time of the violations, or
2. Prove with a police report that the vehicle was stolen.

Paragraph (1)(e) continued: Provides that the person identified in the affidavit described above may be issued a citation. The affidavit can be used in a proceeding to prove the person identified in the affidavit had custody of the car at the time of violation.

Paragraph (1)(f): Allows a driver to challenge the determination that he or she ran a red light by appearing in a court with jurisdiction over traffic infractions. This section waives civil penalty limitations for individuals electing to appear in such a court. The court shall determine if a violation occurred and may impose a penalty not to exceed \$100 on the driver and may take steps enforce the penalty if it isn't paid within a time frame set by the court.

Paragraph (1)(g): Provides that a certificate or a copy of a certificate that is sworn to or affirmed by an county or municipality employee that is based upon the inspection of photographs by the traffic infraction device is prima facie evidence (sufficient to establish a fact or case unless disproved) of the facts in the certificate. Provides that a photograph of a violation must be available for inspection if it is to be used in a hearing that decides if a violation occurred.

Paragraph (1)(h): Provides that a person who has outstanding violations as provided in this section may be included on the list authorized under s. 316.1967(6), Florida Statute. This statute [316.1967(6)] authorizes the clerk of court or traffic violation bureau to send a machine readable electronic list to Highway Safety and Motor Vehicles that contains a list of individuals with three or more outstanding parking violations or disabled parking space violations for the purpose of marking the registration records of the offender.

Paragraph (1)(I): Bars a Highway Safety and Motor Vehicle uniform citation from being issued for a violation under this section.

Subsection (2): With funds received from fines under this program each county or municipality participating in the pilot program must submit an annual report to Highway Safety and Motor Vehicles. This report must contain the results from the use of the traffic infraction detectors and the procedures for enforcement. HSMV must then provide to the Senate President, House Speaker, and Governor a summary report that includes a review of the information provided by the participating counties or municipalities and the enhancements of traffic safety and enforcement programs. On or before December 1, 2001, HSMV must provide to the Senate President, House Speaker, and Governor its recommendation on statewide implementation of the program, including any necessary legislation.

Subsection (3): This is a sunset provision that repeals this section on December 1, 2002.

Subsection (4): Amends s. 316.0745(6) to add subsections (a) and (b).

Paragraph (a): This subsection is created and amended to read all traffic control devices controlled from a remote location must meet all requirements for the uniform system as set forth in 316.0745, Florida Statutes.

Paragraph (b): Requires traffic infraction detectors to meet requirements established by the United States Department of Transportation. This subsection also requires traffic infraction detectors to be regularly tested as prescribed by the department.

Subsection (5): Amends s. 320.03(8), Florida Statutes, to include a cross reference [316.1971(5)] and a technical amendment for the word "outstanding".

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

C. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

According to information provided by HSMV, implementation of this bill will require an initial nonrecurring expenditure of \$43,750 for the 2000-01 Fiscal Year. This figure comes from an estimate of 350 hours of contracted programming modifications to the Driver License software (200 hours) and to the Motor Vehicle software system (150 hours) at a cost of \$125 per hour.

D. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill may generate additional fine revenue for the local governments participating in the pilot program. However, it is difficult to make an accurate projection without knowing which municipalities will participate.

2. Expenditures:

Indeterminate. Participating local governments are required under this bill to execute a public awareness campaign and make a public announcement.

E. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

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F. FISCAL COMMENTS:

N/A

III. 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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

According to Highway Safety and Motor Vehicles 267,403 traffic light violations were issued by Florida law enforcement officers. Past attempts to pass similar legislation have failed due to privacy concerns of individuals. According to newspaper reports, however, cameras are currently used on toll roads to record the license plate of drivers who do not pay tolls. Also, according to newspaper reports, 22 other states, and several European, Asian, and African countries currently use cameras to document individuals running red lights.

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HB 1159 refers to 316.008(7), which does not exist. This bill does not explicitly provide for its creation. Also, HB 1159 refers to s. 316.1971(5) on page 8, line 9. However, this statute does not exist nor does this bill provide for its creation.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On march 22, 2000 the Committee on Law Enforcement and Crime Prevention passed two amendments to HB 1159. Amendment one removes the references to s. 316.008 (7), F.S., and inserts: "this section" in it's place. Amendment two removes references to s. 316.1971(5), F.S., which does not appear in the statutes.

VI. SIGNATURES:

COMMITTEE ON Law Enforcement & Crime Prevention:

Prepared by:

Staff Director:

Kurt E. Ahrendt

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