

STORAGE NAME: h0061.tr
DATE: January 21, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 61
RELATING TO: Passengers of Vehicles/Exterior Riding
SPONSOR(S): Representative Kosmas
TIED BILL(S):

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

- (1) TRANSPORTATION
 - (2) JUDICIARY
 - (3) COMMUNITY AFFAIRS
 - (4) GOVERNMENTAL RULES & REGULATION
 - (5)
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I. SUMMARY:

It is unlawful for a driver of a passenger vehicle to permit someone to ride on the exterior of a vehicle, except when the passenger occupies a seat that is securely attached to the exterior of the vehicle.

It is also unlawful for a person to ride on any portion of a vehicle not designed or intended for the use of passengers. This prohibition does not apply to employees while performing their duties or to a person riding within truck bodies in the space intended for merchandise. (This is the provision that authorizes persons to be transported in the bed area of a pickup truck.)

This bill would make it unlawful to ride on any portion of a vehicle not designed or intended for the use of passengers, including the bed area of a pickup truck.

The bill exempts the following persons from this passenger seating restriction:

- ▶ An employee of a fire department and a volunteer firefighter;
- ▶ A governmentally operated solid waste disposal department and a waste disposal service operating pursuant to a contract with a governmental entity; and
- ▶ A person being transported in response to an emergency by a public agency or pursuant to the direction or authority of a public agency.

The bill also specifies that no person 16-years of age or younger shall ride on the public roads of the state within the body of an open pickup truck or flatbed truck unless the minor is restrained within the back of a truck that has been modified to include secure seating and safety restraints. The seating and restraint requirement would not apply during a medical emergency if the child is accompanied within the truck by an adult or when the truck is being operated on a farm or off the public roads.

The bill authorizes counties and municipalities to adopt ordinances which would allow persons to ride in the body of an open pickup or flatbed truck.

The bill has no fiscal impact to the state. Motor vehicle passengers would be responsible for complying with the bill's seating and restraint requirements.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

Motor vehicle passengers 16 years of age or less are required to be properly restrained when riding in pickup truck beds.

B. PRESENT SITUATION:

Currently, it is unlawful for a driver of a passenger vehicle to permit someone to ride on the exterior of a vehicle, except when the passenger occupies a seat that is securely attached to the exterior of the vehicle (s. 316.2015(1), F.S.). A driver who violates this subsection is subject to a \$60 fine, plus court costs and add-ons.

It is also unlawful for a person to ride on any portion of a vehicle not designed or intended for the use of passengers (s. 316.2015(2), F.S.). This prohibition does not apply to an employee while performing their duties or to a person riding within the space of a truck that is intended for merchandise. (This is the provision that authorizes persons to be transported in the bed area of a pickup truck.) In addition, this section does not apply to a performer engaged in a professional exhibition, parade, or any person preparing to participate in such an activity. A person who rides on a vehicle in violation of this subsection is subject to a \$30 fine, plus court costs and add-ons.

C. EFFECT OF PROPOSED CHANGES:

This bill amends s. 316.2015, F.S., to make it unlawful for a person to ride on any portion of a vehicle not designed or intended for the use of passengers, including the bed area of a pickup truck.

The bill exempts the following persons from the passenger seating restriction:

- ▶ An employee of a fire department and a volunteer firefighter;
- ▶ A governmentally operated solid waste disposal department and a waste disposal service operating pursuant to a contract with a governmental entity; and
- ▶ A person being transported in response to an emergency by a public agency or pursuant to the direction or authority of a public agency.

This bill also specifies that no person 16-years of age or younger may ride on the public roads of the state within the body of an open pickup truck or flatbed truck unless the minor is restrained within the back of a truck which has been modified to include secure seating and safety restraints that would prevent the minor from being thrown, falling, or jumping from the truck. The restraint restriction would not apply in a medical emergency if the child is accompanied within the truck by an adult or when the truck is being operated upon a farm or off public roads.

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In addition, the bill would make it unlawful for a person to occupy a seat on the exterior of a passenger vehicle, even if the seat is secured.

The bill further authorizes counties and municipalities to adopt ordinances to allow a person to ride in the body of an open pickup or flatbed truck.

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The bill prohibits *all* persons from riding in the area of a vehicle which is not intended for passenger use unless otherwise exempted. Exemptions specified in the bill include, but are not limited to: an employee of a fire department; a governmentally operated solid waste disposal department; a waste disposal service operating pursuant to a contract with a governmental entity; a volunteer firefighter; a person who is being transported in response to an emergency by a public agency; or a person 16-years of age and younger if they meet applicable restraint requirements.

The sponsor intends to offer an amendment to clarify that the provisions of s. 316.613, F.S., relating to the child restraint requirements, applies to a minor 5 years of age or younger who rides in an open pick-up truck.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

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