

STORAGE NAME: h0195a.tr.doc
DATE: February 28, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 195
RELATING TO: Passengers of Vehicles
SPONSOR(S): Representative Kosmas

TIED BILL(S):

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

- (1) TRANSPORTATION YEAS 9 NAYS 3
 - (2) AGRICULTURE & CONSUMER AFFAIRS
 - (3) COUNCIL FOR READY INFRASTRUCTURE
 - (4)
 - (5)
-

I. SUMMARY:

HB 195 revises prohibitions in s. 316.2015, F.S. relating to certain persons riding on the exterior of a passenger vehicle or in areas not designed or intended for the use of passengers.

This bill would exempt the following persons from existing passenger seating restrictions:

- Employees of a fire department and volunteer firefighters
- Employees of a governmentally operated solid waste disposal department or of a waste disposal service operating pursuant to a contract with a governmental entity
- Persons being transported by a public agency in response to an emergency or at the direction of a public agency.

In addition, the bill 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 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. This would replace the existing exception in s. 316.2015(1), F.S. that allows a person to ride on the exterior of a vehicle if seats are "securely affixed" to its exterior. The bill's seating and restraint requirement would not apply during a medical emergency, if an adult accompanies the child within the truck, or when the truck is being operated on a farm or off the public roads.

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

The bill has no known fiscal impact to the state.

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 type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government/Individual Freedom: This bill prohibits passengers 16 years of age or less from riding in the bed of a pickup truck unless properly restrained.

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 would amend s. 316.2015, Florida Statutes, exempting employees of fire departments, employees of governmentally operated solid waste disposal departments or waste disposal services operating under contract with a governmental entity, volunteer firemen and persons being transported in emergencies from prohibitions relating to riding on the exterior of a passenger vehicle or in areas not designated or intended for passenger use. In addition, this bill would prohibit passengers 16 years of age or younger from riding in the back of a pickup truck or on a flatbed truck unless the truck has been modified to include secure seating and safety restraints. There would be an exception in the event of a medical emergency, if an adult accompanies the child within the truck, or in cases where the truck is operated on a farm or off-road. However, the general exception currently in place for "seats securely affixed" to the exterior of a vehicle would be removed.

This bill would also amend s. 316.008 to allow counties and municipalities to adopt an ordinance that authorizes persons to ride on the bed or a pickup truck or flatbed truck, notwithstanding the prohibition contained in s. 316.2015.

If enacted, this bill would clarify restrictions for riding on the exterior of a vehicle. It would also exempt certain professional employees from provisions of this law. The most significant change would be the specific provision prohibiting passengers 16 years of age or younger from riding on a state public road in the back of a pickup truck or on a flatbed truck unless the truck has been modified to include secure seating and safety restraints.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Strengthens the existing prohibition of persons riding on the exterior of a passenger vehicle by removing the general exception currently in place for "seats securely affixed" to the exterior of a vehicle. Creates exceptions for certain employees of governmental or quasi-governmental entities. Prohibits passengers 16 years of age or younger from riding in the back of a pickup truck or on a flatbed truck unless the truck has been modified to include secure seating and safety restraints. There would be an exception in the event of a medical emergency, if an adult accompanies the child within the truck, or in cases where the truck is operated on a farm or off road.

Section 2: Allows counties or municipalities to adopt an ordinance that authorizes persons to ride on the bed of a pickup truck or flatbed truck, notwithstanding the prohibition contained in s. 316.2015.

Section 3: Provides effective date of January 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There is currently no cost estimate for installing secure seating and safety restraints in the back of a truck. For economically disadvantaged families with no alternative means of transport this cost may prove to be a financial burden.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

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

The bill does not reduce the amount of state tax shared with any city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

W. Timothy Weekley

Phillip B. Miller