

STORAGE NAME: h1173.tr.doc
DATE: February 15, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 1173
RELATING TO: Passengers of Vehicles
SPONSOR(S): Representative(s) Kosmas
TIED BILL(S): None

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

- (1) TRANSPORTATION
 - (2) AGRICULTURE & CONSUMER AFFAIRS
 - (3) READY INFRASTRUCTURE COUNCIL
 - (4)
 - (5)
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I. SUMMARY:

HB 1173 revises prohibitions 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 exempts 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. The bill eliminates the provision in current law 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 does not apply during a medical emergency if an adult accompanies a child within the truck, or if 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.

This bill does not appear to have a fiscal impact on state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input checked="" 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 checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |

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

Less Government

The bill creates a new government regulation pertaining to riding in passenger vehicles. However, the bill also reduces government by exempting certain persons (firefighters, garbage collectors, etc.) from prohibitions against riding on the exterior of a passenger vehicle.

Individual Freedom

By requiring that children riding in the back of trucks be restrained the bill decreases the opportunities individuals or families have to decide, without hindrance or coercion from the government, how to conduct their own lives and make personal choices.

Personal Responsibility

Rather than encouraging them to provide for their own safety, the bill's prohibition against transporting children in the back of a truck without the use of restraints mandates that individuals and families provide for their own safety.

Family Empowerment

The bill may require some families to change the method by which they transport their children on public roads. Such a government-imposed requirement may be regarded as reducing the power of families to rear children without interference from the government.

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. 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. 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., 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 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. The bill provides exceptions for medical emergencies if an adult accompanies a sick or injured child in the truck, and for passengers in a truck that is operated on a farm or off-road. The current exception for passengers occupying "seats securely affixed" to the exterior of a vehicle is eliminated.

This bill also amends s. 316.008, F.S., to allow a county or municipality to adopt an ordinance authorizing persons to ride on the bed of a pickup truck or flatbed truck, notwithstanding the prohibition contained in s. 316.2015.

The bill's effect is to clarify restrictions for riding on the exterior of a vehicle. It exempts certain professional employees from its provisions. The most significant change is the specific provision prohibiting passengers 16 years of age or younger from riding on a 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, or unless authorized by a local ordinance.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Strengthens the existing prohibition against 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. Makes 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. Makes an exception for medical emergencies, if an adult accompanies a child within the truck. Makes an exception when a truck is operated on a farm or off road.

Section 2. Authorizes a county or municipality to adopt an ordinance allowing a person to ride on the bed of a pickup truck or flatbed truck, notwithstanding the prohibition contained in s. 316.2015.

Section 3. Provides an effective date of July 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:

N/A

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

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