

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1422

SPONSOR: Senator Campbell and others

SUBJECT: Motor Vehicles

DATE: April 18, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Favorable
2.			CP	
3.			GO	
4.			CJ	
5.			RC	
6.				

## I. Summary:

This bill provides no minor 16 years old or younger may ride upon the public roads of the state within the body of an open pickup truck or flatbed truck unless the minor is restrained to prevent the minor from being thrown, falling, or jumping from the truck. The bill provides an exemption 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 a public road. The bill also authorizes a county or municipality to adopt an ordinance authorizing persons to ride on the bed of a pickup truck or flatbed truck.

This bill substantially amends sections 316.2015 and 316.008 of the Florida Statutes.

## II. Present Situation:

Section 316.2015, F.S., provides it is unlawful for any operator of a passenger vehicle to permit any person to ride on the bumper, radiator, fender, hood, top, trunk, or running board of such vehicle when operated upon any public street or highway. However, the operator of any vehicle is not in violation of this section when such operator permits any person to occupy seats securely affixed to the exterior of the vehicle. Any person who violates the provisions of this subsection will be cited for a moving violation, punishable by a \$60 fine.

The section further provides no person may ride on any vehicle or any part of the vehicle not designed or intended for the use of passengers. This provision does not apply to an employee engaged in the necessary discharge of a duty or to a person or persons riding within truck bodies in space intended for merchandise. Any person who violates the provisions of this subsection will be cited for a nonmoving violation, punishable by a \$30 fine. The section further exempts a performer engaged in a professional exhibition or person participating in an exhibition or parade,

or any such person preparing to participate in such exhibitions or parades from the provisions of the section.

### **III. Effect of Proposed Changes:**

Section 316.2015, F.S., currently prohibits riding on any part of any vehicle not designed for the use of passengers. The section is amended to provide the following exemptions:

- Any employee of a fire department or volunteer firefighter engaged in the discharge of duties.
- Any employee of a governmentally operated solid waste disposal department, or a waste disposal service operating pursuant to a contract with a governmental entity.
- Any person who is being transported in response to an emergency by a public agency or pursuant to the direction or authority of a public agency.

The section is further amended to provide no minor 16 years old or younger may ride upon the public roads of the state within the body of an open pickup truck or flatbed truck unless the minor is restrained to prevent the minor from being thrown, falling, or jumping from the truck. The bill provides an exemption 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 a public road.

Section 316.008, F.S., is amended to authorize a county or municipality to adopt an ordinance authorizing persons to ride on the bed of a pickup truck or flatbed truck.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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