

# 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: CS/SB 2434

SPONSOR: Committee on Judiciary and Senator Garcia

SUBJECT: Civil Penalties for Noncriminal Traffic Infractions

DATE: April 11, 2003

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Greenbaum</u>	<u>Roberts</u>	<u>JU</u>	<u>Favorable/CS</u>
2.	<u>Fournier</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
3.	_____	_____	<u>AAV</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This committee substitute imposes a mandatory hearing in the event a person is cited for violating certain traffic regulations which result in a crash. It also provides for enhanced penalties when a person is found to have committed a traffic infraction which results in a crash, or which results in a crash that causes the death of another or results in bodily injury to another.

This bill substantially amends the following sections of the Florida Statutes: ss. 316.075, 318.14, 318.18, 318.19, 322.0261, and 322.27.

## II. Present Situation:

Current law provides that vehicles facing a steady red light must remain standing until a green light is indicated. A vehicle driver may make a right hand turn provided that the driver yields to pedestrians and other traffic. A determination that a driver has violated this requirement is a noncriminal moving traffic infraction for which a \$60 fine is assessed.

Current law also provides that for certain traffic infractions, the person cited for the infraction is mandated to appear before the designated official in the following circumstances:

- When an infraction which results in a crash that causes the death of another;
- When an infraction which results in a crash that causes "serious bodily injury" as defined in s. 316.1933(1), F.S.,<sup>1</sup> of another;
- For failure to stop for a school bus; and
- For failure to properly secure a vehicle load.

<sup>1</sup> Section 316.1933(1)(b), F.S., provides that "the term "serious bodily injury" means an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ."

If the designated official determines after a hearing that the person charged with the traffic infraction committed that infraction, the hearing officer may impose a civil penalty of up to \$1,000 or require attendance at a driver improvement school, or both.

Finally, the Department of Highway Safety and Motor Vehicles (department) is authorized to suspend the driver license of any person who accumulates 12 or more points in a 12 month period. Points are assessed upon a conviction of the following violations:

- Reckless driving, willful and wanton – 4 points.
- Leaving the scene of a crash resulting in property damage – 6 points.
- Unlawful speed resulting in a crash – 6 points.
- Passing a stopped school bus – 4 points.
- Excessive speed, 15 mph over or less – 3 points.
- Excessive speed, more than 15 mph over – 4 points.
- All other moving violations – 3 points.
- Any moving violation resulting in a crash except excessive speed – 4 points.
- Littering – 3 points.

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

This committee substitute amends s. 318.14, F.S., to require a mandatory hearing and provide enhanced penalties in these events:

- If in the event the person is found to have committed an infraction which results in a crash that causes the death of another, then the hearing officer must impose a civil fine of \$1,000, in addition to any other penalties, and that person's driver license is suspended for six months;
- If in the event the person is found to have committed an infraction which results in a crash that causes the serious bodily injury as defined in s. 316.1933(1), F.S., of another, then the hearing officer must impose a civil fine of \$500, in addition to any other penalties, and that person's driver license is suspended for three months; or
- If in the event the person is found to have committed an infraction which results in a crash that causes any bodily injury other than the kind defined in s. 316.1933(1), F.S., then the hearing officer must impose a civil fine of \$200, in addition to any other penalties, and that person's driver license is suspended for 30 days.

Note that if a person is cited as having violated s. 316.075(1)(c)1., F.S., relating to the requirement that a vehicle remain standing for the duration of a steady red light, which results in a crash, s. 318.14, F.S., does not mandate the designated official to apply a fine and suspend the driver's license upon a finding of violating the section.

This committee substitute amends s. 318.18, F.S., to provide that a violation of s. 316.075(1)(c)1., F.S., relating to the requirement that a vehicle remain standing for the duration of a steady red light, results in a fine of \$125. Sixty dollars of that fine is distributed according to the formula found in s. 318.18, F.S., and \$65 is allocated to traffic education programs.

This committee substitute amends s. 319.19, F.S., to mandate a person to appear before the designated official for a hearing on that citation if:

- That a person who is cited for a traffic infraction which results in a crash that causes any bodily injury other than the kind defined in s. 316.1933(1), F.S., and
- That a person who is cited for any infraction of s. 316.075(1)(c)1., F.S., relating to the requirement that a vehicle remain standing for the duration of a steady red light, which results in a crash.

This committee substitute also amends s. 316.075(4), F.S., to provide that a violation of s. 316.075(1)(c)1., F.S., which results in a crash is subject to mandatory hearing under s. 319.19, F.S. Section 322.27, F.S., is also amended to provide that a conviction for violating s. 316.075(1)(c)1., F.S., is worth 4 points in the driver licensing point system.

Finally, the committee substitute amends s. 322.0261, F.S., to require a person who is convicted of running a red light twice in a 12 month period to attend driver improvement school.

#### **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:**

The additional \$65 fine on red light violations is expected to yield a recurring \$16.1 million for traffic education programs in public and nonpublic schools. The impact in FY 2003-04 will be \$13.4 million.

The mandatory penalties on traffic infractions that cause death or injury are expected to yield a recurring \$45.1 million, with a FY 2003-04 impact of \$27.9 million. The recurring impact is distributed as follows: \$6.4 million General Revenue, \$6.1 million State Trust Funds, and \$32.6 million local.

Both of these provisions will result in an indeterminate increase in court cost assessments.

**B. Private Sector Impact:**

Persons who are determined to have committed traffic violations which result in a crash that caused the death or bodily injury of another will have mandatory hearings, pay enhanced civil penalties and face a mandatory suspension of the driver license. Persons cited for running a red light and causing a crash will have mandatory hearings, and those that are cited for running a red light at least twice in a 12 month period will have to attend a driver education course.

**C. Government Sector Impact:**

The Department of Highway Safety and Motor Vehicles indicates that modifications to the driver license software system needed to implement this committee substitute will cost approximately \$10,800. This bill will also result in a significant but indeterminate increases in the number of court appearances.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The determination of what is a “serious bodily injury” for purposes of s. 316.1933(1) appears to be on a case-by-case basis. *See Carbone v. State*, 564 So.2d 1253 (Fla. 4<sup>th</sup> DCA 1990).

**VIII. Amendments:**

None.