

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1341 w/CS Driving on the Right Side of the Roadway
SPONSOR(S): Sorensen
TIED BILLS: None **IDEN./SIM. BILLS:** SB 2700

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation</u>	<u>19 Y, 0 N w/CS</u>	<u>Garner</u>	<u>Miller</u>
2) <u>Public Safety & Crime Prevention</u>	<u></u>	<u>Cole</u>	<u>De La Paz</u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 1341 w/CS, also known as the "Road Rage Reduction Act," expresses the Legislature's intent "to decrease the incidence of drivers interfering with the movement of traffic, to reduce road rage and aggressive driving, to minimize crashes, and to promote the orderly, free flow of traffic on the roads and highways of the state."

In addition, the bill requires a person operating a motor vehicle on a two-lane roadway designed for two-way movement of traffic to occupy the right-hand lane at all times, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. It also prohibits a person from operating a motor vehicle on a four-lane highway, an interstate highway, a highway with fully controlled access, or the Florida Intrastate Highway System, in the left-hand lane except when overtaking or passing another vehicle. The bill provides a number of exceptions to this general rule.

Violation is a non-criminal traffic infraction punishable as a moving violation. A violator is subject to a \$60 fine, up to \$30 in court costs, and assessment of 4 points against the driver's license. The Department of Highway Safety and Motor Vehicles is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements.

HB 1341 prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments is indeterminate.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1341b.ps.doc
DATE: March 26, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

Reduce Government?

HB 1341 w/CS extends government regulation over the behavior of motorists by prohibiting currently lawful operation of motor vehicles in the left-hand lane of multi-lane roadways.

Expand Individual Freedom?

HB 1341 w/CS restricts the freedom of an individual to operate a motor vehicle in the left-hand lane of a multi-lane roadway under certain circumstances in which it is currently lawful to do so.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Under current law, a motor vehicle proceeding upon any roadway at less than the normal speed of traffic under prevailing conditions must be driven in the right-hand lane, or as near as practicable to the right-hand curb or edge of the roadway. However, the requirement does not apply when the motor vehicle is overtaking or passing another vehicle proceeding in the same direction, or when preparing for a left turn.

On a two-way roadway having four or more lanes, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except to overtake or pass, or to prepare for a left turn.

Nothing in current law prohibits a person from operating a motor vehicle in the leftmost lane of multiple lanes traveling in the same direction, where the leftmost lane is not reserved for vehicles carrying multiple passengers.

Effect of Proposed Changes.

HB 1341 w/CS requires a person operating a motor vehicle on a two-lane roadway designed for two-way movement of traffic to occupy the right-hand lane at all times, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

In addition, the bill prohibits a person from operating a motor vehicle on a four-lane highway, an interstate highway, a highway with fully controlled access, or the Florida Intrastate Highway System, in the left-hand lane except when overtaking or passing another vehicle. The bill provides a number of exceptions to this general rule. The left-hand lane restriction shall not apply:

- When no other vehicle is directly behind the vehicle in the left-hand lane;

- When traffic conditions and congestion make it impractical to drive in the right hand lane;
- When inclement weather conditions make it necessary to drive in the left-hand lane;
- When obstructions or hazards exist in the right-hand lane;
- When, because of highway design, a vehicle must be driven in the left-hand lane when preparing to exit;
- On toll highways when necessary to use Sun-Pass and on toll and other highways when driving in the left-hand lane is required to comply with an official traffic control device; or
- To law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

Violation is a non-criminal traffic infraction punishable as a moving violation. A violator is subject to a \$60 fine, up to \$30 in court costs, and assessment of 4 points against the driver's license. Moving violations typically result in assessment of 3 points, unless the infraction or offense is among those viewed as more serious. For example, reckless driving, passing a stopped school bus, and speeding in excess of 15 mph over the posted limit all require assessment of 4 points. Leaving the scene of a crash and speeding resulting in a crash require assessment of 6 points. All other moving violations require assessment of 3 points.

The bill provides language expressing the Legislature's intent "to decrease the incidence of drivers interfering with the movement of traffic, to reduce road rage and aggressive driving, to minimize crashes, and to promote the orderly, free flow of traffic on the roads and highways of the state." In addition, the Department of Highway Safety and Motor Vehicles is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements.

C. SECTION DIRECTORY:

Section 1. Provides a popular name.

Section 2. Provides a statement of Legislative intent.

Section 3. Amends s. 316.081, F.S., prohibiting motor vehicle operation in the left-hand lane in certain circumstances, providing exceptions, and providing penalties for violation.

Section 4. Amends s. 322.27, F.S., providing for assessment of points for violating the bill's provisions.

Section 5. Provides for a public awareness campaign and public service announcements.

Section 6. Provides an effective date of October 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person unlawfully operating a motor vehicle in the left-hand lane may be fined \$60 for a moving violation and up to \$30 in court costs. In addition, that person is subject to assessment of 4 points against his or her driver's license.

D. FISCAL COMMENTS:

HB 1341 w/CS prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides a number of exceptions to its general rule that a motor vehicle may not be operated in the left-hand lane on four-lane highways, interstate highways, controlled access highways, or the Florida Intrastate Highway System. Among the exceptions is when no other vehicle is directly behind the vehicle in the left-hand lane. The determination of how far a vehicle must be behind another for this exception to apply may be subject to differing interpretations. Likewise, the bill provides an exception to the general rule in cases when traffic conditions and congestion make it impractical to drive in the right-hand lane. A determination of when traffic conditions or congestion make it impractical to drive in the right-hand lane may be subject to differing interpretations.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 17, 2004, the Committee on Transportation adopted one amendment that provided the popular name, "the Road Rage Reduction Act," and provided for a public awareness campaign by DHSMV and public service announcements. The committee then reported the bill favorably as amended with a committee substitute.