

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 157 CS Motor Vehicles
SPONSOR(S): Sorensen and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 732

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>14 Y, 0 N</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Criminal Justice Committee</u>	<u>8 Y, 0 N</u>	<u>Kramer</u>	<u>Kramer</u>
3) <u>Transportation & Economic Development Appropriations Committee</u>	<u>18 Y, 1 N</u>	<u>McAuliffe</u>	<u>Gordon</u>
4) <u>State Infrastructure Council</u>	<u>7 Y, 1 N, w/CS</u>	<u>Thompson</u>	<u>Havlicak</u>
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 157 w/CS, also know 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. The bill requires traffic traveling in the far left hand lane on a limited access roadway having two or more lanes for each direction of travel to yield the right of way to any vehicle traveling at a higher speed, by moving to the nearest lane to the right. 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.

The bill provides a violation is a non-criminal traffic infraction punishable as a moving violation. A person violating this provision would be subject to a \$60 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$118.50, and an assessment of four points against the driver's license. 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. The bill also provides a grace period when warnings and educational literature may be issued for violations of driving on the right side of the roadway.

HB 157 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.

Provides an effective date of July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill 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.

Safeguard individual liberty—The bill restricts the freedom of an individual to operate a motor vehicle in the left-hand lane of a multi-lane roadway under certain circumstances.

B. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION

Currently, s. 316.081, F.S., provides a motor vehicle proceeding upon any roadway at less than the normal speed of traffic 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.

According to information provided by the Department of Highway Safety and Motor Vehicles, during 2003, there were 12,333 traffic citations written for a violation of section 316.081, F.S.

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.

Further, s. 322.27, F.S., establishes a system of points that are assessed against a driver's license when a person is convicted of violating certain motor vehicle laws. The point system is used for the evaluation and determination of the continuing qualification of any person to operate a motor vehicle. The Department of Highway Safety and Motor Vehicles is authorized to suspend the license of any person upon a showing of its records or other good and sufficient evidence the licensee has been convicted of violation of motor vehicle laws amounting to 12 or more points as determined by the point system. The suspension will be for a period of not more than one year. The statute provides the following provisions:

- When a licensee accumulates 12 points within a 12-month period, the period of suspension will be for not more than 30 days.
- When a licensee accumulates 18 points within an 18-month period, the suspension will be for a period of not more than three months.
- When a licensee accumulates 24 points within a 36-month period, the suspension will be for a period of not more than one year.

Moving violations typically result in assessment of three points¹ on an offender's driving record, 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

¹ s. 322.27(3)(d)6, F.S.

assessment of four points.² Leaving the scene of a crash and speeding resulting in a crash require assessment of six points.³

EFFECT OF PROPOSED CHANGES

HB 157 w/CS amends s. 316.081, F.S., to require traffic traveling in the far left hand lane on a limited access roadway having two or more lanes for each direction of travel to yield the right of way to any vehicle traveling at a higher speed, by moving to the nearest lane to the right.

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.

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.

The bill provides a violation is a non-criminal traffic infraction punishable as a moving violation. A person violating this provision would be subject to a \$60 fine⁴ plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$118.50. The bill also requires the assessment of four points for a violation of the newly created provision. Effective July 1, 2005 the bill provides a 6 month grace period when warnings and educational literature may be issued for violations of driving on the right side of the roadway. After January 1, 2006, citations may be issued for violations of s. 316.081, F.S., as amended by the bill.

The bill 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 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.

Finally, the bill corrects a cross reference in s. 322.27(3)(d)8., F.S., related to points assigned for litter law violations.

C. SECTION DIRECTORY:

Section 1. Provides a popular name.

² See s. 322.27(3)(d)1., 4. and 5.b., F.S.

³ See s. 322.27(3)(d)2. and 3., F.S.

⁴ See s. 318.18(3)(a), F.S.

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; correcting a cross reference related to the Florida litter law.

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

Section 6. Amends s. 316.081, F.S., providing a grace period when warnings and educational literature may be issued.

Section 7. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section below.

2. Expenditures:

See FISCAL COMMENTS section below.

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 violating this provision would be subject to a \$60 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$118.50, and an assessment of four points against the driver's license.

D. FISCAL COMMENTS:

HB 157 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.

The bill directs the Department of Highway Safety and Motor Vehicles to conduct a public awareness campaign (including public service announcements) regarding the changes in the law. According to an analysis by the Department of Highway Safety and Motor Vehicles, the estimated cost of providing an educational awareness campaign as required by this bill will be minimal and the Department indicates any expenses will be absorbed within existing resources.

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 & COMBINED BILL CHANGES

On **March 22, 2005** the State Infrastructure Council considered HB 157 and adopted 3 amendments which added the following issues to the bill:

Amendment # 1: Requires operators of motor vehicles in the left-most lane to yield the right of way to faster vehicles on certain highways;

Amendment # 2: Statutory cross reference correction relating to the Florida litter law; and

Amendment #3: Provides a 6 month grace period when warnings and educational literature may be issued for violations of driving on the right side of the roadway.

The council then voted 7-1 to report the bill favorably with council substitute.