

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.)

Prepared By: Community Affairs Committee

BILL: SB 1928

SPONSOR: Senator Sebasta

SUBJECT: Riding on Exterior/Vehicles

DATE: April 15, 2005

REVISED: 04/19/05

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Evans</u>	<u>Meyer</u>	<u>TR</u>	Fav/1 amendment
2.	<u>Vickers</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u> </u>	<u> </u>	<u>CJ</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This bill specifically prohibits operators of pickup trucks and flatbed trucks from allowing minors, defined as individuals under 18 years of age, from riding on the bed of these trucks unless the trucks have been modified to include secure seating and safety restraints and the minors are properly restrained. The bill also exempts the following minors from this provision: those involved in medical emergencies, trucks operating on farms, and trucks operating off public roads. This bill revises exceptions to the provision which prohibits individuals riding on any area of any vehicle not designed or intended for the use of passengers. Finally, this bill creates s. 316.2015(4), F.S., giving counties the authority to exempt themselves from the provisions contained in s. 316.2015, F.S.

This bill substantially amends section 316.2015 of the Florida Statutes.

II. Present Situation:

Section 316.2015 (1), 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 street or highway which is maintained by the state, county or municipality. However, the operator of any vehicle shall not be in violation of this section when such operator permits any person to occupy seats securely affixed to the exterior of such

vehicle. This infraction is a moving violation punishable by a fine of \$60 plus applicable court costs and fees and an assessment of 3 points against the driver's license. The fees and court costs vary county by county.

Section 316.2015 (2), F.S., prohibits a passenger from riding on any portion of a vehicle that is not designed or intended for the use of passengers, except for employees doing so as part of employment duties, or persons riding within truck bodies in space intended for merchandise (i.e., the bed of pick-up trucks). This infraction is a non-moving violation punishable by a fine of \$30 plus applicable court costs and fees.

Section 316.2015 (3), F.S., provides the prohibitions within s. 316.2015, F.S., do not apply to a performer engaging in, or preparing for, an exhibition or parade.

III. Effect of Proposed Changes:

Section 1. Amends s. 316.2015 (1), F.S., to repeal a provision which states an operator of any vehicle shall not be in violation of s. 316.2015(1), F.S., when such operator permits any person to occupy a seat securely affixed to the exterior of such vehicle.

This bill also amends s. 316.2015 (2), F.S., to exempt the following individuals from the provision which makes it unlawful for an individual to ride on any portion of a vehicle not designed or intended for the use of passengers: employees of the fire department, governmentally operated solid waste disposal departments, employees of contracted waste disposal service, volunteer firefighters acting in the line of duty, and persons being transported by a public agency in response to an emergency. This same section deletes the existing exemption for employees doing so as part of their employment duties, or persons riding within truck bodies in space intended for merchandise.

In addition, the bill amends s. 316.2015 (2), F. S. to prohibit a minor, defined as an individual under 18 years of age from riding on the bed of a pickup or flatbed truck unless the truck has been modified to include secure seating and safety restraints and the minor is properly restrained. The provisions of this paragraph do not apply when a truck is being operated: in medical emergencies if the child is accompanied by an adult; on farms and off public roads of the state.

Additionally, this section of the bill creates s. 316.2015(4), F.S., giving counties the authority to exempt themselves from the provisions provided for in s. 316.2015, F.S.

Section 2. Provides an effective date of July 1, 2005.

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:

This bill does not appear to have a significant direct economic impact on the private sector. However, to the extent that some families rely solely on pickup trucks for personal transportation of minor children, they may be impacted by the provisions of this bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Since this bill authorizes counties to exempt themselves from the provisions of s. 316.2015, F.S., the bill could pose enforcement problems. More specifically, enforcement may be problematic for state law enforcement officers, since such officers have statewide jurisdiction and may not be cognizant of the fact certain counties have exempted themselves from this law.

The bill appears to prohibit passengers of any age from riding within a truck body in the space intended for merchandise. As a result, there may be some uncertainty regarding the operation of the bill as it specifically relates to adults riding in beds of trucks.

VIII. Summary of Amendment:

Barcode 521824 by Transportation

Places restrictions on operators of pickup trucks and flatbed trucks and makes it unlawful for these operators to ride on limited access facilities of the state with individuals under the age of 18 within the open body of the pickup trucks or flatbed trucks. This amendment also allows counties to exempt themselves from this provision by a majority vote. (WITH TITLE AMENDMENT)

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