

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 761                      Vehicle Crashes  
**SPONSOR(S):** Ross and others  
**TIED BILLS:**                              **IDEN./SIM. BILLS:** SB 1466

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>11 Y, 0 N</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Criminal Justice Committee</u>	<u>7 Y, 0 N</u>	<u>Kramer</u>	<u>Kramer</u>
3) <u>Judiciary Committee</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
4) <u>State Infrastructure Council</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
5) <u>  </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

### SUMMARY ANALYSIS

HB 761 creates the "Justin McWilliams 'Justice For Justin' Act." Currently a driver of a vehicle involved in a crash that results in an injury or death and that occurs on a public road or elsewhere open to public travel, must immediately stop and remain at the scene of the crash to give information and render aid. The bill provides that the driver has this duty regardless of whether the crash occurred on public or on private property. Violations of this provision are punishable as a third degree felony if the crash resulted in an injury and are punishable as a second degree felony if the crash resulted in a death.

This bill has no significant fiscal impact and will take effect July 1, 2005.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Maintain Public Security— The bill requires a driver of a vehicle involved in a crash to stop and remain at the scene of the crash.

#### B. EFFECT OF PROPOSED CHANGES:

Under s. 316.027, F.S., the driver of a vehicle involved in a crash resulting in an injury of a person must immediately stop the vehicle at the scene of the crash, or as close as possible, and remain at the scene of the crash. The driver is required by s. 316.062, F.S., to give their name, address, registration number, or drivers license to any person injured in the crash, to the driver or occupant of a vehicle involved in the crash or person attending any vehicle, or police officer at the scene. The driver is also required to render reasonable assistance to the injured person, including carrying or making arrangements for carrying the injured person to a doctor or hospital for treatment.

Generally, the provisions of chapter 316, the Florida Uniform Traffic Control Law, apply to vehicles, bicycles and pedestrians on all public highways, roads and streets, and wherever vehicles have the right to travel. State law enforcement agencies, county sheriff's offices and city police departments are authorized to enforce the state's traffic laws, (Chapter 316, F.S.), on all public roads, and elsewhere wherever the public has the right to travel by motor vehicle. See ss. 316.072 and 316.640, F.S.

The bill creates the "Justin McWilliams 'Justice for Justin' Act."<sup>1</sup> HB 761 amends s. 316.027, F.S., to provide that the driver of any vehicle involved in a crash occurring on public or private property that results in injury or death of a person, must stop the vehicle at the scene of the crash, or as close as possible and remain at the scene to fulfill their duty to give information and render aid. The bill would extend the duty to stop at the scene of a crash to all public and private property including private property that is not open to public travel.

As under current law, violations of this provision that result in injury are punishable as a third degree felony and those that result in death are punishable as a second degree felony. A third degree felony is punishable by up to five years in prison and a maximum \$5,000 fine and a second degree felony is punishable by up to 15 years in prison and a maximum \$10,000 fine.

#### C. SECTION DIRECTORY:

Section 1. Gives the act the name "Justin McWilliams 'Justice For Justin' Act."

Section 2. Amends s. 316.027, F.S., to revise provisions for a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, providing penalties; and

Section 3. Provides that the act will take effect upon becoming law.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

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<sup>1</sup> According to newspaper reports, Justin McWilliams, age 20, was struck and killed by a driver on private property on April 7, 2002. The driver was charged with leaving the scene of an accident involving injuries. The case was dismissed by the circuit judge because the incident occurred on private property which was fenced and locked. Orlando Sentinel, March 13, 2004

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

### 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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES