

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1395
SPONSOR(S): Sorensen
TIED BILLS:

Motor Vehicles

IDEN./SIM. BILLS: SB 224

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	_____	<u>Thompson</u>	<u>Miller</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	_____	_____	_____
3) <u>State Infrastructure Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 1395 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."

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.

The bill requires any vehicle driven in the left-most lane on a limited access highway 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 as soon as it is practicable and safe to do so.

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 \$133.50, and an 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 1395 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 October 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 in which it is currently lawful to do so.

B. EFFECT OF PROPOSED CHANGES:

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.

HB 1395 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 any vehicle driven in the left-most lane on a limited access highway 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 as soon as it is practicable and safe to do so.

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 will not apply:

- When another vehicle is not 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.

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 \$133.50, and an 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 July 1, 2006.

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 \$133.50, and an assessment of 4 points against the driver's license.

D. FISCAL COMMENTS:

HB 1395 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. Because the bill does not provide additional funding to the agency for the campaign, the scope of the public awareness campaign will be limited by what funds are available for such purposes within DHSMV's 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