

# 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.)

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Prepared By: Transportation Committee

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BILL: CS/SB 2336

INTRODUCER: Transportation Committee and Senator Baker

SUBJECT: Speed-limit Violations

DATE: March 27, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/CS
2.			TA	
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## I. Summary:

The Committee Substitute for Senate Bill 2336 (CS) removes the option for any person who is issued a citation for exceeding the posted speed limit by 30 m.p.h. or more to attend a driver improvement course in lieu of appearing before a hearing officer or judge. In addition, the CS provides a person who is cited for a second or subsequent violation of exceeding the posted speed limit by 30 m.p.h. or more within a 12-month period must pay double the current fine, which is an increase from \$250 to \$500. The increased fines would be used to support trauma centers. Also, the CS requires a mandatory hearing for an infraction of exceeding the posted speed limit by 30 m.p.h. or more and an assessment of 6 points to a person's driver's license for a conviction of exceeding the posted speed limit by 30 m.p.h. or more.

The CS defines "conviction" for these violations as a finding of guilt, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere, notwithstanding that adjudication was withheld.

This CS substantially amends sections 318.14, 318.18, 318.19 and 322.27 of the Florida Statutes.

## II. Present Situation:

### Background on Speeding Violations

According to law enforcement, the number of speeders traveling in excess of 30 miles per hour (m.p.h.) over the speed limit on limited access highways throughout Florida is increasing. The maximum penalties for speeding are \$250 and four points on the driver's license. In addition to the \$250 statutory base fine, court costs and fees amount to \$52.50 making the speeding penalty \$302.50. Optional surcharges could add as much as \$24 to this. According to an article provided by the Department of Highway Safety and Motor Vehicles (DHSMV), Florida Troopers are

writing 20 tickets a month for triple digit speeds on I-4, five tickets a month on state Road 417, and 20 to 30 tickets each week on Florida's Turnpike south of St. Cloud. The accidents caused by these excessive speeding violations are more severe than accidents involving motor vehicles traveling at or around the speed limit.

**Florida Crash Statistics**

In 2004 (the latest year for which comprehensive data are available), there were 252,902 traffic crashes in Florida involving 376,111 drivers. These crashes resulted in 3,257 fatalities in 2,936 separate fatal crashes translating into 1.7 deaths for each 100 million vehicle miles traveled. DHSMV categorizes the location of crashes in one of three area types: business areas, residential areas, and open country. Sixty percent of all fatal crashes occurred in open country or residential areas.

**Excessive Speed as Cause in Crashes**

According the National Highway Traffic Safety Administration (NHTSA), a crash is considered speed-related if the driver was charged with a speed-related offense or if an officer indicated racing, driving too fast for conditions, or exceeding the posted speed limit was a contributing factor in the crash. Based on DHSMV statistics, excessive speed was a contributing factor in 13.44 percent of all fatal crashes in 2004 making it the fourth overall contributing cause after careless driving, failure to yield right-of-way, and alcohol.

**Contributing Causes of Drivers in Crashes<sup>1</sup>**

Contributing Cause	Number	%
Careless Driving	946	25.48
Failed/Yield Right-of-Way	508	13.69
Alcohol-Under Influence	404	10.88
Exceeded Safe Speed Limit	293	7.89
Exceeded Stated Speed Limit	206	5.55
Drove Left of Center	146	3.93
Disregarded Traffic Signal	96	2.59
Alcohol & Drugs-Under Influence	89	2.4
Disregarded Stop Sign	74	1.99
Improper Turn	71	1.91
Improper Lane Change	69	1.86
Drugs-Under Influence	62	1.67
Driving Wrong Side/Way	60	1.62
Improper Passing	39	1.05
Failed to Maintain Equipment	37	1
Driver Distraction	17	0.46
Obstructing Traffic	16	0.43
Disregard Other Traffic Control	10	0.27
Improper Backing	9	0.24
Followed Too Closely	9	0.24
Fleeing Police	5	0.13
Improper Load	4	0.11
Vehicle Modified	4	0.11

<sup>1</sup>This table lists contributing causes reported by the investigating officer for drivers in traffic crashes. There can be up to three contributing causes per driver.

### **The Effects of Excessive Speed in Crashes**

Excessive speed affects the outcome of a crash since crash severity increases with the speed of the vehicle at impact. Inversely, the effectiveness of restraint devices like air bags and safety belts, and vehicular construction features such as crumple zones and side member beams decline as impact speed increases. The probability of death, disfigurement, or debilitating injury grows with higher speed at impact. Such consequences double for every 10 m.p.h. over 50 m.p.h. a vehicle travels.

### **Speed Management**

The United States Department of Transportation's (USDOT) Policy and Implementation Strategy promotes the concept that Federal, State, and local governments should have balanced programs that use the most cost-effective strategies for decreasing crash risks from speeding. These strategies include:

- Ensuring posted speed limits are reasonable and appropriate for conditions;
- Providing public information and education on the risks associated with speeding;
- Understanding who speeds, where, when, and why;
- Using a variety of techniques and technologies beyond enforcement for speed management; and
- Targeting enforcement where speeding presents the most serious hazard and accompanying it with public information and education.

The USDOT policy states:

“...[E]nforcement should focus on the types of drivers and situations where speeding has a significant impact on public safety. Speed enforcement must be complemented by focused public information and education campaigns. Research shows that compliance with, and support for, traffic laws can be increased through aggressive, targeted enforcement combined with a vigorous public information and education program.”

### **Speed Limits**

Section 316.183, F.S., requires all persons driving a vehicle on a highway to travel at no greater speed than is “reasonable and prudent” under the present conditions and as necessary to avoid actual and potential hazards, and to control the vehicle’s speed “as may be necessary to avoid colliding with any person, vehicle, or other conveyance or object.” The maximum speed limit on all streets or highways is 30 m.p.h. in business or residence districts and 55 m.p.h. at all other locations. However, counties and municipalities may set a maximum speed limit of 20 or 25 m.p.h. on local roads if an investigation determines this is reasonable. The minimum speed limit on all Interstate highways is 40 m.p.h., except when the posted maximum speed limit is 70 m.p.h., the minimum speed limit is 50 m.p.h.

Section 316.187, F.S., provides the Florida Department of Transportation (FDOT) the authority to establish reasonable and safe speed limits on any highway outside of a municipality or upon any state road within or outside of a municipality. The maximum allowable speed for limited access highways is 70 m.p.h. The maximum allowable speed limit on any other rural, four or more lane highway divided by a median strip is 65 miles per hour. The FDOT may set maximum and minimum speed limits for other roads under its authority as it deems safe and advisable, up to a maximum of 60 m.p.h.

Section 316.189, F.S., establishes speed limits within municipalities and on county roads. Specifically, the maximum speed within any municipality and on any county-maintained road, within a business or residence district, is 30 miles per hour. In addition, counties and municipalities may alter the speed limit on local roads if an investigation determines this is reasonable and in conformity to criteria promulgated by FDOT. However, no speed zone shall permit a speed of more than 60 m.p.h.

**Current Penalties for Moving Violations Involving Unlawful Speed**

Section 318.18, F.S., relating to penalties for speeding, provides for moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by:	Fine:
1-5 m.p.h.	Warning
6-9 m.p.h.	\$ 25
10-14 m.p.h.	\$100
15-19 m.p.h.	\$125
20-29 m.p.h.	\$150
30 m.p.h. and above	\$250

In posted construction zones, the fine for excessive speed is doubled if the violation occurs when construction workers are present or immediately adjacent to the roadway under construction. Revenue collected from fines is distributed between the state and local governments.

**Florida’s Driver Improvement Courses**

Section 318.14(9), F.S., permits a person cited (but not convicted) for certain traffic infractions to elect to attend a driver improvement course in lieu of a court appearance. However, persons charged with criminal traffic violations and persons holding commercial drivers licenses are excluded from electing to attend a driver improvement course. In particular, persons charged with a moving violation resulting in points being assessed to their driving record, may elect to pay the fine without appearing before a hearing officer or judge and choose to attend a driver improvement course. In such a case, adjudication is withheld, points as provided by s. 322.27, F.S., are not assessed, and the civil penalty is reduced by 18 percent. A person is allowed to attend a driver improvement course in lieu of appearing before a hearing officer or judge once every twelve months. A person may make no more than five total elections in a lifetime. Currently, this election is for the same course each time.

**Mandatory Hearings**

Section 318.19, F.S., provides citations for the following infractions require a mandatory hearing:

- Any infraction which results in a crash and causes the death of another person;
- Any infraction which results in a crash that causes “serious bodily injury” of another person;
- Any infraction of failing to stop for a school bus; or
- Any infraction of failing to secure loads on vehicles.

**Florida's Point System**

Section 322.27, F.S., establishes a system of points 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 DHSMV 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:

The point system has, as its basic element, a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving—4 points
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points
3. Unlawful speed resulting in a crash—6 points
4. Passing a stopped school bus—4 points
5. Unlawful speed:
  - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points
  - b. In excess of 15 miles per hour of lawful or posted speed—4 points
6. Violation of a traffic control signal device—4 points
7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points
8. Any moving violation, excluding unlawful speed, resulting in a crash—4 points
9. Dumping litter in an amount exceeding 15 pounds, which involves the use of a motor vehicle—3 points
10. Driving during restricted hours—3 points
11. Violation of curfew—3 points
12. Open container as an operator—3 points
13. Child restraint violation—3 points

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.

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 3 months. When a licensee accumulates 24 points within a 36-month period, the suspension will be for a period of not more than 1 year.

**III. Effect of Proposed Changes:**

In an effort to increase traffic safety by deterring excessive speeding, the CS provides the following changes relating to speeding penalties:

**Section 1** amends s. 318.14, F.S., to provide any person who is issued a citation for exceeding the posted speed limit by 30 m.p.h. or more may not attend a driver improvement course in lieu of appearing before a hearing officer or judge.

**Section 2** amends s. 318.18, F.S., to provide a person who is cited for a second or subsequent violation of exceeding the posted speed limit by 30 m.p.h. or more within a 12-month period must pay double the current fine, which is an increase from \$250 to \$500. The increased fines would be used to support trauma centers. Also, the CS defines “conviction” for these violations as a finding of guilt, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere, notwithstanding adjudication was withheld.

**Section 3** amends s. 318.19, F.S., requiring a mandatory hearing for an infraction of exceeding the posted speed limit by 30 m.p.h. or more.

**Section 4** amends s. 322.27, F.S., to increase the number of points assessed for a conviction of exceeding the posted speed limit by 30 m.p.h. or more from 4 points to 6 points.

**Section 5** provides an effective date of October 1, 2006.

#### **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:

Persons cited for a second or subsequent violation of exceeding the posted speed limit by 30 m.p.h. or more within a 12-month period must pay double the current fine, which is an increase from \$250 to \$500.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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## **VIII. Summary of Amendments:**

None.

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