

# 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 2658

INTRODUCER: Senator Sebesta

SUBJECT: Traffic Safety/Seating Requirements

DATE: April 20, 2006                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	<b>Fav/2 amendments</b>
2.	Vickers	Yeatman	CA	<b>Favorable</b>
3.	_____	_____	CJ	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**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. However, the bill exempts minors from this provision when a truck is being operated in medical emergencies if the child is accompanied by an adult. 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 authorizes counties 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 revises the existing exemption for a person or persons over the age of 18 years riding within truck bodies in space intended for merchandise.

In addition, the bill amends s. 316.2015 (2), F. S. to place 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. Specifically, the bill prohibits 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. Additionally, this section of the bill gives counties the authority to exempt themselves by a majority vote from the provisions provided for in s. 316.2015, F.S.

**Section 2.** Provides an effective date of July 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:

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.



## VIII. Summary of Amendments:

### **Barcode 710148 by Transportation:**

This is a clarifying amendment. By deleting the language “over the age of 18 years” it clarifies this bill only prohibits an individual under 18 years of age, from riding on the bed of a pickup or flatbed truck on limited access facilities, unless the truck has been modified to include secure seating and safety restraints and the minor is properly restrained.

### **Barcode 833194 by Transportation:**

This amendment addresses two issues:

- First, this amendment allows equipment used exclusively for the purpose of harvesting forestry products, not exceeding 136 inches in width and which is not capable of speeds exceeding 20 miles per hour, to operate on public roads to get from one point of harvest to another point of harvest not to exceed 10 miles, by a person engaged in the harvesting of forest products. However, these vehicles may not operate on streets and roads on the State Highway System. In addition, these vehicles must be operated in accordance with all safety requirements prescribed s. 316.2295(5) and (6), F.S., relating to slow moving vehicle emblems on farm tractors, farm equipment and implements of husbandry.
- Second, this amendment increases the penalty for failure to provide proof of personal injury protection (PIP) security on a motor vehicle to a first-degree misdemeanor rather than a nonmoving traffic infraction.