

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Rules Committee

BILL: CS/SB 886

INTRODUCER: Transportation Committee and Senator Oelrich

SUBJECT: Motor Vehicles

DATE: April 14, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	Fav/CS
2.	Carey	Meyer, C.	BC	Favorable
3.	Carey	Phelps	RC	Pre-meeting
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill revises the penalties associated with noise violations in vehicles established in s. 316.3045, F.S. The bill increases the level of a violation of s. 316.3045, F.S, from a non-moving violation to a moving violation for second and subsequent violations. This bill also sets minimum fines for second, third, and subsequent violations of s. 316.3045, F.S., within a 12 month period.

This bill amends ss. 316.3045 and 318.18, Florida Statutes.

II. Present Situation:

Section 316.3045, F.S., provides criteria related to the operation of radios or other mechanical sound-making devices in motor vehicles. Presently, it is unlawful for a person operating or occupying a motor vehicle on a street or highway to amplify the sound produced by a radio, tape player, or other mechanical sound-making device or instrument from within the motor vehicle where the sound is:

- plainly audible at a distance of 25 feet or more from the vehicle, or

- louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools or hospitals.

A violation of the conditions of this section is a noncriminal traffic infraction, punishable as a nonmoving violation.

Section 318.18, F.S. sets the penalty for a non moving violation at \$30 plus applicable court costs and fees.

III. Effect of Proposed Changes:

Section 1: The bill amends s. 316.3045, F.S., to increase the level of the violation for second, third, and subsequent violations to a moving violation. Violators of s. 316.3045, F.S., will be assessed 3 points on the driver's license for second, third and subsequent violations as provided in s. 322.27(1)(d), F.S.

Section 2: The bill amends s. 318.18, F.S., by establishing increased minimum fines for second, third, and subsequent violations occurring within the same 12 month period. A fine of \$120 will be assessed for a second violation and \$180 for third and subsequent violations within a 12 month period.

Section 2: The bill will take effect July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Violators of s. 316.3045, F.S. will be required to pay a higher fine for a second, third or subsequent violation within a 12 month period.

C. **Government Sector Impact:**

This bill may increase revenue for state and local governments due to higher fines and increased penalties for violators of s. 316.3045, F.S., relating to soundmaking devices in motor vehicles.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 9, 2011:

The committee substitute limits the assessment of the increased penalties to second and subsequent violations.

B. **Amendments:**

None.