

**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 Transportation Committee

BILL: SB 886

INTRODUCER: Senator Oelrich

SUBJECT: Motor Vehicles

DATE: March 3, 2011

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	<b>Pre-meeting</b>
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**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 This bill also sets minimum fines for second, third, and subsequent violations of Section 316.3045, F.S., within a 12 month period.

This bill amends ss. 316.3045 and 318.18 of the 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 to a moving violation. Violators of s. 316.3045, F.S., will pay a higher fine of \$60, and each violation will assess 3 points on the driver's license.

**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:

Because of the increase in the level of the violation, violators of s. 316.3045, F.S. will be required to pay a higher amount.

C. Government Sector Impact:

This bill may increase revenue for state and local government because of its 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.)

None.

**B. Amendments:**

None.

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

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