

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 1178

INTRODUCER: Senator Evers

SUBJECT: Rural Letter Carriers

DATE: March 11, 2014

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Eichin	Eichin	TR	<b>Pre-meeting</b>
2. _____	_____	JU	_____

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**I. Summary:**

SB 1178 exempts rural letter carriers employed by the United States Postal Service (USPS) from mandatory seat belt usage requirements while serving a designated rural postal route.

**II. Present Situation:**

**Florida's Safety (seat) Belt Law**

In 1986, the Legislature enacted the "Florida Safety Belt Law"<sup>1</sup>, to require a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear safety belts while the vehicle is in motion.<sup>2</sup> In 2009, the Legislature enacted SB 344 (Ch. 2009-32, Laws of Fla.) to allow for primary enforcement of the law. The penalty for failure to wear a safety belt is \$30, plus administrative and court costs.

Those not subject to the safety belt law include:

- Persons certified by a physician as having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous;
- Persons delivering newspapers on home delivery routes during the course of their employment;
- Front seat passengers of a pickup truck in excess of the number of safety belts installed;
- Employees of a solid waste or recyclable collection service on designated routes during the course of their employment;
- Persons occupying the living quarters of a recreational vehicle or the space within the body of a truck used for the storage of merchandise; and

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<sup>1</sup> Section 316.614, F.S.

<sup>2</sup> Additional child restraint requirements are established in s. 316.613, F.S.

- Persons operating motor vehicles not required to be equipped with a safety belt under federal law.

Unlike 46 other states, Florida law does not provide an exemption for seat belt requirements for rural letter carriers.<sup>3</sup>

### **Postal Service Rules regarding Safety Belts**

Under USPS rule<sup>4</sup>, a safety belt must be worn by rural letter carriers at all times when operating:

- A USPS-owned or -leased vehicle;
- A privately-owned right-hand-drive (RHD) vehicle; or
- A privately-owned dual control vehicle.

When operating a privately-owned left-hand-drive (LHD) vehicle or partially equipped with dual control, the rule requires carriers to wear safety belts when traveling to and from the designated delivery route. The rule advises the use of safety belt but allows rural carriers operating a private LHD vehicle to do so without wearing a safety belt provided the carrier determines it is safe to do so considering:

- Distance between stops;
- Traffic density and weather conditions;
- Road design characteristics; and
- Other factors affecting safety.

### **III. Effect of Proposed Changes:**

SB 1178 creates a new paragraph (e) to s. 316.614(6), F.S., exempting rural letter carriers employed by the USPS from mandatory seat belt usage requirements while serving a designated postal route.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>3</sup> Summary of Vehicle Occupant Protection and Motorcycle Laws, Eleventh Edition. (DOT HS 811 768) National Highway Safety Administration, November 2013

<sup>4</sup>Handbook PO-603, *Rural Carrier Duties and Responsibilities* <https://about.usps.com/postal-bulletin/2005/html/pb22167/postoffice.html> (last visited March 11, 2014)

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Rural letter carriers will not be subject to penalty (\$30 fine plus administrative costs) for failure to wear required safety belts when servicing a designated postal delivery route.

**C. Government Sector Impact:**

Minimally negative loss of revenue from fines associated with reduction in citations issued.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends s. 316.614, F.S.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.