

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1359 Rural Letter Carriers  
**SPONSOR(S):** Stone  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1178

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
1) Transportation & Highway Safety Subcommittee	14 Y, 0 N	Thompson	Miller
2) Economic Affairs Committee			

**SUMMARY ANALYSIS**

Current law requires a motor vehicle operator, front seat passengers, and all passengers less than 18 years of age to wear safety belts. The law is enforced as a primary offense. The penalty for failure to wear a safety belt is \$30, plus administrative fees and court costs.

The bill exempts rural letter carriers from mandatory seat belt usage while delivering the mail. Specifically, a rural carrier of the USPS is not required to be restrained by a safety belt while in the course of employment serving a designated postal route.

The bill is not expected to have a fiscal impact. According to the Department of Highway Safety and Motor Vehicles (DHSMV), there were 205,633 safety belt violations in 2012. It is unknown how many rural carriers of the USPS will avoid a seat belt violation as a result of the bill but the number would likely be minimal.

The bill provides an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Florida Safety Belt Law**

In 1986, the Legislature enacted the “Florida Safety Belt Law”<sup>1</sup> (seat belt law). Section 316.614, F.S., requires a motor vehicle operator, front seat passengers, and all passengers less than 18 years of age to wear safety belts. The law is enforced as a primary offense.<sup>2</sup> The penalty for failure to wear a safety belt is \$30, plus administrative fees and court costs.<sup>3</sup>

The fees and court costs vary from county to county, but the total paid for each citation could be up to \$118. Revenues collected from citations issued for safety belt violations are distributed like other traffic citation revenues, pursuant to s. 318.21, F.S., except that \$5 of each citation paid is directed to the Epilepsy Services Trust Fund.<sup>4</sup>

According to the Uniform Traffic Citation Statistics compiled by DHSMV, there were 205,633 safety belt violations during the 2012 calendar year.<sup>5</sup>

##### Exemptions

Section 316.614(3)(a), F.S., provides the following vehicles are not considered a “motor vehicle”<sup>6</sup> and thus are not subject to the requirements of the seat belt law:

- A school bus;
- A bus used for the transportation of persons for compensation;
- A farm tractor or implement of husbandry;
- A truck having a gross vehicle weight rating of more than 26,000 pounds; and
- A motorcycle, moped, or bicycle.

Section 316.614(6)(a), F.S., exempts the following from the seat belt law:

- Persons certified by a physician as having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous;
- Employees of a newspaper home delivery service delivering newspapers on home delivery routes;
- Employees of a solid waste or recyclable collection service on designated routes during the course of their employment;
- The living quarters of a recreational vehicle;
- The space within the body of a truck used for the storage of merchandise; and
- Motor vehicles not required to be equipped with a safety belt under federal law.

Unlike 45 other states, Florida law does not provide a specific exemption from seat belt requirements for United States Postal Service (USPS) carriers.<sup>7</sup>

##### USPS Seat Belt Rules

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<sup>1</sup> s. 2, chapter 86-49, Laws of Florida; codified as s. 316.614, F.S.

<sup>2</sup> In 2009, the Legislature enacted SB 344 (Ch. 2009-32, Laws of Fla.) to allow for primary enforcement of the law.

<sup>3</sup> s. 318.18(2), F.S.

<sup>4</sup> s. 316.21(6), F.S.

<sup>5</sup> Seat Belt Violation Data Collection 316.614(9), F.S. Annual Report, Department of Highway Safety and Motor Vehicles. This document can be accessed at: <http://www.flhsmv.gov/html/pdf/SBV2012.pdf>. (Last viewed 3/16/14).

<sup>6</sup> For purposes of the seat belt law, s. 316.614(3)(b), F.S., defines a motor vehicle as a motor vehicle as defined in s. 316.003 which is operated on the roadways, streets, and highways of this state.

<sup>7</sup> Summary of Vehicle Occupant Protection and Motorcycle Laws, Eleventh Edition. (DOT HS 811 768) National Highway Safety Administration, November 2013.

Under USPS rule, 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.<sup>8</sup>

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 a 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.

### **Proposed Changes**

The bill exempts rural letter carriers from mandatory seat belt usage while delivering the mail. Specifically, a rural carrier of the USPS is not required to be restrained by a safety belt while in the course of employment serving a designated postal route.

#### **B. SECTION DIRECTORY:**

Section 1: amends s. 316.614, F.S., relating to safety belt usage.

Section 2: provides an effective date of July 1, 2014.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

#### **D. FISCAL COMMENTS:**

The bill is not expected to have a fiscal impact.

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<sup>8</sup> The Revised Rural Carrier Duties and Responsibilities, Handbook PO-603, are available at: <https://about.usps.com/postal-bulletin/2005/html/pb22167/postoffice.html>. (Last viewed 3/16/14).

The penalty for failure to wear a safety belt is \$30, plus administrative fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation could be up to \$118. Revenues collected from citations issued for safety belt violations are distributed like other traffic citation revenues, pursuant to s. 318.21, F.S., except that \$5 of each citation paid is directed to the Epilepsy Services Trust Fund.

According to the Uniform Traffic Citation Statistics compiled by DHSMV, there were 205,633 safety belt violations during the 2012 calendar year. It is unknown how many rural carrier of the USPS will avoid a seat belt violation as a result of the bill but the number would likely be minimal.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not Applicable. This bill does not appear to affect county or municipal governments.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**