

**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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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BILL: SB 160

INTRODUCER: Senator Evers

SUBJECT: Rural Letter Carriers

DATE: March 4, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Wells</u>	<u>Miller</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 160 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.

According to the Department of Highway Safety and Motor Vehicles, the bill will have an indeterminate but insignificant negative fiscal impact from the loss of revenue associated with a reduction in the number of citations issued for failure to use a safety belt.

The bill provides for an effective date of July 1, 2015.

**II. Present Situation:**

**Florida's Safety 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;

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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.

- 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
- 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 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.

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

The bill 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.

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<sup>3</sup> Summary of Vehicle Occupant Protection and Motorcycle Laws, Eleventh Edition. (DOT HS 811 768) National Highway Traffic 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 January 29, 2015)

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under SB 160 rural letter carriers will not be subject to penalties (\$30 fine plus administrative costs) for failure to wear required safety belts when servicing a designated postal delivery route.

C. Government Sector Impact:

According to the Department of Highway Safety and Motor Vehicles, the bill will have an indeterminate but insignificant negative fiscal impact from the loss of revenue associated with a reduction in the number of citations issued for failure to use a safety belt.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 316.614 of the Florida Statutes.

**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.