

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 409 Rural Letter Carriers
SPONSOR(S): Stone
TIED BILLS: **IDEN./SIM. BILLS:** SB 160

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	12 Y, 0 N	Whittaker	Smith
2) Economic Affairs Committee	16 Y, 0 N	Whittaker	Creamer

SUMMARY ANALYSIS

The bill exempts rural letter carriers of the United States Postal Service (USPS) from mandatory seat belt usage while in the course of employment serving a designated postal route.

The bill has no fiscal impact on state funds.

The bill will become effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's Safety (seat) Belt Law

In 1986, the Legislature enacted the "Florida Safety Belt Law"¹ to require a motor vehicle operator, front seat passengers, and all passengers less than 18 years of age to wear safety belts while the vehicle is in motion.² 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 fees and court costs.

Exemptions

Section 316.614(3), F.S., provides the following vehicles are not considered a "motor vehicle" and thus are not subject to the requirements of the seat belt law:

- A school bus.
- A bus used for 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.
- A motorcycle, moped, or bicycle.

Section 316.614(6), 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.
- Motor vehicles not required to be equipped with a safety belt under federal law.

In 2013, there were 279,200 safety belt violations.³

USPS Seat Belt Rules

Under USPS rule⁴, 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.
- 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;

¹ S. 316.614, F.S.

² Additional child restraints requirements are established in s. 316.613, F.S.

³ Florida Department of Highway Safety and Motor Vehicles, *Annual Uniform Traffic Citation Report*, <https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport> (last viewed 1/29/15)

⁴ United States Postal Service, *Post Offices*, <http://about.usps.com/postal-bulletin/2005/html/pb22167/postoffice.html> (last viewed 1/29/15)

- road design characteristics; and
- other factors affecting safety.

Proposed Change

This bill amends s. 316.614 (6), F.S., providing that a rural carrier of the United States Postal Service 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., exempting rural letter carriers of the United States Postal Service from requirements to be restrained by a safety belt while performing their duties.
- Section 2 Provides this bill will become effective upon becoming law.

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:

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.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expand funds or to take action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None