

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1373 School Bus Stop Safety

**SPONSOR(S):** Highway & Waterway Safety Subcommittee, Torres, Jr. and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1570

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N, As CS	Whittaker	Smith
2) Health Care Appropriations Subcommittee			
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

In Florida, a person operating a vehicle who passes a school bus on the side children enter and exit while the bus is displaying a stop signal commits a moving violation punishable as provided in Chapter 318, and requires a mandatory hearing. If at the hearing, the alleged offender is found to have committed the offense, the court shall impose a minimum civil penalty of \$200 plus an additional \$65. In addition, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver's license of any person who commits a violation of this section for not less than 180 days and not more than one year for a subsequent offense within a five year period.

The bill increases the violation to an offense of reckless driving, punishable as provided in s. 316.192, Florida Statutes, if a person operating a vehicle passes a school bus on the side that children enter and exit when the school bus displays a stop signal.

The bill does not appear to have an impact on state funds.

The bill provides an effective date of October 1, 2016.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### **Failure to Stop for a School Bus**

A person commits a moving violation if he or she is driving a vehicle and fails to stop when approaching any school bus while it is displaying a stop signal.<sup>1</sup> A violation of this offense is punishable as provided in Ch. 318, Florida Statutes. There is a minimum \$100 civil penalty and an additional \$65 civil penalty for a driver who has been found guilty by the court for failing to stop for a school bus.<sup>2</sup> The DHSMV must suspend the driver's license of any person who commits a second or subsequent violation of this section within a five year period for not less than 90 days and not more than six months.<sup>3</sup>

A person operating a vehicle who passes a school bus on the side children enter and exit while the bus is displaying a stop signal commits a moving violation punishable as provided in Ch. 318 and requires a mandatory hearing.<sup>4</sup> If at the hearing, the alleged offender is found to have committed the offense, the court shall impose a minimum civil penalty of \$200 plus an additional \$65. In addition, the DHSMV must suspend the driver's license of any person who commits a violation of this section for not less than 180 days and not more than one year for a subsequent offense within a five year period.<sup>5</sup>

##### **Statistics**

The National Safety Council estimates that some 25 million students nationwide begin and end their day with a trip on a school bus.<sup>6</sup>

From 2004 to 2013, there were 1,344 people killed in school-transportation-related crashes, an average of 134 fatalities per year.<sup>7</sup>

##### **Reckless driving<sup>8</sup>**

Reckless driving is a criminal offense. It is driving with a willful or wanton disregard for the safety of persons or property. A conviction of reckless driving can result in serious penalties under certain circumstances, they are:

**First conviction:** A misdemeanor carrying up to \$500 in fines or 90 days imprisonment, or both.<sup>9</sup>

**Second or subsequent conviction:** A misdemeanor carrying up to \$1,000 in fines or up to six months imprisonment, or both.<sup>10</sup>

**Offense causing property damage:** A misdemeanor of the first degree<sup>11</sup> carrying up to \$1,000 in fines<sup>12</sup> or up to one year imprisonment.<sup>13</sup>

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<sup>1</sup> s. 316.172(1)(a), F.S.

<sup>2</sup> s. 318.18(5)(a)(c), F.S.

<sup>3</sup> s. 318.18(5)(a), F.S.

<sup>4</sup> s. 316.172(1)(b), F.S.

<sup>5</sup> s. 318.18(5)(b), F.S.

<sup>6</sup> National Safety Council, *School Buses are Students' Safest Mode of Transportation*, <http://www.nsc.org/learn/safety-knowledge/Pages/news-and-resources-school-bus-safety-rules.aspx> (last visited January 8, 2016)

<sup>7</sup> National Highway Traffic Safety Administration, *School-Transportation-Related Crashes*, [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKewi6hNSt\\_prKAhWBPRoKHT3oA78QFggjMAE&url=http%3A%2F%2Fwww-nrd.nhtsa.dot.gov%2FPubs%2F812170.pdf&usg=AFQjCNEIta3WlCJ772td7HCg93ldm25k4A](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKewi6hNSt_prKAhWBPRoKHT3oA78QFggjMAE&url=http%3A%2F%2Fwww-nrd.nhtsa.dot.gov%2FPubs%2F812170.pdf&usg=AFQjCNEIta3WlCJ772td7HCg93ldm25k4A) (last visited January 8, 2016)

<sup>8</sup> s. 316.192, F.S.

<sup>9</sup> s. 316.192(2)(a), F.S.

<sup>10</sup> s. 316.192(2)(b), F.S.

<sup>11</sup> s. 316.192(3)(c), 1., F.S.

<sup>12</sup> s. 775.083, F.S.

**Offense causing serious bodily injury:** A felony of the third degree<sup>14</sup> carrying up to \$5,000 in fines<sup>15</sup> or up to five years imprisonment.<sup>16</sup>

**Offense resulting in a fatal accident:** Often charged as a felony vehicular homicide<sup>17</sup> carrying up to \$10,000 in fines<sup>18</sup> or up to 15 years imprisonment.<sup>19</sup>

**Proposed Change**

The bill increases the violation from a moving violation to an offense of reckless driving, punishable as provided in s. 316.192, Florida Statutes, if a person operating a vehicle passes a school bus on the side that children enter and exit when the school bus displays a stop signal.

**B. SECTION DIRECTORY:**

**Section 1** Amends s. 316.172, F.S., providing that passing a school bus on the side where children enter and exit the school bus when the bus displays the stop signal commits reckless driving.

**Section 2** Provides an effective date of October 1, 2016.

**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:**

None

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

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<sup>13</sup> s. 775.082, F.S.

<sup>14</sup> s. 316.192(3)(c), 2., F.S.

<sup>15</sup> s. 775.083, F.S.

<sup>16</sup> s. 775.082, F.S.

<sup>17</sup> s. 782.071, F.S.

<sup>18</sup> s. 775.083, F.S.

<sup>19</sup> s. 775.082, F.S.

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any 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

On February 1, 2016, the Highway & Waterway Safety Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The bill as originally filed:

- Increased the violation to an offense of reckless driving, punishable as provided in s. 316.192, Florida Statutes, if a person operating a vehicle passes a school bus on the side that children enter and exit when the school bus displays a stop signal.
- Defined the terms “recorded image” and “video recording device.”
- Provided that a school district may use cameras and video recording devices for enforcement.
- Required a school bus driver to record the license number of the offending vehicle, a description of the vehicle, and the time and date of the violation.
- Provided that any photograph or recorded image of a violation must be submitted within 15 days after the violation to the local law enforcement agency that has jurisdiction over the location where the violation occurred.
- Required an additional \$65 to be added to a fine for a reckless driving violation when a person operating a vehicle passes a school bus on the side that children enter and exit when the school bus displays a stop signal, and that fee shall be remitted by the clerk to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund.
- Increased the fine to \$250 for a violation of failure to stop for a school bus and increased the DHSMV driver license suspension for a second or subsequent offense within 5 years for not less than 6 months and not more than one year.

This analysis is written to the committee substitute as adopted by the Highway & Waterway Safety Subcommittee.