

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 464

INTRODUCER: Senator Perry

SUBJECT: Driving in the Furthestmost Left-hand Lane of a Roadway

DATE: March 24, 2023

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Jones | Vickers | TR | Pre-meeting |
| 2. | | | ATD | |
| 3. | | | FP | |

I. Summary:

SB 464 prohibits a driver from continuously operating a motor vehicle in the furthestmost left-hand lane on a road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour. A driver may drive in the furthestmost left-hand lane when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. This provision does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations. A violation is a noncriminal traffic infraction punishable as a moving violation.

The statutory base fine is \$60, but with additional fees and charges, the total penalty may be up to \$158. The bill may have an indeterminate fiscal impact on state and local government.

The bill takes effect January 1, 2024.

II. Present Situation:

Under Florida law, a vehicle must be driven upon the right half of the roadway, except:

- When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- When an obstruction exists making it necessary to drive to the left of the center of the highway, provided any person so doing yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

- Upon a roadway designated and signposted for one-way traffic.¹

Upon all roadways, any vehicle proceeding at less than the normal speed of traffic must be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.²

On a road, street, or highway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle in the furthestmost left-hand lane if the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.³

Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle may not be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted to drive around an obstruction. However, this may not be construed as prohibiting the crossing of the centerline in making a left turn.⁴

A violation of the above laws is a noncriminal traffic infraction, punishable as a moving violation.⁵ The statutory base fine is \$60,⁶ but with additional fees and surcharges, the total penalty may be up to \$158.⁷

There are at least eight states where traveling in the left lane on certain roads, streets, and highways is prohibited except for turning and passing.⁸ Most states, like Florida, require slower traffic to keep right.⁹

III. Effect of Proposed Changes:

The bill amends s. 316.081, F.S., to prohibit a driver from continuously operating a motor vehicle in the furthestmost left-hand lane on a road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour.

¹ Section 316.081(1), F.S.

² Section 316.081(2), F.S.

³ Section 316.081(3), F.S.

⁴ Section 316.081(4), F.S.

⁵ Section 316.081(5), F.S.

⁶ Section 318.18(3)(a), F.S.

⁷ Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording* (December 2022), at p. 42, available at https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098_attach_2_2022_dist.pdf (last visited March 21, 2023).

⁸ Bodine, Rachel and Walker, Daniel, *Is left lane driving allowed in your state?* (June 29, 2022), AutoInsurance.Org, <https://www.autoinsurance.org/keep-right-which-states-enforce-left-lane-passing-only/> and Massachusetts Institute of Technology, *State “keep right” laws*, <https://www.mit.edu/~jfc/right.html> (last visited March 22, 2023).

⁹ *Id.*

The bill provides exceptions authorizing a driver to drive in the furthestmost left-hand lane when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. Additionally, this prohibition does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations.

A violation of this provision is a noncriminal traffic infraction punishable as a moving violation. The statutory base fine is \$60, but with additional fees and charges, the total penalty may be up to \$158.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate negative impact on individuals who violate this provision. An individual cited for violating this provision may be subject to a penalty of up to \$158.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the Department of Highway Safety and Motor Vehicles (DHSMV), which will need to update its driver handbook, driver license test question bank, driver improvement course curricula, and the Uniform

Traffic Citation manual to reflect the change in law.¹⁰ Additionally, DHSMV and local law enforcement may need to conduct training on the law change.

The bill may have an indeterminate positive fiscal impact on state and local government that receive revenue from the traffic fine.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the DHSMV, the word “continuously,” as used in the bill, seems vague and is likely open to challenges as to what distance or time period constitutes continuous operation, especially before a driver passing another vehicle would be deemed to have gone safely far enough past to be in violation.¹¹

The bill does not appear to consider high-occupancy-vehicle (HOV) lanes or specialty lanes, which are often the furthestmost left-hand lane. Additionally, the provisions in the bill may cause confusion for drivers regarding the Move Over Act.¹²

VIII. Statutes Affected:

This bill substantially amends section 316.081 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.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

¹⁰ DHSMV, *2023 Legislative Bill Analysis: SB 464* (March 6, 2023) at p. 4.

¹¹ *Id* at p. 5.

¹² Section 316.126(1)(b), F.S., requires drivers, as soon as it is safe, to vacate the lane closest to specified vehicles, including emergency, sanitation, utility service, wrecker, and construction vehicles performing duties on the roadside. If such movement cannot be safely accomplished, the driver must slow to a speed of 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater.