

CS/CS/HB 325 — Uniform Traffic Control

by Finance and Tax Council; Roads, Bridges and Ports Policy Committee; and Rep. Reagan and others (CS/CS/SB 2166 by Policy and Steering Committee on Ways and Means; Community Affairs Committee; and Senator Altman)

This bill creates the “Mark Wandall Traffic Safety Act” and the “Mark Wandall Safety Program.” The bill preempts the regulation and use of all traffic camera enforcement systems to the state and creates s. 316.0083, F.S., establishing requirements for the use of traffic infraction detectors by the Department of Highway Safety and Motor Vehicles (the Department), counties and municipalities in enforcement of the requirements of s. 316.074(1) or s. 316.075(1)(c)1., F.S., which requires vehicles to stop before entering an intersection when so directed by a traffic signal. The bill authorizes the Department, counties, and municipalities to use traffic infraction enforcement officers. The penalty for failing to stop at a steady red light, as determined through the use of a traffic infraction detector, is a fine of \$158.

The bill provides processes regarding required notifications, the issuance of citations to registered owners of motor vehicles, and defenses available to vehicle owners. The bill provides a \$158 penalty for any violations of ss. 316.074(1) or 316.075(1)(c)1., F.S., regardless of the method of enforcement. If the violation is enforced under s. 316.0083, F.S., and the penalty is paid within 30 days of notification, the total penalty is \$158. However, if the penalty is not paid within 30 days of notification and a traffic citation is issued, the total penalty is \$158, plus court costs and fees of up to \$98, depending on the county where the offense occurs.

The bill requires signage at intersections using traffic infraction detectors and provides traffic infraction detectors may not be used to enforce violations when the driver is making a right-hand turn in a careful or prudent manner where such turns are allowed.

The bill provides a transitional implementation period (until July 1, 2011) for those counties and municipalities currently engaged in the use of traffic detectors or who enter into an agreement to acquire such equipment on or before July 1, 2011. A severability clause is also provided.

The bill provides that each county or municipality operating a traffic infraction detector must submit an annual report to the Department which details the results of the detectors and the procedures for enforcement. The Department must submit a summary report to the Governor and Legislature on or before December 31, 2012, which includes a review of the information submitted by the counties and municipalities and any recommendations or necessary legislation.

If approved by the Governor, these provisions take effect July 1, 2010, except as otherwise specified in the bill.

Vote: Senate 30-7; House 77-33