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Florida Senate & House of Representatives

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COMMITTEE ON Transportation

DATE May 4, 1987

TIME 2:00 P.M. - 5:00 P.M.

OTHER COMMITTEE REFERENCES:

PLACE Committee Room C

FINAL ACTION

X_Favorably with 2___amendments

_____Favorably with Committee Substitute

BILL NO. <u>SB 1093</u>

____Unfavorably

OTHER: _____Temporarily Passed

____Reconsidered

_____Not Considered

None

(In order shown)

FINAL BILL VOTE		SENATORS			₩2 Tech	2 ech.						_18	
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Ауе	Nav	Aye	Na/	
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Aye	Nay		Aye	Nay	Aye	Nav	Aye	Nay	Aye	Nay	Aye	Na	

(Attach additional page if necessary)

Х Please Complete: The key sponsor appeared 1) A Senator appeared Sponsor's aide appeared Other appearance >) (

1636

C	, Committee onT				
	tee on <u>HIGHWAY SAFE</u> eeting April 22,		R VEHIC	ILES	
	3:30 - 5:30 p.m.				
	214 Capitol			B111 No.	HB 775
		FINAL ACTIO	N: v	_ Favorable	
				_ FAVORABLE WITH	
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				UNFAVORABLE	
Vor	F 1				
22		167.00	rvt		- 110:00
YE	A MEMBER	NAY	YEA	MEMBER	NAY
22	A MEMBER	NAY	YEA	MEMBER SILVER	NAY
YE	A MEMBER	NAY	YEA		NAY
YE	A MEMBER GOODE LIPPMAN			SILVER	NAY.
YE x	A MEMBER GOODE LIPPMAN		x	SILVER	
YE	A MEMBER GOODE LIPPMAN LONG		x x	SILVER SIMONE TROXLER	Nay

19

X 265

antron_ Fran ntter Chairman

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill.

	Name	Representing	Address
			:
		ersons, enter on reverse side an	nd check here)
NOTE:		"x" any State employee	Received by Parent Committee
	Chairman.		Date
H-74(1	980)		Received by

COMMETTEE INFORMATION RECORD

House of Representatives

Total

Nays

2

MMITHEE	INFOR	MATION RECORD			House	or kepr	esentativ
Committ	ee on_	Transportation			B111 N	о. <u>НВ</u>	775
		ng <u>April 29, 1987</u> :15 p.m.					
222	S - S	14-C					
	Vote		Fin	AL ACTION:	X FAVORABLE FAVORABLE WITH FAVORABLE WITH UNFAVORABLE		
		MEMBER	NAY	YEA	TEMBER	NAY	
		BASS, V.		x	REHM, G.		
	x	BROWN, C.			SANSOM, D.		
		CARLTON, F.			SILVER, R.	x	
	x	GOODE, H.		x	SIMONE, P.		
	L	GUBER, S.	x		TROXLER, D.		
	x	HANSON, C.		x	WEBSTER, D.		
	x	HARGRETT, J.			WETHERELL, T.		
	x	HEALEY, E.		χ	BURNSED, B., Chr		
		LIPPMAN, F.					
	x	LOMBARD, J.					

LONG, J.

MARTIN, S. MORSE, L.

OSTRAU, N.

PEEPLES, V.

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COMMITTEE APPEARANCE RECORD

Total

Yeas

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

13

Address Representing Name NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here_)

Florida Nouse of Representatives - 1987

By Representatives Casas and Morse

	1	A bill to be entitled
	2	An act relating to state uniform traffic
	3	control; amending s. 316.613, F.S., defining
	4	the term "motor vehicle" for the purposes of
	5	state law governing child restraint
	6	requirements; providing exceptions; providing
	7	an effective date.
	8	
ber on	9	Be It Enacted by the Legislature of the State of Florida:
ents mat)	10	
of 1 5 cents per the information	11	Section 1. Subsections (2) and (3) of section 316.613,
	12	Florida Statutes, 1986 Supplement, are renumbered as
cost for	13	subsections (3) and (4) respectively, and a new subsection (2)
erage es and public	14	is added to said section to read:
The L	15	316.613 Child restraint requirements
as produced at a phiance with the Legislature and	16	(2) As used in this section the term "motor vehicle"
duced e wit	17	means a motor vehicle as defined in s. 316.003 that is
1 proc	18	operated on the roadways, streets, and highways of the state.
publication was e page in compli mbers of the Leg	19	The term does not include:
0110	20	(a) A school bus.
bers	21	(b) A bus used for the transportation of persons for
This public single page of members	22	compensation.
FNO	23	(c) A farm tractor or implement of husbandry.
	24	(d) A truck of net weight of more than 5,000 pounds.
	25	(e) A motorcycle, moped, or bicycle.
	26	Section 2. This act shall take effect October 1, 1987
	1	

HOUSE SUMMARY

Defines the term "motor vehicle" with respect to the state laws governing child restraint requirements to exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement of husbandry, a truck of net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.

CODING Words in atouch through type are deletions from existing law, words underlined are additions.

HB 775

SB 1093

By Senator Hill

	1	A bill to be entitled
	2	An act relating to state uniform traffic
	3	control; amending s. 316.613, F.S., defining
	4	the term "motor vehicle" for the purposes of
page	5	state law governing child restraint
	6	requirements; providing exceptions; providing
per 11c.	7	an effective date.
cents e publ	8	
5 ce the	9	Be It Enacted by the Legislature of the State of Florida;
- D	10	
5	11	Section 1. Subsections (2) and (3) of section 316.613,
cost	12	Florida Statutes, 1986 Supplement, are renumbered as
age cost Legislature	13	subsections (3) and (4) respectively, and a new subsection (2) $\label{eq:subsection}$
reg.	14	is added to said section to read:
ñ .	15	316.613 Child restraint requirements
f et	16	(2) As used in this section the term "motor vehicle"
s of	17	means a motor vehicle as defined in s. 316,003 that is
oduced	18	operated on the roadways, streets, and highways of the state.
	19	The term does not include:
	20	(a) A school bus.
t ioi	21	(b) A bus used for the transportation of persons for
t 10	22	compensation.
This publication was for the information of	23	(c) A farm tractor or implement of husbandry.
pub.	24	(d) A truck of net weight of more than 5,000 pounds.
L S	25	(e) A motorcycle, moped, or bicycle.
ដូទ	26	Section 2. This act shall take effect October 1, 1987.
	27	
	28	HOUSE SUMMARY
	29	Defines the term "motor vehicle" with respect to the state laws governing child restraint requirements to
	30	exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement
	31	of husbandry, a truck of net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.
		1

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

STORAGE NAME: fsa87-h775

Date: June 5, 1987

HOUSE OF REPRESENTATIVES COMMITTEE ON TRANSPORTATION FINAL STAFF ANALYSIS

	19)6	41
BILL #: <u>HB 775</u>			, ,
RELATING TO: Child Restraint & Driving Through a Work	Zone	Area	
SPONSOR(S): Representatives Casas & Morse			
EFFECTIVE DATE: October 1, 1987			
BECAME LAW: JUne 30, 1987			
CHAPTER 87-200, LAWS OF FLORIDA			
COMPANION BILL(S): <u>SB 1093</u>			
OTHER COMMITTEES OF REFERENCE: (1) None			
(2)			
****	* * * * *	* * * * *	

I. <u>SUMMARY</u>:

This bill provides the same exemptions for certain motor vehicles under the child restraint law as set forth in the safety belt law using a common definition of "motor vehicle." In addition, the bill imposes penalties for speeding in construction zones. The bill also establishes that driving through a "work zone area" at greater than the posted speed on advisory speed plates will be punishable as careless driving.

A. Current Law & Present Situation:

Current law specifies that operators of passenger cars, vans, and pickup trucks are required to comply with the child restraint law, but provides no express exemptions for other motor vehicles as set forth in the safety belt law (s. 316.614).

Currently, signs posted in a work area are only advisory in nature.

B. Effect of Proposed Changes:

Defines the term "motor vehicle" as it is used in the child restraint law to exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement of husbandry, a truck having a net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.

Makes driving through a "work zone area" at greater than the posted speed punishable as careless driving. Page 2 Dill #HB 775 Date: June 5, 1987

II. ECONOMIC IMPACT:

A. <u>Public:</u>

None

B. Government:

None

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

None

V. LEGISLATIVE HISTORY:

A. Enacted Bill:

House Transportation Committee - Reported favorably without amendments.

House Chamber - Passed, (HJ 00747)

Senate Transportation Committee - Withdrawn.

Senate Chamber - Substituted for SB 1093; passed with two substantive amendments. One amendment deleted "passenger car, van, or pickup truck" from s. 316.613 and substituted the word "motor vehicles" which was already defined in the original bill. A second amendment provided that failure of a driver to comply with advisory speed plates in a work zone is prima facie evidence of careless driving. (SJ 00619)

House Chamber - Concurred with amendments and passed. (HJ 01105)

B. <u>Disposition of Companion:</u>

SB 1093 was laid on table under rule and HB 775 was passed as amended.

VI. PREPARED BY: Lois Watson/Randy Lenczyk

STORAGE	NAME:	<u>BS HB775</u>	<u>7c</u>
•			
Date: A		1, 1987	
Revised			
Final:			

HOUSE OF REPRESENTATIVES COMMITTEE ON TRANSPORTATION STAFF ANALYSIS

BILL #: <u>HB_//5</u>
RELATING TO: Child Restraint
SPONSOR(S): Representatives Casas and Morse
EFFECTIVE DATE: October 1, 1987
COMPANION BILL(S): <u>SB_1093</u>
OTHER COMMITTEES OF REFERENCE: (1) None
(2)

I. SUMMARY:

Defines the term "motor vehicle" as it is used in the child restraint law to exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement of husbandry, a truck, of net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.

- II. ECONOMIC IMPACT:
 - A. <u>Public</u>:

None

B. Government:

State: None

19 1641

Local: None

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. <u>COMMENTS:</u>

None

V. <u>AMENDMENTS:</u>

None

STORAGE NAME: BS HB775/7c

Date:	April	21,	1987	
Revise	1:		1988. 	
Final:	May	1, 1	987	

HOUSE OF REPRESENTATIVES COMMITTEE ON TRANSPORTATION STAFF ANALYSIS

BILL #: <u>HB 775</u>
RELATING TO: Child Restraint
SPONSOR(S): Representatives Casas and Morse
EFFECTIVE DATE: October 1, 1987
COMPANION BILL(S): <u>SB 1093</u>
OTHER COMMITTEES OF REFERENCE: (1) None
(2)

I. SUMMARY:

Defines the term "motor vehicle" as it is used in the child restraint law to exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement of husbandry, a truck, of net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.

II. ECONOMIC IMPACT:

A. <u>Public</u>:

None

B. <u>Government:</u>

State: None

Local: None

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

None

V. AMENDMENTS:

None

1641

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Pagè 2 Bill #HB 775 Date: May 1, 1987

VI. PREPARED BY: Lois Watson

VII. STAFF DIRECTOR: Robert W. Coggins

REVISED:	May	4,	198	7
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BILL NO. SB 1093

DATE: <u>April 30, 1987</u>

Page <u>1</u>

18

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR		REFERENCE	ACTION
1. Mohler DM 2 3	Garqıult	1. 2. 3.	<u>TR</u>	FAV 2 amend.
4		4.		×
SUBJECT:			BILL NO. AND	SPONSOR:
Traffic Contro Child Restrai			SB 1093 by Senator Hill	

I. SUMMARY:

A. Present Situation:

Section 316.613, F.S., requires that the operator of a motor vehicle as defined therein must secure any child 5 years of age or younger in an approved child restraint device while transporting such a child in a passenger car, van, or pickup truck.

The section contains no separate definition of "motor vehicle" other than to specify that the child restraint requirement applies to passenger cars, vans, and pickup trucks. The terms "passenger car," "van," and "pickup truck" are not defined in chapter 316.

B. Effect of Proposed Changes:

The bill would define a motor vehicle for purposes of section 316.613 by adopting the definition of a motor vehicle in section 316.003. Section 316.003 defines a motor vehicle as any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated on rails, but not including any bicycle or moped.

The bill would exclude the following vehicles from the definition of "motor vehicle": school buses, buses used to transport persons for compensation, farm tractors and implements of husbandry, trucks of a net weight of more than 5,000 pounds, and motorcycles, mopeds and bitycles.

- II. ECONOMIC IMPACT AND FISCAL NOTE:
 - A. Public:

None.

B. Government:

None.

III. COMMENTS:

In order to avoid ampliguity as to the applicability of the child restraint requirement at is suggested that the reference in the present law to passenger car, van, and pickup truck be deleted and that the term "motor vericle" be substituted.

K:t.

DATE: April 30, 1987

BILL NO. SB 1093

Page _2_

IV. AMENDMENTS:

#1 by Transportation: Technical.

#2 by Transportation: Removes references to passenger car, van, and pickup truck and replaces them with a reference to "motor vehicles."

```
SENATE COMMITTEE AMENDMENT
   SB 1093
                                    No.
(reported favorably)
   HB
   The Committee on ..... Transportation .... recommended the following
   amendment which was moved by Senator.....and adopted:
                                               and failed:
1
        Senate Amendment
 2
 3
        On page .....l..., lines 11 and 12, strike
 4
      all of said lines
 5
 6
 7
8
   If amendment is text from another bill insert:
9
                                                    No _
10
  Bill No. Draft No. With Cranges' Yes
11
   and insert:
12
         Section 1. Paragraph (a) of subsection (1) of section
   316.613, Florida Statutes, 1986 Supplement, is amended,
13
   subsections (2) and (3) are renumbered as
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15
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                                             87s1093/tr-a
CODING: Words stricken are deletions; words underlined are additions.
  Adopted _ *
Failed _ *
  * Amendment No. __, taken up by committee:
  Adopted ____ Failed
     (Amendment Nc.
                                            Date _/_/__
```

	SENATE COMMITTEE AMENDMENT					
	SB 1093 No. (reported favorably)					
	НВ					
	The Committee onTransportationrecommended the following					
	amendment which was moved by Senatorand adopted: and failed:					
1	Senate Amendment					
2						
3	On page 1, between lines 15 and 16,					
4						
5						
6						
7						
8						
9	If amendment is text from another bill insert:					
10	Bill No. Draft No. With Changes? Yes					
11	insert:					
12	(1)(a) Every operator of a motor vehicle as defined					
13	herein, while transporting a child in a motor vehicle					
14	passenger-car, van, or pickup truck operated on the roadways,					
15	streets, or highways of this state, shall, if the child is 5					
16	years of age or younger, provide for protection of the child					
17	by properly using a crash-tested, federally approved child					
18	restraint device. For children aged through 3 years, such					
19	restraint device must be a separate carrier. For children					
20	aged 4 through 5 years, a separate carrier or a seat belt may					
21	be used.					
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	1					
С	87s1093/tr-b DDING: Words stricken are deletions; words <u>underlined</u> are additions.					
	* Amendment No, taken up by committee: Adopted _ *					
	* Offered by Failed _* **********************************					
	(Amendment No Adopted Failed Date//_)					

DATE: April 30, 1987

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	ANALYST	STAFF DIRECTOR		REFERENCE	ACTION
1. 2. 3. 4.	Mohler DM	Gargiulo	1. 2. 3. 4.	TR	
SUE	BJECT:			BILL NO. AND	SPONSOR
	Traffic Contro Child Restrain			SB 1093 by Senator Hill	

I. SUMMARY:

A. Present Situation:

Section 316.613, F.S., requires that the operator of a motor vehicle as defined therein must secure any child 5 years of age or younger in an approved child restraint device while transporting such a child in a passenger car, van, or pickup truck.

The section contains no separate definition of "motor vehicle" other than to specify that the child restraint requirement applies to passenger cars, vans, and pickup trucks. The terms "passenger car," "van," and "pickup truck" are not defined in chapter 316.

B. Effect of Proposed Changes:

The bill would define a motor vehicle for purposes of section 316.613 by adopting the definition of a motor vehicle in section 316.003. Section 316.003 defines a motor vehicle as any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated on rails, but not including any bicycle or moped.

The bill would exclude the following vehicles from the definition of "motor vehicle": school buses, buses used to transport persons for compensation, farm tractors and implements of husbandry, trucks of a net weight of more than 5,000 pounds, and motorcycles, mopeds and bicycles.

- II. ECONOMIC IMPACT AND FISCAL NOTE:
 - A. Public:

None.

B. Government:

None.

III. COMMENTS:

In order to avoid ambiguity as to the applicability of the child restraint requirement it is suggested that the reference in the present law to passenger car, van, and pickup truck be deleted and that the term "motor vehicle" be substituted.

IV. AMENDMENTS:

None.

1636

18