

Transportation & Infrastructure Subcommittee

Wednesday, December 11, 2019
12:30 PM – 3:30 PM
Reed Hall (102 HOB)

Jose R. Oliva
Speaker

Brad Drake
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Infrastructure Subcommittee

Start Date and Time: Wednesday, December 11, 2019 12:30 pm

End Date and Time: Wednesday, December 11, 2019 03:30 pm

Location: Reed Hall (102 HOB)

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 37 School Bus Safety by Zika

Workshop and Panel Discussion on Peer-to-Peer Car Sharing

NOTICE FINALIZED on 12/04/2019 4:05PM by Denson.Tori

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 37 School Bus Safety
SPONSOR(S): Zika and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

School buses are required to stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers. Other drivers are required to bring their vehicles to a full stop when approaching a stopped school bus displaying a stop signal, until the signal has been withdrawn.

The minimum civil penalty for failing to stop for a school bus displaying the stop signal is $100. For a second or subsequent offense within a period of five years, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver license of the driver for not less than three months and not more than six months.

The minimum civil penalty for passing a school bus on the side that children enter and exit when the school bus displays a stop signal is $200. For a second or subsequent offense within a period of five years, DHSMV must suspend the driver license of the driver for not less than six months and not more than one year.

The bill increases the minimum civil penalty for failure to stop for a school bus from $100 to $200; and for a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than six months and not more than one year.

The bill also increases the minimum civil penalty for passing a school bus on the side that children enter and exit, from $200 to $400; and for a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than one year and not more than two years.

The bill will likely have an indeterminate, positive fiscal impact to state and local government revenues. *See* fiscal impact section for additional details.

FULL ANALYSIS

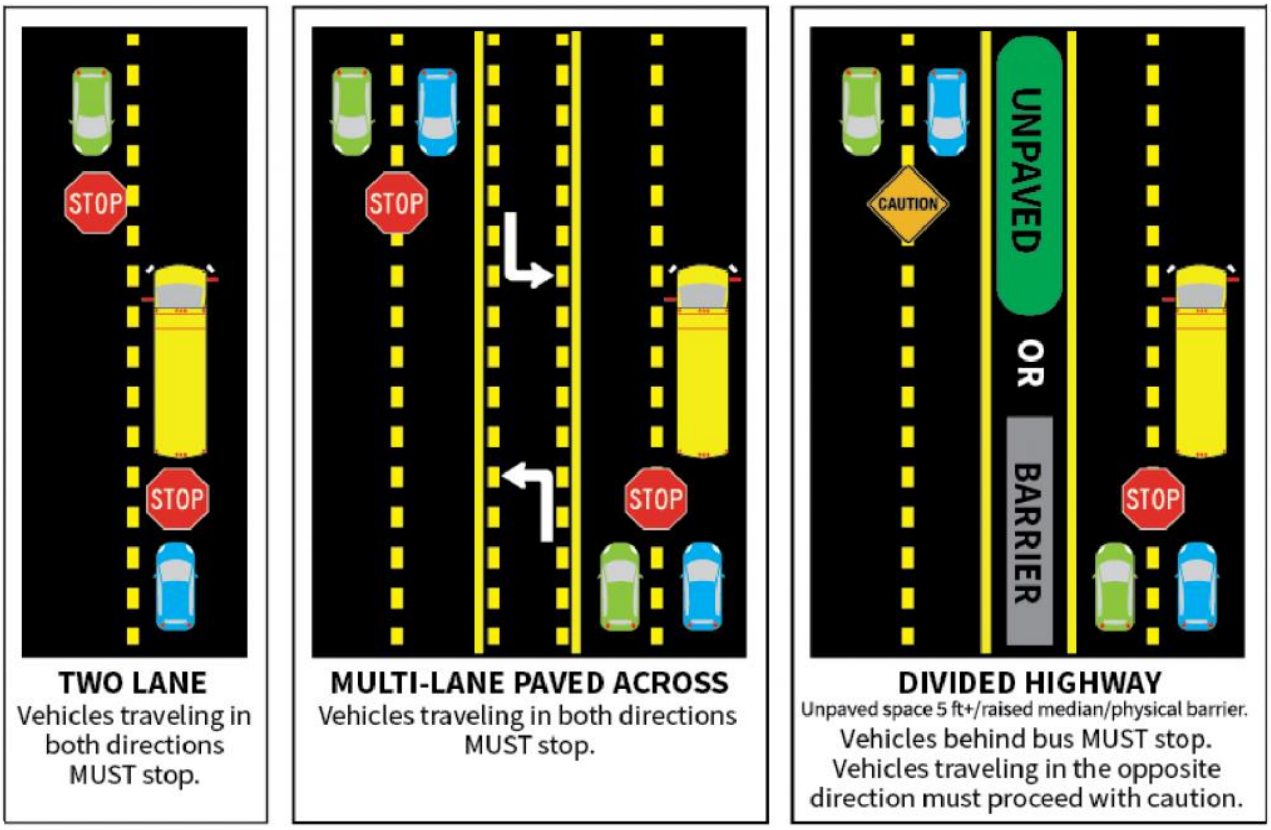
I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

School buses are required to stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.[1] When possible, school buses should not stop where visibility is obscured for a distance of 200 feet either way from the bus.[2]

Other drivers are required to bring their vehicles to a full stop when approaching a stopped school bus displaying a stop signal, until the signal has been withdrawn.[3] However, a driver is not required to stop if the vehicle is traveling in the opposite direction of a stopped school bus upon a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier.[4]



[5]

A person cited for failing to stop for a school bus displaying the stop signal commits a moving violation and can pay the civil penalty of the citation, or can request a hearing to contest the citation.[6] A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal[7] also commits a moving violation; however, the driver must attend a mandatory hearing at a specified time and location.[8]

---

[1] Section 316.172(3), F.S.
[2] Section 316.172(3), F.S.
[3] Section 316.172(1)(a), F.S.
[4] Section 316.172(2), F.S.
[5] Florida Department of Highway Safety and Motor Vehicles, *Child Safety: School Bus Safety*, available at https://www.flhsmv.gov/safety-center/child-safety/school-bus-safety/ (last visited December 4, 2019).
[6] Section 318.14, F.S.
[7] Section 316.172(1)(b), F.S.
[8] Sections 316.172(1)(b) and 318.19(3), F.S.

The minimum civil penalty for failing to stop for a school bus displaying the stop signal is $100. For a second or subsequent offense within a period of five years, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver license of the driver for not less than three months and not more than six months.[9] Including various fees and service charges, the total fine for this violation is up to $263, which is distributed to various funds.[10]

The minimum civil penalty for passing a school bus on the side that children enter and exit when the school bus displays a stop signal is $200. For a second or subsequent offense within a period of five years, DHSMV must suspend the driver license of the driver for not less than six months and not more than one year.[11] Including various fees and service charges, the total fine for this violation is up to $363, which is distributed to various funds.[12]

In addition to the above penalties, a driver who illegally passes a stopped school bus, but does not cause serious bodily injury to or death of another, will receive four points on his or her driver license record.[13] A driver who illegally passes a stopped school bus and causes serious bodily injury to or death of another will receive six points on his or her driver license record.[14]

A driver who illegally passes a school bus on either side and causes serious bodily injury to or death of another person must serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, and must participate in a victim's impact panel session, or if such panel does not exist, must attend a DHSMV-approved driver improvement course.[15] In addition, the driver must pay a fine of $1,500 and will have his or her driver license suspended by DHSMV for not less than one year.[16]

If the driver receives a traffic citation for illegally passing a stopped school bus and the court withholds adjudication, DHSMV will require him or her to complete a driver improvement course. If the course is not completed within 90 days of receiving a notice of the requirement to attend, the driver's license will be canceled until the improvement course is successfully completed.[17]

According to DHSMV data, in fiscal year 2018-2019, 3,760 traffic citations were issued for failing to stop for a school bus or passing a stopped school bus and 38 citations were issued for passing a school bus on the side children enter and exit.[18]

The Department of Education created a statewide survey for bus drivers to complete one day each year regarding the illegal passing of their school buses. The survey results from 2018 show that on a single day 10,937 illegal passes were made based on 9,009 school bus drivers completing the survey. Of these illegal passes, 447 were made on the right side of the bus where students generally enter and exit the vehicle, 10,018 were made on the left side, and for 472 of the passes the side was unknown.[19]

The National Highway Traffic Safety Administration indicates that from 2007 to 2016, 98 school-age pedestrians (18 and younger) died in school-transportation-related crashes. Sixty percent were struck

---

[9] Section 318.18(5)(a), F.S.
[10] Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines, Including a Fee Schedule for Recording*, effective July 1, 2019, available at: https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories_2019/19bull053_Attach_1_2019_Dist.pdf, p. 34http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/PublicationsAndDocuments/2016_Distribution_Schedule_w.pdf (last visited October 2, 2019).
[11] Section 318.18(5)(b), F.S.
[12] Florida Court Clerks, s*upra*, at FN 10, p. 35.
[13] Section 322.27(3)(d)4.a., F.S.
[14] Section 322.27(3)(d)4.b., F.S.
[15] Section 316.027(4)(b), F.S.
[16] Section 318.18(5)(d), F.S.
[17] Section 322.0261(4)(c), F.S.
[18] Department of Highway Safety and Motor Vehicles, Agency Analysis of 2020 House Bill 37, p. 2 (October 24, 2019).
[19] Florida Department of Education, *School Transportation, Illegal Passing of School Buses – Survey Results for 2018*, available at: http://www.fldoe.org/core/fileparse.php/7585/urlt/fsr18.pdf (last visited October 3, 2019).

by school buses, 2 percent by vehicles functioning as school buses, and 38 percent by other vehicles involved in the crashes.[20]

Proposed Changes

The bill amends s. 318.18(5)(a), F.S., increasing the minimum civil penalty for failure to stop for a school bus from $100 to $200; and for a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than six months and not more than one year.

The bill amends s. 318.18(5)(b), F.S., increasing the minimum civil penalty for passing a school bus on the side that children enter and exit, from $200 to $400; and for a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than one year and not more than two years.

B. SECTION DIRECTORY:

Section 1: Amends s. 318.18, F.S., relating to amount of penalties.

Section 2: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will likely have a positive fiscal impact to the General Revenue Trust Fund as well as to various state trust funds. The number of drivers who will be subjected to the additional $100 or $200 fine is unknown; therefore the impact is indeterminate, though likely insignificant.

2. Expenditures:

DHSMV estimates that 72-hours will be required for programming and implementation of the bill. These hours are estimated to have a fiscal impact to DHSMV of $3,120 in FTE and contracted resources.[21]

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill will likely have a positive fiscal impact to local government revenues. The number of drivers who will be subjected to the additional $100 or $200 fine is unknown; therefore the impact is indeterminate, though likely insignificant.

2. Expenditures:

The bill does not appear to impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill increases penalties for persons failing to stop for a school bus.

D. FISCAL COMMENTS:

None.

[20] National Highway Traffic Safety Administration, *Traffic Safety Facts, 2007-2016 Data, School-Transportation-Related Crashes*, DOT HS 812 476, revised January 2018, available at: https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812476 (last visited October 3, 2019).

[21] Department of Highway Safety and Motor Vehicles, Agency Analysis of 2020 House Bill 37, p. 4-5 (October 24, 2019).

III. COMMENTS

A. CONSTITUTIONAL ISSUES

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to school bus safety; amending s. 318.18, F.S.; revising civil penalties for certain violations relating to stopping for a school bus; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (a) and (b) of subsection (5) of section 318.18, Florida Statutes, are amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(5)(a) Two ~~One~~ hundred dollars for a violation of s. 316.172(1)(a), failure to stop for a school bus. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of $200 ~~$100~~. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 180 ~~90~~ days and not more than 1 year ~~6 months~~.

(b) Four ~~Two~~ hundred dollars for a violation of s. 316.172(1)(b), passing a school bus on the side that children enter and exit when the school bus displays a stop signal. If, at a hearing, the alleged offender is found to have committed

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

this offense, the court shall impose a minimum civil penalty of $400 ~~$200~~. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 360 ~~180~~ days and not more than 2 years ~~1 year~~.

Section 2. This act shall take effect July 1, 2020.