

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 1394

INTRODUCER: Senator Brandes

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: January 26, 2016

REVISED: _____

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

I. Summary:

SB 1394 revises multiple laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV.) More specifically, the bill:

- Defines the terms “Service Patrol Vehicle” and “Driver-Assistive Truck Platooning”;
- Adds Service Patrol Vehicles engaged in certain activities to the “Move Over Act”;
- Allows operators of a vehicle operating with driver-assistive truck platooning technology to be exempted from the prohibitions against following too closely and having an electronic display while being operated;
- Excludes certain childcare facilities from vehicle booster seat requirements for four through five year olds;
- Modifies the amount of time an individual must notify the DHSMV of an address or name change on a driver license, identification card, or motor vehicle registration to provide consistency;
- Modifies the motor vehicle registration period by providing that vehicle registrations expire at midnight on the last day of the owner’s birth month instead of the owner’s birth date;
- Provides that the DHSMV will provide identification cards to offenders in custody or under the supervision of the Florida Department of Juvenile Justice (DJJ) at no charge; and
- Requires the DHSMV to issue no-charge identification cards to individuals whose driver license is suspended or revoked due to a physical or mental condition.

The bill takes effect October 1, 2016.

II. Present Situation:

Due to the various issues addressed in the bill, the present situation for each section is discussed below in Effect of Proposed Changes.

III. Effect of Proposed Changes:

Service Patrol Vehicles and the Move Over Act (Sections 1 and 3)

Present Situation

The Move Over Act¹

The Move Over Act relates to the operation of motor vehicles when approaching:

- An authorized emergency vehicle parked on the roadside and displaying any visual signals;
- A sanitation or utility vehicle performing services on the roadside; or
- A wrecker displaying amber rotating or flashing lights performing a recovery or loading on the roadside.

When approaching these vehicles, if the driver is along a highway with more than two lanes, the driver must vacate the lane closest to the service provider, when safe to do so. If the driver cannot safely vacate the lane, the driver must reduce his or her speed to 20 miles per hour (mph) under the posted speed limit for speed limits greater than 25 mph, or to 5 mph if the posted speed limit is 20 mph or less.

Section 316.126, F.S., also requires a driver yield to a moving emergency vehicle, however, these requirements do not relieve a driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

A violation of the Move Over Act is a noncriminal traffic infraction punishable as a moving violation. Violators are subject to a \$30 penalty², court costs³, and three points assessed against the violator's license⁴.

Service Patrol Vehicles

Service Patrol Vehicles, also known as Road Rangers, provide free highway assistance services to motorists. Road Rangers provide services along Florida's highway systems, including assisting stranded motorists, removing debris from the roadway, and assisting during traffic accidents. Since the inception of the program in 2000, the Road Rangers have made over 4.3 million service assists.⁵

Effect of Proposed Changes

Section 1 of the bill amends s. 316.003, F.S., to define the term "service patrol vehicle."

Section 3 provides that a service patrol vehicle performing official duties or services along a roadside and displaying amber rotating or flashing lights be included in the Move Over Act.

¹ Section 316.126(1)(b), F.S.

² Section 318.18(2)(d), F.S.

³ Depending on jurisdiction, court costs may increase the total penalty up to \$128; Florida Court Clerks and Comptrollers, *Distribution Schedule* (July 1, 2015), available at: http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/Public_Documents_/2015_Distribution_Schedule_w.pdf at 36. (last visited Jan. 22, 2016)

⁴ Section 322.27(3)(d)7., F.S.

⁵ Florida Department of Transportation website, *Road Rangers Service Patrol*, http://www.dot.state.fl.us/trafficoperations/traf_incident/rrangers/rranger.shtm (last visited Jan. 22, 2016).

Motorists will be required to move a lane over or slow their vehicle while a service patrol vehicle is displaying their lights and performing official duties along the highway.

The bill also adds that a utility service vehicle must display visual signs as part of being included in the act.

This change seeks to provide greater safety for motorists and public safety professionals.

Driver-Assistive Truck Platooning (Sections 1, 2, and 4)

Present Situation

In August of 2014, the National Highway Traffic Safety Administration (NHTSA) issued an advance notice of proposed rulemaking, following NHTSA's earlier announcement that the agency will begin working on a regulatory proposal to require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.⁶ NHTSA advises that, "Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment."⁷

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.⁸

The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly a subject of interest in the truck community, with multiple companies developing prototypes.⁹

One such system uses integrated sensors, controls, and wireless communications for "connected" trucks. The system is cloud-based, determining in real time whether traffic conditions are appropriate to allow specific trucks to engage in platooning operations. Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers,

⁶ See the U.S. Department of Transportation Fact Sheet on Vehicle-To-Vehicle Communication Technology, available at: http://www.its.dot.gov/safety_pilot/pdf/safetypilot_nhtsa_factsheet.pdf (last visited Jan. 25, 2016).

⁷ See NHTSA, *Vehicle-to-Vehicle Communications*, <http://www.safercar.gov/v2v/index.html>. (last visited Jan. 25, 2016).

⁸ See Go by Truck Global News, *Driver Survey: Platooning*, <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited Jan. 25, 2016).

⁹ See American Transportation Research Institute, *ATRI Seeks Input on Driver Assistive Truck Platooning* (Nov. 17, 2014), <http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/> (last visited Jan. 25, 2016).

leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver's response time. The following vehicle is provided video showing the lead truck's line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.¹⁰

Currently, s. 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.

Additionally, a motor vehicle operated on the highways of this state may not be equipped with television-type receiving equipment that is visible from the driver's seat. This prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.¹¹

Effect of Proposed Changes

Section 1 of the bill amends s. 316.003, F.S., to define the term "driver-assistive truck platooning technology."

Section 2 exempts two-truck tractor-semitrailer combinations from the minimum 300 foot following distance requirement when the combination is equipped and connected with driver-assistive truck platooning technology and operating on a multilane limited access facility, if:

- The owner or operator submits to the DHSMV an instrument of insurance, surety bond, or acceptable proof of self-insurance in the amount of \$1 million;
- The vehicles are equipped with external indication, visible to surrounding motorists, that the vehicles are engaged in truck platooning; and
- The vehicles are not required to be placarded pursuant to 49 C.F.R. parts 171-179, for transporting hazardous materials.

Section 4 amends s. 316.303(3), F.S., to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with electronic displays visible from the driver's seat, and to authorize the operator of a vehicle equipped and operating with truck platooning technology to use an electronic display.

Autonomous Vehicles

Present Situation

Autonomous or "self-driving" vehicles are those operated "without direct driver input to control the steering, acceleration, and braking and ... designed so that the driver is not expected to constantly monitor the roadway while operating in self-driving mode."¹² According to the

¹⁰ See Peloton, *FAQ*, <http://www.peloton-tech.com/faq/> (last visited Jan. 25, 2016).

¹¹ Section 316.303, F.S.

¹² See the National Highway Traffic Safety Administration's Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*, (May 30, 2013) available at:

NHTSA, autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.¹³

A review of material obtained via a simple Internet search reveals that common availability and use of such vehicles was not previously anticipated for at least a couple of decades. However, some expect increased availability and use in the relative near future, perhaps no longer than in the next five years.¹⁴

Effect of Proposed Changes

Section 5 amends s. 316.303(1), F.S. to allow autonomous vehicles to be equipped with television-type receiving equipment visible from the driver's seat if the vehicle is equipped with autonomous technology and being operated in autonomous mode.

Child Restraint Requirements (Section 5)

Present Situation

Section 316.613, F.S., requires an operator of a motor vehicle within this state, while transporting a child five years of age or younger, provide for protection of the child by properly using a crash-tested, federally approved child restraint device.

For children ages three and under, the restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children ages four through five years, a separate carrier, integrated child seat, or child booster seat may be used. The requirement to use a child restraint device for four through five year olds does not apply when a safety belt is used and the child:

- Is being transported gratuitously by an operator who is not a member of the child's immediate family;
- Is being transported in a medical emergency situation involving the child; or
- Has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.

Additionally, as used in this section, the term "motor vehicle" does not include:

- A school bus¹⁵;
- A bus used for transportation of persons for compensation, other than a bus regularly used to transport children to or from school¹⁶, or in conjunction with school activities;
- A farm tractor or implement of husbandry;

<http://www.nhtsa.gov/About+NHTSA/Press+Releases/U.S.+Department+of+Transportation+Releases+Policy+on+Automated+Vehicle+Development> (last visited Jan. 25, 2016).

¹³ See NHTSA, *Preliminary Statement of Policy Concerning Automated Vehicles*,

http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Automated_Vehicles_Policy.pdf (last visited Jan. 25, 2016).

¹⁴ See TechCrunch, *Autonomous Cars are Closer Than You Think* (Jan. 18, 2015),

<http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/> (last visited Jan. 25, 2016).

¹⁵ Section 316.003(45), F.S., defines a school bus as "any motor vehicle that complies with color and identification requirements of chapter 1006 and is used to transport children to or from public or private school or in connection with school activities..."

¹⁶ As defined in s. 316.615(1)(b), F.S., "school" includes all public and private nursery, preelementary, elementary, and secondary level schools.

- A truck having a gross vehicle weight rating of more than 26,000 pounds; or
- A motorcycle, moped, or bicycle.

The child restraint requirements also do not apply to a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and motor vehicle are hired and used for the transportation of persons for compensation.

It is the obligation and responsibility of the parent, guardian, or other person responsible for a child's welfare to comply with these requirements.¹⁷

A violation of these requirements is a moving violation, which is a \$60 fine plus applicable court costs, and three points assessed against the violator's driver license. In lieu of this penalty, a violator may elect, with the court's approval, to participate in a child restraint safety program. Upon completion of the program and the court's discretion, the penalty and points assessed may be waived.¹⁸

Prior to 2015, Florida law allowed four and five year olds to be restrained by a seatbelt instead of a booster seat.¹⁹ Law enforcement and child care facilities have sought out clarification on whether the change applies to certain child care and day care facilities that transport four through five year olds. The Florida Association for Child Care Management has argued many child care and day care transportation providers are included under the exemptions allowed by law even though the Department of Children and Families (DCF) did not initially agree.²⁰ The Association has indicated they received confirmation from DCF staff that DCF will not issue citations until the law is clarified.²¹

Effect of Proposed Changes

Section 5 clarifies s. 316.613, F.S., by adding the requirement to use a child restraint device for children ages four through five does not apply when a safety belt is used and the child is being transported by:

- A child care facility, family day care home, or large family child care home as defined in s. 402.302, F.S.;²²
- An after school program not requiring licensure pursuant to ch. 402, F.S.;²³

¹⁷ Section 316.613(6), F.S.

¹⁸ Section 316.613(5), F.S.

¹⁹ Chapter 2014-226, Laws of Fla.

²⁰ Florida Association for Child Care Management, *New Booster Seat Law Requirements* (July 28, 2015), available at: <http://www.faccm.org/announcements/new-booster-seat-law-requirements> (last visited Jan. 22, 2016).

²¹ *Id.*

²² "Child care Facility" includes any child care center or arrangement which provides care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care; "Family day care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families and receives payment a payment, fee, or grant for any of the children receiving care; and "Large family child care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families and receives a payment, fee, or grant for any of the children receiving care, and has at least two full-time child care personnel on the premises during the hours of operation (one of which must be the owner or occupant of the residence) and meets additional criteria.

²³ Rule 65C-22.008, F.A.C., provides a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure.

- An exempted child care facility pursuant to s. 402.316;²⁴ or
- An entity excluded from the definition of “child care facility” pursuant to s. 402.302(2), F.S.²⁵

Updating Driver License, Identification Card, or Motor Vehicle Registration (Sections 6 and 10)

Present Situation

The required timeframe for updating a driver license or motor vehicle registration to reflect an address or legal name change varies depending on the specific action and residency of the individual. Specifically:

- A new resident of the state is required to obtain a Florida driver license within the 30 days before operating a motor vehicle on the highways of this state;²⁶
- An owner of a motor vehicle registered in this state is required to notify the DHSMV in writing of any change of address within 20 days of such change;²⁷ and
- An individual in possession of a Florida driver license or identification card who changes his or her legal name or mailing address must obtain a replacement card or license within 10 days that reflects the change.²⁸

Effect of Proposed Changes

Section 6 requires the owner of a motor vehicle registered in this state to notify the DHSMV in writing of any change of address within 30 days of such change instead of 20.

Section 10 requires an individual in possession of a Florida driver license or identification card who changes his or her legal name or mailing address card to obtain a replacement card or license within 30 days, instead of 10, reflecting such change.

Both sections exclude these changes from affecting the timeframe a Sexual Offender, Sexual Predator, or Career Offender is required to notify DHSMV of such changes, which is currently 48 hours.

The DHSMV believes this change creates consistency for public benefit and law enforcement purposes.²⁹

²⁴ Exempted child care facilities include, a child care facility which is an integral part of a church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards of health, safety, and sanitation, and meets minimum requirements of the applicable local governing requirement, and the state screening requirements.

²⁵ Public and nonpublic schools and their integral programs; summer camps having children in full-time residence; summer day camps; bible schools normally conducted during vacation periods; and operators of transient establishments (public lodging), which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel are screened according to the level 2 screening requirements of ch. 435, F.S.

²⁶ Section 322.031, F.S.

²⁷ Section 320.02, F.S.

²⁸ Section 322.19, F.S.

²⁹ DHSMV, *Substantive Legislative Proposals – Fiscal Year: 2016-2017*, (on file with Senate Committee on Transportation)

Motor Vehicle Registration Expiration and Renewal (Sections 7 and 8)

Present Situation

Except as otherwise provided in law, every owner or person in charge of a motor vehicle that is operated in this state must register the vehicle in this state.³⁰ Most motor vehicles owned by a natural person have a registration period of either 12 or 24 months during which the registration is valid.³¹ Section 320.055, F.S., provides that for a most naturally owned motor vehicles the registration period begins the first day of the month of the owner and ends the last day of the month preceding the owner's birth month in the succeeding year. The renewal period for registration is the 30-day period ending at midnight on the owner's birthday.

Section 320.07, F.S., provides that the vehicle registration expires at midnight on the owner's birthday. An owner of a motor vehicle, requiring registration, who operates the vehicle on the roadways without a valid registration is subject to the following penalties:

- Registration expired for a period of six months or a first offense is a nonmoving violation (\$30 fine and court costs);
- Registration expired for a period of over six months and a second or subsequent offense is a second degree misdemeanor (a fine up to \$500 and up to 60 days imprisonment).

Upon payment of the appropriate registration taxes and fees, a validation sticker is issued showing the owner's birth month a year of expiration, which is placed on the upper right corner of the license plate.³² The sticker itself does not indicate the day the registration expires, only the month.

Effect of Proposed Changes

Sections 7 and 8 change the registration renewal period and expiration date to make motor vehicle registrations owned by natural persons expire at midnight of the last day of the owner's birth month.

This change will increase the amount of people renewing registrations at the end of the month, possibly increasing wait times with the DHSMV and Tax Collector Offices. The change will make it easier for law enforcement to recognize individuals driving without a valid registration.

No-Cost Identification Card for Certain Juvenile Offenders (Sections 9 and 11)

Present Situation

An original identification card is \$25, which is deposited into the General Revenue Fund.³³ Applicants who present evidence satisfactory to the DHSMV that they are homeless or whose annual income is at or below 100 percent of the federal poverty level is exempt from such fee.

³⁰ Section 320.02, F.S.

³¹ Sections 320.055 and 320.01(19)(a), F.S.

³² Section 320.06(1)(b)1., F.S.

³³ Section 322.21(1)(f), F.S.

Additionally, the DHSMV issues identification cards at no charge to Florida-born inmates prior to their release from the custody of the Department of Corrections or a private correctional facility, if the inmate does not have a valid identification card.³⁴

Effect of Proposed Changes

Sections 9 and 11 add that the DHSMV will issue no-charge identification cards to juvenile offenders in the custody or under the supervision of the DJJ and receiving services in order to transition to adulthood.³⁵ The cards will be processed by the DHSMV's mobile issuing units.

The DHSMV believes this change will help youth offenders transitioning out of the DJJ system by providing them with an important document needed for youth to better prepare for college, employment, and financial assistance or independence.³⁶

No-Cost Identification Card due to Medical Sanction of a Driver License (Section 12)

Present Situation

Section 322.221, F.S., provides the DHSMV may require an examination or reexamination of a licensee if the DHSMV has good cause³⁷ to believe the driver is incompetent or otherwise not qualified to be licensed, including being physically or mentally unqualified to operate a motor vehicle. The examination may include determining the competence and driving ability of the driver as well as require the driver to submit medical records to be reviewed by the DHSMV's medical advisory board. Upon the conclusion of such examination, the DHSMV may suspend or revoke the driver license of such person, if the DHSMV deems that appropriate.

Effect of Proposed Changes

Section 12 requires the DHSMV to issue an identification card at no charge to a person whose driver license has been suspended or revoked by the DHSMV due to his or her physical or mental condition.

Effective Date (Section 13)

The bill takes effect October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁴ Sections 322.051(9) and 944.605(7), F.S.

³⁵ See s. 985.461, F.S.

³⁶ *Supra* note 28 at 3.

³⁷ Good cause as used in s. 322.221, F.S., means a licensee's driving record, report of disability to the DHSMV, or other evidence is sufficient to indicate that his or her driving privilege is detrimental to public safety.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

SB 1394 may have a positive fiscal impact on:

- Companies using driver-assistive truck platooning technology;
- Juvenile offenders under the supervision of DJJ who will receive a state identification card at no-charge to the juvenile; and
- Individuals whose license was suspended or revoked for a physical or mental condition who will be provided a state identification card at no-charge.

C. Government Sector Impact:

The DHSMV has indicated there could be approximately 2,500 juvenile offenders annually who will receive a free identification card.³⁸ The Revenue Estimating Conference met January 22, 2016, and estimated this section of the bill will have a recurring \$21,000 to \$23,000 negative impact to the General Revenue Fund, and a negative \$3,000 to \$5,000 negative impact to local tax collector offices.

The DHSMV estimates the cost to provide a free identification card to individuals with a suspended or revoked driver license due to the medical sanctions indicated in the bill, will result in approximately \$36,200 annually in expenditures for the free identification cards.³⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

³⁸ Email from the DHSMV (Jan. 22, 2016) (on file with Senate Committee on Transportation).

³⁹ *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.0895, 316.126, 316.303, 316.613, 320.02, 320.055, 320.07, 322.051, 322.19, 322.21, and 322.221.

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.
