

**STORAGE NAME:** h0673.tr

**DATE:** February 21, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 673

**RELATING TO:** Highway Safety and Motor Vehicles

**SPONSOR(S):** Rep. Smith

**STATUTE(S) AFFECTED:** chapters 316, 318, 320, 322, and 328

**COMPANION BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) TRANSPORTATION
- (2) FINANCE & TAXATION
- (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
- (4)
- (5)

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**I. SUMMARY:**

HB 673 contains numerous changes to provisions of law relating to programs administered by the Department of Highway Safety and Motor Vehicles (DHS&MV). The basis for the bill is DHS&MV's 1997 Legislative Package, and includes several substantive provisions which are intended to:

- Eliminate an inconsistency in current law where a motorist is required to maintain proof of insurance at all times while operating a motor vehicle, but is given a 24-hour grace period for providing such proof to a law enforcement officer after a crash.
- Improve services to the public by authorizing DHS&MV to provide its services through electronic means, which would include processing address changes on drivers' licenses by telephone or computer.
- Develop nighttime driving skills of persons with learners' drivers' licenses by authorizing them to drive between the hours of 7 p.m. and 10 p.m., 3 months after issuance of the learner's license.
- Exempt 16 and 17-year old drivers from nighttime driving restrictions (must be accompanied by a person who is at least 21 years old during specified nighttime hours) if they are driving directly to or from a school-sponsored activity.
- Protect clients of DUI programs by requiring DHS&MV to adopt rules to ensure that entities providing DUI programs have surety bonds.

A majority of the changes in this bill have minimal or no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The DHS&MV 1997 Legislative Package recommended numerous changes to Florida Statutes for the Legislature to consider. Issues in the legislative package were related to traffic control, motor vehicles, and drivers' licenses. DHS&MV's package included recommendations to:

- Authorize law enforcement officers to enforce violations of ch. 320, F.S., (motor vehicle registrations) at traffic crashes.
- Eliminate an inconsistency in current law where a motorist is required to maintain proof of insurance at all times while operating a motor vehicle, but is given a 24-hour grace period for providing such proof to a law enforcement officer after a crash.
- Ensure that proof of insurance is provided when a temporary tag is issued, rather than verified prior to the expiration of the first temporary tag.
- Authorize a \$10 fee for costs related to manufacturing and issuing sample license plates.
- Authorize persons with learners' drivers' licenses to drive between the hours of 7 p.m. and 10 p.m., 3 months after issuance of the learner's license.
- Require DHS&MV to adopt rules to ensure that entities providing DUI programs have surety bonds.
- Authorize services through electronic means, which would include, but not be limited to, processing address changes or renewals of motor vehicle registrations by telephone or computer.

Due to the length of the bill and the numerous changes to current law, the Present Situation for each substantive issue is included with the Effect of Proposed Changes section in order to provide a more useful understanding of each issue in the bill.

B. EFFECT OF PROPOSED CHANGES:

The basis for this bill is DHSMV's 1997 legislative package. Issues in the bill relate to traffic control, motor vehicles, drivers' licenses, and other issues. Substantive changes include:

**Traffic Control**

Proof of Insurance (section 1): Section 316.646, F.S., requires motor vehicle owners to have proof of personal injury protection insurance at all times while operating a motor vehicle. However, when a motor vehicle is involved in a crash, s. 316.066, F.S., provides a 24-hour grace period for providing proof of insurance to the law enforcement officer who investigated the crash. When the motorist fails to provide proof of insurance within the 24-hour period, the officer must locate the motorist in order to issue a citation for failure to provide proof of insurance. This section amends s. 316.066(3), F.S., to

repeal the 24-hour grace period. This will permit investigating officers to issue citations at traffic crashes for failure to provide proof of insurance. If the motorist can later show their proof of insurance was valid at the time the citation was issued, s. 318.18, F.S., authorizes the citation to be dismissed by the clerk of the court (with payment of a \$5 fee).

Amber Lights (section 2): Currently, motor fuel tankers are not authorized to use amber lights. Section 316.2397, F.S., authorizes which vehicles can legally display amber lights, including road maintenance vehicles and refuse collection vehicles. This section amends s. 316.2397, F.S., to allow motor fuel tankers to display amber lights when in operation or where a hazard exists.

Officer's Arrest Authority (section 3): Presently, s. 316.645, F.S., does not include violations of ch. 320, F. S., (motor vehicle registrations) within a police officer's authority to make an arrest at the scene of a traffic crash. However, traffic control and driver's license violations are included under the officer's arrest authority. This section amends s. 316.645, F.S., to include violations of ch. 320, F.S., within the police officer's arrest authority at the scene of a traffic crash. This will allow a law enforcement officer, while investigating a traffic crash, to write a citation for an expired registration, unlawful alteration of a license plate or decal, or other violation of ch. 320, F.S.

Driving Schools (section 4): Section 318.19, F.S., requires any person who is cited for an infraction that results in an accident causing death or serious bodily injury to another to make a mandatory appearance before a designated official. However, a person cited for such an infraction may elect to attend a basic driver improvement school as authorized in s. 318.14(9), F.S., and avoid the mandatory appearance. This section amends s. 318.19, F.S., to eliminate the driver improvement school option for any person who is cited with an infraction that resulted from an accident which caused a death or serious bodily injury of another. This will prevent a motorist from electing to attend driver improvement school instead of appearing in court for accidents involving serious bodily injury or death.

### **Motor Vehicles**

Voluntary Contributions (section 6): Prevent Blindness Florida, a nonprofit organization, currently receives voluntary contributions of \$1 per applicant at the time of driver license renewal or renewal extension. The organization provides sight-saving programs and services throughout the state. This section amends s. 320.02, F.S., to authorize a voluntary contribution of \$1 per applicant at the time of motor vehicle registration for Prevent Blindness Florida.

"New Wheels on the Road" Fee (section 7): This section amends s. 320.072, F.S., to provide that a member of the Armed Forces, including a spouse or dependents, who is a resident of this state at the time of enlistment, who purchases a vehicle while stationed outside Florida and continues to be stationed outside the state, but registers the vehicle in Florida, is exempt from the \$100 "new wheels on the road" fee. Similar exemptions to the \$100 registration fee for persons in military status currently exist.

Sample licences Plates (section 8): Since 1987, DHS&MV has been providing sample license plates to collectors all over the country free of charge. Requests number about

40 a week or more than 2,000 each year. This section authorizes DHS&MV to charge \$10 for sample license plates to recover its costs.

Proof of Insurance for Temporary Tags (section 9): Motor vehicle, mobile home and recreational vehicle dealers, banks, credit unions and other financial institutions are authorized to issue temporary tags for use on vehicles sold. These issuers are not required to see or document that the purchaser has proof of insurance at the time of issuing the first temporary tag. However, current law does not relieve the purchaser/operator from having insurance. The difference between these requirements has caused confusion among dealers, lending institutions and the motor vehicle buying public. This section amends s. 320.131, F.S., to repeal the provision that issuers are not required to see or document that the purchaser has proof of insurance at the time of issuing the first temporary tag. The effect would be to require showing proof of insurance to the issuer before any temporary tag may be issued and would bring the temporary tag law into conformity with already existing insurance requirements.

Validity Period for Temporary Tags (section 9): With the exception of a separate statute authorizing DHS&MV to issue 90 day temporary tags for people temporarily employed in Florida, all temporary tags are required to be issued for thirty days. This section amends s. 320.131, F.S., and authorizes DHS&MV to issue temporary tags for five days to allow vehicles to be weighed, emission tested, or have a vehicle identification number verified. Further, this section is amended to provide a 90-day temporary tag for vehicles whose owner is waiting on the manufacture and receipt of a personalized or specialty license plate.

### **Drivers' Licenses**

Nighttime Driving Restrictions (section 12): Currently, s. 322.16, F.S., places nighttime driving restrictions on all drivers less than 18 years old, except those who are driving to or from work. A person who is 16 must be accompanied by a person at least 21 years old when operating a motor vehicle after 11 p.m. and before 6 a.m. A person who is 17 years old must be accompanied by a person at least 21 years old when operating a motor vehicle after 1 a.m. and before 5 a.m. This section exempts drivers less than 18 years old from the nighttime driving restrictions, if they are driving directly to or from a school-sponsored activity.

Learner's Driver's License (section 13): Section 322.1615, F.S., does not provide an opportunity for a person with a learner's driver license to develop nighttime driving skills. A person with a learner's license is only authorized to operate a vehicle between the hours of 6 a.m. and 7 p.m. This section amends s. 322.1615, F.S., to allow persons holding a learner's driver's license to develop nighttime driving skills by authorizing them to operate a vehicle between the hours of 7 p.m. to 10 p.m., three months after issuance of the learner's license.

DUI Programs (section 14): Section 322.291, F.S., requires that a person convicted of a DUI offense must complete an advanced driver improvement or substance abuse course with a licensed DUI program. DHS&MV regulates DUI programs, pursuant to s. 322.292, F.S., and is concerned that clients of such programs be protected, particularly in cases where a program discontinues its services prior to the client completing a program. Currently, DHS&MV does not have the authority to require that DUI programs

have surety bonds as a tool to protect clients of DUI programs. This section amends s. 322.292, F.S., to require that DHS&MV adopt rules to ensure that entities providing DUI programs have surety bonds.

### **Other Issues**

Electronic Transactions (sections 5, 10, 15, 16, & 18): These sections authorize DHS&MV to process certain transactions through electronic or telephonic means. Currently, DHS&MV does not have authority to conduct transactions (such as issuing a driver's license address change or processing renewals of motor vehicle registrations) through electronic and telephonic means.

Corrective and Conforming Changes (sections 11 & 17): These sections make technical, corrective, or and conforming changes to existing law.

### **C. APPLICATION OF PRINCIPLES:**

#### **1. Less Government:**

##### **a. Does the bill create, increase or reduce, either directly or indirectly:**

##### **(1) any authority to make rules or adjudicate disputes?**

NA

##### **(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?**

Section 6: DHS&MV and tax collectors are required to collect and disburse an additional voluntary contribution on motor vehicle registrations.

Section 9: Proof of insurance would have to be shown prior to issuance of a temporary tag.

Section 14: DHS&MV is required to establish standards for DUI programs to obtain surety bonds.

##### **(3) any entitlement to a government service or benefit?**

Section 7: Creates an additional exemption for certain military personnel and their families from the \$100 "new wheels on the road" fee.

Otherwise, this bill does not appear to increase or decrease any entitlement to a government service or benefit.

- b. If an agency or program is eliminated or reduced:

This bill does not appear to eliminate or reduce an agency or program.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

NA

- (2) what is the cost of such responsibility at the new level/agency?

NA

- (3) how is the new agency accountable to the people governed?

NA

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

This bill does not appear to directly increase anyone's taxes.

- b. Does the bill require or authorize an increase in any fees?

Section 8: DHS&MV is authorized to assess \$10 for each sample license plate issued.

- c. Does the bill reduce total taxes, both rates and revenues?

No

- d. Does the bill reduce total fees, both rates and revenues?

Section 7: Creates an additional exemption from the \$100 "new wheels on the road" fee for certain military personnel and their families.

- e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Section 6: The DHS&MV and tax collectors are responsible for the cost of collecting an additional voluntary contribution. However, this cost is estimated to be a minimal amount since other similar contributions are already collected.

Section 8: Persons who purchase sample license plates are required to pay \$10 per plate, which covers DHS&MV's costs.

Section 14: The costs of surety bonds for DUI programs could be absorbed by the programs or passed on to their clients.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, several provisions provide additional options for individuals to conduct their own affairs, including an exemption from the "new wheels on the road fee" for certain military personnel and their families and authorization for owners of motor fuel tankers to use yellow flashing lights.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Yes, at least two provisions prohibit or create additional interference with activities that are presently lawful, eliminating the option to attend driving school in crashes involving death or personal injury and requiring DHS&MV to adopt rules to ensure that DUI programs obtain surety bonds.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not appear to purport to provide services to families or children.

(1) Who evaluates the family's needs?

NA

(2) Who makes the decisions?

NA

(3) Are private alternatives permitted?

NA

(4) Are families required to participate in a program?

NA

(5) Are families penalized for not participating in a program?

NA

b. Does the bill directly affect the legal rights and obligations between family members?

No

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not appear to create or change a program providing services to families or children.

(1) parents and guardians?

NA

(2) service providers?

NA

(3) government employees/agencies?

NA

D. SECTION-BY-SECTION ANALYSIS:

NA

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:



1. Non-recurring Effects:

None

2. Recurring Effects:

DHS&MV estimates that creating an additional exemption from the "new wheels on the road" fee for certain military personnel and their families and the increase in revenue from the \$10 fee for sample license plates will have an insignificant fiscal impact.

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

None

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

DUI programs would be required to obtain surety bond coverage for their programs. The costs of surety bonds for DUI programs could be absorbed by the programs or passed on to their customers.

2. Direct Private Sector Benefits:

Clients of DUI programs are further protected if a DUI program goes out of business.

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

None

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

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