

By Representative Smith

1 A bill to be entitled
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; amending s. 316.066,
4 F.S.; deleting a penalty for failure to provide
5 proof of insurance to a law enforcement officer
6 under certain circumstances; amending s.
7 316.2397, F.S.; authorizing motor fuel tankers
8 to display amber lights; amending s. 316.645,
9 F.S.; including reference to chapter 320, F.S.,
10 with respect to the arrest authority of an
11 officer at the scene of a traffic accident;
12 amending s. 318.19, F.S.; revising language
13 with respect to infractions requiring a
14 mandatory hearing, to include a cross
15 reference; creating ss. 319.40, 320.95, 322.70,
16 327.90, and 328.30, F.S.; authorizing the
17 department to accept applications by electronic
18 or telephonic means; amending s. 320.02, F.S.;
19 providing for voluntary contributions on the
20 application for motor vehicle registration with
21 respect to Prevent Blindness Florida; amending
22 s. 320.072, F.S.; providing an exemption to the
23 additional fee imposed on certain motor vehicle
24 registration transactions; creating s.
25 320.08048, F.S.; providing for sample license
26 plates; providing a fee; amending s. 320.131,
27 F.S.; revising language with respect to
28 temporary tags; amending s. 322.121, F.S.;
29 correcting a cross reference; amending s.
30 322.16, F.S.; revising language with respect to
31 license restrictions; amending s. 322.1615,

1 F.S.; authorizing certain nighttime operation
2 with respect to certain persons who have a
3 learner's driver license; amending s. 322.292,
4 F.S.; directing the department to make certain
5 rules with respect to DUI programs; amending s.
6 328.16, F.S.; providing for the electronic
7 transmission of certain lien information;
8 providing an effective date.

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

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12 Section 1. Paragraph (a) of subsection (3) of section
13 316.066, Florida Statutes, 1996 Supplement, is amended to
14 read:

15 316.066 Written reports of accidents.--

16 (3)(a) Every law enforcement officer who in the
17 regular course of duty investigates a motor vehicle accident:

18 1. Which accident resulted in death or personal injury
19 shall, within 10 days after completing the investigation,
20 forward a written report of the accident to the department or
21 traffic records center.

22 2. Which accident involved a violation of ~~s.~~
23 ~~316.027(2)~~, s. 316.061(1), or s. 316.193 shall, within 10 days
24 after completing the investigation, forward a written report
25 of the accident to the department or traffic records center.

26 3. In which accident a vehicle was rendered
27 inoperative to a degree which required a wrecker to remove it
28 from traffic may, within 10 days after completing the
29 investigation, forward a written report of the accident to the
30 department or traffic records center if such action is
31 appropriate, in the officer's discretion.

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2 However, in every case in which an accident report is required
3 by this section and a written report to a law enforcement
4 officer is not prepared, the law enforcement officer shall
5 provide each party involved in the accident a short-form
6 report, prescribed by the state, to be completed by the party.
7 The short-form report must include, but is not limited to: the
8 date, time, and location of the accident; a description of the
9 vehicles involved; the names and addresses of the parties
10 involved; the names and addresses of witnesses; the name,
11 badge number, and law enforcement agency of the officer
12 investigating the accident; and the names of the insurance
13 companies for the respective parties involved in the accident.
14 Each party to the accident shall provide the law enforcement
15 officer with proof of insurance to be included in the accident
16 report. ~~If a law enforcement officer submits a report on the~~
17 ~~accident, proof of insurance must be provided to the officer~~
18 ~~by each party involved in the accident within 24 hours after~~
19 ~~the accident. Any party who fails to provide the required~~
20 ~~information within the applicable time limit prescribed by~~
21 ~~this paragraph is guilty of an infraction for a nonmoving~~
22 ~~violation, punishable as provided in chapter 318.~~

23 Section 2. Subsection (4) of section 316.2397, Florida
24 Statutes, 1996 Supplement, is amended to read:

25 316.2397 Certain lights prohibited; exceptions.--

26 (4) Road or street maintenance equipment, road or
27 street maintenance vehicles, road service vehicles, refuse
28 collection vehicles, motor fuel tankers, and mail carrier
29 vehicles may show or display amber lights when in operation or
30 a hazard exists.

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1 Section 3. Section 316.645, Florida Statutes, is
2 amended to read:
3 316.645 Arrest authority of officer at scene of a
4 traffic accident.--A police officer who makes an investigation
5 at the scene of a traffic accident may arrest any driver of a
6 vehicle involved in the accident when, based upon personal
7 investigation, the officer has reasonable and probable grounds
8 to believe that the person has committed any offense under the
9 provisions of this chapter, chapter 320, or chapter 322 in
10 connection with the accident.

11 Section 4. Section 318.19, Florida Statutes, is
12 amended to read:
13 318.19 Infractions requiring a mandatory hearing.--Any
14 person cited for the infractions listed in this section shall
15 not have the provisions of s. 318.14(2), ~~and (4), and (9)~~
16 available to him or her but must appear before the designated
17 official at the time and location of the scheduled hearing:

18 (1) Any infraction which results in an accident that
19 causes the death of another; or

20 (2) Any infraction which results in an accident that
21 causes "serious bodily injury" of another as defined in s.
22 316.1933(1).

23 Section 5. Section 319.40, Florida Statutes, is
24 created to read:

25 319.40 Transactions by electronic or telephonic
26 means.--The department is authorized to accept any application
27 provided for under this chapter by electronic or telephonic
28 means.

29 Section 6. Subsection (16) is added to section 320.02,
30 Florida Statutes, to read:

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1 320.02 Registration required; application for
2 registration; forms.--

3 (16) The application form for motor vehicle
4 registration shall include language permitting the voluntary
5 contribution of \$1 per applicant, to be quarterly distributed
6 by the department to Prevent Blindness Florida, a
7 not-for-profit organization, to prevent blindness and preserve
8 the sight of the residents of this state. A statement
9 providing an explanation of the purpose of the funds shall be
10 included with the application form. Prior to the department
11 distributing the funds collected pursuant to this subsection,
12 Prevent Blindness Florida must submit a report to the
13 department that identifies how such funds were used during the
14 preceding year.

15 Section 7. Paragraph (d) of subsection (2) of section
16 320.072, Florida Statutes, 1996 Supplement, is amended to
17 read:

18 320.072 Additional fee imposed on certain motor
19 vehicle registration transactions.--

20 (1) A fee of \$100 is imposed upon the initial
21 application for registration pursuant to s. 320.06 of every
22 motor vehicle classified in s. 320.08(2), (3), and (9)(c) and
23 (d).

24 (2) The fee imposed by subsection (1) shall not apply
25 to:

26 (d) The registration of any motor vehicle owned by and
27 operated exclusively for the personal use of:

28 1. Any member of the United States Armed Forces, or
29 his or her spouse or dependent child, who is not a resident of
30 this state and who is stationed in this state while in
31 compliance with military orders.

1 2. Any former member of the United States Armed
2 Forces, or his or her spouse or dependent child, who purchased
3 such motor vehicle while stationed outside of Florida, who has
4 separated from the Armed Forces and was not dishonorably
5 discharged or discharged for bad conduct, who was a resident
6 of this state at the time of enlistment and at the time of
7 discharge, and who applies for registration of such motor
8 vehicle within 6 months after discharge.

9 3. Any member of the United States Armed Forces, or
10 his or her spouse or dependent child, who was a resident of
11 this state at the time of enlistment, who purchased such motor
12 vehicle while stationed outside of Florida, and who is now
13 reassigned by military order to this state.

14 4. Any spouse or dependent child of a member of the
15 United States Armed Forces who loses his or her life while on
16 active duty or who is listed by the Armed Forces as
17 "missing-in-action." Such spouse or child must be a resident
18 of this state and the service member must have been a resident
19 of this state at the time of enlistment. Registration of such
20 motor vehicle must occur within 1 year of the notification of
21 the service member's death or of his or her status as
22 "missing-in-action."

23 5. Any member of the United States Armed Forces, or
24 his or her spouse or dependent child, who was a resident of
25 this state at the time of enlistment, who purchased a motor
26 vehicle while stationed outside of Florida, and who continues
27 to be stationed outside of Florida.

28 Section 8. Section 320.08048, Florida Statutes, is
29 created to read:

30 320.08048 Sample license plates.--

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1 (1) The department is authorized, upon application and
2 payment of a \$10 fee per plate, to provide one or more sample
3 regular issuance license plates or specialty license plates
4 based upon availability.

5 (2) The sample license plates described in subsection
6 (1) shall have the word "SAMPLE" or an abbreviated variation
7 thereof, as determined by the department, based on the
8 specific design of such plate.

9 (3) Fees collected pursuant to this section shall be
10 deposited into the Highway Safety Operating Trust Fund.

11 (4) Tax collectors are not required to pay fees for
12 sample license plates obtained for display purposes at main or
13 branch offices.

14 Section 9. Section 320.131, Florida Statutes, 1996
15 Supplement, is amended to read:

16 320.131 Temporary tags.--

17 (1) The department is authorized and empowered to
18 design, issue, and regulate the use of temporary tags to be
19 designated "temporary tags" for use in the following cases:

20 (a) Where a dealer license plate may not be lawfully
21 used.

22 (b) For a casual or private sale, including the sale
23 of a marine boat trailer by a marine boat trailer dealer. A
24 "casual or private sale" means any sale other than that by a
25 licensed dealer.

26 (c) For certified common carriers or driveaway
27 companies who transport motor vehicles, mobile homes, or
28 recreational vehicles from one place to another for persons
29 other than themselves.

30 (d) For banks, credit unions, and other financial
31 institutions which are not required to be licensed under the

1 provisions of s. 320.27, s. 320.77, or s. 320.771, but need
2 temporary tags for the purpose of demonstrating repossessions
3 for sale.

4 (e) Where a motor vehicle is sold in this state to a
5 resident of another state for registration therein and the
6 motor vehicle is not required to be registered under the
7 provisions of s. 320.38.

8 (f) Where a motor vehicle is required to be weighed or
9 emission tested prior to registration or have a vehicle
10 identification number verified. A temporary tag issued for any
11 of these purposes shall be valid for 5 days.

12 (g) Where an out-of-state resident, subject to
13 registration in this state, must secure ownership
14 documentation from the home state.

15 (h) For a rental car company which possesses a motor
16 vehicle dealer license and which may use temporary tags on
17 vehicles offered for lease by such company in accordance with
18 the provisions of rules established by the department.
19 However, the original issuance date of a temporary tag shall
20 be the date which determines the applicable license plate fee.

21 (i) In the resolution of a consumer complaint where
22 there is a need to issue more than two temporary tags, the
23 department may do so.

24 (j) While a personalized prestige or specialty license
25 plate is being manufactured for use upon the motor vehicle. A
26 temporary tag issued for this purpose shall be valid for 90
27 days.

28 ~~(k)(j)~~ In any case where a permanent license plate can
29 not legally be issued to an applicant and a temporary license
30 plate is not specifically authorized under the provisions of
31 this section, the department shall have the discretion to

1 issue temporary license plates to applicants demonstrating a
2 need for such temporary use.

3 (1)~~(k)~~ For use by licensed dealers to transport motor
4 vehicles and recreational vehicles from the dealer's licensed
5 location to an off-premise sales location and return.
6 Temporary tags used for such purposes shall be issued to the
7 licensed dealer who owns the vehicles.

8
9 Further, the department is authorized to disallow the purchase
10 of temporary tags by licensed dealers, common carriers, or
11 financial institutions in those cases where abuse has
12 occurred.

13 (2) The department is authorized to sell temporary
14 tags, in addition to those listed above, to their agents and
15 where need is demonstrated by a consumer complainant. The fee
16 shall be \$2 each. One dollar from each tag sold shall be
17 deposited into the Brain and Spinal Cord Injury Rehabilitation
18 Trust Fund ~~Impaired Drivers and Speeders Trust Fund~~, with the
19 remaining proceeds being deposited into the Highway Safety
20 Operating Trust Fund. Agents of the department shall sell
21 temporary tags for \$2 each and shall charge the service charge
22 authorized by s. 320.04 per transaction, regardless of the
23 quantity sold. Requests for purchase of temporary tags to the
24 department or its agents shall be made, where applicable, on
25 letterhead stationery and notarized. Except as specifically
26 provided otherwise, a temporary tag shall be valid for 30
27 days, and no more than two shall be issued to the same person
28 for the same vehicle.

29 ~~(3) For the purpose of requiring proof of personal~~
30 ~~injury protection or liability insurance, the issuance of a~~
31 ~~temporary tag by a licensed motor vehicle dealer does not~~

1 ~~constitute registration of the vehicle. However, prior to the~~
2 ~~expiration of the first temporary tag issued to any person by~~
3 ~~a motor vehicle dealer, proof of personal injury protection or~~
4 ~~liability insurance shall be accomplished.~~

5 (3)(4) Any person or corporation who unlawfully issues
6 or uses a temporary tag or violates this section or any rule
7 adopted by the department to implement this section is guilty
8 of a misdemeanor of the second degree punishable as provided
9 in s. 775.082 or s. 775.083 in addition to other
10 administrative action by the department.

11 (4) Temporary tags shall be conspicuously displayed in
12 the rear license plate bracket or attached to the inside of
13 the rear window in an upright position so as to be clearly
14 visible from the rear of the vehicle. On vehicles requiring
15 front display of license plates, temporary tags shall be
16 displayed on the front of the vehicle in the location where
17 the metal license plate would normally be displayed.

18 Section 10. Section 320.95, Florida Statutes, is
19 created to read:

20 320.95 Transactions by electronic or telephonic
21 means.--The department is authorized to accept any application
22 provided for under this chapter by electronic or telephonic
23 means.

24 Section 11. Paragraph (c) of subsection (3) of section
25 322.121, Florida Statutes, is amended to read:

26 322.121 Periodic reexamination of all drivers.--

27 (3) For each licensee whose driving record does not
28 show any revocations, disqualifications, or suspensions for
29 the preceding 7 years or any convictions for the preceding 3
30 years except for convictions of the following nonmoving
31 violations:

1 (c) Operating a motor vehicle with an expired license
2 that has been expired for 4 months or less pursuant to s.
3 322.065 ~~322.03(5)~~;

4
5 the department shall cause such licensee's license to be
6 prominently marked with the notation "Safe Driver."

7 Section 12. Subsections (2) and (3) of section 322.16,
8 Florida Statutes, 1996 Supplement, are amended to read:

9 322.16 License restrictions.--

10 (2) A person who holds a driver's license and who is
11 under 17 years of age, when operating a motor vehicle after 11
12 p.m. and before 6 a.m., must be accompanied by a driver who
13 holds a valid license to operate the type of vehicle being
14 operated and is at least 21 years of age unless that person is
15 driving directly to or from work or a school-sponsored
16 activity.

17 (3) A person who holds a driver's license who is 17
18 years of age, when operating a motor vehicle after 1 a.m. and
19 before 5 a.m., must be accompanied by a driver who holds a
20 valid license to operate the type of vehicle being operated,
21 and is at least 21 years of age unless that person is driving
22 directly to or from work or a school-sponsored activity.

23 Section 13. Subsection (3) of section 322.1615,
24 Florida Statutes, 1996 Supplement, is amended to read:

25 322.1615 Learner's driver's license.--

26 (3) A person who holds a learner's driver's license
27 may operate a vehicle only between the hours of 6 a.m. and 7
28 p.m., except that the holder of a learner's driver license may
29 operate a vehicle between the hours of 7 p.m. and 10 p.m.
30 three months after the issuance of the learner's driver
31 license.

1 Section 14. Paragraph (b) of subsection (2) of section
2 322.292, Florida Statutes, is amended to read:

3 322.292 DUI programs supervision; powers and duties of
4 the department.--

5 (2) The department shall adopt rules to implement its
6 supervisory authority over DUI programs in accordance with the
7 procedures of chapter 120, including the establishment of
8 uniform standards of operation for DUI programs and the method
9 for setting and approving fees, as follows:

10 (b) Establish minimum standards for the administration
11 and financial management of DUI programs, including, but not
12 limited to:

13 1. Standards governing the types of expenditures that
14 may be made by DUI programs from funds paid by persons
15 attending such programs.

16 2. Standards for financial reporting that require data
17 on DUI programs expenditures in sufficient detail to support
18 reasonable and informed decisions concerning the fees that are
19 to be assessed those attending DUI programs. The department
20 shall perform financial audits of DUI programs required under
21 this section or require that financial audits of the programs
22 be performed by certified public accountants at program
23 expense and submitted directly from the auditor to the
24 department.

25 3. Standards of reciprocity in relation to DUI
26 programs in other states or countries that have programs
27 similar to the DUI programs licensed by the department.

28 4. Standards for surety bonds to guarantee the
29 program's financial obligations to its clients.

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1 5. Such other standards as the department deems
2 appropriate and necessary for the effective oversight of the
3 DUI programs.

4 Section 15. Section 322.70, Florida Statutes, is
5 created to read:

6 322.70 Transactions by electronic or telephonic
7 means.--The department is authorized to accept any application
8 provided for under this chapter by electronic or telephonic
9 means.

10 Section 16. Section 327.90, Florida Statutes, is
11 created to read:

12 327.90 Transactions by electronic or telephonic
13 means.--The department is authorized to accept any application
14 provided for under this chapter by electronic or telephonic
15 means.

16 Section 17. Subsection (4) is added to section 328.16,
17 Florida Statutes, 1996 Supplement, to read:

18 328.16 Issuance in duplicate; delivery; liens and
19 encumbrances.--

20 (4) Notwithstanding any requirements in this section
21 or in s. 328.15 indicating that a lien on a vessel shall be
22 noted on the face of the Florida certificate of title, if
23 there are one or more liens or encumbrances on a vessel, the
24 department may electronically transmit the lien to the first
25 lienholder and notify the first lienholder of any additional
26 liens. Subsequent lien satisfactions may be electronically
27 transmitted to the department and shall include the name and
28 address of the person or entity satisfying the lien. When
29 electronic transmission of liens and lien satisfactions are
30 used, the issuance of a certificate of title may be waived
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1 until the last lien is satisfied and a clear certificate of
2 title is issued to the owner of the vessel.

3 Section 18. Section 328.30, Florida Statutes, is
4 created to read:

5 328.30 Transactions by electronic or telephonic
6 means.--The department is authorized to accept any application
7 provided for under this chapter by electronic or telephonic
8 means.

9 Section 19. This act shall take effect October 1,
10 1997.

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12 HOUSE SUMMARY

13
14 Revises provisions of law relating to the Department of
15 Highway Safety and Motor Vehicles to:

- 16 1. Delete a penalty for not providing a law
enforcement officer with proof of insurance under
described circumstances.
- 17 2. Authorize motor fuel tankers to display amber
lights when in operation or when a hazard exists.
- 18 3. Include chapter 320, F.S., within a list of
chapters where an investigating police officer may arrest
19 a person for a violation of such chapters at the scene of
an accident.
- 20 4. Authorize the Department of Highway Safety and
Motor Vehicles to accept applications under chapters 319,
21 320, 322, 327, and 328, F.S., by electronic or telephonic
means.
- 22 5. Permit the voluntary contribution of \$1 in the
application for motor vehicle registration to be
23 distributed to Prevent Blindness Florida.
- 24 6. Provide an additional exception to the statutory
additional fee imposed on certain motor vehicle
registration transactions.
- 25 7. Provide for sample license plates issued by the
department.
- 26 8. Revise language with respect to temporary tags.
- 27 9. Provide that persons who have a learner's driver
license may operate a vehicle at certain nighttime hours.
- 28 10. Direct the department to provide rules to
establish standards for surety bonds to guarantee DUI
29 programs financial obligations to its clients.

30 See bill for details.

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