

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1048

SPONSOR: Transportation Committee and Senator Geller

SUBJECT: Teenage Driver Education

DATE: April 22, 1999 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>ED</u>	_____
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

This CS increases the driver's license application requirements for persons who are at least 16 years of age, but under 18 years of age. In addition to existing application requirements, the CS would require that 16 and 17 year old applicants must have no traffic convictions or traffic crashes for at least 6 months prior to applying for a driver's license.

The CS also authorizes county commissions to direct the clerk of the court to withhold \$2 from each civil penalty to fund traffic education and awareness programs.

This CS substantially amends s. 322.05, F.S.

## II. Present Situation:

Section 233.063, F.S., provides school districts must make available a course of study and instruction in the safe and lawful operation of a motor vehicle. School districts may use instructional personnel employed by the board, contract with a commercial driving school licensed under Chapter 488, F.S., or contract with an instructor certified under the provisions of Chapter 488, F.S. The Department of Education has two curriculum frameworks which school districts may use in delivering driver education, one for a classroom course and one for a classroom and in-car course. Each school district develops standards for both the driver education course and instructional staff.

Florida's graduated licensing law became effective July 1996. It allows DHSMV to issue a learner's driver's license to a 15-year-old who has passed vision and hearing tests and the written exam for the license. The applicant must have completed a traffic law and substance abuse education course. The law requires the holder of the permit be supervised at all times and driving occur during daylight hours for the first three months of the learner's license. Three months after its issuance, driving can occur between 7 p.m. and 10 p.m. Nighttime driving bans - from 11 p.m. to 6 a.m. at age 16 and 1 a.m. to 5 a.m. at age 17 - continue through age 18.

Listed below are key features of Florida’s graduated licensing system for driver’s under 18 years of age.

FLORIDA’S GRADUATED LICENSING SYSTEM								
Learners Driver’s License			Provisional Restrictions					
Min. Entry Age	Mandatory Holding Period	Minimum Amount of Required Driving	Min. Age	Duration of Nighttime Restrictions	Unsupervised Driving Prohibited	Passenger Restriction	Other	Minimum Age Unrestricted License
15	6 months	None	16	Until age 18	11 p.m.-6 a.m. (age 16); 1 a.m.-5 a.m. (age 17)	None	<ul style="list-style-type: none"> <li>▶ School attendance</li> <li>▶ Other restrictions apply with 4 or more points</li> <li>▶ .02 B.A.C.</li> </ul>	18

**Learner’s Driver’s License:** Section 322.1615, F.S., authorizes DHSMV to issue a learner’s driver’s license to a person who is at least 15 years of age and who has: passed the written examination for a learner’s license; passed the vision and hearing tests; completed the traffic law and substance abuse course; and meets all other requirements in law and DHSMV rule. The section further provides that when the holder of a learner’s license is operating a vehicle, the licensee must be accompanied at all times by a person who holds a valid license for the type of vehicle being operated, who is at least 21 years old, and who occupies the seat closest to the right of the driver. A person who holds a learner's driver's license may operate a vehicle only during daylight hours, except the holder of a learner's driver's license may operate a vehicle between the hours of 7 p.m. and 10 p.m. 3 months after the issuance of the learner's driver's license. A licensee who violates this requirement is subject to the civil penalty imposed for a moving violation.

**License Restrictions:** Section 322.16, F.S., places restrictions on nighttime driving for all drivers under 18, except those who are driving to or from work. A person who holds a driver’s license and who is under 17 years of age 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 holds a driver’s license who is 17 years of age 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. The 21 year old must have a valid driver’s license to operate the type of vehicle being operated. DHSMV may not suspend or revoke the license of a person who violates the nighttime driving restrictions. However, a violation of the nighttime driving restrictions is a noncriminal traffic infraction, punishable as a moving violation.

**Licensure Requirements:** Section 322.05, F.S., authorizes DHSMV to issue a driver’s license to anyone who is 16 or 17 years of age if they have had a learner’s driver’s license for at least 6 months and they comply with the school attendance requirements. DHSMV may also issue licenses to persons who are 16 or 17 years of age, if they already possess a driver’s license from another state or foreign jurisdiction.

**High-risk Drivers - Ages 15 through 17:** Section 322.161, F.S., authorizes DHSMV to restrict the driving privilege of any Class E licensee who is age 15 through 17 and who has accumulated four or more points, excluding parking violations, within a 12-month period. If four or more points have been accumulated, DHSMV must notify the licensee and issue the licensee a restricted license that is valid for business purposes only. After 1 year, the restriction will be automatically withdrawn by DHSMV if the licensee does not accumulate any additional points. This section also provides a Class E licensee who is age 15 through 17, who has accumulated four or more points within a 12-month period will also be ineligible to obtain a Class D license for a period of no less than 1 year.

### III. Effect of Proposed Changes:

The CS amends s. 322.05, F.S., to increase the driver's license application requirements for persons who are at least 16 years of age, but under 18 years of age. In addition to existing application requirements, the bill would require that 16 and 17 year old applicants must have no traffic convictions or traffic crashes for at least 6 months prior to applying for a driver's license.

The CS also authorizes a board of county commissioners to direct the clerk of the court to withhold \$2 from each civil penalty to fund traffic education and awareness programs. Such a local ordinance must provide for the board of county commissioners to administer the funds or designate local safety groups or schools to receive and administer the funds.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Economic Impact and Fiscal Note:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

Persons at least 16 years of age but under 18 year of age would be required to demonstrate that they have not had a traffic conviction or traffic crash for a period of six months prior to applying for a license.

**C. Government Sector Impact:**

The CS would generate an indeterminate amount of revenue for local entities to use for traffic education programs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Motor vehicle related crashes are the leading cause of death and disability resulting from head and spinal cord injuries for youth between the ages of 16 and 20. Almost 6,000 die each year and this age group is over represented in traffic crash statistics. Teenagers comprised 10 percent of the U.S. population in 1996, but accounted for 15 percent of vehicle occupant deaths.

The first-year statistics for the graduated licensing program indicate the nighttime driving restriction has contributed to reductions in fatalities and injuries. The number of 16-year old drivers in crashes decreased 19 percent during the restricted hours. The number of 17-year old drivers in crashes dropped by 22 percent during the restricted hours. The number of 15 - 17-year old drivers in fatal crashes decreased 25 percent during the restricted hours.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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