

STORAGE NAME: h1487a.tr

DATE: March 30, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 1487

RELATING TO: Teenage Driver Education & Licenses

SPONSOR(S): Representatives Minton and Fasano

COMPANION BILL(S): SB 1048 (s)

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

- (1) TRANSPORTATION YEAS 7 NAYS 2
 - (2) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill increases the driver's license application requirements for persons who are at least 16 years of age, but under 18 years of age. The bill also places an additional restriction on driver's licenses held by drivers under the age of 18.

Qualifications for Driver's License

The bill 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 bill would require that 16 and 17 year old applicants must have:

- No traffic convictions or traffic crashes for at least 6 months (learner's license period) prior to applying for a driver's license.
- Completed an approved driver education course.
- Their parent, guardian, or other responsible adult certify that he or she, or another licensed driver age 21 or older, has accompanied the applicant for 50 hours or more of behind-the-wheel experience, with at least 10 hours at night.

Motor Vehicle Occupancy Restrictions

The bill requires that a licensed driver under 18 years of age may not transport more than one passenger younger than 18 years of age, unless they are accompanied by a parent or legal guardian. A violation of this provision would be a noncriminal traffic infraction, punishable as a moving violation (\$60, plus additions and court costs).

Note: The Committee on Transportation adopted 1 main "strike everything" amendment to HB 1487 and 2 amendments to the main amendment. The main amendment: 1) Removes a requirement that a 16 and 17 year old must complete a driver education course before they qualify for a driver's license; 2) Increases the time (from 6 months to 12 months) that a person must have a learner's license to qualify for a driver's license; and 3) Authorizes drivers under 18 to transport family members without having to be accompanied by a parent or guardian.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

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.

Florida's graduated licensing law became effective July 1996. It allows DHS&MV 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 that the holder of the permit be supervised at all times and that 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 18.

The first-year statistics for the graduated licensing program show positive results for the nighttime driving restriction. 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.

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"> ▶ School attendance ▶ Other restrictions apply with 4 or more points ▶ .02 B.A.C. 	18

Learner's Driver's License

Section 322.1615, F.S., authorizes DHS&MV 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 Department 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 that 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.

Licensure Requirements

Section 322.05, F.S., authorizes DHS&MV 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. DHS&MV 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.

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. The Department 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.

Highrisk Drivers - Ages 15 through 17

Section 322.161, F.S., authorizes DHS&MV 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, DHS&MV 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 DHS&MV if the licensee does not accumulate any additional points. This section also provides that 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. The bill further provides for additional periods of restriction if more points are accumulated.

B. EFFECT OF PROPOSED CHANGES:

This bill increases the driver's license application requirements for persons who are at least 16 years of age, but under 18 years of age. The bill also places an additional restriction on driver's licenses held by drivers under the age of 18.

Qualifications for Driver's License

The bill 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 (learner's license period) prior to applying for a driver's license.
- Completed an approved driver education course.
- Their parent, guardian, or other responsible adult certify that he or she, or another licensed driver age 21 or older, has accompanied the applicant for 50 hours or more of behind-the-wheel experience, with at least 10 hours at night.

Motor Vehicle Occupancy Restrictions

The bill amends s. 322.16, F.S., to require that a licensed driver under 18 years of age may not transport more than one passenger younger than 18 years of age, unless they are accompanied by a parent or legal guardian. A violation of this provision would be a noncriminal traffic infraction, punishable as a moving violation (\$60, plus add-ons and court costs).

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?

N/A

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

Driver license applicants under 18 years of age would have to meet the additional application requirements. Drivers under 18 years of age would have to comply with the occupancy requirement.

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

N/A

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

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

N/A

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

N/A

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

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

N/A

4. Individual Freedom:

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

N/A

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

Driver license applicants under 18 years of age would have to meet the additional application requirements. Drivers under 18 years of age would have to comply with the occupancy requirement.

5. Family Empowerment:

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

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

- 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:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

ss. 322.16 and 322.05, F.S.

E. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

<u>EXPENDITURES</u>	<u>1999-00</u>	<u>2000-01</u>
General Revenue Fund	\$50,000	\$-0-

This reflects 400 hours of contracted programming modifications at \$125 per hour to modify the Driver License Software System.

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

<u>EXPENDITURES</u>	<u>1999-00</u>	<u>2000-01</u>
General Revenue Fund	\$50,000	\$-0-

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate.

2. Direct Private Sector Benefits:

Indeterminate.

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

N/A

D. FISCAL COMMENTS:

According to the bill's sponsor, the added language in Section 2 relating to completion of a driver education course was not intended to be included in the bill. The sponsor intends to offer an amendment in the Committee on Transportation to remove the provision. As a result, this analysis does not reflect costs associated with requiring completion of a driver education course as a condition of licensure.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

DHS&MV indicated that it would be difficult to enforce the requirement that a driver's license applicant must be "crash free" for the six months prior to applying for a driver's license. According to DHS&MV it would be difficult to determine if a person with a learner's driver's license was involved in a traffic crash, unless he or she received a citation.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 29, 1999, the Committee on Transportation adopted 1 main "strike everything" amendment to HB 1487 and 2 amendments to the main amendment. The main amendment: 1) Removes a requirement that a 16 and 17 year old must complete a driver education course before they qualify for a driver's license; 2) Increases the time (from 6 months to 12 months) that a person must have a learner's license to qualify for a driver's license; and 3) Authorizes drivers under 18 to transport family members without having to be accompanied by a parent or guardian.

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VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:
Prepared by:

Staff Director:

Thomas E. Duncan

John R. Johnston