

STORAGE NAME: h1163s2.jud

DATE: April 3, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
JUDICIARY
ANALYSIS**

BILL #: CS/CS/HB 1163

RELATING TO: Teenage Driver Education

SPONSOR(S): Committee on Judiciary, Committee on Transportation and Representative Minton

TIED BILL(S):

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

- (1) TRANSPORTATION YEAS 9 NAYS 0
 - (2) JUDICIARY YEAS 8 NAYS 0
 - (3) FINANCE & TAXATION
 - (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (5)
-

I. SUMMARY:

This bill changes 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 held a learner's driver's license for 12 months with no traffic convictions and require their parent, guardian, or other responsible adult to 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, before the applicant can obtain a driver's license.

However, the Department of Highway Safety and Motor Vehicles may issue a driver license to a person who has held a learner's driver's license for at least 12 months and who had a traffic conviction but elected to attend a traffic driving school.

The bill provides for a person at least 16 years of age but under 18 years of age who meets the school attendance requirements and has held a valid learner's driver's license for at least six months prior to October 1, 2000, to be issued a driver license.

The bill specifies that a person who is at least 16 years of age but under 18 years of age may not operate a motor vehicle when the number of passengers exceeds the number of safety belts in the motor vehicle.

The bill authorizes a board of county commissioners to assess \$2 to each civil penalty resulting from traffic violations for the use of traffic awareness and education programs.

The bill has an effective date of October 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Section 322.1615, F.S., authorizes the Department of Highway Safety and Motor Vehicles (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 front passenger seat. s. 322.1615(2), F.S. 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 until 10 p.m. three months after the issuance of the learner's driver's license. s. 322.1615(3), F.S.

Section 322.05(2), 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, as provided in s. 322.091, F.S.

Section 318.21, F.S., provides for 54.6 percent of all fines paid for violations occurring within a municipality, certain special improvement districts, or unincorporated county areas are to be paid to the respective political subdivision. The remainder of the funds are then transferred to the Department of Highway Safety and Motor Vehicles for distribution to various state trust funds, the General Revenue Fund, and the County Article V Trust Fund.

C. EFFECT OF PROPOSED CHANGES:

Section 1 of the bill provides that a board of county commissioners may, by ordinance, assess \$2 in addition to other civil penalties for the use of traffic awareness and education programs. This ordinance must provide for either the board of county commissioners to administer the funds or for local safety groups to be designated to receive and administer the funds.

Section 2 of the bill changes 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 held a

learner's driver's license for at least 12 months with no traffic convictions. In addition, the minor's parent, guardian, or other responsible adult meeting the requirements of s. 322.09, F.S., must 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.

However, DHS&MV may issue a driver's license to a person who has held a learner's driver's license for at least 12 months and who had a traffic conviction but elected to attend a traffic driving school and had adjudication withheld.

Section 3 of the bill permits a person at least 16 years of age but under 18 years of age who meets the requirements of s. 322.091, F.S., and who has held a valid learner's driver's license for at least six months prior to October 1, 2000, to be issued a driver license.

Section 4 of the bill specifies that a person who is at least 16 years of age but under 18 years of age may not operate a motor vehicle when the number of passengers exceeds the number of safety belts in the motor vehicle.

Section 5 of the bill provides an effective date of October 1, 2000.

D. SECTION-BY-SECTION ANALYSIS:

See Section II.C. Effect of Proposed Changes.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

In counties that chose to adopt an ordinance permitting an additional \$2 assessment, traffic violations will cost an additional \$2.

D. FISCAL COMMENTS:

State Government Expenditures

DHS&MV will require modifications to the driver license software system costing approximately \$30,000.

Local Government Revenue

A board of county commissioners would be allowed the option of assessing \$2 in addition to other civil penalties from traffic violations to fund traffic awareness and education programs. DHS&MV estimates that if every county enacted an ordinance, \$4.2 million would go to local governments. The exact figure is unavailable due to the uncertainty of violations and local governments that would choose to implement the program.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

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

The bill does not reduce the amount of state tax shared with any city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

In the Committee on Transportation, an amendment was adopted to:

- ▶ Amend s. 318.21, F.S. to incorporate the provision of withholding \$2 from each civil penalty resulting from a violation by any person holding a restricted license;
- ▶ Extend the date from July 1, 2000 to October 1, 2000, for a person at least 16 years of age, but under 18 years of age to become required to hold a valid learner's driver's license for at least 12 months without a traffic conviction prior to being issued a driver license;
- ▶ Allow a person at least 16 years of age, but under 18 years of age holding a learner's driver's license and who has a traffic conviction, *but* elects to attend a traffic driving school, to be issued a driver license;
- ▶ Provide for a person at least 16 years of age, but under 18 years of age who meets the requirements of s. 322.091, F.S. and has held a valid learner's driver's license for at least six months prior to October 1, 2000, to be issued a driver license from the Department of Highway Safety and Motor Vehicles; and
- ▶ Provide for a penalty for any person at least 16 years of age, but under 18 years of age with a restricted, or learner's, driver's license when he or she operates a motor vehicles where the number of passengers exceeds the number of seat belts.

The Committee on Judiciary adopted two amendments. The first permits county commissions to adopt ordinances to allow the county to assess an additional \$2 to each civil penalty from traffic violations to fund traffic education and safety programs. The original bill allowed the county to adopt an ordinance to withhold \$2 from penalties already collected.

The second amendment states that a person aged 16-17 cannot operate a motor vehicle in which the number of passengers exceeds the number of seatbelts. The original bill applied this restriction only to drivers with learner's driver's licenses.

The bill was reported favorably as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Jennifer L. Sexton-Bartelme

Staff Director:

John R. Johnston

AS REVISED BY THE COMMITTEE ON JUDICIARY:

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