

STORAGE NAME: h1163z.tr
DATE: May 16, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 00-239, Laws of Florida, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
TRANSPORTATION
FINAL ANALYSIS**

BILL #: CS/CS/HB 1163 (Passed as CS/SB's 1530 & 1456)

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:

The bill provides that it is unlawful to operate a motor vehicle unless each passenger of the vehicle under 18 years of age is restrained by a safety belt or by a child restraint device. In addition, the bill stipulates that it is unlawful for any person 18 years of age or older to be a passenger in the front of a motor vehicle unless such person is restrained by a safety belt.

The bill requires 16 and 17 year old driver's license applicants to have no traffic convictions for at least 12 months prior to applying for a driver's license. The applicant must also have certification that a parent, guardian, or other responsible adult has accompanied the applicant for 50 hours or more of behind-the-wheel experience, with at least 10 hours at night.

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's license.

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

The bill does not appear to have a significant fiscal impact to the state or local governments.

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 316.614, F.S., provides that it is unlawful to operate a motor vehicle unless passengers under 16 years of age are restrained by a seatbelt. This section also provides that it is unlawful for any person 16 years of age or older to be a passenger in the front of a motor vehicle unless such person is restrained by a safety belt when the vehicle is in motion.

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. A person who holds a learner's license may operate a motor vehicle only during daylight hours, except the holder of a learner's license may operate a vehicle between the hours of 7 p.m. and 10 p.m. three months after the issuance of the learner's license. A licensee who violates this requirement is subject to the civil penalty imposed for a moving violation, as provided in chapter 318, 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. The 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.

C. EFFECT OF PROPOSED CHANGES:

Section 1 designates this act the "Justin Marksz Teen Safety Driving Act".

Section 2 of the bill amends s. 316.614, F.S., to provide that it is unlawful to operate a motor vehicle unless each passenger of the vehicle under 18 years if age is restrained by a safety belt or by a child restraint device. In addition, this section provides that it is unlawful for any person

18 years or older to be a passenger in the front of a motor vehicle unless such person is restrained by a safety belt when the vehicle is in motion.

Section 3 of the bill amends s. 322.05, F.S., to change 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. The certification, however, is inadmissible for any purpose in a civil proceeding.

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, as provided in s. 318.14, F.S.

Section 4 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 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:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

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:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

Jennifer L. Sexton-Bartelme

John R. Johnston

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AS REVISED BY THE COMMITTEE ON JUDICIARY:

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON TRANSPORTATION:

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