

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's 1530 & 1456

SPONSOR: Transportation Committee, Senator Geller, and Senator Klein

SUBJECT: Motor Vehicles

DATE: April 18, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.			CA	
3.				
4.				
5.				

I. Summary:

This CS provides 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 CS provides it is unlawful for any person 18 years of age or older to be a passenger in the front seat unless such person is restrained by a safety belt.

The CS would require 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, and to 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.

The CS amends sections 316.614 and 322.05, Florida Statutes. The CS creates an unnumbered section of the Florida Statutes.

II. 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 seat* 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 (DHSMV) to issue a learner'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.

This section further provides 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 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, F.S., authorizes DHSMV to issue a driver's license to anyone who is 16 or 17 years of age if he or she has had a learner's license for at least 6 months and he or she has complied with the school attendance requirements, as provided in s. 322.091, F.S. The 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.

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 16 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 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.

III. Effect of Proposed Changes:

The CS designates this act as the "Justin Marksz Teen Safety Driving Act".

The CS amends s. 316.614, F.S., to provide it is unlawful to operate a motor vehicle unless each passenger of the vehicle under 18 years of age (currently under 16) is restrained by a safety belt or by a child restraint device. In addition, the CS provides that it is unlawful for any person 18 years of age or older (currently 16 or older) to be a passenger in the front seat unless such person is restrained by a safety belt when the vehicle is in motion.

The CS amends s. 322.05, F.S., to increase the time period that a person who is at least 16 years of age but less than 18 years of age must maintain a learner's license before applying for a driver's license from 6 to 12 months, provided the applicant has no traffic convictions during this 12 month time period. However, the CS provides an applicant who has one traffic conviction, but who has elected to attend a traffic driving school for which adjudication must be withheld under s. 318.14, F.S., would remain eligible for a driver's license .

In addition, the CS prohibits DHSMV from issuing a driver's license to an applicant under 18 years of age unless there is certification the driver was accompanied by specific individuals for at least 50 hours of behind-the-wheel experience with at least 10 hours of night driving. The specified individuals include a licensed parent, guardian or other responsible adult, or another licensed driver 21 years of age or older. The CS stipulates the certification is inadmissible for any purpose in any civil proceeding.

Finally, the CS provides a person who is 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 license for at least six months prior to October 1, 2000, may be issued a driver's license.

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:

The CS provides an additional restrictions on drivers under the age of 18 (see Effect of Proposed Changes).

According to DHSMV, this bill could significantly reduce the number of deaths and injuries suffered by drivers under the age of 18 in traffic crashes. Historically, a large percentage of drivers ages 15 to 21 are involved in traffic crashes. Lack of experience behind the wheel is often cited as a major factor in these crashes.

C. Government Sector Impact:

The CS would also require \$30,375 of contracted programming modifications to the Driver License computer software system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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