

# 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 2368

SPONSOR: Transportation Committee and Senator King

SUBJECT: Motor Vehicle Drivers

DATE: April 26, 2000 REVISED: \_\_\_\_\_

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

## I. Summary:

This CS requires law enforcement officers to issue a copy of the Traffic School Reference Guide each time the officer issues a traffic citation. The CS removes the limit on the number of times a person can elect to attend traffic school in lieu of a court appearance and provides persons ordered by the court to attend driver improvement schools are subject to certain assessments.

The CS requires the Department of Highway Safety and Motor Vehicles (DHSMV) to screen crash reports and requires persons who were involved in a crash causing property damage of \$2,500 or more and who were convicted or pleaded nolo contendere to a traffic offense relating to the crash, to attend a basic driver improvement course. The CS directs DHSMV to screen reports of convictions for violations of chapter 316, F.S., for certain categories of traffic offenders. The CS directs DHSMV to notify operators identified by this screening that they are required to attend a basic driver improvement course within 90 days. If the operator fails to complete the course, the operator's license is suspended until the course is completed.

This CS substantially amends the following sections of the Florida Statutes: 316.650, 318.14, 318.1451, and 322.0261. This CS creates section 322.02615, Florida Statutes.

## II. Present Situation:

Effective June 1, 2000, s. 318.1451(5), F.S., prohibits any governmental entity or court from providing any information regarding driver improvement schools or course providers except the Traffic School Reference Guide. Specified entities are authorized to direct inquiries or requests to the local telephone directory heading of driving instruction. Effective June 1, 2000, DHSMV is required to prepare a Traffic School Reference Guide that may be distributed by governmental entities. The information contained in the guide is restricted to identification of the benefits of attending a driver improvement school, but cannot list course providers or schools.

Section 318.14(9), F.S., permits a person cited for certain traffic infractions to elect to attend a basic driver improvement course in lieu of a court appearance. If a person attends a driver improvement course, adjudication is withheld, points are not assessed on the offender's driving record, and the civil penalty is reduced (provided the person has not made such an election in the previous twelve months). A person may only elect to attend driver improvement course in lieu of court appearance five times. In addition, s. 318.1451, F.S., currently allows an assessment fee of \$2.50 only on those persons electing to attend a driver improvement course and do not address driver improvement attendees who attend pursuant to court order. This assessment is remitted to DHSMV.

Section 322.0261, F.S., provides that DHSMV is responsible for screening crash reports to identify motor vehicle operators required to attend a driver improvement course. The criteria for mandatory attendance are two crashes within two years involving property damage of at least \$500.

### **III. Effect of Proposed Changes:**

Section 320.650, F.S., is amended to require law enforcement officers to issue a copy of the Traffic School Reference Guide each time the officer issues a traffic citation.

Section 318.14, F.S., is amended to remove the limit on the number of times a person can elect to attend traffic school in lieu of a court appearance. Currently, a person can only make that election five times.

Section 318.1451, F.S., is amended to require driver improvement schools to assess each person who is court ordered to attend the school \$2.50. Currently, the fee is only assessed on persons who elect to attend the school in lieu of a court appearance.

Section 322.0261, F.S., is amended to require DHSMV to screen crash reports to identify any person involved in a crash causing property damage of \$2,500 or more, or who was convicted of or pleaded nolo contendere to a traffic offense giving rise to the crash. Such persons must attend a basic driver improvement course. If the operator does not complete the course within 90 days of receiving notice from DHSMV, the operator's license is suspended until the course is completed.

Section 322.02615, F.S., is created to require DHSMV to screen reports of convictions for violations of chapter 316, F.S., for two classes of operators:

- (1) Operators under age 21 who have been convicted of, or pleaded nolo contendere to, a noncriminal moving infraction and have also been convicted of, or pleaded nolo contendere to, another noncriminal moving infraction since initial license issuance; and
- (2) Operators who have been convicted of, or pleaded nolo contendere to, more than one noncriminal moving infraction in a twelve month period.

Operators identified by this screening are required to attend a basic driver improvement course within 90 days. If the operator fails to complete the course, the operator's license is suspended until the course is completed.

**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:

This CS will require additional individuals to attend driver improvement schools. Individuals who are required to attend driver improvement schools will have to pay the costs of such courses. The cost of basic driver improvement courses vary depending on locality.

C. Government Sector Impact:

According to DHSMV, the fiscal impact of the additional driver improvement school assessments (\$2.50) provided for in the CS is indeterminate.

DHSMV estimates it will incur \$72,900 in cost to modify the Driver License Software System. DHSMV estimates it will have to produce 3.2 million (the number of non-criminal traffic violations issued annually) traffic school reference guides at a cost of approximately \$13,000.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**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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