

STORAGE NAME: h0669.tr

DATE: February 21, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 669

RELATING TO: Driver License/Prior Notice of Suspension or Revocation

SPONSOR(S): Representative Morroni

TIED BILL(S):

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

- (1) TRANSPORTATION
 - (2) LAW ENFORCEMENT & CRIME PREVENTION
 - (3) JUDICIARY
 - (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (5)
-

I. SUMMARY:

This bill provides for a 30 day notice of suspension or revocation of a driver license through registered mail to the licensee. The bill provides that the notice to the driver must also indicate a reason or reasons for the suspension or revocation and instructions on how to avoid the suspension or revocation, if possible.

The bill becomes effective upon becoming law.

The bill will increase the department's postage cost by \$6.3 million annually. See Fiscal Comments.

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 322.251, F.S. provides for a 20 day notice of a cancellation, suspension, revocation, or disqualification of a person's driver license. The notice must be delivered personally or through regular mail to the last known address of the driver. The mailing of the notice constitutes notification of the cancellation, suspension, revocation, or disqualification of a driver license.

If a notice is not received by a driver, the effective date of the cancellation, suspension, revocation, or disqualification will still be on the 20th day following the mailing of notification. Therefore, after the 20th day, the driver license would be canceled, suspended, revoked, or disqualified regardless of whether the notice of such action was received by the driver.

C. EFFECT OF PROPOSED CHANGES:

The bill provides for a 30 day notice of suspension or revocation of a driver license to be sent to the last known address of the driver through registered mail. The notice would provide the driver with:

- A reason or reasons for the suspension or revocation; and
- Instructions on how to avoid the suspension or revocation, if possible.

After the 30th day, the license would be suspended or revoked.

D. SECTION-BY-SECTION ANALYSIS:

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

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1. Revenues:

N/A

2. Expenditures:

N/A

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:

According to the Department of Highway Safety and Motor Vehicles, implementation of this bill will significantly increase postage costs for registered mail. Annually, the department mails approximately one million suspension and revocation notices. Based on a unit cost of \$6.33 for registered mail, the department will experience increased postage costs of \$6.3 million annually.

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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

Amendment

The sponsor intends to offer a "Strike Everything" amendment which would amend s. 322.251, F.S. in place of creating s. 322.2617, F.S. This amendment would:

- Modify the 20 day notification requirement to 30 days;
- Change the notification to be sent by certified mail rather than through regular mail;

- Include "cancellation" and "disqualification" to the notices of suspension or revocation; and
- Change the effective date to January 1, 2001.

The amendment would also require the notices to provide a reason or reasons for the cancellation, suspension, revocation, or disqualification of the driver license and instruction of how the driver can avoid such action, if possible. Furthermore, the amendment would stipulate that a return of a notice from the postal office would constitute compliance with the provisions of the statute for the cancellation, suspension, revocation, or disqualification to be effective at the end of 30 days.

Fiscal Comment Regarding Amendment

If notices were sent through certified mail, rather than through registered mail, at the current price of \$2.65 per unit, the total estimated costs would be \$2.6 million per year.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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