

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1054

SPONSOR: Senator Silver

SUBJECT: Minors/License Revocation

DATE: April 18, 2001

REVISED: 04/23/01 \_\_\_\_\_

|    | ANALYST        | STAFF DIRECTOR | REFERENCE  | ACTION                  |
|----|----------------|----------------|------------|-------------------------|
| 1. | <u>Vickers</u> | <u>Meyer</u>   | <u>TR</u>  | <u>Fav/2 amendments</u> |
| 2. | _____          | _____          | <u>APJ</u> | _____                   |
| 3. | _____          | _____          | <u>AP</u>  | _____                   |
| 4. | _____          | _____          | _____      | _____                   |
| 5. | _____          | _____          | _____      | _____                   |
| 6. | _____          | _____          | _____      | _____                   |

## I. Summary:

This bill increases the penalty for the violation of racing on highways. Violations would be punishable as a reckless driving offense with a maximum 90-day imprisonment term and/or a maximum \$500 fine for a first offense. The bill provides that if a person under the age of 21 is convicted for a violation of racing on highways or driving under the influence, the court shall order the Department of Highway Safety and Motor Vehicles to revoke the person's driver's license for five years.

This bill substantially amends sections 316.191, 318.143, and 318.17 of the Florida Statutes.

## II. Present Situation:

Section 316.191, F.S., addresses racing on highways and provides no person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition. Violation of this section is a non-criminal traffic infraction, punishable pursuant to chapter 318, F.S., as either a pedestrian violation or, if the infraction resulted from the operation of a vehicle, as a moving violation.

Section 318.143, F.S., provides for the court to impose sanctions against minors violating the uniform traffic control provisions of chapter 316, F.S. Potential sanctions include reprimands, counseling, attendance at a traffic school, a fine, participation in a community or public service work project and curfew.

**III. Effect of Proposed Changes:**

This bill amends s. 316.191, F.S., increasing the penalty for violations involving racing on highways. Violations of this section would be punishable as a reckless driving offense with a maximum 90-day imprisonment term and/or a maximum \$500 fine for a first offense.

Also, this bill amends. 318.143, F.S., to provide that if a person under the age of 21 is convicted for a violation of racing on highways or driving under the influence, the court shall order the Department to revoke the person's driver's license for five years.

Finally, the bill amends s. 318.17, F.S., to provide persons convicted of racing on highways would not be eligible for certain provisions contained in chapter 318, F.S., which are denied persons who are charged with criminal traffic-related offenses.

**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:**

Persons convicted for the offense of racing on highways would be subject to a criminal penalty (currently a moving infraction). Minors convicted of racing on highways or driving under the influence would be subject to the revocation of their driver's license for a period of five years (currently a six month suspension for the first offense).

**C. Government Sector Impact:**

This bill may generate additional reinstatement revenues for the department as a result of the possible increase in the number of revocations.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Transportation:

Deletes a provision in the bill providing for the revocation of driving privileges for a period of five years for persons under 21 years of age convicted of driving under the influence. This amendment is superceded by amendment #2 (see below).

#2 by Transportation:

Deletes a provision in the bill providing for the revocation of driving privileges for a period of five years for persons under 21 years of age convicted of driving under the influence. The amendment also provides that the driver's license sanctions authorized in the bill are applicable to both adults and minors for racing on highways. (WITH TITLE AMENDMENT)

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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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