

STORAGE NAME: h0635.sgc.doc
DATE: April 18, 2001

**HOUSE OF REPRESENTATIVES
COUNCIL FOR SMARTER GOVERNMENT
ANALYSIS**

BILL #: HB 635
RELATING TO: Drivers' Licenses/Selective Service
SPONSOR(S): Representative(s) Hart and others
TIED BILL(S): None

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

- (1) STATE ADMINISTRATION YEAS 4 NAYS 0
 - (2) TRANSPORTATION YEAS 14 NAYS 0
 - (3) COUNCIL FOR SMARTER GOVERNMENT YEAS 11 NAYS 0
 - (4)
 - (5)
-

I. SUMMARY:

Federal law requires every male to register with the Selective Service System at the age of 18. If a man fails to register, he could face a fine of up to \$250,000 or a prison term of up to five years. Additionally, there are particular federal benefits linked to registration such as qualifying for student loans, citizenship, participation in programs of the Workforce Development Act, and employment in the Executive Branch in the Federal Government.

In Florida, registration in the Selective Service System is a precondition for state employment. Florida is 24th in the nation for registration compliance of 19-year-old men with approximately 84 percent of men of this age registering for the Selective Service.

HB 635 creates s. 322.0515, F.S., directing the Department of Highway Safety and Motor Vehicles (DHSMV) to require any male between the age of 18 and 26 to comply with the Selective Service System requirements when applying for a driver's license, commercial driver's license, identification card, or a renewal or a replacement of such license or card. The DHSMV will require male applicants to either certify compliance with Selective Service System requirements or authorize the DHSMV to forward to the Selective Service System the information necessary for registration. This is accomplished through the utilization of a data sharing system of the American Association of Motor Vehicle Administrators that already exists in each state.

The bill does not appear to have a fiscal impact on local governments; however, the Department of Highway Safety and Motor Vehicles estimates an initial startup cost of \$176,000 for the contracted programming modifications that are required as a result of this legislation.

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"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Federal law requires virtually all male U.S. citizens to register with the Selective Service System at the age of 18. The mission of the Selective Service System is to provide manpower to the armed forces in an emergency and to run an Alternative Service Program for men classified as conscientious objectors during a draft. Selective Service provides manpower to the military by conducting a draft using a list of young men's names gathered through the Selective Service registration process. The obligation of a man to register is imposed by the Military Selective Service Act, which establishes and governs the operations of the Selective Service System.¹

The easiest and fastest way for a man to register with the Selective Service System is to register on-line. A man can also fill out a registration card and send it to the Selective Service System. Registration forms are available at any Post Office. A young man may also register by filling out a Reminder Mailback Card, which is sent to many men in the U.S. prior to their 18th birthday. A man who fails to register may, if prosecuted and convicted, face a fine up to \$250,000 or a prison term of up to five years. Additionally, if a man fails to register, there are certain federal benefits and programs for which he will not qualify. Men, born after December 31, 1959, who are not registered, do not qualify for federal student loans or grant programs including Pell Grants, College Work Study, Guarantee Student/Plus Loan, and National Direct Student Loans. Also, the U.S. Immigration and Naturalization Service makes registration a condition for U.S. citizenship if the man arrived in the U.S. before his 26th birthday; the Workforce Investment Act offers programs that train young men for jobs in auto mechanics and other skills and only offers these programs to men who are registered; and a man must be registered to be eligible for jobs in the Executive Branch of the Federal Government.²

Some states have additional penalties for those men who fail to register³. In Florida, registration with the Selective Service is a precondition for state employment. Section 110.1128, F.S., states that:

- No person who is required to register with the Selective Service System under the Military Selective Service Act, 50 U.S.C. App. 453, may be offered employment by this

¹ <http://www.sss.gov/mission.htm>

² <http://www.sss.gov/FSbenefits.htm>

³ *Id.*

state in an authorized position, as defined in s. 216.011, without proof of such registration.

- No person who has failed to register as required by the Military Selective Service Act, 50 U.S.C. App. 453, subsequent to October 1, 1988, and who is currently employed by this state may be promoted to a higher authorized position without proof of such registration.
- Each agency shall provide for a review, when requested by the applicant or employee, of any denial of employment or promotion for reasons of noncompliance with selective service registration requirements.

Florida is 24th in the nation for registration compliance of 19-year old men with approximately 84 percent of men of this age registering for the Selective Service.⁴

Three states have enacted driver's license laws supporting Selective Service registration: Oklahoma, Delaware, and Arkansas. These states' driver's license laws allow the state to link, electronically, Selective Service registration with the process of applying for a driver's license or state identification card. Each of these states already has a data sharing system with the American Association of Motor Vehicle Administrators (AAMVA), managed by AAMVAnet, Inc., a wholly owned subsidiary of AAMVA.⁵

Section 322.08, F.S., outlines the requirements of an applicant when applying for a driver's license. The individual is required to submit the following information: full name; gender; social security card number; residence and mailing address; a brief physical description; proof of birth date; proof of identity, such as a birth certificate, a passport, an alien registration receipt (green card), an employment authorization card issued by the United States Department of Justice, or proof of nonimmigrant classification also issued by the United States Department of Justice; and information regarding whether or not he or she was previously licensed to drive. This required information is requested also of individuals applying for a commercial driver's license and a learner's permit.

Section 322.051, F.S., outlines the requirements of an applicant when applying for an identification card. An identification card can be issued to any person who is at least 12 years of age, or any person who has a disability, regardless of age, that applies for a disabled parking permit. An applicant applying for an identification card must submit the same information as an individual applying for a driver's license, commercial driver's license, or a learner's permit.

The Department of Highway Safety and Motor Vehicles (DHSMV) currently utilizes two different systems when checking applicants for driver licenses, the Commercial Driver License Information System (CDLIS) and the Problem Driver Pointer System (PDPS).⁶ CDLIS supports the issuance of Commercial Driver Licenses by the jurisdictions, and is designed to assist jurisdictions in meeting the goal that each driver have only one driver's license and one driving record. The Central Site for CDLIS maintains the identification data required of each applicant when he or she applies for a commercial driver's license. PDPS is a system that works in conjunction with the National Driver Register. PDPS maintains a central site that contains information about problem drivers in the

⁴ Pursuant to statistics provided by the Selective Service System by facsimile transmission, March 8, 2001.

⁵ The American Association of Motor Vehicle Administrators is an association of professional administrators of Canadian and U.S. jurisdictions, dedicated to the effective and efficient administration and enforcement of motor vehicle, driver and road safety laws and regulations, and the dissemination of information and the enhancement of jurisdictional revenue collection efforts. Its mission is to promote professionalism and uniformity in the delivery of services through policy development, the formulation of laws, and the creative use of technology, www.aamva.org, March 9, 2001.

⁶ Pursuant to telephone conversation with Kevin Lewis, Operations Department Manager for AAMVAnet, Inc., on March 9, 2001.

United States. If a driver applies for a license, and he or she was a problem driver in another state, then PDPS retrieves the record from the particular state where the violation occurred. These two systems are under the direction of the AAMVAnet, Inc.

C. EFFECT OF PROPOSED CHANGES:

HB 635 creates s. 322.0515, F.S., requiring DHSMV to forward certain information to the Federal Selective Service System on any males, aged 18 to 25, who apply for a driver's license, a commercial driver's license, an identification card, or the renewal or duplication of either card.

The legislation requires DHSMV to include a particular statement on the application for a driver's license or identification card: "By submitting this application, I am consenting to registration with the federal Selective Service System, if so required. If under 18 years of age, I understand that I will be registered when I attain 18 years of age as required by federal law." The applicant does not need to provide any additional information to that currently required under s. 322.08, F.S., when applying for a driver's license or identification card.

Pursuant to the bill, this information is then forwarded electronically to the Selective Service System from DHSMV. Currently, DHSMV utilizes either the CDLIS or PDPS system when screening applicants for driver licenses⁷. As a result of this legislation, AAMVAnet, Inc. will create a programming format that allows the information to be forwarded electronically to the Selective Service System. Accordingly, when DHSMV submits the applicant's information on CDLIS or PDPS, with the redesigned programming format, the information is simply forwarded to the Selective Service. If an applicant has already registered with the Selective Service, the Selective Service System either updates the data or disregards it.

D. SECTION-BY-SECTION ANALYSIS:

See "Effect of Proposed Changes."

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department of Highway Safety and Motor Vehicles estimates an initial start up cost of \$176,000 for the contracted programming modifications that are required as a result of this legislation. This is a non-recurring cost, and provides for 586 hours of contracted programming modifications at \$135 per hour to modify the Driver Licenses Software Systems.⁸

⁷ It is not a requirement to use either CDLIS or PDPS when screening applicants. However, in most cases the DHSMV utilizes one of the two systems. Pursuant to telephone conversation with Kevin Lewis, Operations Department Manager for AAMVAnet, Inc., on March 9, 2001.

⁸ DHSMV Bill Analysis, HB 635, analyst Diana Maus, March 7, 2001.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill requires DHSMV to adopt by rule the required statement to be included on the driver's license or identification card application.

C. OTHER COMMENTS:

Currently, DHSMV employees are working with the Selective Service System staff to determine the most efficient way to transmit data. According to DHSMV, this could result in amended implementation costs.⁹

⁹DHSMV Bill Analysis, HB 635, analyst Diana Maus, March 7, 2001.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON STATE ADMINISTRATION

Prepared by:

Lauren Cyran

Staff Director:

J. Marleen Ahearn, Ph.D., J.D.

AS REVISED BY THE COMMITTEE ON TRANSPORTATION:

Prepared by:

William C. Garner

Staff Director:

Phillip B. Miller

AS FURTHER REVISED BY THE COUNCIL FOR SMARTER GOVERNMENT:

Prepared by:

Lauren Cyran

Staff Director:

Don Rubottom