

STORAGE NAME: h0807s1a.in.doc
DATE: April 12, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
INSURANCE
ANALYSIS**

BILL #: CS/HB 807
RELATING TO: Highway Safety & Motor Vehicles
SPONSOR(S): Committee on Transportation and Representative(s) Gardiner

TIED BILL(S):

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

- (1) TRANSPORTATION YEAS 12 NAYS 0
- (2) INSURANCE YEAS 12 NAYS 0
- (3) COUNCIL FOR READY INFRASTRUCTURE
- (4)
- (5)

I. SUMMARY:

This committee substitute addresses a number of highway safety, motor vehicles and driver's license issues. Many of the provisions in the committee substitute are related to the Department of Highway Safety and Motor Vehicles (DHSMV) operations. Major provisions in the committee substitute would:

1. Revise Florida's commercial driver's license process in conformance with federal requirements by disqualifying a person from driving a commercial vehicle for violating an out-of-service order or for violating railroad highway grade crossing regulations.
2. Clarify definitions of "major component parts" to help track the disposition of salvage and rebuilt motor vehicles.
3. Authorize DHSMV to affix a decal to rebuilt vehicles to identify the vehicle as being rebuilt from parts, and provides that removal of the decal is a third degree felony.
4. Conform provisions relating to voluntary check-off donations and specialty license plates to Florida's Single Audit Act as recommended by the Auditor General.
5. Revise requirements for reporting a disability which affects a person's ability to drive to require two family members (instead of the current one person) to report a person's disability to drive.
6. Provide for the annual deposit of vessel registration administrative costs in the Highway Safety Operating Trust Fund, and make technical changes relating to vessel titling and registration.
7. Revise licensing provisions for vehicle dealers and manufacturers, and create the Automobile Dealers Industry Advisory Board within DHSMV.

The provisions in the committee substitute would have minimal or no fiscal impact.

Except for section 3 of the committee substitute relating to the unauthorized sale of parked vehicles and section 50 of the committee substitute relating to vessel registration funds, both of which would take effect July 1, 2001, the committee substitute would take effect October 1, 2001.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE COMMITTEE SUBSTITUTE 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:

Because of the comprehensive nature of the changes contained in this committee substitute, the present situation relating to each issue is set out in the Section-by-Section portion of this analysis.

C. EFFECT OF PROPOSED CHANGES:

Because of the comprehensive nature of the changes contained in this committee substitute, the proposed changes relating to each issue is set out in the Section-by-Section portion of this analysis.

D. SECTION-BY-SECTION ANALYSIS:

Sections 1 & 7. Authorized Emergency Vehicles: The Department of Health’s disaster response vehicles are not currently “authorized emergency vehicles.” The committee substitute amends ss. 316.003 and 316.2397, F.S., to provide that the Department of Health’s response vehicles are emergency vehicles and are authorized to display red flashing lights when responding to an emergency.

Section 1, 5, 15, & 31. Motorized Scooters: The term “motorized scooter” is not currently defined or regulated in Chapters 316, 320, or 322, F.S. Enforcement of traffic control, vehicle registration and driver’s licensing provisions has been inconsistently applied in various jurisdictions in Florida. The committee substitute amends s. 316.003, F.S., to provide a definition of a motorized scooter as a vehicle having no seat or saddle, having no more than three wheels, and not capable of speeds exceeding 30 miles per hour. The committee substitute amends s. 316.2065, F.S., to clarify that motorized scooters are subject to similar operating regulations as bicycles. The committee substitute also amends s. 320.01, and 322.01, F.S., to provide that a “motorized scooter” is not a motor vehicle for which a registration or driver’s license is required.

Section 2. Traffic Control/Multi-Party Stop Signs on Private Roads: Section 316.006, F.S., provides that local government law enforcement agencies may enforce traffic laws on private roads if the local government and the private owners enter into a written agreement providing for traffic enforcement. Private communities may install multi-party stop signs on private roads that do not meet the minimum traffic requirements adopted by the Department of Transportation (DOT) for the installation of these signs on public roads. Because these signs do not meet minimum legal criteria for installation, law enforcement officers reportedly cannot issue citations for failure to obey the

signs. The committee substitute amends this section to permit issuance of a citation for failure to obey a multi-party stop sign in a private community, if provided for in the written agreement and if the signs conform to DOT's specifications. Minimum traffic volumes are not required for installation of the signs or for enforcement of traffic laws for failure to stop at the signs.

Section 3. Parked Vehicles/Unauthorized Sale: Pursuant to s. 316.1951, F.S., provides that it is illegal for a person to park a motor vehicle in excess of 24 hours on a public street or highway, a public parking lot, or other public property, or on private property where the public has the right to travel by motor vehicle, for the principal purpose of displaying the motor vehicle for sale, hire, or rent. This restriction does not prohibit a person from parking, for purposes of displaying for sale, their own motor vehicle on any private property which the person owns or leases or on other private property when the person obtains the permission of the owner to park the vehicle there. These provisions are related to the practice known as "curb-stoning" and may be enforced by a law enforcement officer, or by a DHSMV license inspector or supervisor. The committee substitute amends this section to provide that it may also be enforced by a DHSMV compliance examiner.

Section 4. Unattended Motor Vehicles: Currently, s. 316.1975, F.S, provides that a motor vehicle operator may not permit the vehicle to stand unattended without first stopping the engine, locking the ignition, and removing the key. Also if the vehicle is left unattended on a perceptible grade the brake must be set and the front wheels must be turned to the curb or side of the street. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation. This section does not apply to the operator of an authorized emergency vehicle while performing official duties or to a licensed delivery vehicle while making deliveries. The committee substitute exempts operators of solid waste and recovered materials trucks from these provisions regarding unattended vehicles.

Section 6. Commercial Truck Loads/Marking & Lighting: Current law provides that certain vehicles transporting logs, long pulpwood, poles, or posts which extend more than four feet from the rear of the vehicle must have an amber strobe-type lamp on the projecting load. The amber strobe lamp must be visible to other drivers from the rear and sides of the vehicle transporting the projecting load. The committee substitute amends s. 316.228, F.S., to provide that multiple strobe lights are required if a single light is not visible from the rear and both sides. The committee substitute also provides that the load must be marked with a red flag. The committee substitute applies these requirements to unprocessed logs or pulpwood, and excludes loads consisting of poles and posts.

Section 8. Loads on Vehicle/Failure to Secure: Section 316.520, F.S., currently provides that failure to prevent the load on a vehicle from escaping is a traffic infraction. The last time this section was amended by the Legislature it was amended twice in the same bill, with one reference to this infraction being a moving violation and one reference to this infraction being a non-moving violation. The committee substitute amends this section to clarify that these infractions are moving violations.

Section 9. Traffic Crash Investigators/Enforcement Authority: Currently, traffic crash investigators may be employed by the state and local governments to perform on-scene crash investigations. These investigators must meet minimum statutory training requirements, but are not law enforcement officers and do not have arrest authority. Traffic crash investigators for the state may enforce the provisions of Chapters 316 (traffic control), 319 (titles) 320 (registration) and 322 (driver's licensing), F.S., through issuance of citations. Local government traffic crash investigators currently may only enforce the provisions of Chapter 316, F.S. The committee substitute amends s. 316.640, F.S., to allow local traffic crash investigators to issue citations for all of the motor vehicle and driver's license chapters.

Sections 10, 11 & 14. Component Parts/Rebuilt Vehicles: Section 319.30, F.S., provides that a salvage vehicle dealer who purchases materials or major component parts from salvaged motor vehicles must document the purchase. Section 319.14, F.S., provides that all motor vehicles that were declared to be salvage and that are then rebuilt must be inspected by the DHSMV to assure the identify of the vehicle. This essentially involves identifying all major component parts that were replaced or repaired on the vehicle. According to the department, the current definitions of "major component parts" provided in law do not contain enough detail for proper implementation of these requirements. The committee substitute amends ss. 319.001 and 319.30, F.S., to include details about major component parts of motor vehicles to provide guidance regarding the disposition of salvage and rebuilt motor vehicles. This will help to identify rebuilt vehicles before they are titled to ensure clear ownership and also to ensure that such vehicles are not rebuilt with stolen parts. The committee substitute also permits an insurer to obtain a certificate of destruction for total loss claim vehicles, and must obtain a certificate of title in the insurer's name to sell a previously stolen motor vehicle that has been recovered. The committee substitute amends s. 319.14, F.S., to authorize DHSMV to affix a decal to rebuilt vehicles to identify the vehicle as being rebuilt from parts, and to provide that removal of the decal is a third degree felony.

Section 12. Antique Vehicle Titles: Section 319.23(3)(c), F.S., currently provides special requirements for transferring ownership of an antique vehicle. The committee substitute deletes these special requirements to conform these antique vehicle title transfer requirements to the requirements for every other motor vehicle.

Section 13. Vehicle Title Transfer/Contractual Default: Currently, s. 319.28(1)(a), F.S., requires an original or certified copy of the applicable contract when processing an application for title based on a contractual default. The committee substitute deletes the requirement for the original or certified copy of the contract. Because a contractual lien is acknowledged by the owner at the time it is recorded on the title certificate, a copy of the security contract between the owner and the lien holder is not necessary.

Section 15. Motor Home Length Limit: The definition of "motor home" contained in chapter 320, F.S., provides that a motor home may not exceed 40 feet in length. This limitation conflicts with the provisions of chapter 316, F.S., which allows motor homes up to 45 feet in length. The committee substitute amends s. 320.01(1)(b)4., F.S., to delete the length restriction. Motor homes would then be subject to the length requirements of s. 316.515(15) F.S., which provides for a length of up to 45 feet.

Sections 16, 24 & 33. Florida Single Audit Act/Non-State Entities: Various organizations receive funds that are collected by DHSMV either through voluntary check-off donations or through the purchase of specialty license plates. Sections 320.023, 320.08062 and 322.081, F.S., contain separate audit and reporting requirements for recipients of these funds. The committee substitute conforms these provisions to the Florida Single Audit Act (FSAA), s. 215.97, F.S. The FSAA establishes uniform audit requirements for State financial assistance provided by state agencies to non-state entities to carry out state projects. The FSAA applies to non-state entities expending \$300,000 or more in state financial assistance annually. Although expenditures of funds by organizational recipients may not exceed the audit threshold in any given year, the FSAA does not limit the ability of the DHSMV to conduct or arrange such audits, or limit the audit authority of the DHSMV Inspector General or the Auditor General.

Sections 17 & 18. Vessel Registrations/Technical Revision: The committee substitute amends ss. 320.025 and 320.05, F.S., to conform vessel registration requirements to motor vehicle registration requirements. The committee substitute also requires government-owned vessels to display registration numbers and vessel decals.

Section 19. Non-AppORTioned Commercial Motor Vehicles/Registration Period: Currently, s. 320.055(5), F.S., provides that commercial vehicles be registered on a staggered 12 month basis as determined by DHSMV to spread vehicle registrations throughout the calendar year. An "apportioned vehicle" is a motor vehicle which is registered under the International Registration Plan. The International Registration Plan is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees in one jurisdiction, with the revenues being distributed on the basis of fleet miles operated by a vehicle in each jurisdiction. The committee substitute provides that Florida commercial motor vehicles that are not apportioned have a registration period beginning December 1 and ending November 30 each year.

Section 20. Registration Certificates/Validation Stickers: Current Florida law requires each vehicle license plate to have two decals: a decal on the left with the month of expiration and a decal on the right with the year of expiration. The committee substitute amends s. 320.06, F.S., to allow for only one decal on the right with the month and year showing on the same decal. This will conform license plate decal provisions to DHSMV's implementation of a new decal dispenser system.

Section 21. Initial Registration Fee: Section 320.072, F.S., requires a fee of \$100 to be imposed upon the initial application for registration on certain motor vehicle registration transactions. The fee is due on any private-use vehicle unless the vehicle being registered is a replacement for a vehicle that has been disposed of by the person applying for registration. Current law allows a registrant to provide proof that they have owned a Florida license plate at any point in time to be exempt from the \$100 initial registration fee. The committee substitute restricts the time frame a person can use a previous license plate for exemption from the fee to ten years.

Section 22. Personalized License Plates: Personalized license plates consist of letter and numeric characters picked by the person registering the vehicle, and cost an additional \$12 annually. Currently all personalized license plates must remain out of circulation for a period of three years before they can be reassigned to another individual. The committee substitute amends s. 320.0805, F.S., to allow personalized license plates to be reassigned to another individual one year following the expiration of the registration.

Section 23. Specialty License Plates/Discontinuance: Currently, if a specialty license plate sells fewer than 8,000 plates by the end of the fifth year of sales, it is to be discontinued by DHSMV. Collegiate specialty plates, with the exception of Barry University and Bethune-Cookman College, are exempted from this requirement. These two colleges applied for a specialty license plate after the exemption clause was enacted and were not included in the exemption. The committee substitute amends s. 320.08056, F.S., to exempt the license plates of these two colleges from the discontinuance requirements. This would apply the exemption to all collegiate specialty license plates.

Sections 25 - 26. Amateur Radio Operator, Ex-POW's & Purple Heart License Plates: At this time, a vehicle for private use weighing more than 5,000 pounds may not be issued a license plate designated for Amateur Radio Operators, Ex-POW's or Purple Heart Medal Holders. When these license plates were created, most private vehicles weighed under the 5,000-pound limit. Due to the popularity of larger pick-up trucks and sport utility vehicles many individuals now own vehicles for private use that weigh over 5,000 pounds. The committee substitute amends ss. 320.083 and 320.089, F.S., to increase the maximum weight restriction for these license plates to include vehicles weighing less than 8,000 pounds.

Section 27. Motor Carrier Penalty/Failure to Pay: Currently s. 320.18, F.S., provides that DHSMV may withhold or cancel the motor vehicle registration of a person who has paid for a registration or other fee with a dishonored check. Chapter 316, F.S., authorizes the Department of Transportation to enforce commercial truck regulations, and law enforcement officers of DOT's Office of Motor

Carrier Compliance may issue citations for weight and safety violations to a vehicle owner or motor carrier who has violated these regulations. The committee substitute amends s. 320.18, F.S., to provide that DHSMV may cancel the registration of a vehicle if the owner has failed to pay a DOT weight or safety violation penalty.

Section 28. Motor Vehicle Auctions: Section 320.27(1)(c), F.S., provides that only licensed motor vehicle dealers may buy or sell motor vehicles at an auction to the highest bidder. Subsection (7) of that section requires that the person offering a used motor vehicle for sale at an auction must have the certificate of title or other ownership documents in his or her possession. The committee substitute provides that only the buyer of a motor vehicle sold at auction must be a license motor vehicle dealer. This would allow other entities such as financial institutions and rental companies to sell motor vehicles at auctions. The committee substitute also allows the person offering a vehicle for auction to have control of the certificate of title or ownership document. This change would allow ownership documents to be kept in another location to reduce the risk of loss, and be sent to the purchaser at a later date.

Motor Vehicle Dealer Licenses: Subsection (9) of s. 320.27, F.S., provides grounds for the denial, suspension, or revocation of a dealer's license. These grounds include matters such as fraud, misrepresentation in advertising, requiring a purchaser to accept unordered equipment, failure to provide odometer disclosure statements, and felony convictions. To take action against a licensee, the department must prove sufficient frequency of violations to establish a pattern of wrongdoing by the licensee. The committee substitute amends this section to delete the requirement that a pattern of wrongdoing be established so that a licensee could be subject to discipline for failure to comply with any one violation.

Further, when a motor vehicle dealer is convicted of a crime which results in being prohibited from continuing as a licensed dealer, the dealer may not continue in any capacity within the industry. Such a person may not have a financial interest, or a management, sales, or other role in the operation of a dealership. The person also may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business. The committee substitute provides that being convicted of a felony will disqualify a person from working in the industry or being involved in a dealership. If a dealer violates this provision by allowing a disqualified person to have an interest or role in a dealership, the committee substitute also provides that the dealer's license can be denied or revoked.

Section 29. Vehicle Manufacture Licenses/Disciplinary Grounds: A vehicle manufacturer, factory branch, distributor or importer may not engage in business in this state without a license issued by DHSMV as provided in ss. 320.60-320.70, F.S. No motor vehicle may be sold, leased, or offered for sale or lease in this state unless the manufacturer, importer, or distributor of the motor vehicle, is properly licensed. The committee substitute amends s. 320.64, F.S., to provide that a license may be denied, suspended or revoked when a manufacturer, distributor or importer has competed in Florida with one of its franchised vehicle dealers. This would be in addition to other current grounds for taking action against a licensee. Pursuant to s. 320.697, F.S., a dealer who has suffered a loss because of a violation by a licensee of ss. 320.60-320.70, has a cause of action against the licensee for damages and may recover treble damages, together with costs and a reasonable attorney's fee.

Section 30. Automobile Dealers Industry Advisory Board: The committee substitute creates s. 320.691, F.S., which is the Automobile Dealers Industry Advisory Board within DHSMV. The board would make recommendations on proposed legislation, rules and procedures, and provide industry input to the department, the Governor and the Legislature. The board would be made up of 12 members appointed by the Executive Director of the department from names submitted by various

industry entities. Private sector members of the board would be responsible for their own travel costs.

Section 32. Driver's License/Under 18 Years of Age: Recently enacted law requires that a valid learner's driver's license be held for at least 12 months before an operator license can be issued. This requirement was not made applicable to class D licenses, which are required for trucks weighing between 8,000 and 26,000 pounds. The committee substitute amends s. 322.05, F.S., to clarify that a person under 18 must hold a learner's license for 12 months before applying for a class D driver's license.

Section 34. Reporting Driver Disability: Any physician, person or agency that knows of a driver's mental or physical disability to drive is authorized to report this to the DHSMV pursuant to s. 322.126, F.S. The report must be in writing and give the person's full name, date of birth, address and a description of the physical or mental disability that could affect the person's driving ability. These reports are confidential and are used by DHSMV to determine the qualifications of the person to operate a motor vehicle on Florida's highways. No civil or criminal action may be brought against any physician, person or agency for providing this information. The committee substitute amends this section to require two family members to report a disabled driver before DHSMV will take action. Under the committee substitute one person may still report a disabled driver by using a sworn statement sent to a law enforcement agency. The law enforcement agency can then investigate the report, and determine whether to forward the report to the department for further action.

Section 35. Administrative Review/Rule Authorization: At this time the department has established a rule for processing hearings requested by a citizen when their driver's license is suspended or revoked for medical reasons. The DHSMV's statutory authority to have a rule has been questioned by the Joint Administrative Procedures Committee. The committee substitute creates s. 322.222, F.S., to provide specific statutory authority for the department to hold administrative hearings for medical cases.

Sections 36, 37, 39 & 40. Temporary Driving Permits: Pursuant to s. 322.2615, F.S., a law enforcement officer must suspend the driver's license of a person who has been arrested for having an unlawful blood-alcohol or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by law. The officer takes the person's driver's license and issues a 30-day temporary permit at the scene of the arrest if the person is otherwise eligible to receive one. The committee substitute repeals ss. 322.28(2)(d), and 322.282, F.S., which both relate to issuance of temporary driving permits when a license is suspended. These references are no longer needed because a temporary permit is issued at the scene of the arrest. The committee substitute also amends s. 322.25, F.S., to delete a cross reference to one of the repealed sections.

The committee substitute amends s. 322.2615, F.S., to shorten the time that a temporary permit is valid from 30 days to 10 days after issuance. This will conform the permit's validity to the period of time the driver has to request a review of the suspension. When a 30-day temporary driving permit is issued, the driver has 10 days to request review of the suspension. If the driver requests a review a restricted permit is issued which is valid until the suspension is either sustained or invalidated. If a driver does not request review within the 10-day period, the suspension becomes final on the tenth day and the driver should not have an unrestricted permit that could be valid for up to 20 more days.

Sections 38 & 42. Habitual Offenders/License Reinstatement: Section 322.27, F.S., authorizes the department to revoke the license of a habitual traffic offender for a minimum of five years. Section 322.331, F.S., requires an individual whose license is revoked for being a habitual traffic offender to come to the department and schedule a hearing when the revocation has expired. The committee

substitute amends these provisions to make the revocation period a mandatory five years, and to provide that an individual whose license revocation has expired will be reinstated without a hearing. According to DHSMV, no other revocation or suspension requires a hearing for reinstatement when the time period for the revocation or suspension has passed.

Section 41. DUI Programs/Provider Limitations: Prior to the 2000 legislative session, all DUI programs were required to be either governmental entities or not-for-profit corporations. Section 322.292, F.S., was amended last session to delete this limitation on DUI program providers, opening this area to participation by for-profit corporations. DHSMV sets licensing and quality control guidelines for DUI Programs in Florida, and has indicated that no for-profit corporations have sought licensure. According to the department, some DUI providers have expressed concerns about additional competition from the for-profit private sector, citing concerns about DUI program costs, quality and effectiveness. The committee substitute reinstates the statutory provision which limits DUI programs to being operated by governmental entities or not-for-profit corporations.

Sections 43 & 44. Commercial Motor Vehicles/Driver Disqualification: Under the federal Commercial Motor Vehicle Safety Act of 1986, all commercial truck drivers must have a Commercial Driver's License (CDL). Under current Florida law a driver can be disqualified and lose their CDL for certain traffic convictions if committed while operating a commercial motor vehicle:

-If convicted of two serious traffic violations within three years, the CDL can be suspended for 60 days. A third conviction within three years results in a 120-day disqualification. "Serious traffic violations" include unlawful speed (15 MPH or more over the posted speed), careless or reckless driving, fleeing or attempting to elude a police officer, other traffic offenses committed in a commercial motor vehicle resulting in the death or personal injury of any person, and not properly insuring a commercial motor vehicle.

-A driver will be disqualified for one year for a first time conviction of the following offenses while operating a commercial motor vehicle: a) driving with an alcohol concentration of .04 percent or more; b) leaving the scene of an accident; c) using a commercial motor vehicle in the commission of a felony, or; d) refusing to take a DUI test. If convicted of any of these offenses while transporting hazardous materials, the disqualification time is increased to three years. A second conviction for the above offenses will result in disqualification for life. Using a commercial motor vehicle in the making, selling, or distribution of drugs will result in disqualification for life.

The committee substitute amends s. 322.61, F.S., to add two additional grounds for CDL disqualification, including violation of an out-of-service order and violation of laws pertaining to railroad-highway grade crossings. For violations of an out-of-service order the suspension is 90 days to 1 year for a first violation; 1 year to 5 years for two violations within 10 years; and 3 years to 5 years for three violations within 10 years. These periods are increased for violations occur while transporting hazardous materials. For railroad-highway grade crossing violations the suspension is a minimum of 60 days for a first violation; a minimum of 120 days for two violations within 3 years; and a minimum of 1 year for three violations within 3 years.

In addition, Florida law allows a 30-day temporary permit to be issued to a commercial driver when they are charged with driving with an unlawful blood alcohol level. The committee substitute amends s. 322.64, F.S., to reduce the temporary permit time to 10 days. These changes bring Florida law in compliance with federal requirements for commercial drivers.

Section 45. Insurer Information/Electronic Access: Pursuant to Chapters 324 and 627, F.S., a vehicle owner must provide DHSMV with proof of compliance with financial responsibility

requirements. The department maintains records related to insurance coverage for vehicle owners and may cancel the license or registration for failure to carry proper insurance. Currently, this information may only be accessed by written request to the department. The committee substitute amends s. 324.091, F.S., to authorize DHSMV to grant an approved third party electronic access to vehicle insurer information. The third-party provider would, for a fee, allow insurers, lawyers and financial institutions to access insurance information for subrogation and claims purposes only.

Section 46. Vessel Title Certificates/Contractual Default: Currently, s. 328.01(3), F.S., requires a copy of the applicable contract when processing an application for vessel title based on a contractual default. The committee substitute deletes the requirement for the copy of the contract. Because a contractual lien is acknowledged by the owner at the time it is recorded on the title certificate, a copy of the security contract between the owner and the lien holder is not necessary.

Section 47. Vessel Registration/Dishonored Checks: Currently, s. 328.42, F.S., only allows a stop against vessel registration transactions if a dishonored check is used by a person to pay a vessel registration fee. The committee substitute amends this section to provide that a stop may be applied to any kind of vehicle or vessel transaction if a person pays any vehicle or vessel fee to DHSMV using a dishonored check.

Section 48. Vessel Registration Numbers: Currently s. 328.56, F.S., uses the terminology of commercial or recreational vessels when referring to numbering on vessels operated on the state's waters. The committee substitute amends this section to delete the reference to "commercial or recreational" when referring to vessels operated on the waters of the state. There is now only one series of state registration numbers issued for vessels without regard to how the vessel is used.

Section 49. Antique Vessels: Section 328.72, F.S., currently provides special requirements for transferring ownership of an antique vessel. The committee substitute deletes these special requirements for transfer of an antique vessel. This conforms antique vessel title transfer requirements to the requirements for every other type of vessel.

Section 50. Marine Resources Conservation Trust Fund: Pursuant to proviso language in the 2000 General Appropriations Act, \$1.4 million of vessel registration revenue was placed in the Highway Safety Operation Trust Fund for DHSMV administrative costs related to the vessel registration program. Effective July 1, 2001, the committee substitute codifies this proviso language in s. 328.76, F.S. This will pay for DHSMV vessel registration administrative costs by depositing \$1.4 million from vessel registration fees in the Highway Safety Operating Trust Fund on an annual basis.

Sections 51 & 52. Towing/Required Notification: Currently, s. 713.78, F.S., only requires a towing company to notify the owner, the lien holder and the department when a vehicle has been towed. The committee substitute amends this section to add the insurance company to the list of individuals that must be notified when a vehicle has been towed. The committee substitute also moves the notice requirement to be followed when law enforcement authorizes the removal of a vehicle from s. 715.05, F.S., to s. 713.78, F.S. With these changes being made, s. 715.05, F.S., is no longer needed and is repealed. These changes are intended to insure proper notification is given to all parties that may have an interest in a towed vehicle.

Section 52. Pilot Recreational Vehicle Mediation & Arbitration Program: Section 681.1096, F.S., creates the Pilot Recreational Vehicle Mediation and Arbitration Program to help resolve disputes between RV manufacturers and consumers. This program is repealed on September 30, 2001, by s. 681.1096(1), F.S. If the program were repealed, these disputes would be subject to the vehicle lemon law provisions of ss. 681.109 and 681.1095, F.S. The committee substitute repeals the subsection which provides for automatic repeal so that the program will continue to operate.

Section 53. Vessel Towing/Private Property: Section 715.07, F.S., provides for the removal of vehicles parked on private property without permission. This section does not address the removal of a vessel parked on private property. The committee substitute amends this section to define the term "vessel" and to allow for the removal of vessels parked on private property. The same notice, storage and release requirements for towing a vehicle would be applicable to towing a vessel. The committee substitute also provides that failure of a towing company to make "good faith best efforts" to meet notice requirements precludes the imposition of any towing or storage charges.

Section 54. Driver's License Suspension/Uniform Court Forms: Current law provides that any person who passes a worthless check, and who fails to appear before the court and against whom a warrant or capias for failure to appear is issued shall have their driver's license suspended or revoked. The clerk of the court notifies DHSMV of the action of the court and the license is suspended or revoked by the department. The committee substitute amends s. 832.09, F.S., to allow DHSMV to create a standardized form for all clerks of the court to use when notifying the department that a person has satisfied the requirements of the court and the driver's license should be reinstated.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See D. Fiscal Comments, below.

2. Expenditures:

See D. Fiscal Comments, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

A number of provisions in the committee substitute will result in administrative efficiencies or reduce administrative costs to the department, but these costs savings will be minimal.

Section 50 of the committee substitute relates to the Marine Resources Conservation Trust Fund. Pursuant to proviso language in the 2000 General Appropriations Act, \$1.4 million of vessel registration revenue was placed in the Highway Safety Operation Trust Fund for DHSMV administrative costs. The committee substitute codifies this proviso language in s. 328.76, F.S., to

pay for vessel registration administrative costs of \$1.4 million from vessel registration fees in each fiscal year.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to an analysis of CS/HB 807 because the committee substitute does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

CS/HB 807 does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

CS/HB 807 does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Section 26 of the committee substitute creates s. 322.222, F.S., to provide specific statutory authority for the department to hold administrative hearings for medical cases. The department has established a rule for processing hearings requested by a citizen when their driver's license is suspended or revoked for medical reasons. The DHSMV's statutory authority to have a rule has been questioned by the Joint Administrative Procedures Committee.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

This bill was considered by the House Transportation Committee on March 14, 2001 and reported favorably as a committee substitute. The committee substitute differs from the original bill in that the committee substitute:

- Indicates the types of loads subject to strobe light requirements.
- Corrects a cross-reference.
- Deletes a requirement that a pattern of wrongdoing must be established before a vehicle dealer's license can be suspended. Provides that a person who violates specified laws may not serve in the industry and may not have a financial interest or management role in a vehicle dealership.

- Provides that a “motorized scooter” is not a motor vehicle for which a registration and drivers license is required. Makes motorized scooters subject to the same operating regulations as bicycles.
- Allows an approved third party to provide electronic access to vehicle insurer information kept by the DHSMV. The records would be provided for claims and subrogation purposes only.
- Provides that traffic crash investigators working for county and city law enforcement offices may issue traffic citations for violations of Chapters 316, 319, 320 and 322. Since these investigators currently are limited to enforcing Chapter 316 relating to traffic control, this change will allow enforcement of other motor vehicle and licensure laws.
- Authorizes the DHSMV to withhold vehicle registration and cancel license plates of motor carriers who have failed to pay a weight or safety violation penalty assessed by the DOT.
- Authorizes local sheriffs and police to enforce 4-way stop signs on private roads pursuant to agreements with the private community without requiring minimum traffic volume as provided in DOT standards for public roads.
- Removes an incorrect reference to “documented” vessels.
- Exempts operators of solid waste and recovered materials trucks from provision requiring unattended vehicles to have engines stopped and key removed.
- Provides that the DHSMV compliance examiners may enforce prohibition against illegally parking vehicles displayed for sale.
- Provides that the license of a vehicle manufacturer, distributor or importer may be denied, suspended, or revoked if the licensee has competed with one of its Florida franchised vehicle dealers.
- Makes a technical change to Single Audit Act provisions in the bill.
- Creates the Automobile Dealers Industry Advisory Board in the DHSMV
- Deletes the repeal of the Pilot Recreational Vehicle Mediation and Arbitration Program which helps resolve disputes between recreational vehicle manufacturers and consumers. This program is scheduled to be repealed on September 30, 2001.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Phillip B. Miller

Staff Director:

Phillip B. Miller

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DATE: April 12, 2001

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AS REVISED BY THE COMMITTEE ON INSURANCE:

Prepared by:

Staff Director:

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