

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1513 w/CS Motor Vehicles
SPONSOR(S): Slosberg
TIED BILLS: **IDEN./SIM. BILLS:** SB 682

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation	18 Y, 0 N w/CS	Garner	Miller
2) Appropriations			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 1513 w/CS addresses a number of highway safety, motor vehicle, driver license, and vessel issues. Many of the provisions in the amendment relate to the functions of the Department of Highway Safety and Motor Vehicles (DHSMV). Some provisions contained in the amendment:

- Allow DHSMV the flexibility to place the consent warning for the use of breath, blood, and urine test for detection of alcohol, chemical and/or controlled substances in any location on a driver's license.
- Delete the requirement that renewal of a vehicle registration occur in the county of the owner's residence.
- Provide that driver license fees and charges collected by county tax collectors must be transferred electronically to DHSMV within five business days from the close of the business day in which the county officer received funds.
- Authorize DHSMV to provide access to driver's license status reports by name, gender, and date of birth, or by driver license number free of charge through DHSMV's internet website.
- Require DHSMV to accept as proof of identity for a Florida ID card or driver's license, a U.S. passport, either valid or invalid, and a naturalization certificate issued by the U.S. Department of Justice.
- Clarify that DHSMV shall only issue ID cards and driver's licenses that bear full-face images of the applicant, and that this requirement exists notwithstanding the Religious Freedom Restoration Act of 1998.
- Clarify that a person who perpetrates DUI manslaughter may be convicted of multiple counts in the event that more than one victim dies in the same incident.

The bill appears to have a minimal fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1513b.tr.doc
DATE: April 14, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

The bill requires motor vehicle dealers to retain certain records for a period of five years.

B. EFFECT OF PROPOSED CHANGES:

Traffic Control

Current law limits passing and changing lanes. No vehicle may turn from a direct course on a road until the driver has determined the vehicle is not being approached or passed by another vehicle and another vehicle is not approaching from the other direction. HB 1513 w/CS provides that no person may overtake a vehicle when the vehicle is clearly signaling a left turn, or when approaching a clearly marked intersection.

When a person accepts the privilege of operating a motor vehicle within this state, and by so operating such vehicle, that person is deemed to have given their consent to submit to an approved chemical test or physical test, including, but not limited to, an infrared light test of their breath for the purpose of determining the alcoholic content of their blood or breath, and to a urine test for the purpose of detecting the presence of chemical or controlled substances. By applying for, accepting, and using a driver's license, the person holding the driver's license is deemed to have expressed his or her consent to these tests. A nonresident or any other person driving in a status exempt from the requirements of the driver's license law, by his or her act of driving in such exempt status, is deemed to have expressed his or her consent to these tests. A consent warning to submit to these tests must be printed above the signature line on each new or renewed driver's license. HB 1513 w/CS allows DHSMV the flexibility to place the consent warning for the use of breath, blood, and urine test for detection of alcohol, chemical and/or controlled substances in any location on a driver's license.

A Commercial driver who was regularly employed as a commercial motor vehicle operator on July 4, 1987, is exempt from federal vision requirements, if that driver also meets all of the following requirements:

- The driving record shows no traffic convictions, pursuant to s. 322.61, F.S., (commercial motor vehicle traffic violations) during the 2-year period immediately preceding the application for the commercial driver's license.
- The driver qualifies as a driver under 49 C.F.R. Part 391, (Federal regulations of driver qualifications).
- The driver operates a commercial vehicle in intrastate commerce only.
- The driver complies with the state standard of at least 20/40 visual acuity overall (ss. 322.12 and 322.121, F.S.).

HB 1513 w/CS deletes the provision allowing only drivers who were regularly employed as commercial motor vehicle operators on July 4, 1987, to be exempt from Federal Vision Requirements, but the

drivers must still comply with the state standard of at least 20/40 visual acuity overall. This bill would allow the exemption to apply to all commercial motor vehicle operators who met the requirements of s. 316.302, F.S.

In addition, DHSMV is authorized to expend funds for the purchase of promotional items as part of a public information and education campaign related to child restraints, safety belts, driver improvement programs, and recycling programs. HB 1513 w/CS broadens DHSMV's authority to expend funds on educational campaigns promoting highway safety and awareness as well as other DHSMV community based initiatives.

The DUI manslaughter statute provides that, if in the course of committing DUI, a person causes or contributes to the cause of the death of *any* human being, that person commits DUI manslaughter. Recent court decisions have construed the use of the word "any" rather than "a" as limiting the number of counts of a crime for which an alleged perpetrator may be charged to one. In a case heard by Florida's District Court of Appeal for the Fourth District, the court held that a man in possession of several forged ID's could only be charged with a single count because the statute prohibited the possession of "any" forged identification. This same reasoning has been debated in a DUI manslaughter case in the Fourth District. Although the three-judge panel held in favor of multiple counts, one of the judges dissented, prompting the court to submit the question to Florida's Supreme Court. The issue has not yet been decided by the Supreme Court. HB 1513 w/CS changes the word "any" to "a" in the statute to clarify that it is the Legislature's intent that more than one count may be charged in DUI manslaughter cases where more than one death is caused in a single incident.

Motor Vehicle Titles and Registration

Vehicles in Florida are required to display license plates on the rear of the vehicle, except government vehicles having a gross weight of 26,001 pounds or more. A violation of this law is punishable as a non-moving violation (\$30 fine). HB 1513 w/CS authorizes wreckers, motor vehicles equipped with a mechanical loading device with only one registered plate, truck tractors with a government issued license plate, or governmental vehicles having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more to display the license plate on the front of the vehicle.

Under the definitions for chapter 320, F.S., relating to motor vehicle licensing, the definitions for "apportionable vehicle" and "commercial motor vehicle" are inconsistent with respect to the weight of the vehicle defined. The definition of "apportionable vehicle" references a unit with a gross vehicle weight in excess of 26,001 pounds, while the definition of "commercial motor vehicle" references a vehicle having a gross vehicle weight of 26,001 pounds or more. These definitions may apply to the same vehicle in certain circumstances, but apply a different weight standard to the same vehicle. HB 1513 w/CS clarifies the definitions of "apportionable vehicle" and "commercial motor vehicle" to apply the same weight standard of 26,001 pounds or more in each definition. This change reflects the intent that only vehicles that weigh more than 26,000 pounds are included in each definition.

The public may inspect certain motor vehicle records and driver's license status reports for a prescribed fee. Information provided via DHSMV's website is not exempted from such a fee. HB 1513 w/CS exempts driver's license information provided through DHSMV's Internet website from the associated charges. Also, the bill deletes the provision relating to electronic access to driver's license status reports in the ch. 320, F.S., relating to motor vehicle licensing and registration and reassigns them to ch. 322, F.S., relating to driver's licensing.

The statutes do not expressly exempt vehicles registered within the fleet program from the requirement that a registration certificate or receipt must be carried in a vehicle while it is being operated. HB 1513 w/CS clearly states the registration certificate for vehicles registered with the fleet program are not required to be in the possession of the operator or within the vehicle.

Motor vehicle or mobile home registration renewals must be processed only in the county in which the owner resides. HB 1513 w/CS deletes the requirement regarding advanced renewal of vehicle registration occurring in the county of residence, and therefore, allows renewal of a motor vehicle or mobile home registration to occur in any Florida county.

A \$100 fee is imposed upon the initial application for registration on certain motor vehicles. The fee is due on any private-use vehicle unless the vehicle being registered is a replacement for a vehicle disposed of by the person applying for registration. Current law allows a registrant to prove he or she has owned a Florida license plate at any point in time to be exempt from the \$100 initial registration fee. HB 1513 w/CS specifies the time frame DHSMV is responsible to research its records for a registrant to use a previous license plate for the exemption of the \$100 initial registration fee to the 7-year period prior to the date the transaction is processed.

The statutes currently do not expressly state where wrecker license plates must be placed, and it is unclear as to the number of plates which must be displayed. HB 1513 w/CS specifies only 1 license plate is issued per wrecker, regardless of the gross vehicle weight, and requires the wrecker license plate to be displayed on the front of the vehicle.

The model year 1974 for a motor vehicle is the latest model year permitted to display a historical Florida license plate. HB 1513 w/CS establishes 1975, or earlier as the latest vehicle model year, in which an applicant may purchase an authenticated, historical Florida license plate.

DHSMV may withhold or cancel any motor vehicle or mobile home registration for non-payment of required taxes or presentation of a dishonored check. This authorization does not extend to vessel registration. HB 1513 w/CS provides that DHSMV may withhold or cancel vessel registration for non-payment of required taxes or presentation of dishonored checks.

Motor vehicle dealers must keep a record of the vehicle purchase, sale, exchange, receipt for the purpose of sale, temporary tag issuance, title transfer, vehicle description, and the name and address of the buyer or seller. Currently, the law does not specify how long such records must be kept. HB 1513 w/CS requires that a motor vehicle dealer must maintain certain records for a period of 5 years.

DHSMV inspectors and supervisors are authorized to enforce the provisions of chapters 319 (Title Certificates), 322 (Driver's Licenses), and 324 (Financial Responsibility), F.S. HB 1513 w/CS authorizes DHSMV to appoint license inspectors and supervisors to enforce the provisions of ch. 317, F.S., regarding off-highway vehicle titling and ch. 328, F.S., regarding vessel titling, liens and registration.

Certain actions relating to licensed mobile home installers are prohibited. The actions include:

- Obtaining a mobile home installers license by fraud or misrepresentation.
- Being convicted or found guilty of, or enter a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of mobile home installation or the ability to practice.
- Violating any lawful order of DHSMV.
- Committing fraud or deceit in the practice contracting.
- Committing incompetence or misconduct in the practice of contracting.
- Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property.
- Committing violations of the installation standards for mobile homes or manufactured homes contained in rules 15C-1.0102 – 15C-1.0104, Florida Administrative Code.

Violation of any of these enumerated offenses subjects the violator to the following disciplinary penalties: license revocation; license suspension; fine not to exceed \$1,000 per violation; requirement

to take and pass, or retake and pass DHSMV-approved examination; probation; probation subject to such restriction of practice as DHSMV chooses to impose; notice of noncompliance; or refusal of licensure application. HB 1513 w/CS prohibits a licensed mobile home installer from violating other state laws, including Chapters 319 and 320 of the Florida Statutes, as well as Rules 15C-1 and 15C-2 of the Florida Administrative Code.

Driver's Licenses

Tax Collectors currently transfer driver's license fees and charges to DHSMV by check, wire transfer, and electronic funds. The Department currently requires checks to be postmarked by the 7th working day after the week's transactions. HB 1513 w/CS provides that driver license fees and charges collected by county tax collectors must be transferred to DHSMV within five business days from the close of the business day in which the county officer received funds. Applicable funds must be transferred electronically to DHSMV.

DHSMV is authorized to provide services and documents relating to driver licenses for a prescribed fee. HB 1513 w/CS authorizes DHSMV to provide electronic access to driver's license status reports by name, gender, and date of birth, or by driver license number for a \$.50 per item fee, and exempts information provided via DHSMV's Internet website from the \$.50 fee.

A driver of an emergency vehicle or driver transporting farm equipment or supplies within 150 miles of a farm is currently exempt from having a commercial driver's license. Such a driver is not required to obtain a Class D driver's license endorsed for the operation of the particular type of vehicle being driven. However, drivers who hold a Class B or C commercial driver's license can drive only those vehicles in the class covered by their license. This inconsistency is apparently contrary to the intent of federal law that emergency and farm vehicle operators should be relieved from commercial vehicle licensing standards. HB 1513 w/CS deletes the special licensing and endorsement requirements for operators of emergency and farm vehicles.

Currently, an application for a Florida ID card or Driver's license must include proof of identity containing one of the following documents:

- A Driver's license or ID card record from another U.S. jurisdiction that requires the same primary documentation as Florida;
- A certified copy of a U.S. birth certificate;
- A valid U.S. passport;
- An alien registration receipt card (green card);
- An employment authorization card issued by the U.S. Department of Justice; or
- Proof of nonimmigrant classification.

A person who establishes identity by an employment authorization card or proof of non-immigrant classification is entitled to a license valid for four years or the expiration date of the establishing document, whichever occurs first. HB 1513 w/CS requires DHSMV to accept as proof of identity for a Florida ID card or driver's license, a U.S. passport, either valid or invalid, and a naturalization certificate issued by the U.S. Department of Justice. Under the provisions of the bill, a person may prove non-immigrant classification by, but not only by, the following documents:

- A notice of hearing from an immigration court scheduling a hearing on any proceeding.
- A notice from the Board of Immigration Appeals acknowledging the pendency of an appeal.
- Notice of the approval of an application for adjustment of status issued by the United States Immigration and Naturalization Service (INS).
- Any official documentation confirming the filing of a petition for asylum status or any other relief issued by the INS.

- Notice of action transferring any pending matter from another jurisdiction to Florida issued by the INS.
- An Order of an immigration judge or immigration officer granting any relief that authorizes an the alien to live and work in the United States, including, but not limited to, asylum.

If proof is made by one of these documents, the license will be valid for 2 years or for the duration of the validity of the document, which ever is shortest.

Currently, the photograph or digital image on a driver's license or ID card must contain a full-face image of the cardholder. Recently, however, DHSMV has been sued on religious or ethnic grounds by persons refusing to pose for a full-face image. Although DHSMV has prevailed in these challenges to date, it is uncertain whether the Religious Freedom Restoration Act of 1998 may impact future challenges. HB 1513 w/CS clarifies that DHSMV shall only issue ID cards and driver's licenses that bear full-face images of the applicant, and that this requirement exists notwithstanding the Religious Freedom Restoration Act of 1998.

A person's can lose his or her driving privileges upon the accumulation of twelve or more points assessed against a driver's license for excessive traffic violations. DHSMV sends a letter to the violator warning of excessive points or of restrictions on driving privileges that result from repeated violations. HB 1513 w/CS also provides that a driver, once in his or her lifetime, upon receiving a warning or restriction letter based upon the accumulation of points for traffic violations, may attend a basic driver improvement course approved by DHSMV to have three points removed from his or her driving record.

Vessel Titles and Registrations

The law requires a copy of the applicable contract be submitted when processing an application for transfer of vessel title based on a contractual default. HB 1513 w/CS deletes the requirement to conform this provision relating to vessels to the provision relating to motor vehicles.

Vessel title must be surrendered to DHSMV for cancellation for an insured total loss. However, an insurer may retain the vessel title when payment for loss was made due to theft. HB 1513 w/CS deletes the requirement for transfer of an insured vessel title to DHSMV for cancellation of title in cases of total loss.

DHSMV may issue a duplicate motor vehicle certificate of title upon application if DHSMV is satisfied the original certificate has been lost, destroyed, or mutilated. A fee of \$6 is charged for issuing a duplicate certificate. An additional fee of \$5 must be charged for expedited service in issuing a duplicate motor vehicle certificate of title. DHSMV must issue each certificate of title applied for within 5 working days after receipt of a proper application or must refund the additional \$5 fee upon written request by the applicant. HB 1513 w/CS revises procedures to authorize DHSMV to charge a \$5 fee for expedited services for the issuance of vessel certificates of title in addition to motor vehicle certificates of title.

A non-judicial sale of a vessel does not extinguish prior recorded liens, and is subject to those liens. HB 1513 w/CS deletes the statutory provision stating that a non-judicial sale resulting from foreclosure of a lien against a vessel for labor or storage charges is subject to prior recorded liens.

C. SECTION DIRECTORY:

Section 1. Section 316.085, F.S., is amended to provide no person may overtake a vehicle when the vehicle is clearly signaling a left turn, or when approaching a clearly marked intersection.

Section 2. Section 316.193, F.S., is amended to clarify that a person committing DUI manslaughter may be charged with multiple counts of the crime if more than one person is killed in an incident.

Section 3. Section 316.1932, F.S., is amended to allow DHSMV the flexibility to place the consent warning for the use of breath, blood, and urine test for detection of alcohol, chemical and/or controlled substances in any location on a driver's license.

Section 4. Section 316.302, F.S., is amended to delete a provision allowing only drivers who were regularly employed as commercial motor vehicle operators on July 4, 1987, to be exempt from the requirements of 49 C.F.R. part 391, subpart E, s. 391.41 (b) (10) (Federal Vision Requirements), which requires at least 20/40 visual acuity in both eyes with or without corrective lenses, but the drivers must still comply with the state standard of at least 20/40 visual acuity overall (ss. 322.12 and 322.121, F.S.). This bill would allow the exemption to apply to all commercial motor vehicle operators who meet the requirements of s. 316.302, F.S.

Section 5. Section 316.605, F.S., is amended to authorize wreckers, motor vehicles equipped with a mechanical loading device with only one registered plate, truck tractors with a government issued license plate, or governmental vehicles having a GVWR of 26,001 pounds or more to display the license plate on the front of the vehicle.

Sections 6 & 7. Section 316.613, F.S., is amended to delete the paragraph which authorizes DHSMV to expend funds on certain promotional items. Section 316.6131, F.S., is created to broaden DHSMV's authority to expend funds on educational campaigns promoting highway safety and awareness as well as DHSMV community based initiatives provided in chapters 316 (state uniform traffic control), 320 (registration requirements), 322 (driver's licenses), and section 403.7145 (recycling), F.S.

Section 8. Section 318.1451, F.S., is amended to provide that a fee of \$2.50 must be paid to a basic driver improvement course that attended by a person who has received a warning or restriction letter for accumulation of points. The fee is currently charged for all other driver improvement course options provided by law.

Section 9. Section 320.01, F.S., is amended to clarify the definitions of apportionable vehicle and commercial motor vehicle to conform and be consistent regarding their weight requirements. The amendment specifies the gross vehicle weight to be 26,001 pounds or more.

Section 10. Section 320.05, F.S., is amended to exempt information provided through DHSMV's Internet website from the associated charges. Also, the bill deletes the provision relating to electronic access to driver's license status reports, and reassigns it to s. 322.20, F.S.

Section 11. Conforming provision - Section 320.06, F.S., is amended to correct a cross reference to Chapter 328, F.S.

Section 12. Section 320.0605, F.S., is amended to clearly state the registration certificate for vehicles registered with the fleet program are not required to be in the possession of the operator or within the vehicle.

Section 13. Section 320.071, F.S., is amended to delete the requirement regarding advanced renewal of vehicle registration occurring in the county of residence, and therefore, allow renewal of a motor vehicle or mobile home registration to occur in any Florida county. According to DHSMV, this update would codify current practices.

Section 14. Section 320.072, F.S., is amended to specify the time frame DHSMV is responsible to research its records for a registrant to use a previous license plate for the exemption of the \$100 initial registration fee to the 7-year period prior to the date the transaction is processed.

Section 15. Section 320.0821, F.S., is amended to specify only 1 license plate is issued per wrecker, regardless of the gross vehicle weight, and requires the wrecker license plate to be displayed on the front of the vehicle.

Section 16. Section 320.086, F.S., is amended to establish 1975 or earlier as the latest vehicle model year, in which an applicant may purchase an authenticated, historical Florida license plate. According to DHSMV, the change is needed to correct the model year since 1975, was the last year license plates were embossed. Currently, customers wanting to use a plate from 1975 are not eligible.

Section 17. Section 320.18, F.S., is amended to provide DHSMV may withhold or cancel vessel registration for non-payment of required taxes or presentation of dishonored checks. According to DHSMV, this update codifies statutes with current practices.

Section 18. Section 320.27, F.S., is amended to provide a motor vehicle dealer must maintain a record of the vehicle purchase, sale, exchange, receipt for the purpose of sale, temporary tag issuance, title transfer, vehicle description, and the name and address of the buyer or seller for a period of 5 years.

Section 19. Section 320.58, F.S., is amended to authorize DHSMV to appoint license inspectors and supervisors to enforce the provisions of ch. 317, F.S., regarding off – highway vehicle titling and ch. 328, F.S., regarding vessel titling, liens and registration.

Section 20. Section 320.8249, F.S., is amended to prohibit a licensed mobile home installer from violating other state laws, including Chapters 319 and 320, F.S., as well as Rules 15C-1 and 15C-2 of the Florida Administrative Code. (See technical deficiencies).

Section 21. Section 322.025, F.S., is amended to allow a once-in-a-lifetime option to reduce points accumulated against a license by attending a basic driver improvement course when the licensee has received a warning or restriction letter due to approaching the 12-point limit.

Section 22. Section 322.051, F.S., is amended to authorize the acceptance of a naturalization certificate as proof of identity for a Florida ID card.

Section 23. Section 322.08, F.S., is amended to authorize the acceptance of a naturalization certificate as proof of identity for a driver's license, and to enumerate documents acceptable as proof of non-immigrant classification.

Section 24. Section 322.135, F.S., is amended to provide driver license fees and charges collected by county tax collectors must be transferred to DHSMV within five business days from the close of the business day in which the county officer received funds. Applicable funds must be transferred electronically to DHSMV. These procedures are consistent with those found in ss. 319.32, 320.03, and 328.73, F.S., which applies to fees collected for motor vehicle titles, motor vehicle registration, and vessel registration certificates. According to DHSMV, this update would codify statutes with current practices.

Section 25. Section 322.142, F.S., is amended to clarify that a full face image is required on a driver's license notwithstanding the Religious Freedom Restoration Act.

Section 26. Section 322.17, F.S., is amended to correct cross references changed by this act.

Section 27. Section 322.18, F.S., is amended to correct cross references changed by this act.

Section 28. Section 322.19, F.S., is amended to correct cross references changed by this act.

Section 29. Section 322.20, F.S., is amended to authorize DHSMV to provide electronic access to driver's license status reports by name, gender, and date of birth, or by driver license number for a \$.50 per item fee. This section is further amended to exempt information provided via DHSMV's Internet website from the \$.50 fee.

Section 30. Section 322.53, F.S. is amended to delete the endorsement requirements for operators of emergency and farm vehicles.

Section 31. Section 328.01, F.S. is amended to delete the requirement for the copy of the contract when processing application for title based on a contractual default. A contractual lien is acknowledged by the owner at the time it is recorded on the title certificate; therefore, a copy of the security contract between the owner and the lien holder is not necessary. This provision conforms vessel registration law to motor vehicle registration law.

Section 32. Section 328.03, F.S., is amended delete the requirement for transfer of an insured vessel title to DHSMV for cancellation of title in cases of total loss. The insurer should obtain the title to the vessel within 30 days pursuant to s 328.03(3), F.S., and a certificate of destruction will be issued at the appropriate time.

Section 33. Section 328.11, F.S., is amended to revise procedures to authorize DHSMV to charge a \$5 fee for expedited services for the issuance of vessel certificates of title.

Section 34. Section 328.17, F.S., is amended to delete the requirement for satisfaction of prior liens on vessels after proper notice for non-payment of labor or storage charges have been sent to the owner of record and any lien holders. These procedures are consistent with those found in s. 713.585, F.S., which applies to the public sale of vehicles for non-payment of labor or storage charges prior to the satisfaction of previous liens.

Section 35. Except as otherwise provided, this act will take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Basic driver improvement courses will receive a \$2.50 fee for persons who enroll in the courses to reduce the number of points assessed against a license after receiving a warning or restriction letter. That actual impact is indeterminate because it is impossible to know how many persons will make this election.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require the exercise of additional rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 14, 2003, the Committee on Transportation adopted a strike-all amendment that incorporated language contained in both the original filed version of HB 1513, and CS/SB 628, the Senate companion. In addition, the committee adopted three amendments to the strike-all amendment which:

- Added a provision clarifying that a person may be charged with multiple counts of DUI manslaughter upon causing the death of more than one person in an incident;
- Removed a provision that eliminates the distinction between commercial and recreational vessels in registration decals; and
- Removed a provision that eliminates the requirement that a vessel registration must be renewed in the county of the owner's residence.