

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 189 w/CS Driving Privilege/Slosberg & Simmons Safety Act
SPONSOR(S): Slosberg
TIED BILLS: **IDEN./SIM. BILLS:** SB 1456

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	8 Y, 2 N	Garner	Miller
2) Transportation	17 Y, 1 N w/CS	Garner	Miller
3) Public Safety & Crime Prevention	14 Y, 1 N w/CS	Maynard	De La Paz
4) Finance & Tax			
5) Transportation & Econ. Dev. Apps. (Sub)			
6) Appropriations			

SUMMARY ANALYSIS

Currently, civil penalties assessed for moving and non-moving traffic infractions range from \$15 for pedestrian traffic infractions to \$250 for certain speeding violations. The Department of Highway Safety and Motor Vehicles (DHSMV) may suspend or revoke a license for a variety of statutorily prescribed reasons. Any person who applies for reinstatement of his or her driver's license must pay a service fee of \$25 following a suspension, and \$50 following a revocation. If the license is suspended or revoked for DUI or for refusing to submit to a lawful breath, blood, or urine test, the licensee must pay a \$105 reinstatement fee.

HB 189 w/CS, also known as the "Slosberg and Simmons Safety Act," imposes an additional \$10 fine for all nonmoving traffic infractions, and an additional \$25 for all moving traffic infractions. In addition, the bill imposes an additional \$500 surcharge on fines given for fleeing and eluding law enforcement, reckless driving, DUI, and leaving the scene of an accident. The bill also imposes an additional \$50 reinstatement fee for suspended licenses, and imposes an additional \$500 reinstatement fee for licenses that have been suspended for DUI offenses. Driving privileges will not be reinstated until these reinstatement fees are completely paid.

DHSMV estimates that HB 189 w/CS will generate \$86.9 million in additional revenues in FY 2003-04, and \$115.9 million on an annualized basis after FY 2003-04, of which:

- \$1 million would be distributed to MADD Florida;
- Contingent upon the passage of HB 633 or similar legislation, \$1 million would be distributed to DHSMV to fund a study of the effects of aging on driving ability, and an advisory council appointed by the department to assist in that study;
- \$25 million would be distributed to the Biomedical Research Trust Fund in the Department of Health;
- Contingent upon the creation of the trust fund, \$25 million would be distributed to the Johnny Bryars Byrd, Sr., Trust Fund for Alzheimer's Research.

Funds collected pursuant to this bill that are not distributed to one of the above-named recipient's will be deposited into the General Revenue Fund.

[Note: On April 2, 2003 the Committee on Transportation adopted a strike-all amendment and reported the bill favorably as amended. The strike-all amendment substantially changed the bill from its original filed version. For a description of the amendment, see the AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES section of the analysis.]

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

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DATE: April 15, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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 checked="" type="checkbox"/> | N/A <input type="checkbox"/> |

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

Reduce Government?

HB 189 w/CS may raise additional revenue for government, and specifies how a portion of the additional revenues are to be spent (See II A.1. FISCAL IMPACT ON STATE GOVERNMENT for details). To the extent that the additional revenues could be used to grow current government programs or to create new ones, the bill does not tend to reduce government.

Lower Taxes?

HB 189 w/CS requires any person who violates certain civil traffic laws or who requests reinstatement of his or her driver's license after revocation or suspension to pay additional fines or service charges. Penalties and fees already exist for these violations or transactions. The proposed fines, fees, and surcharges are additional to existing penalties and fees and appear to be designed to increase revenues.

Empower Families?

HB 189 w/CS imposes a \$500 service fee on the reinstatement of driver's licenses that have been suspended or revoked for DUI offenses. Some families may rely on a single adult as a primary source of transportation. If that adult is unable to afford this reinstatement fee, the family will be impacted. The bill increases the current cost from \$125 for reinstatement to \$625.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, s. 318.18, F.S., provides the amount of civil penalties to be assessed for moving and non-moving traffic infractions. Penalties range in severity from \$15 for pedestrian infractions up to \$250 for exceeding the speed limit by 30 mph or more. Where a mandatory hearing is involved, or an accused violator chooses to appear before a court or other designated official, the penalty provisions of s. 318.18, F.S., are waived, and the judge or other designated official may impose a fine of up to \$500 or \$1,000 depending upon the circumstances. Where a death occurs as a result of certain infractions, performance of 120 hours of community service may be required in addition to any other penalties.

In addition to the penalties assigned to the various civil traffic infractions, violators may also be required to pay a number of fees. For example, under the Dori Slosberg Driver Education Safety Act, counties may impose an additional \$3 surcharge to fund traffic education programs in the schools. Florida law also provides for a variety of fees associated with driver improvement schools, failure to comply or to appear, and with court operations.

Section 322.27, F.S., authorizes DHSMV to suspend or revoke a license for excessive accumulation of points, habitual violation of the traffic laws, fraud, and a variety of other offenses. Sections 322.2615 and 322.2616, F.S., authorize DHSMV to suspend a license for refusal to submit to a blood or breath alcohol test and for driving with an unlawful blood alcohol level.

Currently, pursuant to s. 322.12, F.S., any person who applies for reinstatement following the suspension or revocation of his or her driver's license must pay a service fee of \$25 following a suspension, and \$50 following a revocation, in addition to the fee for a license. Most of each service fee is paid into the General Revenue Fund, and the remainder is paid into the Highway Safety Operating Trust Fund. If the license is suspended or revoked for DUI or for refusing to submit to a lawful breath, blood, or urine test, the licensee must pay a \$105 reinstatement fee, which is paid into the Highway Safety Operating Trust Fund.

Effect of Proposed Changes

HB 189 w/CS, also known as the "Slosberg and Simmons Safety Act," imposes an additional \$10 fine for all nonmoving traffic infractions, and an additional \$25 for all moving traffic infractions. In addition, the bill imposes an additional \$500 surcharge on fines given for reckless driving, DUI, leaving the scene of an accident, and fleeing and eluding law enforcement.

HB 189 w/CS also imposes an additional \$50 reinstatement fee for suspended licenses, and imposes an additional \$500 reinstatement fee for licenses that have been suspended for DUI offenses. Driving privileges will not be reinstated until these reinstatement fees are completely paid.

All fines, surcharges, and reinstatement fees provided in HB 189 w/CS are in addition to fines and fees that already exist. For example, a driver ticketed for a violation of the sunscreen or window tinting law is currently subject to a \$30 fine for a nonmoving violation, and additional court costs and fees that can reach as much as \$30 depending on the jurisdiction. HB 189 imposes an additional \$10 fine on this nonmoving violation. Under the bill, the ticketed driver could be liable for up to \$70 for violation of the sunscreen or window tinting law.

Similarly, costs are significantly increased for a licensee seeking reinstatement of a suspended or revoked driver's license. For example, if a driver has had his or her license suspended after being convicted of violating a traffic law that resulted in crash causing more than \$500 in property damage, that driver is required to pay a \$25 fee to have the license reinstated, plus the \$20 license fee. HB 189 w/CS imposes an additional \$50 reinstatement fee, increasing the licensee's cost from \$45 to \$95. A person whose license has been suspended for violation of the DUI law is required to pay a \$105 service fee and a \$20 license fee prior to reinstatement. HB 189 w/CS imposes a \$500 reinstatement fee raising the cost to \$625.

DHSMV estimates that HB 189 w/CS will generate \$86.9 million in additional revenues in FY 2003-04, and \$115.9 million on an annualized basis after FY 2003-04, of which:

- \$1 million would be distributed to MADD Florida;
- Contingent upon the passage of HB 633 or similar legislation, \$1 million would be distributed to DHSMV to fund a study of the effects of aging on driving ability, and an advisory council appointed by the department to assist in that study;
- \$25 million would be distributed to the Biomedical Research Trust Fund in the Department of Health;
- Contingent upon the creation of the trust fund, \$25 million would be distributed to the Johnny Bryars Byrd, Sr., Trust Fund for Alzheimer's Research.

Funds collected pursuant to this bill that are not distributed to one of the above-named recipient's will be deposited into the General Revenue Fund. All revenue estimates included in this analysis are

provided by DHSMV based on data collected for 2002 and assume that the number of relevant violations and reinstatements will remain static in future years.

C. SECTION DIRECTORY:

Section 1. Provides the popular name the “Slosberg and Simmons Safety Act.”

Section 2. Creates s. 318.1225, F.S., imposing additional charges for violation of traffic laws.

Section 3. Amends s. 318.21, F.S., directing the clerk of the court to collect and distribute the additional charges.

Section 4. Creates s. 322.287, F.S., imposing additional license reinstatement fees.

Section 5. Provides an effective date of October 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
Biomedical Research TF	\$ 25,000,000	\$ 25,000,000	\$ 25,000,000
JBB, Sr. Alzheimer's Research TF	\$ 25,000,000	\$ 25,000,000	\$ 25,000,000
HS Operating TF	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
General Revenue Fund (reflects \$1 million to MADD Florida)	<u>\$ 34,977,021</u>	<u>\$ 63,969,360</u>	<u>\$ 63,969,360</u>
TOTAL	\$ 85,977,021	\$ 114,969,360	\$ 114,969,360

2. Expenditures:

General Revenue Fund: Data Processing	\$ 54,000	\$ 0	\$ 0
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B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

MADD Florida will receive up to \$1 million of the estimated revenues annually.

See also EFFECT OF PROPOSED CHANGES section above.

D. FISCAL COMMENTS:

DHSMV estimates that HB 189 w/CS will generate \$86.9 million in additional revenues in FY 2003-04, and \$115.9 million on an annualized basis after FY 2003-04, of which:

- \$1 million would be distributed to MADD Florida;
- Contingent upon the passage of HB 633 or similar legislation, \$1 million would be distributed to DHSMV to fund a study of the effects of aging on driving ability, and an advisory council appointed by the department to assist in that study;
- \$25 million would be distributed to the Biomedical Research Trust Fund in the Department of Health;
- Contingent upon the creation of the trust fund, \$25 million would be distributed to the Johnny Bryars Byrd, Sr., Trust Fund for Alzheimer's Research.

Funds collected pursuant to this bill that are not distributed to one of the above-named recipient's will be deposited into the General Revenue Fund. All revenue estimates included in this analysis are provided by DHSMV based on data collected for 2002 and assume that the number of relevant violations and reinstatements will remain static in future years.

The distributions reflected in the table above assume the passage of HB 633 or similar legislation requiring a study and creating a council related to aging drivers, and the creation of the Johnny Bryars Byrd, Sr., Trust Fund for Alzheimer's Research. First year revenues are estimated to be \$86.9 million, and subsequent annualized revenues are estimated to be \$115.9 million. The totals in the table do not match these figures because \$1 million dollars is distributed to MADD Florida.

DHSMV calculates that it will incur a one-time expenditure of \$54,000 based on 400 hours of contracted programming modifications to the Driver License Software System priced at \$135 per hour.

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 an action 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:

HB 189 w/CS does not require agency rule-making to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 2, 2003, the committee on Transportation adopted a strike-all amendment and reported the bill favorably as amended. Under the provisions of the original filed version of the bill, an additional \$50 fee was imposed on all traffic offenses and most license reinstatements. A \$500 fees was imposed on all license reinstatements following suspension or revocation for DUI offenses. \$1 million was distributed to MADD Florida and the remainder to the General Revenue Fund. The amendment by contrast, imposes an additional \$10 fee on nonmoving violations, an additional \$25 fee on moving violations, a \$50 fee on license

reinstatements, and a \$500 fee on DUI violations and license reinstatements, reckless driving violations, and leaving-the-scene-of-an-accident violations. The revenue is distributed as follows:

- \$1 million would be distributed to MADD Florida;
- Contingent upon the passage of HB 633 or similar legislation, \$1 million would be distributed to DHSMV to fund a study of the effects of aging on driving ability, and an advisory council appointed by the department to assist in that study;
- \$25 million would be distributed to the Biomedical Research Trust Fund in the Department of Health;
- Contingent upon the creation of the trust fund, \$25 million would be distributed to the Johnny Bryars Byrd, Sr., Trust Fund for Alzheimer's Research.

Any remainder is deposited in the General Revenue Fund.

On April 15, 2003, the Committee for Public Safety & Crime Prevention adopted an amendment and voted the bill favorably. The amendment adds the offense of fleeing and eluding law enforcement under s. 316.1935, F.S., to those which a court shall impose an additional \$500 fee in addition to other fees.