

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 2486

SPONSOR: Senator Sebesta

SUBJECT: A Basic Driver Improvement Course

DATE: April 17, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable</u>
2.	_____	_____	<u>ATD</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides a once-in-a-lifetime opportunity for a driver who has received a points warning letter as described under s. 322.27(3)(f), F.S., or a restriction letter as described in s. 322.161, F.S., to attend a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles (DHSMV). Upon completion of the course and presentation of proof to DHSMV, the driver will have three points deducted from his or her driving record and DHSMV will permanently annotate on the driver's record the one-time offer had been accepted and used.

This bill also authorizes the driver improvement school to assess a \$2.50 fee in addition to the regular course fee from each person who elects to attend an approved course. The additional \$2.50 must be deposited into the Highway Safety Operating Trust Fund.

This bill substantially amends sections 322.025 and 318.1451 of the Florida Statutes.

II. Present Situation:

Section 318.14(9), F.S., permits a person cited for certain traffic infractions to elect to attend a basic driver improvement course in lieu of a court appearance. If a person attends a driver improvement course, adjudication is withheld, points are not assessed on the offender's driving record, and the civil penalty is reduced by 18 percent (provided the person has not made such an election in the previous twelve months). A person may only elect to attend a driver improvement course in lieu of court appearance five times. In addition, s. 318.1451(4), F.S., currently allows an assessment fee of \$2.50 on those persons electing to attend a driver improvement course. This assessment is remitted to DHSMV and deposited into the Highway Safety Operating Trust Fund.

Section 322.27(3), F.S., establishes a point system for evaluation of convictions of violations of motor vehicle laws or ordinances to be used for the determination of the continuing qualification of any person to operate a motor vehicle. DHSMV is also authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence the licensee has been convicted of violations of motor vehicle laws or ordinances amounting to 12 or more points as determined by the point system. The suspension must be for a period of not more than 1 year.

Section 322.27(3)(f), F.S., provides in computing the total number of points, when the licensee reaches the danger zone, DHSMV is authorized to send the licensee a warning letter advising any further convictions may result in suspension of his or her driving privilege.

Section 322.161, F.S., authorizes DHSMV to restrict the driving privilege of any Class D or Class E licensee who is age 15 through 17 and who has accumulated 6 or more points, excluding parking violations, within a 12 month period. Upon the determination any person has accumulated six or more points, DHSMV must notify the licensee and issue the licensee a restricted license for business purposes only. The licensee must appear before DHSMV within 10 days after notification to have the restriction applied. The period of restriction will be for a period of no less than 1 year beginning on the date it is applied by DHSMV.

Currently, s. 322.27(3)(h), F.S., provides for an automatic three point deduction from the driver history record of any person whose driving privilege has been suspended one time for the accumulation of points and has been reinstated.

III. Effect of Proposed Changes:

This bill amends s. 322.025, F.S., to require DHSMV to offer a once-in-a-lifetime opportunity for a driver who has received a points warning letter as described under s. 322.27(3)(f), F.S., or a restriction letter as described in s 322.161, F.S., to attend a basic driver improvement course approved by DHSMV. Upon completion of the approved course and presentation of proof to DHSMV, the driver will have three points deducted from his or her driving record and DHSMV will permanently annotate on the driver's record the one-time offer had been accepted and used.

This bill also amends s. 318.1451(4), F.S., to authorize the driver improvement school to assess a \$2.50 fee in addition to the regular course fee from each person who elects to attend an approved course. The additional \$2.50 must be deposited into the Highway Safety Operating Trust Fund.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill will allow additional individuals to attend driver improvement schools. Individuals who are allowed to attend driver improvement schools will have to pay the costs of such courses. The cost of basic driver improvement courses vary depending on locality. Drivers accepting this one-time basic driver improvement course will be assessed a \$2.50 fee in addition to the regular course fee.

C. Government Sector Impact:

According to DHSMV, during calendar year 2002, there were 188,748 warning letters mailed to drivers approaching a point suspension. If all 188,748 drivers receiving these warning letters elect to accept the once-in-a-lifetime offer and have three points deducted from their driver record, the fiscal impact of the additional driver improvement school assessments (\$2.50) provided for in the bill is \$471,870 which would be generated for deposit into the Highway Safety Operating Trust Fund.

DHSMV estimates it will incur \$18,900 for contracted programming to modify the Driver License Software System.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.