

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: CS/CS/SB 52

SPONSOR: Health, Aging, and Long-Term Care Committee, Transportation Committee and Senator Wise

SUBJECT: Driver's Licenses/Vision Tests

DATE: March 26, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u>Harkey</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable/CS</u>
3.	_____	_____	<u>ATD</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute requires a licensee who is otherwise eligible for a renewal driver's license and who is over 79 years of age to: (1) submit to and pass a vision test administered at any driver's license office; or (2) if applying for an extension by mail, submit to a vision test administered by a licensed physician or optometrist who must send the results of the test to the Department of Highway Safety and Motor Vehicles (DHSMV) via electronic means as approved by DHSMV, or on the proper DHSMV form signed by the physician or optometrist, and meet vision standards equivalent to DHSMV's vision test. The bill further modifies driver's license laws to prohibit a licensee who is over 79 years of age from submitting an application for extension by electronic or telephonic means. The bill also requires the DHSMV to study the effects of aging on driving ability and report to the Legislature by February 1, 2004.

This bill amends s. 322.18, F.S., and creates one unnumbered section of law.

II. Present Situation:

Driver's License Examination Requirements

The DHSMV is currently required to examine every first time applicant, regardless of age, prior to the issuance of an original Florida driver license. The examination includes a test of eyesight and hearing, ability to read and understand highway signs, knowledge of traffic laws, and a demonstration of motor vehicle operation skills. However, a new Florida resident with a valid out-of-state license may reciprocate his or her license and only be required to pass the eye exam.

Once a license is issued, the DHSMV continuously monitors driver performance through reexaminations of drivers appearing to be incompetent. On written notice of at least 5 days, the

DHSMV, having good cause, may require a licensed driver to submit to an examination or reexamination. "Good cause" includes, but is not limited to, a recommendation from a court, a law enforcement agency, or a physician.

A licensee may also be subject to reexamination by the DHSMV upon renewal. The examination consists of tests of the licensee's eyesight and hearing and his or her ability to read and understand highway signs and pavement markings.

Driver's License Issuance Periods

Generally, an initial driver's license issuance is valid for 6 years, concurrent with the applicant's birthday. (If an applicant establishes his or her identity for a driver's license using either an employment authorization card or a proof of nonimmigrant classification, both of which are issued by the United States Department of Justice, then the driver's license shall expire 4 years after the date of issuance or upon the expiration date cited on the United States Department of Justice documents, whichever date first occurs.)

A renewal driver's license is valid for 4 years. However, if the applicant's driving record includes no convictions for the preceding 3 years or no revocations, disqualifications, or suspensions over the preceding 7 years, the renewal driver's license is valid for 6 years.

Currently, the DHSMV may issue 4-year and 6-year license extensions by mail, electronic, or telephonic means without reexamination, unless renewal applicants are directed by the DHSMV to appear for an in-person examination. Licensed drivers are eligible for two consecutive license extensions without a required examination by the DHSMV. Therefore, the maximum time from the original driver license issuance to the end of the second license renewal could be 18 years (6 year original license and two mail-in renewal periods of 6 years each equaling 18 years.)

Driver's License Fees

The fee for an original operator's (class D) driver's license is \$20 and the fee for renewal or extension is \$15. The renewal fee is applicable for both a 4 and 6-year license. Driver license fees are deposited into the General Revenue Fund.

Special Provisions for Older Drivers in Other States

Special renewal procedures for older drivers include accelerated renewal cycles that provide for shorter renewal intervals for drivers older than a specified age, typically 65 or 70; a requirement that they renew their licenses in person rather than electronically or by mail where remote renewal is permitted; and testing that is not routinely required of younger drivers, such as vision and road tests. According to the Insurance Institute for Highway Safety, 16 states have accelerated renewal schedules or require additional safety-related documentation for older drivers.

Vision Testing

Allopathic and osteopathic physicians are licensed under chs. 458 and 459, F.S., respectively. Physicians are licensed to practice medicine, which includes diagnosing and treating conditions of the eye.

Chapter 463, F.S., provides for the regulation of the practice of optometry. Section 463.002, F.S., defines “optometry” to mean the diagnosis of conditions of the human eye and its appendages; the employment of any objective or subjective means or methods, including the administration of topical ocular pharmaceutical agents, for the purpose of determining the refractive powers of the human eyes, or any visual, muscular, neurological, or anatomic anomalies of the human eyes and their appendages; and the prescribing and employment of lenses, prisms, frames, mountings, contact lenses, orthoptic exercises, light frequencies, and any other means or methods, including topical ocular pharmaceutical agents, for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the human eyes and their appendages.

III. Effect of Proposed Changes:

The committee substitute amends s. 322.18, F.S., effective January 1, 2004, and modifies driver’s license laws by requiring a licensee who is otherwise eligible for a renewal license and who is over 79 years of age to: (1) submit to and pass a vision test administered at any driver’s license office; or (2) if applying for an extension by mail, then submit to a vision test administered by a licensed physician or optometrist who must send the results of the test to the Department of Highway Safety and Motor Vehicles (DHSMV) via electronic means as approved by DHSMV, or on the proper DHSMV form signed by the physician or optometrist, and meet vision standards equivalent to DHSMV’s vision test. The bill further modifies driver’s license laws to prohibit a licensee who is over 79 years of age from submitting an application for extension by electronic or telephonic means.

The bill also requires the DHSMV to study the effects of aging on driving ability. Issues to be addressed in the study include:

1. Effective and efficient identification of drivers at risk of being involved in a motor vehicle accident because of functional limitations that effect their driving ability;
2. Prevalence and effect of degenerative processes affecting vision, hearing, mobility, cognitive functions and reaction time;
3. Implementation and effect of DHSMV’s vision screening requirements and examination of new technologies;
4. Availability and effectiveness of remedial measures such as skills training, adaptive equipment, physical therapy and adjustment of driving practices that will allow people to drive safely for as long as possible;
5. Availability of alternative forms of transportation for people who can no longer safely drive; and the
6. Effectiveness of existing public education initiatives relating to at-risk drivers.

The bill requires DHSMV to report the results of the study, including findings and recommendations, to the Legislature by February 1, 2004. The bill requires DHSMV to appoint the Florida At-Risk Driver Council to participate in the study and to advise DHSMV on issues related to older at-risk drivers. Members of the council must include representatives of organizations involved with issues facing older drivers including state agencies, medical professionals, senior citizen advocacy groups, providers of services to senior citizens, and research entities.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Those persons over 79 years of age who elect to pay for a physician to perform the vision test may be impacted. The chart below provides the DHSMV’s anticipated renewals beginning July 1, 2003 for drivers over 79 years of age:

License expires July 1, 2003 or after. Over age 79 at time of expiration.	
Year	Renewals
2003	Over 210,000
2004	Over 216,000
2005	Over 183,000
2006	Over 162,000

C. Government Sector Impact:

The Department of Highway Safety and Motor Vehicles estimates an insignificant fiscal impact of \$3,240 for programming modifications. The bill would impact driver’s license offices to the extent those persons over 79 years of age would elect to choose the “free” vision test provided at these offices, and would require DHSMV to screen vision reports from physicians, prepare correspondence to add restrictions, direct drivers for re-testing and log follow-up reviews, and respond to additional telephone inquiries; however, the DHSMV would absorb the additional workload without incurring additional costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
