

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 633 w/CS Driver Licenses/Vision Tests

SPONSOR(S): Slosberg

TIED BILLS: **IDEN./SIM. BILLS:** SB 52

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--|----------------|----------|----------------|
| 1) Highway Safety (Sub) | 10 Y, 0 N | Garner | Miller |
| 2) Transportation | 18 Y, 0 N w/CS | Garner | Miller |
| 3) Judiciary | 15 Y, 0 N | Havlicak | Havlicak |
| 4) Transportation & Econ. Dev. Apps. (Sub) | | | |
| 5) Appropriations | | | |

SUMMARY ANALYSIS

This bill requires a licensee who is otherwise eligible for a renewal license and who is over 79 years of age to:

- Submit to and pass a vision test administered at any driver's license office; or
- If applying for an extension by mail, submit to a vision test administered by a licensed physician or optometrist.

The physician or optometrist must send the results of the test to the Department of Highway Safety and Motor Vehicles (DHSMV) on the proper DHSMV form signed by the physician or optometrist, and the test must meet vision standards equivalent to DHSMV's vision test. Results may be submitted electronically by the physician or optometrist. The bill prohibits a licensee who is over 79 years of age from submitting an application for extension by electronic or telephonic means, unless a physician or optometrist has electronically submitted vision test results prior to submission of the application.

The bill also requires DHSMV to appoint an advisory council, study the effects of aging on driving ability, and make a report of its findings to the Legislature.

The eye examination provisions of this bill will go into effect on January 1, 2004. The other provisions of the bill take effect upon becoming law.

The bill is expected to have an insignificant fiscal impact on DHSMV, and that impact is expected to be absorbed within existing agency resources.

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

STORAGE NAME: h0633d.ju.doc

DATE: April 9, 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 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:

Reduce Government?

The bill requires vision testing of driver's license renewal or extension applicants who are over 79 years of age. Applicants who aren't tested by DHSMV must be tested by a physician who must submit the results to the department on a department form. Because the bill imposes these new license renewal and extension requirements, the legislation does not reduce government.

In addition, the bill requires DHSMV to study the effects of various aging issues on a person's ability to drive, and to appoint an advisory council.

Expand Individual Freedom?

The bill requires driver's license renewal or extension applicants who are over 79 years of age to submit to a vision test to maintain driving privileges. A person to whom these requirements apply will no longer have the freedom to renew his or her license without a vision test.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Driver's License Examination Requirements

The Department 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, the 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 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 2 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.

Effect of Proposed Changes

The bill requires a licensee who is otherwise eligible for a renewal license and who is over 79 years of age to:

- Submit to and pass a vision test administered at any driver's license office; or
- If applying for an extension by mail, submit to a vision test administered by a licensed physician or optometrist.

The physician or optometrist must send the results of the test to the DHSMV on the proper department form signed by the physician or optometrist, or may do so by electronic means. The renewal applicant must meet vision standards equivalent to DHSMV's vision test. The bill also prohibits a licensee who is over 79 years of age from submitting an application for extension by electronic or telephonic means, unless a physician or optometrist has already submitted the results of a vision test to DHSMV.

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

- 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;
- Prevalence and effect of degenerative processes affecting vision, mobility, cognitive functions and reaction time;
- Implementation and effect of DHSMV's vision screening requirements and examination of new technologies;
- 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;
- Availability of alternative forms of transportation for people who can no longer safely drive; and

- 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. It 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.

C. SECTION DIRECTORY:

Section 1. Amends s. 322.18, F.S relating to renewing driver's licenses.

Section 2. Requires DHSMV to appoint an advisory council and to study the effects of aging on driving ability.

Section 3. Provides an effective date of January 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section below.

2. Expenditures:

See FISCAL COMMENTS section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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 DHSMV's anticipated renewals beginning July 1, 2003 for drivers over 79 years of age:

| License expires on or after July 1, 2003 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 |

D. FISCAL COMMENTS:

The DHSMV estimates an insignificant fiscal impact of \$3,240 for programming modifications. The bill would impact driver 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, DHSMV has indicated that it would absorb the additional workload without incurring additional costs.

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:

This bill does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 18, 2003, the Highway Safety Subcommittee recommended one amendment that:

- Specifies that physicians or optometrists that are licensed in Florida may administer the vision tests required in the bill.
- Permits licensees over 79 years of age to submit an application for extension by telephone or Internet if a licensed physician or optometrist has already forwarded vision test results to DHSMV electronically.
- Directs DHSMV to study the effects of aging on driving ability for the purpose of developing a comprehensive approach to licensing drivers. The issues to be studied include:
 - identification of at-risk drivers;
 - degenerative processes affecting physical and mental functions required to drive safely;
 - vision screening requirements and new technologies;
 - remedial measures that extend driving longevity;
 - availability of alternative transportation; and
 - effectiveness of existing public education efforts.
- Requires DHSMV to report findings and recommendations to the Legislature by February 1, 2004.
- Requires DHSMV to appoint an advisory council to participate in the study and give advice.

On March 26, 2003, the Committee on Transportation adopted one amendment recommended by the Highway Safety Subcommittee, and reported the bill favorably with a Committee Substitute.

On April 9, 2003, the House Judiciary Committee reported this bill favorably.