

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 161

Records of the Department of Highway Safety and Motor Vehicles

SPONSOR(S): Kravitz

TIED BILLS:

IDEN./SIM. BILLS: SB 324

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation</u>	<u>19 Y, 1 N</u>	<u>Garner</u>	<u>Miller</u>
2) <u>Public Safety & Crime Prevention</u>	<u>15 Y, 0 N</u>	<u>Cole</u>	<u>De La Paz</u>
3) <u>Transportation & Econ. Dev. Apps. (Sub)</u>	<u>14 Y, 0 N</u>	<u>McAuliffe</u>	<u>Hawkins</u>
4) <u>Appropriations</u>	<u>41 Y, 1 N</u>	<u>Hawkins</u>	<u>Baker</u>
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill requires a law enforcement agency to notify the Department of Highway Safety and Motor Vehicles (DHSMV) within 24 hours after any traffic fatality or when a law enforcement officer initiates a blood test for impairment or intoxication in cases of death or serious injury.

The bill further requires DHSMV to maintain records of convictions of a person holding a foreign driver license if the uniform traffic citation indicates an address located in Florida.

The bill does not appear to have a 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: h0161g.ap.doc

DATE: April 18, 2004

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 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 type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

B. EFFECT OF PROPOSED CHANGES:

DUI Suspensions

Section 322.26, F.S., lists criminal offenses for which a conviction will result in the mandatory revocation of a driver's license. These offenses include, but are not limited to, murder or manslaughter resulting from the use of a motor vehicle, driving under the influence (DUI) manslaughter after a previous DUI conviction, any felony where a motor vehicle was used, failure to stop and render aid at the scene of a crash where someone is injured or killed. Section 322.27, F.S., provides prior to a conviction DHSMV is authorized to suspend the license of any person without a preliminary hearing if its records or other sufficient evidence show that a licensee has committed an offense for which mandatory revocation of the license is required upon conviction.

The Florida Uniform Traffic Citation Procedures Manual, maintained by DHSMV, requires a citation be prepared and forwarded to DHSMV any time a defendant is charged with an offense listed in s. 322.26, F.S. Upon receipt of the citation, DHSMV will make an entry into the driver's record. In many instances, citations are issued many days after the offense has occurred; therefore, DHSMV does not suspend the driver's license of the offender until many days after the offense has occurred. Bill proponents assert in some DUI cases where blood has been drawn to test for impairment or intoxication, law enforcement agencies have not notified DHSMV, and persons accused in such cases continue to drive with an unsuspended license.

The bill amends s. 322.27, F.S. to require a law enforcement agency to notify DHSMV within 24 hours after any traffic fatality or when a law enforcement officer initiates a blood test for impairment or intoxication in cases of death or serious injury.

Foreign Licenses

The DHSMV does not currently maintain driving records for non-resident foreign citizens who travel to Florida as tourists, and who do not obtain a Florida driver's license. Automobile insurers may charge higher premiums to these persons because they are unable to examine records to determine the risk posed by the particular driver. Recent changes in the driver's license laws require the expiration of Florida driver's licenses obtained by foreign tourists within two years or upon the expiration of their visas.

Law enforcement officers generally ask for some type of United States identification when someone who has been stopped presents a foreign license. Many foreign students will obtain state identification cards which have their local address on them. In instances where foreign drivers give a local address, but fail to pay a citation, DHSMV will assign them a driver's license number and then suspend it. The bill requires DHSMV to maintain records of a person holding a foreign license who has been issued a citation, if the citation form indicates an address in Florida for that person.

C. SECTION DIRECTORY:

Section 1. Amends s. 322.27, F.S., requiring notification to DHSMV of a traffic fatality or in the event that blood has been drawn to test for intoxication.

Section 2. Amends s. 322.20, F.S., requiring DHSMV to maintain driving records for persons with a foreign license who have an address in Florida.

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

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:

The cost of automobile insurance for persons who have a foreign drivers' license, and who have a part-time residence in Florida, may be lower as a result of DHSMV maintaining such driving records.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES