

# 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 324

SPONSOR: Senator Saunders

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 11, 2004 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	<u>Weaver</u>	<u>Kelly</u>	<u>ATD</u>	<u>Favorable</u>
4.	_____	_____	<u>AP</u>	<u>Withdrawn: Favorable</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

Senate Bill 324 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to maintain conviction records for persons holding a foreign driver's license if the uniform traffic citation indicates an address located in Florida.

The bill further requires law enforcement agencies 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.

This bill substantially amends sections 322.20 and 322.27 of the Florida Statutes.

## II. Present Situation:

Section 322.20, F.S., requires DHSMV to maintain a record of all crash reports, abstracts of court records of convictions, and notices of revocation or suspension of a person's driver's license or privilege. However, DHSMV does not currently maintain driving records for non-resident foreign citizens who travel to Florida as tourists, and do not obtain a Florida driver's license. Automobile insurers may charge higher premiums for 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 drivers' licenses obtained by foreign tourists within two years or upon the expiration of their visas. Proponents of this bill maintain this poses an inconvenience to a foreign tourist who owns a motor vehicle in Florida and who must therefore maintain a Florida driver's license in order to obtain automobile insurance at a cost for which that person would otherwise qualify.

Section 322.27, F.S., authorizes DHSMV to suspend the license of any person without preliminary hearing upon a showing of its records or other sufficient evidence that the licensee has committed an offense for which mandatory revocation of license is required upon conviction.

Section 322.26, F.S., lists criminal offenses for which a conviction will result in the mandatory revocation of a driver's license. 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.

### **III. Effect of Proposed Changes:**

The bill amends s. 322.20, F.S., to require DHSMV to maintain conviction records for persons holding a foreign driver's license if the uniform traffic citation indicates an address located in Florida.

The bill also amends s. 322.27, F.S., to require law enforcement agencies 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. This bill conforms statutory language to procedures that are currently codified in the Florida Uniform Traffic Citations Procedure Manual.

### **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:**

Maintenance of driving records by DHSMV for certain persons who hold a foreign driver’s license, but who have a part-time residence in Florida, may lower the cost of automobile insurance for those persons.

**C. Government Sector Impact:**

	<u><b>FY 04-05</b></u>	<u><b>FY 05-06</b></u>
Department of Highway Safety and Motor Vehicles		
Highway Safety Operating Trust Fund		
Data Processing Services	\$ 9,500	\$ 0

Based on information provided by the DHSMV, implementation of the provisions in this bill will require 190 hours of computer programming modifications to the Driver License Software Systems at a cost of \$50 per hour. According to the DHSMV, this cost can be absorbed within their existing resources.

**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.