

# 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.)

Prepared By: Transportation Committee

BILL: SB 2242

INTRODUCER: Senator Dockery

SUBJECT: Jeffrey Klapatch Act

DATE: March 22, 2006

REVISED: 3/27/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/1 amendment
2.			GO	
3.			TA	
4.				
5.				
6.				

## Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

### I. Summary:

SB 2242 creates the “Jeffrey Klapatch Act” and directs the Department of Highway Safety and Motor Vehicles (DHSMV) to implement a system allowing the parent, guardian, or other responsible adult who signed a minor’s application for a driver’s license, to have access to the minor’s driver history record through a secure website. The bill also provides for the termination of this access to the minor’s driver history records on the minor’s 18th birthday.

This bill substantially amends section 322.20 of the Florida Statutes.

### II. Present Situation:

Section 322.09, F.S., requires every application for a driver’s license by a person under the age of 18 years must be signed and verified by the father, mother, or guardian; by a secondary guardian if the primary guardian dies before the minor reaches 18 years of age; or if there is no parent or guardian, by another responsible adult who is willing to assume the obligation imposed under ch. 322, F.S., upon a person signing the application for a minor, unless such minor is married. Any negligence or willful misconduct of a minor when driving a motor vehicle on a highway shall be imputed to the person who signed the license application. The signing adult is jointly and severally liable with the minor for any damages caused by the minor’s negligence or willful misconduct.

Motor vehicle records contain personal information about drivers and motor vehicle owners. Personal information is described as “information that identifies an individual, including but not limited to, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver status.”<sup>1</sup>

Congress enacted the Driver’s Privacy Protection Act (DPPA) as part of the Violent Crime Control and Law Enforcement Act of 1994. The DPPA is a federal law prohibiting the release of “personal information” contained in state motor vehicle records, unless the release is otherwise specifically authorized. Driver history records are public records and are provided by the DHSMV or a contracted agent for the DHSMV. A person’s driving history of convictions, crashes, violations resulting in a person attending school in lieu of points being assessed and any sanctions are all public record and not covered under DPPA.

Section 322.20, F.S., provides the DHSMV must maintain convenient records or notations, in order that the individual driver history record of each licensee is readily available for the consideration of the DHSMV upon application for renewal of a license and at other suitable times. With respect to crashes involving a licensee, the driver history record must not include any notation or record of a motor vehicle crash unless the licensee received a traffic citation as a direct result of the crash.

This section also authorizes the DHSMV’s Division of Driver Licenses, upon application of any person and payment of the proper fees, to search for records of the DHSMV, to make reports, and to make photographic copies of the departmental records and attestations. Section 322.20, F.S., authorizes DHSMV to charge certain fees for providing any one individual’s driver history records to the public. For example DHSMV charges:

- \$3.10 for providing a transcript of any one individual's driver history record for the past 7 years or for searching for such record when no record is found to be on file; \$1.00 per page for providing a certified photographic copy of a document; and \$2.00 for assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee.

DHSMV must furnish this information without charge to any local, state, or federal law enforcement agency or court upon proof satisfactory to the DHSMV as to the purpose of the investigation. This information is made available by the DHSMV electronically to contracted private vendors providing it via the internet to the general public. A driver license number is required to obtain the driver record via the internet. In those cases, personal information is blocked prior to being provided to the requestor. Most vendors only provide the driver record to the holder of the driver record or a recipient authorized by the DPPA. The DHSMV provides this information via mail or walk-ins at the DHSMV headquarters. The DHSMV also contracts with some Clerk of Courts to provide the driver history record to the public.

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<sup>1</sup> Section 119.0712(2), F.S.

Currently, the DHSMV, also, provides driver record status checks on all drivers via the DHSMV's website free of charge. These driver record status checks exhibit the validity of the driver's license and do not provide a record of citations and traffic infractions. A person may obtain a driver record status on any Florida driver record by providing a valid driver license number.

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

This bill creates the "Jeffrey Klapatch Act" and directs the DHSMV to implement a system allowing the parent, guardian, or other responsible adult who signed a minor's application for a driver's license, to have access to the minor's driver history record through a secure website. The bill also provides for the termination of this access to the minor's driver history records on the minor's 18th birthday.

### **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:**

None.

#### **C. Government Sector Impact:**

This bill does not specify DHSMV will allow access to the minor's driving history record at no cost to the person who signs giving parental consent for the minor's application for a driver's license. Since the bill does not specifically provide an exemption from the statutory fee for a driving history record, the DHSMV or its contracted service provider would charge a fee. According to DHSMV, as of January 2, 2006, there were 386,226 licensed drivers under 18 years of age on file with DHSMV.

According to DHSMV, this bill may have a minimal, but, indeterminate negative revenue impact on the Highway Safety Operating Trust Fund if the intent of the bill is to waive

the fee for driver records provided over the Internet to parents or guardians. If the intent is for the DHSMV to provide the driving history information at no cost to the person who signed parental consent for the minor's driver's license, it will require programming modifications to the Driver License Software Systems. According to the DHSMV, this would require contracted programming of 800 hours at \$185 per hour for a total of \$148,000.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

DHSMV has pointed out this bill does not include custodial parents in the same manner as the signatory parent in those circumstances where the custodial parent and signatory parent are different nor does it address step-parents. As drafted, the bill only allows internet access to the adult signing the minor's license application.

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

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## VIII. Summary of Amendments:

**Barcode 321516** by Transportation. This amendment requires DHSMV to provide free internet access through a secure website of a minor's driver history records for inspection by the minor's parents, or guardian, or another responsible adult who signed the minor's application for a driver's license. This access shall terminate when the minor reaches 18 years of age. In addition, the amendment changes the effective date of the bill to January 1, 2007, to allow DHSMV time to implement this program.

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