

II. Present Situation:

Section 322.05, F.S., outlines licensing limitations for persons below the age of 18 years of age. A person at least 16 years of age but under 18 years of age seeking a driver's license must:

- satisfy the school attendance requirement of s. 322.091, F.S.;
- have held a valid learners driver's license for 1 year (with no moving traffic convictions or a conviction with adjudication withheld), or held an acceptable license from another jurisdiction; and
- have a parent, guardian, or other responsible adult certify the person has accompanied the applicant for at least 50 hours of experience behind the wheel (10 hours at night).

Persons under the age of 16 years may seek a learners driver's license, provided they satisfy the aforementioned school attendance requirements. See s. 322.05(1), F.S. Persons under the age of 18 years may not receive a commercial driver's license (class A, B, or C license). See s. 322.05(4), F.S.

Section 322.16, F.S., details the department's broad authority to impose restrictions after issuing a driver's license. The department, whenever good cause appears, may impose restrictions suitable to the licensee's driving ability, as to the type of special mechanical control devices required on any vehicle the licensee may operate (such as restricting to only air breaks), or may impose other restrictions it determines appropriate to assure the licensee's safe operation of a motor vehicle. The department may also impose other suitable restrictions with respect to time and purpose of use (such as intrastate operation only), or any other condition or restriction the department considers necessary for the improvement, safety, or control of drivers in this state.

At any time, the department also has the authority to impose other restrictions on the license with respect to the time and purpose of the license's use. It also at any time may impose any other condition or restriction, upon recommendation of any court or the Department of Corrections, if any of these entities has jurisdiction, supervision, or control over the individual.

Persons under the age of 18 years who are not driving to work and are driving late at night (between 11 p.m. and 6 a.m. for those under 17 years of age, and between 1 a.m. and 5 a.m. for those 17 years of age) must be accompanied by a driver at least 21 years of age. See s. 322.16, F.S.

Section 318.14, F.S., provides any person cited for a violation of ch. 316, F.S., (State Uniform Traffic Control) or other specified sections, including s. 322.16(2), F.S., is charged for a noncriminal infraction.

III. Effect of Proposed Changes:

The bill creates a new license restriction, and mandates a person under the age of 18 years shall not, during the first 6 months of his or her licensure to drive, operate a motor vehicle carrying any passenger who is under 18 years of age. However, the restriction does not apply if such person is accompanied by a driver at least 21 years of age and holding a valid license to operate the type of vehicle being driven.

After the first 6 months have passed and until he or she reaches the age of 18 years, the driver is also prohibited from operating a vehicle with more than three passengers inside who are under the age of 18 years. The bill does not apply to any passengers who are siblings or children of the driver (whether related by whole or half blood, affinity, or adoption). It also does not apply to married minors pursuant to s. 743.01, F.S.(disability of nonage is removed for married minors under this section of law).

The bill requires the new restriction can be enforced by state and local law enforcement agencies only as a secondary action.

The bill provides for punishment of violations of this new restriction as a noncriminal traffic infraction, with a \$60 fine (plus court costs) and assessment of 3 points on the driver's license.

The bill would take effect October 1, 2008, and apply only prospectively, to any person younger than 18 years of age who is issued a driver's license on or after October 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A licensing restriction is created, violation of which is punishable by a civil penalty of \$60 (plus court costs).

C. Government Sector Impact:

The bill may generate civil fine revenue for state and local governments, in an amount that is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 25, 2008:

- Provides the bill is inapplicable to married minors pursuant to s. 743.01, F.S. (disability of nonage is removed for married minors under this section of law.)

CS by Transportation on March 4, 2008:

- Modified the restriction on drivers under 18 year of age, prohibiting the operation of a vehicle with any passengers under the age of 18 years during the first 6 months of their licensure. If such a driver is accompanied by a driver at least 21 years of age and holding a valid license to operate the type of vehicle being operated, the restriction does not apply.
- Clarified that the new restriction only applies prospectively, to a person younger than 18 years of age issued a driver's license on or after the effective date of October 1, 2008.

B. Amendments:

None.