

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 971 Highway Safety and Motor Vehicles
SPONSOR(S): Roads, Bridges & Ports Policy Committee, Aubuchon
TIED BILLS: **IDEN./SIM. BILLS:** SB 2400

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Roads, Bridges & Ports Policy Committee	10 Y, 0 N, As CS	Brown	Miller
2)	Economic Development & Community Affairs Policy Council		Brown	Tinker
3)				
4)				
5)				

SUMMARY ANALYSIS

CS/HB 971 contains numerous changes to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). Examples of major provisions in the bill include:

- Amending provisions relating to law enforcement officers submission of crash reports;
- Requiring additional commercial vehicles to slow at railroad crossings;
- Allowing GPS devices to be attached to a motor vehicle’s windshield;
- Exempting additional vehicles from suncreening prohibitions;
- Provides DHSMV with additional authority to suspend driver’s licenses of those persons convicted of driving without proof of insurance;
- Removing signature requirements from certain non-criminal traffic infraction citations;
- Allowing additional categories of drivers with suspended licenses to provide ‘proof of compliance’ and be re-instated;
- Creating a unique numbering system for specialty license plates for state legislators;
- Allowing disabled veterans to renew motor vehicle registrations biennially;
- Prohibiting motor vehicles that resemble or imitate FHP vehicles;
- Ensuring that FHP officers have the same authority as other law enforcement officers; and
- Increasing a disqualification period for certain commercial driver’s license holders who violate out-of-service orders.

The bill’s provisions are generally technical or administrative in nature and will have no fiscal impacts. Some of the provisions could have an indeterminate fiscal impact on state government and the private sector.

The bill has an effective date of September 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Commercial Vehicles; Federal Requirements (Sections 1, 6, 15)

Current Situation

The Federal Motor Carrier Safety Administration (FMCSA) requires states to meet certain criteria related to commercial vehicles. The FMCSA has requested minor modifications to current Florida law regarding commercial motor vehicles at railroad crossings, the length of certain commercial driver's license disqualifications, and shortening a renewal period.

Section 316.159, F.S., requires vehicles for hire, school buses, and any motor vehicle carrying explosive substances or flammable liquids as cargo, to stop before crossing a railroad track at grade. An exception is made for motor vehicles traveling at the express direction of a law enforcement officer or traffic signal (however, school buses are required to stop in *all* instances other than at the express direction of a law enforcement officer).

Out-of-service orders are issued to commercial motor vehicle operators for significant safety violations. Section 322.061, F.S., penalizes commercial operators who continue to drive while under an out-of-service order. A first violation of an out-of-service order disqualifies a driver for not less than 90 days, but not more than 1 year. Two violations within 10 years subject a driver to a disqualification period of between 1 and 5 years.

Proposed Changes

The bill provides that drivers of commercial motor vehicles not otherwise encompassed by the current statute's 'stop' requirement must slow before crossing a railroad grade. The bill increases the minimum disqualifications for commercial drivers operating while under an out-of-service order from 90 days to 180 days for a first violation, and from 1 year to 2 years for a second violation. The bill also shortens the advance renewal of registration period for vehicles covered by the International Registration Plan¹ from 5 months to 3 months prior to the date registration expires.

¹ According to the Florida Department of Highway Safety and Motor Vehicle website (www.flhsmv.com), "[t]he International Registration Plan (IRP) is a reciprocal agreement that authorizes the proportional registration among the states of commercial motor vehicles. This means if a truck is operated in multiple states, the owner must annually report mileage driven in each state and taxes are paid proportionately based on the mileage driven."

Windshield Restrictions, Sunscreening (Section 2, 3)

Current Situation

Section 316.2952(2), F.S., provides that no devices, sunscreen materials, products, or other coverings may be attached to a windshield except:

- A certificate or paper required to be displayed by law,
- Sunscreening material in a strip at the top of the windshield, if the material is in compliance with federal standards, or
- A device issued by a governmental entity for the purpose of electronic toll payments,

Sections 316.2953 – 316.2956, F.S., generally restrict motor vehicle operators from applying window tint beyond a certain level of opacity. A medical exclusion currently exists in s. 316.29545, F.S., for persons with Lupus, and for law enforcement vehicles that are used for undercover or canine operations.

Proposed Changes

The bill adds an additional category of devices that may lawfully be attached to a windshield. The bill permits a global positioning system (GPS) device or similar satellite receiver device using the GPS system for the purpose of obtaining navigation or routing information while the motor vehicle is being operated.

The bill amends s. 316.29545, F.S., to expand the medical exception. DHSMV is directed to consult with its Medical Advisory Board,² to establish exceptions for persons with certain auto-immune disorders. The bill also exempts vehicles owned or leased by private investigative agencies licensed under Ch. 493, Florida Statutes.

Driver's License and Vehicle Registration Suspension (Section 4)

Current Situation

Section 316.646, F.S., requires drivers to maintain proof of insurance "in his or her immediate possession at all times while operating the motor vehicle." Failure to present proof of insurance upon request is a non-moving traffic infraction, and upon being cited for this failure, the driver is required to provide proof of insurance before or at a scheduled court hearing. If the driver subsequently fails to provide proof of insurance to the court, s. 316.646, F.S., "the court *may* immediately suspend the registration and driver's license" of the offender.

According to DHSMV, in FY 2008-09, there were 79,329 roadside stops with records indicating the driver failed to provide proof of insurance. Of these, 66,350 cases were deemed guilty by the court, and paid a fine to the clerk. DHSMV asserts that it "could take no action on these cases although the owners were clearly driving without insurance."³

Proposed Changes

CS/HB 971 amends the provision of s. 316.646, F.S., dealing with suspension of a driver's registration and license. The bill removes the court's discretionary suspension by providing that, upon conviction, the court "shall immediately notify" DHSMV of the conviction. If the court does not independently suspend the driver's license and registration, DHSMV will do so administratively.

² Created in s. 322.125, F.S.

³ *Department of Highway Safety and Motor Vehicles Bill Analysis, HB 971*, on file with the Roads, Bridges, and Ports Policy Committee.

Signature Requirements (Section 5)

Current Situation

Section 318.14, F.S., currently requires that both criminal violations and noncriminal traffic infraction citations must contain a promise to appear before the court, and be signed by the offender.

Proposed Changes

The bill amends s. 318.14, F.S., to eliminate the signature requirement on some non-criminal traffic infractions. Violations requiring a mandatory hearing⁴ and criminal violations will continue to require a signature from the offender. According to DHSMV, this change brings Florida in line with many other states that require a signature only on criminal citations, and will “enhance and streamline electronic citation transmission.”⁵

Driving While License Suspended or Revoked; Failure to Pay Obligations (Section 5, 14)

Current Situation

Section 322.34, F.S., provides that driving with a suspended license is a moving violation punishable as provided in Ch. 318, Florida Statutes. *Knowingly* driving with a suspended license is a second degree misdemeanor, but upon a third or subsequent offense, becomes a third-degree felony.

Section 322.264, F.S., provides a number of violations that, when committed 3 or more times in a 5-year period, result in a driver being determined a “habitual traffic offender,” and immediately subject to a 5 year license suspension. These violations include:

- Voluntary or involuntary manslaughter,
- Violations of s. 316.193, F.S. (DUI),
- Any felony during which a motor vehicle was used,
- Driving with a suspended license,
- Failing to stop and render aid as required, in the event of a motor vehicle crash resulting in death or personal injury of another, and
- Driving a commercial motor vehicle while under an out-of-service order.

Section 318.14(10), F.S., provides a mechanism by which drivers who have been cited for certain non-criminal infractions may enter a plea of *nolo contendere* and provide proof of compliance. By doing so, the offender avoids paying a fine or making a court appearance, and proves to the court that he or she has corrected the violation. Drivers may only take advantage of this opportunity three times in a lifetime. The infractions that a driver may ‘make good’ under this subsection are:

- Operating a motor vehicle without a license, or failing to have a license in possession, operating a motor vehicle with a license that has been suspended for failing to appear, failure to pay a civil penalty, or failure to attend a required driver improvement course;
- Operating a motor vehicle without a valid vehicle registration; and
- Operating a motor vehicle without proof of insurance.

Pursuant to s. 318.14(10)(b), F.S., “proof of compliance” consists of a valid, renewed, or re-instated driver’s license or motor vehicle registration and proper proof of insurance required by s. 316.646, F.S. Although the fine is waived, a \$25 fee is charged to the driver.

Section 318.15, F.S., provides that if a traffic offender fails to timely pay a non-criminal traffic fine, fails to appear at a subsequent hearing, or fails to attend a driver improvement school when required, the person

⁴ Section 318.19, F.S., requires a mandatory hearing for the following offenses: Any infraction resulting in a crash causing death or serious bodily injury, failing to stop for a school bus on the side that children enter and exit, drivers overloading a motor vehicle or failing to secure a load, or speeding in excess of 30 mph over posted limits.

⁵ *Department of Highway Safety and Motor Vehicles Bill Analysis, HB 971*, on file with the Roads, Bridges, and Ports Policy Committee.

shall have his or her driver's license administratively suspended by DHSMV.⁶ After being suspended under this section, the offender must comply with all traffic-related obligations and penalties imposed before re-applying to the court for license re-instatement.

Similarly, s. 322.245(1), F.S., provides that if a person is charged with a violation of certain criminal traffic offenses or with the commission of any misdemeanor traffic offense, and fails to comply with all of the directives of the court, the clerk must provide notice to the person that he or she must comply within 30 days after the date of the notice and pay a delinquency fee of up to \$25 to the clerk, or the person's driver's license will be suspended.

Section 322.245(2) – (3), F.S., provide for license suspension for failure to pay child support, and s. 322.245(5), F.S., essentially repeats s. 318.15, F.S., providing for license suspension for failure to pay any previous fines outstanding by an offender for non-criminal traffic violations.

According to DHSMV, license suspensions for failure to pay previous fines has created a 'snowball' effect for certain drivers whereby the offender, unable to pay a traffic fine but needing to operate his or her vehicle in order to remain employed, receives additional violations and fines, which the offender is still unable to pay.⁷ Because convictions are dated from the date the citation is *paid*, drivers who are unable to make full payment for a non-criminal traffic citation face an open-ended period of time, not an actual 5-year period, during which they run the risk of receiving additional citations and being labeled habitual traffic offenders. DHSMV states that "[t]his process continues to put these drivers further behind and they are unable to 'dig out' from under the mountain of debt that arises."⁸

Proposed Changes

CS/HB 971 includes additional offenses to the list in s. 318.14(10)(a), F.S., for which an offender can provide proof of compliance:

- Operating a motor vehicle with a license suspended for failure to pay child support or other financial obligations pursuant to s. 322.245, F.S. (but excluding criminal fines under s. 322.245(1), F.S.) and
- Operating a motor vehicle with a license suspended for failing to attend school.⁹

DHSMV has identified these additional categories as offenses that generally relate to financial concerns, not the driver's actual ability to operate a motor vehicle.

The bill also creates a new subsection (11) in s. 322.34, F.S. The subsection creates a "proof of compliance" mechanism similar to that currently contained in s. 318.14(10), F.S., and described in the Current Situation, above. With this mechanism, offenders who have had their licenses suspended for underlying violations identical to s. 318.14(10)(a), F.S. (including the new offenses added by this bill – described in the two bullet-points immediately above) may provide proof of compliance to a clerk or other authorized official, and have his or her license re-instated. This option is not available to holders of commercial driver's licenses, and like s. 318.14(10), F.S., drivers may only take advantage of this opportunity three times in a lifetime.

The bill grants an opportunity to provide proof of compliance to new categories of offenders who may have been suspended largely as a result of their inability to pay fines, rather than their actual driving ability. It is possible that offenders currently driving on suspended licenses will attempt to stop the 'snowball' effect by getting their overdue fines paid, re-registering their motor vehicles, and acquiring proper insurance.

⁶ Section 318.15, F.S., provides that the clerk of court must notify DHSMV of the failure within 10 days, and DHSMV must suspend the license on the 20th day following the order to suspend.

⁷ *Department of Highway Safety and Motor Vehicles Bill Analysis, HB 971*, on file with the Roads, Bridges, and Ports Policy Committee.

⁸ *Id.*

⁹ Section 322.091, F.S., generally requires minors to be enrolled in public or nonpublic school, or be enrolled in a home education program, in order to maintain a driver's license.

License Plates for Members of Congress and Legislators (Section 7)

Current Situation

Section 320.0807, F.S., requires DHSMV to provide license plates to members of Congress, members of the Florida House of Representatives, and state Senators, upon request. Pursuant to s. 320.0807(2), F.S., one license plate provided to a legislator shall have the legislator's appropriate district number. If additional plates are requested, they will have numbers assigned by DHSMV.

Proposed Changes

The bill adds a requirement that in addition to the district number of a state representative or senator, the license plate will include the letters "HR" or "SS," as appropriate. For members of Congress, the license plate will include the letters "MC." The bill also provides that legislators may request any other configuration which is not already in use.

License Plates for Disabled Veterans (Section 8)

Current Situation

Section 320.084, F.S., requires DHSMV to provide one free license plate to disabled veterans. The plate is renewable annually, and the renewal may be accomplished by a sticker indicating the year of expiration. A sticker may not extend the validity of the plate more than 15 months.

Proposed Changes

CS/HB 971 amends s. 320.084, F.S., to provide for annual or biennial registration. A renewal by validation sticker is extended from 15 to 27 months, to conform with biennial registration periods.

Florida Highway Patrol (Sections 9, 10)

Current Situation

Chapter 321, Florida Statutes, outlines the duties and responsibilities of the Florida Highway Patrol (FHP), which are primarily traffic-related. DHSMV has identified situations in which the authority of FHP law enforcement officers to issue warrants pursuant to Ch. 933, Florida Statutes, and make arrests pursuant to Ch. 901, Florida Statutes, has been questioned.¹⁰

Proposed Changes

CS/HB 971 clarifies s. 321.05, F.S., regarding the powers and duties of the Florida Highway Patrol. The bill provides that FHP members are sworn state law enforcement officers entitled to the same privileges as other law enforcement officers, including authority to obtain search warrants pursuant to Ch. 933, Florida Statutes, and make arrests pursuant to Ch. 901, Florida Statutes.

The bill also clarifies, in s. 321.03, F.S., that it is unlawful to operate a motor vehicle colored in the same or similar manner as a FHP motor vehicle, unless specifically authorized.

Periodic Re-Examination of Drivers (Section 11)

Current Situation

Section 322.121, F.S., implies a definition of "safe drivers," being those drivers "who have not had any convictions for the 3 years preceding renewal and whose driving privilege in this state has not been

¹⁰ Department of Highway Safety and Motor Vehicles Bill Analysis, HB 971, on file with the Roads, Bridges, and Ports Policy Committee.

revoked, disqualified, or suspended at any time during the 7 years preceding renewal.” Drivers who do not meet this definition are referred to in the statute as “problem drivers.” During the license renewal process, the statute requires “problem drivers” to be tested with respect to their ability to read and understand highway signs regulating, warning, and directing traffic, in addition to eyesight and hearing examinations that *all* drivers undergo.

DHSMV states that “almost 300,000 road sign exams are given each year to these individuals,” and over 95 percent pass the exam on their first attempt. “Typically, road signs do not change, so the relevancy of the knowledge on the exams is not related to problem driving.”¹¹

Proposed Changes

The bill eliminates the requirement in s. 322.121, F.S., that “problem drivers” re-take the road-sign test. All drivers will continue to require eyesight and hearing tests.

Driver’s Licenses for Foreign Nationals (Section 12)

Current Situation

Section 322.08(2)(c), F.S., contains a list of 8 different “proofs of identity” that will satisfy DHSMV requirements for issuing a driver’s license. These include, for example, a U.S. birth certificate, a valid unexpired U.S. passport, and other official documents. Subparagraph 8. permits the use of a “proof of non-immigrant classification provided by the U.S. Department of Homeland Security.”

Among other provisions, s. 322.18, F.S., governs renewal of driver’s licenses. Section 322.18(2)(d), F.S., provides that, if a person applied for a driver’s license under s. 322.08(2)(c)8., F.S., the license expires 1 year after the date of issuance, or upon the expiration date of the Homeland Security document, whichever occurs first.

Section 322.21(1)(c), F.S., contains a \$15 delinquent fee for driver’s license renewals that are made within 12 months after the license expiration date.

A foreign visitor applying for a Florida driver’s license will receive a license that expires at the same time as the person’s visa, pursuant to s. 322.18(2)(d), F.S. If the visitor returns to Florida in the next year, and attempts to renew a license for another period, he or she is charged with the \$15 delinquent fee for failing to renew the license before its expiration date – although it was impossible for the person to do so.

Proposed Changes

The bill amends s. 322.18, F.S., to clarify that a license issued as a result of documents described by s. 322.08(2)(c)8., F.S., cannot be administratively renewed. As a result, when foreign visitors request a driver’s license, the license is always deemed an “original” license, not a “renewal.” This removes the ‘Catch-22’ faced by returning foreign visitors being charged with a delinquent fee for a renewal provision with which they cannot otherwise comply.

Vision Tests (Section 12)

Current Situation

Section 322.08(5)(a)2., F.S., requires driver’s license applicants over the age of 80 to submit to vision tests administered by a physician or optometrist licensed by the State of Florida. Doctors at federal hospitals must be licensed by a U.S. state, but are not necessarily licensed by the state in which the federal hospital is located.

¹¹ *Department of Highway Safety and Motor Vehicles Bill Analysis, HB 971*, on file with the Roads, Bridges, and Ports Policy Committee.

Proposed Changes

The bill adds “licensed physicians at federally established veterans’ hospitals,” to the list of doctors who may perform vision tests for senior driver’s license applicants.

Crash Reports (Section 13)

Current Situation

Section 322.2615, F.S., details a process by which a law enforcement officer can suspend a driver’s license for driving under the influence. If the law enforcement officer completed a crash report as part of the DUI investigation, s. 322.2615, F.S., requires the officer to submit the crash report to DHSMV within 5 days.

Proposed Changes

The bill amends s. 322.2615, F.S., to provide that a law enforcement officer’s crash report submission as part of a DUI suspension is permissive, not mandatory.

Commercial Driving Schools (Section 16)

Current Situation

Chapter 488, Florida Statutes, requires all commercial driving schools (except truck driving schools) and their instructors to obtain a license from DHSMV in order to operate in Florida. The chapter contains license and application requirements, requires the school and agents of the school to obtain identifications cards from DHSMV; and provides for revocation or suspension of a school or instructor’s license for violations of the chapter. Violations are considered first degree misdemeanors.

Proposed Changes

The bill provides additional restrictions on instructors, agents, and employees of commercial driving schools. The bill provides that DHSMV may suspend or revoke the license or certificate of any instructor, agent, or employee of a driving school who:

- has ever been convicted of, pled no contest to, or had adjudication withheld on any felony or misdemeanor (as proven by a criminal background check the cost of which has been borne by the instructor, agent, or employee);
- has committed any fraud or willful misrepresentation in applying for a license under the chapter; or
- has solicited business on any premises used by DHSMV or a tax collector for the purpose of licensing drivers.

The bill has an effective date of September 1, 2010.

B. SECTION DIRECTORY:

- | | |
|-----------|---|
| Section 1 | Amends s. 316.159, F.S.; requiring that drivers of certain commercial motor vehicles slow before crossing a railroad grade. |
| Section 2 | Amends s. 316.2952, F.S.; authorizing certain satellite reception devices to be attached to the windshield of a motor vehicle. |
| Section 3 | Amends s. 316.29545, F.S.; excluding vehicles owned or leased by private investigative services from certain window tinting restrictions; excluding vehicles operated by persons with certain medical conditions from certain window-tinting restrictions; providing rulemaking authority to the Department of Highway Safety and Motor Vehicles regarding sunscreening restrictions. |

- Section 4 Amends s. 316.646, F.S.; directing DHSMV to suspend the registration and driver's license of a person convicted of failure to maintain required security on a motor vehicle.
- Section 5 Amends s. 318.14, F.S.; correcting an erroneous reference; removing a requirement that a person who commits a noncriminal traffic infraction be cited to appear before an official; requiring a person who commits a traffic violation requiring a hearing or a criminal traffic violation to sign and accept a citation indicating a promise to appear for a hearing; providing penalties; providing for certain persons cited for specified offenses to provide proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations or failure to comply with specified education requirements.
- Section 6 Amends s. 320.071, F.S.; revising the time period during which the owner of an apportionable motor vehicle may file an application for renewal of registration.
- Section 7 Amends s. 320.0807, F.S.; revising provisions governing the special license plates issued to federal and state legislators.
- Section 8 Amends s. 320.084, F.S.; providing for a biennial registration renewal period for disabled veteran license plates.
- Section 9 Amends s. 321.03, F.S.; providing that it is unlawful to possess or color or cause to be colored a motor vehicle or motorcycle of the same or similar color as those prescribed for the Florida Highway Patrol unless specifically authorized by the Florida Highway Patrol.
- Section 10 Amends s. 321.05, F.S.; providing that officers of the Florida Highway Patrol have the same arrest and other authority as that provided for certain other state law enforcement officers.
- Section 11 Amends s. 322.121, F.S.; revising legislative intent for reexamination of licensed drivers upon renewal of the driver's license; removing a requirement that each licensee must pass a reexamination at the time of license renewal.
- Section 12 Amends s. 322.18, F.S.; providing that a person issued a driver's license using proof of nonimmigrant classification under specified provisions is not eligible to renew that license; authorizing a licensed physician at a federally established veterans hospital to administer a vision test for purposes of renewing a driver's license; conforming a cross-reference.
- Section 13 Amends s. 322.2615, F.S.; removing a requirement that an officer submit a copy of a crash report regarding certain DUI investigations; authorizing the officer to submit such report.
- Section 14 Amends s. 322.34, F.S.; providing that if a person does not hold a commercial driver's license and is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled, he or she may, in lieu of payment of a fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau; limiting a driver's option to elect such a remedy.
- Section 15 Amends s. 322.61, F.S.; revising the period of disqualification from operating a commercial motor vehicle for a violation of an out-of-service order.
- Section 16 Amends s. 488.06, F.S.; specifying additional circumstances under which DHSMV may suspend or revoke a license or certificate of a driving school.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Increased revenue may be realized by various fines contained in the bill, however, the amount is indeterminate, based on future violators' behavior. It is possible that additional revenue will be generated by the provisions allowing additional categories of suspended drivers to "make good" on previous fines and re-instate their driver's licenses.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

DHSMV and private citizens may reduce time and costs by eliminating road-sign tests, as DHSMV reports it conducted approximately 300,000 tests in the previous fiscal year, with little appreciable result.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action 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:

The bill provides DHSMV with rulemaking authority to implement the provisions of s. 316.29545, F.S., regarding exemptions to motor vehicle window tinting restrictions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2010, the Roads, Bridges, and Ports Policy Committee favorably adopted a proposed committee substitute (PCS) for the bill. The PCS removed the following provisions from the original bill:

- Provisions relating to “traffic records centers” in s. 316.066, F.S.
- A definition of “aggressive careless driving” as a new moving violation, and provisions for penalties and mandatory hearings;
- Modifications to the definition of “motorcycle” in Chapter 316, Florida Statutes, which would have conformed to Chapter 322, Florida Statutes.
- All sections regarding collection of email addresses by DHSMV.
- Additional authority for DHSMV to suspend motor vehicle dealer licenses for bounced checks; and modification of the types of sureties dealers may use.
- A requirement that DHSMV employees and agents convicted of license fraud must serve at least 10 days in jail.
- A clarification of DHSMV’s driver’s license revocation authority when a person is convicted of multiple DUIs in a single court proceeding.
- Sections of the bill that corrected cross-references or made other technical changes, related to the provisions above.

The PCS also added the following matters to the bill:

- Allowing private investigators and persons with certain medical conditions to be exempt from suncreening requirements.
- Providing additional authority for DHSMV to suspend the licenses of driving schools, their employees, and agents, for matters relating to fraud or improper solicitation.

The bill as amended was reported favorably as a committee substitute.