

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Transportation Committee

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BILL: SB 1530

INTRODUCER: Senator Altman

SUBJECT: Driver's Licenses

DATE: April 1, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Spalla	TR	<b>Pre-meeting</b>
2.			BC	
3.				
4.				
5.				
6.				

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**I. Summary:**

Senate Bill 1530 creates the “Mature Drivers Act.” In addition, the bill revises the age requirements for issuance of learner’s driver’s licenses and driver’s licenses. The bill prohibits the Department of Highway Safety and Motor Vehicles (DHSMV or department) from issuing a driver’s license to a person who is under 17 years of age instead of 16 years of age. In addition, a person must be at least 16 years old to be eligible for a learner’s driver’s license.

This bill substantially amends, sections of the Florida Statutes: 322.05, 322.126, 322.161, and 322.1615.

**II. Present Situation:**

**Graduated Licensing**

“Graduated licensing” is a system designed to delay full licensure while allowing beginners to obtain their initial experience under lower risk conditions<sup>1</sup> and introduce them to more complex driving situations. There are three stages: a minimum supervised learner's period, an intermediate license (once the driving test is passed) that limits unsupervised driving in high-risk situations, and finally a full-privilege driver's license available after completion of the first two stages. Beginners must remain in each of the first two stages for set minimum time periods. Forty-six U.S. states and the District of Columbia currently have all three stages, but the systems vary in strength.<sup>2</sup> According the Insurance Institute for Highway Safety, in an optimal system, the minimum age for a learner's permit is 16; the learner stage lasts at least 6 months, during which

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<sup>1</sup> See <http://www.iihs.org/laws/GraduatedLicenseIntro.aspx> (last visited April 2, 2011.)

<sup>2</sup> *Id.*

parents must certify at least 30-50 hours of supervised driving; and the intermediate stage lasts until at least age 18 and includes both a night driving restriction starting at 9 or 10 p.m. and a strict teenage passenger restriction allowing no teenage passengers, or no more than one teenage passenger.

**State Graduated Licensing Laws, as of March 2011<sup>3</sup>**

<i>State/ Jurisdiction</i>	<i>Minimum Entry Age for a Learners Permit</i>	<i>Mandatory Holding Period</i>	<i>Learner Stage with a Minimum Amount of Supervised Driving Required - # of hours of supervised drive time</i>	<i>Intermediate Stage Minimum Age for Driver's License</i>
Alabama	15	6 mo	30 hr (none with driver education)	16
Alaska	14	6 mo	40 hr, 10 of which must be at night or in inclement weather	16
Arizona	15, 6 mo	6 mo	30 hr, 10 of which must be at night (none with driver education)	16
Arkansas	14	6 mo	None	16
California	15, 6 mo	6 mo	50 hr, 10 of which must be at night	16
Colorado	15	12 mo	50 hr, 10 of which must be at night	16
Connecticut	16	6 mo (4 mo with driver education)	40 hr	16, 4 mo
Delaware	16	6 mo	50 hr, 10 of which must be at night	16, 6 mo
District of Columbia	16	6 mo	40 hr in learner's stage, 10 hr at night in intermediate stage	16, 6 mo
Florida	15	12 mo	50 hr, 10 of which must be at night	16
Georgia	15	12 mo	40 hr, 6 of which must be at night	16
Hawaii	15, 6 mo	6 mo	50 hr, 10 of which must be at night	16
Idaho	14, 6 mo	6 mo	50 hr, 10 of which must be at night	15
Illinois	15	6 mo	50 hr, 10 of which must be at night	16
Indiana	15, 6 mo	6 mo	50 hr, 10 of which must be at night	16, 6 mo (16, 9 mo without driver ed)
Iowa	14	6 mo	20 hr, 2 of which must be at night	16
Kansas	14	12 mo	25 hr in learner phase; 25 hr before age 16; 10 of the 50 hr must be at night	16
Kentucky	16	6 mo	60 hr, 10 of which must be at night	16, 6 mo
Louisiana	15	6 mo	50 hr, 15 of which must be at night	16
Maine	15	6 mo	35 hr, 5 of which must be at night	16
Maryland	15, 9 mo	9 mo	60 hr, 10 of which must be at night	16, 6 mo
Massachusetts	16	6 mo	40 hr	16, 6 mo
Michigan	14, 9 mo	6 mo	50 hr, 10 of which must be at night	16
Minnesota	15	6 mo	30 hr, 10 of which must be at night	16
Mississippi	15	12 mo	None	16
Missouri	15	6 mo	40 hr, 10 of which must be at night	16
Montana	14, 6 mo	6 mo	50 hr, 10 of which must be at night	15
Nebraska	15	6 mo	50 hr, 10 of which must be at night (none with driver education)	16
Nevada	15, 6 mo	6 mo	50 hr, 10 of which must be at night	16
New Hampshire	15, 6 mo <sup>4</sup>	None	40 hr, 10 of which must be at night	16

<sup>3</sup> Insurance Institute for Highway Safety, *Licensing Ages and Graduated Licensing Systems*. See [http://www.iihs.org/laws/pdf/us\\_licensing\\_systems.pdf](http://www.iihs.org/laws/pdf/us_licensing_systems.pdf) (last visited April 2, 2011.)

<sup>4</sup> In New Hampshire, learner's permits are not issued. At age 15, and six months, a person can drive while supervised by a licensed driver 25 or older.

New Jersey	16	6 mo	None	17
New Mexico	15	6 mo	50 hr, 10 of which must be at night	15, 6 mo
New York	16	6 mo	50 hours, 15 of which must be at night	16, 6 mo
North Carolina	15	12 mo	None	16
North Dakota	14	6 mo	None	16 <sup>5</sup>
Ohio	15, 6 mo	6 mo	50 hr, 10 of which must be at night	16
Oklahoma	15, 6 mo	6 mo	50 hr, 10 of which must be at night	16
Oregon	15	6 mo	50 hr (100 hr without driver education)	16
Pennsylvania	16	6 mo	50 hr	16, 6 mo
Rhode Island	16	6 mo	50 hr, 10 of which must be at night	16, 6 mo
South Carolina	15	6 mo	40 hr, 10 of which must be at night	15, 6 mo
South Dakota	14	6 mo (3 mo with driver education)	None	14, 6 mo (14, 3 mo with driver education)
Tennessee	15	6 mo	50 hr, 10 of which must be at night	16
Texas	15	6 mo	20 hr, 10 of which must be at night	16
Utah	15	6 mo	40 hr, 10 of which must be at night	16
Vermont	15	1 yr	40 hr, 10 of which must be at night	16
Virginia	15, 6 mo	9 mo	45 hr, 15 of which must be at night	16, 3 mo
Washington	15	6 mo	50 hr, 10 of which must be at night	16
West Virginia	15	6 mo	50 hr, 10 of which must be at night (none with driver education)	16
Wisconsin	15, 6 mo	6 mo	30 hr, 10 of which must be at night	16
Wyoming	15	10 days	50 hr, 10 of which must be at night	16

### Generally

According to the Florida Department of Highway Safety and Motor Vehicles (DHSMV or department), drivers age 15 to 19 in the state of Florida have the highest rate per 10,000 licensed drivers of crash involvement and the second highest rate in fatal crashes. Sixteen-year-old drivers have crash rates three times greater than 17-year-old drivers, five times greater than 18-year-old drivers, and twice the rate of 85-year-old drivers, according to National Highway Traffic Safety Administration (NHTSA). Based on research by NHTSA, “immaturity and inexperience are primary factors contributing to these deadly crashes by young drivers.”<sup>6</sup>

Under current Florida law, the following operating restrictions are placed on a minor’s driver’s license:

- 15 years old (learner’s permit) - May operate a vehicle only during daylight hours, but after 3 months, may operate a vehicle until 10 p.m. Must be accompanied by a holder of a valid driver’s license who is at least 21 years of age.
- Under the age of 17 - Must be accompanied by a holder of a valid driver’s license who is at least 21 years of age during the hours of 11:01 p.m. and 5:59 a.m., unless driving to or from work.

<sup>5</sup> There is no intermediate stage in North Dakota. The minimum license age is 16, but a parent may request a restricted license as early as 14, 6 months. The sole restriction is that the licensee may only drive a vehicle owned by the parent.

<sup>6</sup> <http://www.nhtsa.gov/Driving+Safety/Driver+Education/Teen+Drivers/Teen+Drivers++Graduated+Driver+Licensing> (last visited April 3, 2011.)

- 17 years old - Must be accompanied by a holder of a valid driver's license who is at least 21 years of age during the hours of 1:01 a.m. and 4:59 a.m., unless driving to or from work.

### **Florida Learner Driver's License**

Section 322.1615, F.S., provides the requirements for, and limitations of, a learner's driver's license. Specifically, in order to obtain a learner's driver's license issued by DHSMV, a person must be at least 15 years of age and have:

- Passed the written examination for a learner's license;
- Passed the vision and hearing tests;
- Completed the traffic law and substance abuse course; and
- Meets all other requirements in law.

Drivers holding a learner driver's license must be accompanied by a fully licensed driver who is at least 21 years old and occupies the nearest seat to the right of the learning driver.<sup>7</sup> Holders of a learner driver's license may only operate a vehicle during daylight hours for the first 3 months of their licensure. Following the first three months, learning drivers may operate a vehicle from dawn until 10 p.m.<sup>8</sup> A licensee who violates these requirements is subject to the civil penalty imposed for a moving violation, as provided in chapter 318, F.S.<sup>9</sup>

### **Florida Driver's License**

To earn an operator's license, a driver must be at least 16 years old and have held a learner's license for at least one year without any traffic convictions (or attended a traffic driving school if he or she had a moving traffic conviction) and he or she has complied with the school attendance requirements, as provided in s. 322.091, F.S.<sup>10</sup> A parent or guardian must certify the teen has completed at least 50 hours of behind the wheel driving experience, of which 10 hours must have been at night.<sup>11</sup> The DHSMV may also issue licenses to persons who are 16 or 17 years of age if they already possess a driver's license from another state or foreign jurisdiction.<sup>12</sup>

### **Reports of Disability**

Section 322.126(2), F.S., authorizes a physician, person, or agency to report to DHSMV if they have knowledge of a licensee's or applicant's (over 15 years of age) mental or physical disability to drive or need to wear medical identification bracelet that could affect his or her driving ability.

### **High-Risk Drivers**

Section 322.161, F.S., requires DHSMV to restrict the driving privilege of any Class E licensee who is 15 to 17 years of age and who has accumulated six or more points within a 12-month period.

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<sup>7</sup> Section 322.1615(2), F.S.

<sup>8</sup> Section 322.1615(3), F.S.

<sup>9</sup> Section 322.1615(4), F.S.

<sup>10</sup> Section 322.05, F.S.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

### III. Effect of Proposed Changes:

**Section 1.** Creates the “Mature Drivers Act.”

**Section 2.** Amends s. 322.05, F.S., to increase the age requirement from 16 years of age to 17 years of age to be eligible for a driver’s license. In addition, this section is amended to increase the age requirement from 15 years of age to 16 years of age to be eligible for a learner’s driver’s license.

**Section 3.** Amends s. 322.126, F.S., to conform to provisions increasing the minimum age requirements for a learner’s driver’s license and a driver’s license. Specifically, this section is amended to authorize a physician, person, or agency to report to DHSMV if they have knowledge of a licensee’s or applicant’s (*16 years of age or older*) mental or physical disability to drive or need to wear medical identification bracelet that could affect his or her driving ability.

**Section 4.** Amends s. 322.161, F.S., to conform to provisions increasing the minimum age requirements for a learner’s driver’s license and a driver’s license. Specifically, this section is amended to require DHSMV to restrict the driving privilege of any Class E licensee who has not attained 18 years of age and who has accumulated six or more points within a 12-month period.

**Section 5.** Amends s. 322.1615, F.S., to increase the age to obtain a learner’s driver’s license from 15 years of age to 16 years of age.

**Section 6.** Provides an effective date of July 1, 2011.

**Other Potential Implications:**

According to DHSMV, in Fiscal Year (FY) 2009-10, the department issued 97,791 learner’s driver’s licenses to 15 year olds. If enacted, there will be a revenue loss of \$4,693,968 in the General Revenue Fund in FY 2011-12 resulting from those 15 year olds who would not be issued a learner’s driver’s license in the year that the bill takes effect.<sup>13</sup>

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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<sup>13</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1530*, (on file with the Senate Transportation Committee.)

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Persons will not be eligible for a learner's driver's license until 16 years of age. Persons will not be eligible for a driver's license until 17 years of age.

This bill could reduce the number of deaths and injuries suffered by drivers under the age of 17 in traffic crashes. Historically, a large percentage of drivers ages 15 to 20 are involved in traffic crashes. Lack of experience behind the wheel is often cited as a major factor in these crashes.

**C. Government Sector Impact:**

According to DHSMV, enactment of this bill will defer revenues collected for driver license issuance and certain driver education courses in the year of implementation due to revised age requirements.<sup>14</sup>

According to DHSMV, in FY 2009-10, the department issued 97,791 learner's driver's licenses to 15 year olds. The fee for an original driver license is \$48 which is deposited into the General Revenue Fund. The proposed revisions to driver age requirements for license issuance will result in a nonrecurring revenue loss of \$4,693,968 to the General Revenue Fund. In addition, Florida driver's license applicants must currently complete a Traffic Law and Substance Abuse Education (TLSAE) course or a Department of Education driver's education course offered pursuant to s. 1003.48, F.S., as a requirement prior to licensure. Each provider of the TLSAE course collects a \$3 assessment fee which is deposited into the Highway Safety Operating Trust Fund. Since learner's driver license applicants will not be eligible to obtain a permit until 16 years of age, this will result in revenue deferment of \$146,688 assuming that half of the population receiving a learner's driver license attended a TLSAE course.

The Department of Highway Safety and Motor Vehicles believes that implementing this legislation will require in-house programming modifications that will be managed within the existing workload

**VI. Technical Deficiencies:**

None.

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<sup>14</sup> *Id.*

**VII. Related Issues:**

In order to allow sufficient time for implementation of necessary programming modification, the department recommends the effective date of the bill be changed to January 1, 2012.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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

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