

**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.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 1974

INTRODUCER: Senator Hill

SUBJECT: DL Exams/Blind Pedestrians

DATE: March 24, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Spalla	TR	<b>Favorable</b>
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill mandates that all examinations given for Class E or Commercial Driver’s Licenses must include one question testing the applicant’s knowledge of traffic regulations to assist blind persons which must be answered correctly in order to pass the examination. This bill also mandates that the Department of Highway Safety and Motor Vehicles emphasize pedestrian right of way when a driver is making a right turn when developing questions under this subsection.

This bill substantially amends section 322.12 of the Florida Statutes.

**II. Present Situation:**

Currently, the Florida Driver’s Handbook, 2011, contains section 5.16.2 entitled “Persons Who are Blind” which includes advice as to how to recognize a blind pedestrian and which also states that “[d]rivers must always yield the right-of-way to persons who are blind. When a pedestrian is crossing a street or highway guided by a dog or carrying a white cane (or a white cane with a red tip), vehicles must come to a complete stop.” Driver’s License exams are currently formulated by pulling random questions from a large pool of questions. Questions about blind pedestrians may be, but are not guaranteed to be, tested on current driver’s license examinations.

Currently, applicants for a Class E or Commercial Driver’s License must pass each individual knowledge test (road signs, road laws, Commercial Driver License General Knowledge) by

answering 80% or more of the questions correctly. A passing score is based on all of the questions asked on each exam, not just one individual question.<sup>1</sup>

### III. Effect of Proposed Changes:

**Section 1** mandates that all examinations given for Class E or Commercial Driver's Licenses must include one question testing the applicant's knowledge of traffic regulations to assist blind persons which must be answered correctly in order to pass the examination. This section also mandates that the Department of Highway Safety and Motor Vehicles emphasize pedestrian right of way when a driver is making a right turn when developing questions under this subsection.

**Section 2** sets an effective date of July 1, 2011.

#### Other Potential Implications:

According to the Department of Highway Safety and Motor Vehicles, if enacted this bill may result in a higher failure rate since passing the test would require both an overall test score of 80% or above and correctly answering the question about traffic regulations to assist blind persons. This would have a negative impact on customer service when individuals score 80% or above but fail because they incorrectly answered the question about traffic regulations to assist blind persons and this would cause these customers to pay a \$10 retest fee. The modifications to include the question would be simple. However, the process to disqualify someone for failing the specific question on blind persons even if they score 80% correctly would require extensive programming.<sup>2</sup> Also, ensuring that the test pulls one of the required questions from the pool of available questions would require extensive reprogramming as well.

### 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>1</sup> Florida Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis, SB 1974* (on file with the Senate Transportation Committee)

<sup>2</sup> Id.

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

None.

**B. Private Sector Impact:**

This bill could cost the private sector additional money due to imposing additional \$10.00 retest fees on drivers who fail the exam due to incorrectly answering the mandated question.

**C. Government Sector Impact:**

Enacting this bill would impose an indeterminate non-recurring cost for contract reprogramming due to extensive modifications to the Automated Driver License Test System.<sup>3</sup>

This bill could generate additional revenue due to imposing additional \$10.00 retest fees on drivers who fail the exam due to incorrectly answering the mandated question. Retest fees are deposited into the Highway Safety Operating Trust Fund.

**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.)

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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<sup>3</sup> Id.