

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 689 Driver Improvement Schools and Education Programs for Driver's License Applicants

**SPONSOR(S):** Transportation & Highway Safety Subcommittee, Berman and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 758

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	13 Y, 1 N	Brown	Brown
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

CS/HB 689 amends ss. 318.1451 and 322.095, F.S., relating to driver improvement schools and education programs for driver's license applicants. The bill amends these sections to include course content regarding the risks associated with the use of handheld electronic communication devices while operating a motor vehicle. The Department of Highway Safety and Motor Vehicles is required to consider whether such information is included in a provider's curriculum, when determining whether to approve the courses.

The bill also amends s. 322.56, F.S., to provide that applicants for a learner's driver's license shall have the ability to take the necessary written examination via a third-party provider. The bill requires the Department of Highway Safety and Motor Vehicles to contract with such providers to conduct knowledge tests required by s. 322.56, F.S.

The bill does not have a fiscal impact, and has an effective date of July 1, 2011.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### *Driver Improvement Schools*

Section 318.1451, F.S., requires the Department of Highway Safety and Motor Vehicles (DHSMV) to approve the courses and technology used by driver improvement schools. In approving a driver improvement school, DHSMV must consider course content regarding safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve drivers' performance from a safety viewpoint.<sup>1</sup>

Currently, s. 318.1451, F.S., does not include specific criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle. However, DHSMV notes that "hazardous acts while driving are discussed in any driver improvement course curricula."<sup>2</sup>

##### *Traffic Law and Substance Abuse Education Programs*

Section 322.095, F.S., requires DHSMV to approve traffic law and substance abuse education (TLSAE) courses. Curricula of these courses must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, and laws relating to the operation of a motor vehicle. The course provider must obtain certification from DHSMV that the course complies with these requirements.

Currently, s. 322.095, F.S., does not include criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle. As with driver improvement schools (discussed above), DHSMV notes that "hazardous acts while driving are discussed in the TLSAE curricula."<sup>3</sup>

##### *Third-Party Testing Administrators*

Section 322.56, F.S., provides that DHSMV may contract with other governmental entities, public or private corporations, schools, or other groups, in order "to administer written and driving skills portions of an examination for all classes and types of driver's licenses..."<sup>4</sup> Such agreements must include contract provisions that:<sup>5</sup>

- Allow the Federal Highway Administration, or its representative, to conduct random examinations, inspections, and audits without prior notice;
- Allow the department, or its representative, to conduct random examinations, inspections, and audits without prior notice;
- Allow the department to conduct onsite inspections at least annually;
- Require that all third-party administrators meet the same qualifications and education and training standards as department examiners, to the extent necessary to conduct the written and driving skills portions of the examination;
- Allow the department to test, at least annually, a random sample of the drivers approved by the third party for licensure; and

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<sup>1</sup> Section 318.1451(2)(a), F.S.

<sup>2</sup> *Department of Highway Safety and Motor Vehicles Agency Bill Analysis: HB 689*, Feb. 16, 2011.

<sup>3</sup> *Id.*

<sup>4</sup> Section 322.56(1), F.S.

<sup>5</sup> Section 322.56(3), F.S.

- Reserve to the department the right to take prompt and appropriate action against a third party that fails to comply with state or federal standards for a driver's license examination or that fails to comply with any terms of the contract.

DHSMV is directed to monitor all examinations administered by third-party providers, in keeping with the points above.<sup>6</sup>

In order to qualify as a third-party provider of testing, the entity must demonstrate to the satisfaction of the department that it has the necessary qualified personnel, equipment, and facilities to administer the written and driving skills portions of the driver's license examination.<sup>7</sup>

### Proposed Changes

CS/HB 689 amends ss. 318.1451 and 322.095, F.S., to include "awareness of the risks associated with using a handheld electronic communications device while operating a motor vehicle," in the curriculum requirement for both Driver Improvement Schools and Traffic Law and Substance Abuse Education Programs.

The bill amends s. 322.56, F.S., to allow learner's driver's license applicants to take written examinations with third-party providers that are also approved traffic law and substance abuse education programs. The bill requires DHSMV to contract with these providers to serve as administrators to conduct knowledge tests for learner's driver's license applicants.

#### B. SECTION DIRECTORY:

Section 1 Amends s. 318.1451, F.S., to require DHSMV to consider whether a driver improvement school's curriculum includes awareness of the risks associated with the use of handheld electronic communication devices while operating a motor vehicle when the department is approving such courses.

Section 2 Amends s. 322.095, F.S., to require an additional minimum course requirement to traffic law and substance abuse education courses. The bill requires such courses to include the risks associated with the use of handheld electronic communication devices while operating a motor vehicle.

Section 3: Provides an effective date of July 1, 2011.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

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<sup>6</sup> Section 322.56(4), F.S.

<sup>7</sup> Section 322.56(6), F.S.

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Course providers not currently including such information in their curricula will likely experience a direct, but indeterminate fiscal impact due to the need to expand the curricula to meet the bill requirements.

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:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On April 4, 2011, the Transportation & Highway Safety Subcommittee reported the bill favorably with 1 amendment. The amendment allows learner's driver's license applicants to take written examinations with third-party providers that are also approved traffic law and substance abuse education programs. The amendment requires DHSMV to contract with these providers to serve as administrators to conduct knowledge tests for learner's driver's license applicants. This analysis is drawn to the committee substitute.