

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 1068

INTRODUCER: Senator Joyner

SUBJECT: Motor Vehicle Registration

DATE: January 13, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

Senate Bill 1068 specifies that a vehicle may not be operated on the roads of this state after expiration of the renewal period, or, for a natural person, at midnight on the owner's birthday, which clarifies when the motor vehicle registration expires for an individual.

In addition, the bill authorizes a refund of the license taxes assessed in s. 320.08, F.S., to a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

This bill substantially amends ss. 320.07 and 320.15 of the Florida Statutes.

II. Present Situation:

Section 320.07(1), F.S., provides the registration of a motor vehicle or mobile home expires at midnight on the last day of the registration or extended registration period. In addition, a vehicle shall not be operated on the roads after expiration of the renewal period unless the registration has been renewed according to law.

Section 320.071, F.S., authorizes advance registration renewals. Specifically, an owner of any motor vehicle, mobile home, or apportioned motor vehicle currently registered in the state may apply for renewal of the registration with the Department of Highway Safety and Motor Vehicles (DHSMV or department) any time during the three months preceding the date of expiration of the registration period.

Section 320.15, F.S., entitles a resident owner of a motor vehicle or mobile home that has been destroyed or permanently removed from this state, upon application to DHSMV and surrender of the vehicle's issued sticker, to a credit applicable to the registration of any other vehicle in the name of the owner, if the amount is \$3 or more, for the unexpired period. A credit for surrendered "for-hire" license plates may not be more than one-half of the annual license tax. A credit is not valid after the expiration date of the license plate which is current on the date of the credit.

Currently s. 320.15, F.S., is silent in regards to providing a refund to a motor vehicle registrant who renews during the advance renewal period if the registrant surrenders the license plate prior to the first day of his or her birth month. However, s. 215.26(1)(b), F.S., authorizes a refund of any moneys paid into the State Treasury when no tax, license, or account is due. According to DHSMV, "this applies to the situation where a refund is made to a motor vehicle registrant who renewed during the advance renewal period and surrendered the license plate before the first day of their birth month."¹ Therefore, no tax is due.²

III. Effect of Proposed Changes:

Section 1 amends s. 320.07(1), F.S., to clarify the expiration of the registration renewal period for an individual is at midnight on the owner's birthday. According the department, this has been the historical interpretation of this section; however, this clarification may be useful information for motorists as it distinguishes between a company and an individual.³

Section 2 amends s. 320.15, F.S., to provide a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08, F.S. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1068* (on file with the Senate Transportation Committee).

² Id.

³ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1122* (on file with the Senate Transportation Committee).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill extends the refund period beyond the advanced period to the end of the renewal period, which is a natural person's birthday.

C. Government Sector Impact:

The department anticipates an increase in refunds; however, the exact amount is indeterminable but is estimated to be minimal.⁴

According to DHSMV, ISA will require approximately 40 hours, non-recurring, in order to implement the provisions of this bill, which can be incorporated into ISA's normal workload.

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.

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

⁴ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1068* (on file with the Senate Transportation Committee).