

**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 Education Pre-K – 12 Committee

**BILL:** CS/SB 122

**INTRODUCER:** Committee on Transportation and Senator Sobel

**SUBJECT:** Driver Improvement Schools and Education Programs for Driver’s License Applicants

**DATE:** January 24, 2012      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	<b>Fav/CS</b>
2.	Brown	deMarsh-Mathues	ED	<b>Pre-meeting</b>
3.			CU	
4.			BC	
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This bill amends the law relating to course content offered at driver improvement schools as well as to courses offered to new driver’s license applicants.

This bill specifically requires course content on the risk of using handheld electronic communication devices while driving. The Department of Highway Safety and Motor Vehicles (DHSMV) is required to consider this course content when approving both driver improvement courses and coursework for driver’s license applicants.

This bill amends ss. 318.1451, 322.0261, and 322.095 of the Florida Statutes.

**II. Present Situation:**

The National Highway and Traffic Safety Administration reports the following findings regarding use of an electronic device while driving:

- Using a cell phone while driving impairs reaction time as much as a blood alcohol level of .08;

- Drivers who use handheld devices increase their risk of getting into a crash serious enough to cause injury by a factor of four;
- Forty percent of American teens say they have been passengers when the driver used a cell phone in a way that put people in danger;
- Text messaging creates a crash risk 23 times worse than driving while not distracted; and
- Sending or receiving a text takes a driver's eyes from the road for an average 4.6 seconds, which is the equivalent of driving 55 miles per hour across an entire football field without sight.<sup>1</sup>

Currently, operating a motor vehicle while using a handheld electronic communication device does not violate Florida law.

Section 318.1451, F.S., addresses driver improvement schools. In designating the DHSMV as the entity responsible for approving and regulating courses, the law requires the DHSMV to consider courses that promote safety, driver awareness, crash avoidance and other instruction on safety.<sup>2</sup>

Section 322.0261, F.S., requires drivers either convicted of or whom have plead nolo contendere (neither admitting to nor denying guilt) to a traffic offense involving a serious crash, or repeated crashes, to complete a driver improvement course precedent to maintaining driver's license privileges. The DHSMV is required to consider course content identical to that required in s. 318.1451, F.S.<sup>3</sup>

New driver's license applicants are required to complete traffic law and substance abuse education courses approved by the DHSMV.<sup>4</sup> Included in requisite course content are the physiological and psychological consequences and societal and economic costs of alcohol and drug abuse, the effects of substance abuse on driving, and related laws.

Currently, ss. 318.1451, 322.0261, and 322.095, F.S., do not require course instruction on the risks of using a handheld electronic communication device while operating a motor vehicle.

### **III. Effect of Proposed Changes:**

In addition to mandating instruction on safety, crash avoidance, and the effect of substance abuse on driving for new and existing driver's license holders, this bill requires specific instruction on the risk of operating a handheld electronic communication device while driving. Given the research findings on the impact of this activity on safety, requiring this instruction appears consistent with the state's interest in maintaining safe roads.

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<sup>1</sup> *Distracted Driving Facts and Stats Texting and Driving*, National Highway Traffic Safety Administration, online at: <http://distraction.gov/content/get-the-facts/facts-and-statistics.html>.

Last checked January 18, 2012.

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

<sup>3</sup> s. 322.0261(2) and (5), F.S.

<sup>4</sup> s. 322.095(1), F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Twenty-two organizations provide courses that would be affected by this bill. In anticipation of this bill's passage, DHSMV has requested that all course providers update their curriculum by September 30, 2011.<sup>5</sup> Providers that have not complied with DHSMV's request will likely experience a direct, but indeterminate fiscal impact due to the need to expand curricula to meet the bill requirements.

Assuming that such instruction reduces accidents, the private sector could benefit from fewer accidents, and accompanying costs related to medical and legal bills, car repair costs and lost wages.

## C. Government Sector Impact:

The impact on the DHSMV appears minimal, particularly given that most of the providers are already in compliance.

Local and state law enforcement and emergency medical responders may experience a positive fiscal impact from having to attend to fewer accident scenes from incidents caused by operating cell phones, and other related equipment while driving.

**VI. Technical Deficiencies:**

None.

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<sup>5</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 122*, (Sep. 6, 2011). In testimony before the Senate Committee on Transportation on December 7, 2011, Steven Fielder from DHSMV indicated that all but two of the organizations which provide course curricula in this area have already updated their course materials in anticipation of the passage of this bill.

**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.)

**CS by Transportation on December 7, 2011:**

The bill amends s. 322.0261, F.S., to include a requirement that course content include instruction on the risk of using handheld electronic communication devices while driving. This is consistent with changes made to ss. 318.1451 and 322.095, F.S., in the bill.

- B. **Amendments:**

None.