

**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 854

INTRODUCER: Senator Evers

SUBJECT: Teenage Drivers

DATE: December 19, 2011      REVISED: \_\_\_\_\_

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

**I. Summary:**

This bill creates section 322.097, F.S., the Teen Electronic Event Notification Service (TEENS). TEENS is an optional program that provides parents and guardians with an e-mail or text message notification each time a traffic citation, conviction of a traffic violation, vehicle crash, or license suspension or revocation is added to their teen’s driving record. The bill gives the Department of Highway Safety and Motor Vehicles (DHSMV) the authority to prescribe the forms for applications to join TEENS and requires the charging of a \$5 fee to cover the administrative costs of the notifications. Any excess funds generated will be used to promote safe driving by teenagers.

**II. Present Situation:**

Vehicle crashes are the leading cause of death for teens in Florida and throughout the United States.<sup>1</sup> During the first year of driving, teens face their greatest accident risk.<sup>2</sup> For example, one out of every five licensed 16 year-olds will be in a vehicle crash.<sup>3</sup> In 2007, 306 Florida teens between the ages of 15-19 died in motor vehicle crashes.<sup>4</sup> These accidents may result from teen drivers’ inexperience and inability to understand the risks of driving or a lack of judgment resulting from incomplete brain development, as human brains develop well into the 20s.<sup>5</sup> To combat these risks, Florida has implemented laws and rules to mitigate teen driving accidents.

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<sup>1</sup> Florida Department of Highway Safety and Motor Vehicles, *Teach Your Teen to Drive with Care*, available at [http://www.flhsmv.gov/teens/parent\\_home.html](http://www.flhsmv.gov/teens/parent_home.html) (last accessed December 22, 2011).

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

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

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

***Florida Rules for Teenage Drivers:***

After reaching the age of 15, submitting a parental consent form and passing a Traffic Law and Substance Abuse Course as well as written, vision and hearing tests, teens may apply for a Learner's License.<sup>6</sup> Learner's Licenses allow a person under the age of 18 to drive only while accompanied by a licensed driver of 21 years or older in the front passenger seat.<sup>7</sup> For the first three months after obtaining the Learner's License, a teen may only drive during daylight hours.<sup>8</sup> Following the three months, a teen may drive from the daylight hours until 10 p.m.<sup>9</sup>

After holding a Learner's License for at least one year without any traffic convictions, a teen may earn an Intermediate License.<sup>10</sup> The Intermediate License allows teens to drive to or from work or with a licensed driver of at least 21 years of age in the front passenger seat without time restrictions.<sup>11</sup> At all other times, teens with Intermediate licenses must only drive during certain hours based on the teen's age: From 16 to 17 years of age, the permissible driving hours with an Intermediate License are from 6 a.m. until 11 p.m.<sup>12</sup> From 17 to 18, the Intermediate Licensee's permissible driving hours are from 5 a.m. until 1 a.m.<sup>13</sup> When teens reach the age of 18, these restrictions are removed and the state grants a full privilege license.<sup>14</sup>

In addition to the hourly limitations, a number of other acts may result in the restriction or revocation of a teen's driving privileges. First, if a teen is convicted of a traffic violation while only having a Learner's License, the teen cannot apply for an Intermediate License for one year from the conviction date or until turning 18 years old.<sup>15</sup> Second, if the teen receives six points on his/her driving record within a 12 month period, that teen's driving will be limited to "business purposes only" for 12 months or until the teen turns 18 years old.<sup>16</sup> For each additional point above the six, the restriction is extended 90 days.<sup>17</sup> Third, if a driver under 21 years of age has a blood alcohol level of .02 or more, the driver's license will be administratively suspended for six months.<sup>18</sup> A second offense results in a one-year suspension.<sup>19</sup> Refusal to submit to testing creates a suspension of twelve months and a second offense results in an 18-month administrative suspension.<sup>20</sup> Fourth, a teen's license may be suspended for truancy from school until the student provides proof of attendance for 30 consecutive days.<sup>21</sup> Lastly, a conviction of

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<sup>6</sup> Florida Department of Highway Safety and Motor Vehicles, *Graduated Driving Laws*, available at [http://www.flhsmv.gov/teens/parent\\_gdl.html](http://www.flhsmv.gov/teens/parent_gdl.html) (last accessed January 3, 2012).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

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

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

<sup>13</sup> *Id.*

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

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

tobacco possession for a teen under 18 years old will result in the revocation of his or her license from six months to one year.<sup>22</sup>

Courts may impose additional or harsher sanctions for infractions under chs. 318 and 322, F.S.<sup>23</sup> For example, a court may require a minor and his or her parents and guardians to participate in a registered youthful monitoring service as one of the sanctions for a violation of the Florida Uniform Traffic Control Law.<sup>24</sup>

### ***Youthful Driver Monitoring Services***

Section 318.1435, F.S., enables private vendors that provide teen driver monitoring services to register with the DHSMV. The vendors must provide a description of their services and contact information for the manager in charge of the service to the DHSMV when registering. A number of vendors that provide and perform various monitoring and safety functions make up these “youthful driver monitoring services.” The services range from supplying car magnets and window stickers with toll-free numbers for reporting inappropriate driving practices to GPS-enabled phone or other dedicated GPS tracker devices that inform parents or guardians of real-time location, speed and direction of their teen drivers on an online map.<sup>25</sup> Parents or guardians must enter into contracts with the private entities providing these services and the service provider must deliver timely reports of inappropriate driving practices by the minor.<sup>26</sup>

### ***Florida Driver’s License Check***

The DHSMV’s website currently grants parents the ability to check both the current driver status and a review of the driver history for a child under the age of 18 at no cost.<sup>27</sup>

### ***New York State DMV’s TEENS Program***

The New York Department of Motor Vehicles recently launched a Teen Electronic Event Notification Service<sup>28</sup> (NY TEENS); a comparable program to what this bill creates. NY TEENS is an optional program for parents or guardians to receive notifications whenever a driver under the age of 18 receives a ticket, conviction, suspension, revocation, or is involved in an accident that meets the report threshold requirements—Only accidents that involve a death, personal injury or property damage to any one person in excess of \$1,000 and that are reported by the police or motorists will appear on a driver’s file and invoke NY TEENS notification.<sup>29</sup> This service is voluntary and parents and guardians receive the notification through a mailed letter or via email.<sup>30</sup> The notifications are strictly informational and do not impact DMV actions.<sup>31</sup> To

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<sup>22</sup> *Id.*

<sup>23</sup> Specifically, s. 318.143, Fla. Stat., details the sanctions for traffic infractions by minors.

<sup>24</sup> § 318.143 (f), Fla. Stat. (2011).

<sup>25</sup> For a list and description of vendors and services, see Florida Department of Highway Safety and Motor Vehicles, *Florida Youth Driver Monitoring Service Registration Pursuant to Section 318.1435, Florida Statutes*, available at <http://www3.hsmv.state.fl.us/ddl/drivingschools/youthservices.cfm> (last accessed December 22, 2011).

<sup>26</sup> *Id.*

<sup>27</sup> Florida Department of Highway Safety and Motor Vehicles, *Analysis for House Bill 571---Teenage Drivers*, (December 22, 2011.) (on file with Senate Transportation Committee); see Florida Department of Highway Safety and Motor Vehicles, *Driver License Check*, available at <https://www6.hsmv.state.fl.us/DLCheck/main.jsp> (last accessed January 3, 2012).

<sup>28</sup> New York State Department of Motor Vehicles, *TEENS (Teen Electronic Notification Service) Program FAQs*, available at <http://www.nydmv.state.ny.us/youngerdriver/teensfaqs.htm> (last accessed December 22, 2011).

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

participate in NY TEENS, the teen needs to have a New York driver's permit or license and the parent or guardian must have a New York license or non-driver ID.<sup>32</sup> The program was designed to inform parents or guardians of any risky habits their teens may develop and to encourage parents and guardians to take more active roles in the development of their teens' safe driving behaviors.<sup>33</sup> No fee is charged for this service in New York.<sup>34</sup>

### III. Effect of Proposed Changes:

This bill creates s. 322.097, F.S., and establishes a Teen Electronic Event Notification Service (TEENS). TEENS is an optional program administered by the DHSMV that notifies parents or guardians whenever the driving record of a person under the age of 18 changes as a result of receiving a ticket, conviction of a traffic violation, suspension or revocation of the licensee's privilege to drive or hold a driver's license, or involvement in a vehicle crash.<sup>35</sup>

The bill delegates the authority to prescribe the forms for these applications to DHSMV. The bill further directs DHSMV to make notifications either electronically to the parent's or guardian's e-mail address or through a telephone text messaging system, as requested by the parent or guardian. The parent or guardian may discontinue these notifications upon request, or they will automatically discontinue when the licensee attains 18 years of age.

DHSMV will charge a \$5 fee to cover the administrative costs associated with the notifications and any amounts received that are greater than the cost to administer the program will be used by the DHSMV to promote safe driving by teenagers.

### 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>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> New York State Department of Motor Vehicles, *TEENS Program*, available at <http://www.nydmv.state.ny.us/youngerdriver/teensProgram.htm> (last accessed December 22, 2011).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> This service only provides notice of a change in the teen's driving record. To obtain details about any incident, it is necessary to acquire a driving record.

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

None.

**B. Private Sector Impact:**

Parents and guardians who voluntarily join TEENS must pay a \$5 administrative fee to the DHSMV. Parents and guardians can be notified by electronic mail or by telephone text messaging of any traffic citation convictions, for any suspensions or revocations of the licensee's privilege to drive or hold a driver's license, and any vehicle crashes that are added to their minor's driving record.<sup>36</sup>

**C. Government Sector Impact:**

According to the DHSMV, the Information Systems Administration of the DHSMV (ISA) will require approximately 300 non-recurring hours, in order to implement the provisions of this bill.<sup>37</sup> These hours can be incorporated into ISA's normal workload.<sup>38</sup> Additionally, there will be 1500 contracted service hours required at a rate of \$100/hour and \$10,000 in fees at the Shared Resource Center for additional services, network modifications and configuration changes.<sup>39</sup> Also, the DHSMV's high-level estimate for sending bulk emails and text messages is a recurring cost of \$2500/month.<sup>40</sup> Based on these numbers, DHSMV estimates total first year expenditures at \$190,000 and recurring expenditures of \$30,000 following the first year.<sup>41</sup>

It is indeterminable how many people will sign up for this service. On January 4, 2012 there were a total of 326,669 driver's licenses held by teens aged 15 through 17.<sup>42</sup> If a parent or guardian of 50% of these teens sign up for the service, the DHSMV estimates revenue of \$816,672 in the first year and \$272,224/year in the following years.<sup>43</sup> The estimated revenue is higher in the first year because the service is new and parents or guardians of 15, 16 and 17 year old teens are likely to sign up, whereas the following years approximately 1/3 of this teen population will become 18 and no longer eligible for the program. Concurrently, approximately 1/3 of this population will become 15 years of age and will be eligible for TEENS in subsequent years. Using the estimated 50% sign-up rate and multiplying that number by 1/3 of the eligible teen population turning 15 years old, the revenue is estimated at \$272,224/year in the years following the first year.<sup>44</sup>

<sup>36</sup> Florida Department of Highway Safety and Motor Vehicles, *Analysis for House Bill 571---Teenage Drivers*, (December 22, 2011) (on file with Senate Transportation Committee).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

**VI. Technical Deficiencies:**

The DHSMV is not aware of the issuance of a citation and cannot send notifications until a disposition from the court is received.<sup>45</sup>

This bill does not specify that the “appropriate fee” described in subsection (1) refers to the \$5 fee indicated in subsection (4). Additionally, the bill does not specify whether the \$5 fee is a onetime fee or a recurring annual fee. Also, the DHSMV requires rulemaking authority to prescribe forms for the TEENS program.

**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>45</sup> *Id.*