

**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 Committee on Community Affairs

BILL: SB 1766

INTRODUCER: Committee on Transportation

SUBJECT: Driver Licenses

DATE: March 14, 2013                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Eichin</u>		<b>tr SPB 7022 as introduced</b>
2.	<u>Anderson</u>	<u>Yeatman</u>	<u>CA</u>	<b>Pre-meeting</b>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

SB 1766 deletes a requirement that residents of foreign countries hold an international driving permit when operating a motor vehicle in this state.

This bill substantially amends section 322.04, Florida Statutes.

**II. Present Situation:**

Currently, a nonresident who is at least 16 years of age may operate a motor vehicle in Florida if the nonresident has in his or her immediate possession:

- A valid noncommercial driver license issued in his or her name from another U.S. state, or
- An International Driving Permit (IDP) issued in his or her name in his or her country of residence and a valid license issued in that country.

A Class E driver license allows for driving, “[a]ny non-commercial motor vehicles with Gross Vehicle Weight Rating (GVWR) less than 26,001 pounds, including passenger cars, 15 passenger vans including the driver, trucks or recreational vehicles and two or three wheel motor vehicles 50 cc or less, such as mopeds or small scooters. Farmers and drivers of authorized emergency vehicles who are exempt from obtaining a commercial driver license must obtain a Class E license.”<sup>1</sup>

<sup>1</sup> Florida Department of Highway Safety and Motor Vehicles, *About Driver Licenses & ID Cards*, <http://www.flhsmv.gov/ddl/dlclass.html> (last visited March 10, 2013).

An IDP is essentially a bi- or multi-language translation of the permit-holder's normal driver license credential, complete with photograph and vital statistics.

The requirement for international visitors to possess an IDP was adopted during the 2012 legislative session, when the Florida Legislature amended s. 322.04, F.S. This change took effect January 1, 2013.

Subsequently, the Department of Highway Safety and Motor Vehicles (DHSMV) became aware that this requirement likely constitutes a violation of the Convention on Road Traffic (1949, 1968), an international treaty to which the United States is a signatory. Since the United States government does not require nonresidents to have an IDP, and international treaties preempt state laws in conflict with them, the Florida Highway Patrol (FHP) has deferred enforcement of violations of the amended statutory section.<sup>2</sup>

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

SB 1766 restores s. 322.04, F.S., to its condition prior to the revisions made in 2012. As a result, no IDP will be required for nonresidents. Possession of a valid driver license remains a requirement.

The bill restores the provision that a nonresident who is at least 16 years of age and who has in his or her immediate possession a valid noncommercial driver license issued to the nonresident in his or her home state or country, may operate a motor vehicle of the type for which a Class E driver license is required in this state.

The bill also restores the provision allowing a nonresident who is at least 18 years of age and who has in his or her immediate possession a valid noncommercial driver license issued to the nonresident in his or her home state or country, to operate a motor vehicle, other than a commercial motor vehicle, in this state.

The bill would take effect upon becoming law and shall apply retroactively to January 1, 2013.

### **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>2</sup> A non-resident visitor to Florida who wishes to drive in this state is required to have in his or her immediate possession a valid driver license issued in his or her name from another state or territory of the U.S. or from their country of residence. However, the FHP has deferred enforcement action based solely on the lack of an IDP.

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

None.

**B. Private Sector Impact:**

Nonresident visitors will no longer be required to obtain an IDP in order to legally operate a motor vehicle in this state. Since IDPs are issued in the applicant's home country at various prices, the fiscal impact to individuals varies, but is neutral or positive.

**C. Government Sector Impact:**

None.

**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.