



# The Florida Senate

Interim Project Report 2004-162

November 2003

Committee on Transportation

James E. "Jim" King, Jr., President

## DRIVER RESPONSIBILITY PROGRAM

### SUMMARY

Most motor vehicle crashes have multiple causes. Experts and studies have identified three categories of factors that contribute to crashes – human, roadway environment, and vehicle factors. Human factors involve the driver’s actions (speeding and violating traffic laws) or conditions (effects of alcohol or drugs, inattention, decision errors, and age). Human factors are generally seen as contributing most often to crashes, followed by roadway environment and vehicle factors.

While Florida has made strides in reducing traffic crashes and fatalities per miles driven by regulating these human factors, there is room for improvement. This report reviews the driver responsibility programs implemented in other states in an effort to determine whether these programs increase the safety on public roads and reduce deaths and injuries from traffic crashes.

### BACKGROUND

#### Generally

Motor vehicle travel is the primary means of transportation in the United States, providing an unprecedented degree of mobility. Yet for all its advantages, deaths and injuries resulting from motor vehicle crashes are the leading cause of death for persons of every age from 5 through 34 years old. Each year, traffic crashes claim the lives of approximately 40,000 people nationally. On average, a person is injured every nine seconds and someone is killed every 13 minutes in the United States due to traffic crashes. Traffic fatalities account for more than 90 percent of transportation-related fatalities.

Although each death or injury caused by a traffic crash is tragic, the economic effects of motor vehicle crashes are also significant. The National Highway Traffic Safety Administration (NHTSA) estimates in 2000,

traffic crashes imposed a burden of \$230.6 billion in the form of property damage, lost productivity and medical expenses, not including the cost of pain and suffering or the nonmonetary value of life.

### EXHIBIT 1

#### 1992-2002 Florida Motoring Environment

| Year | Crashes | Injuries | Deaths | MDR |
|------|---------|----------|--------|-----|
| 1992 | 196,176 | 205,432  | 2,480  | 2.2 |
| 1993 | 199,039 | 212,497  | 2,719  | 2.3 |
| 1994 | 206,183 | 223,458  | 2,722  | 2.3 |
| 1995 | 228,589 | 233,900  | 2,847  | 2.2 |
| 1996 | 241,377 | 243,320  | 2,806  | 2.2 |
| 1997 | 240,639 | 240,001  | 2,811  | 2.1 |
| 1998 | 245,440 | 241,863  | 2,889  | 2.1 |
| 1999 | 243,409 | 232,225  | 2,920  | 2.1 |
| 2000 | 246,541 | 231,588  | 2,999  | 2.1 |
| 2001 | 256,169 | 234,600  | 3,013  | 1.9 |
| 2002 | 250,470 | 229,611  | 3,143  | 1.8 |

Source: DHSMV 1992-2002 Traffic Crash Facts

During calendar year 2002, 3,143 people died and 229,611 people were injured in Florida traffic crashes. The corresponding economic impact of these deaths alone is estimated by NHTSA to be more than \$2.6 billion. Exhibit 1 shows the Florida mileage death rate remained relatively stable from 1992 to 2000 and has been on a steady decline for the last couple of years to a record low of 1.76 in 2002.<sup>1</sup> However, this figure remains significantly higher than the national mileage death rate of 1.51. In 2001, Florida had the tenth highest mileage death rate in the nation and ranked worst in the number of fatalities per miles driven of any of the 10 most populated states.

Traffic laws in Florida are enforced by more than 400 state, county, municipal, and special jurisdiction law enforcement agencies. During 2002, these law enforcement agencies issued 4.3 million uniform traffic citations to Florida motorists. This total includes all categories of criminal, moving, and non-moving traffic

<sup>1</sup> The mileage death rate is calculated based on the number of deaths per 100 million vehicle miles of travel.

violations. As shown in Exhibit 2, the majority of uniform traffic citations were issued through municipal police agencies (1.8 million) and county sheriff offices (1.4 million). State law enforcement agencies accounted for almost 940,000 traffic citations. During 2002, 571,000 traffic crash reports (long- and short-form reports) were submitted by various law enforcement agencies to the Department of Highway Safety and Motor Vehicles (department).

**EXHIBIT 2**  
**1998-2002 Florida Traffic Citations**

| Year | FHP     | Police    | Sheriffs  |
|------|---------|-----------|-----------|
| 1998 | 775,569 | 1,696,185 | 1,122,301 |
| 1999 | 752,252 | 1,834,851 | 1,285,284 |
| 2000 | 602,809 | 1,885,810 | 1,383,287 |
| 2001 | 786,157 | 1,809,601 | 1,342,932 |
| 2002 | 935,727 | 1,896,719 | 1,497,172 |

Source: DHSMV 1998-2002 Uniform Traffic Citation Statistics

### ***The Department of Highway Safety and Motor Vehicles***

The mission of the department is to make highways safe in Florida through law enforcement, preventive patrols and public education.

The department's Division of Driver Licenses administers driver license-related activities, which are intended to increase consumer protection and promote public safety by licensing only those drivers who demonstrate the necessary knowledge, skills, and abilities to operate motor vehicles on Florida's roads; controlling and improving problem drivers by suspending and revoking the licenses of drivers who abuse their driving privileges; monitoring drivers to ensure they carry the required insurance to be financially responsible for their actions; and maintaining driver history records. According to the department during fiscal year 2002-2003, there were 14.7 million licensed drivers in Florida. Driver license-related activities are divided into four service categories.

*Driver Licensure* – This service category provides licensing services which include issuing driver licenses and identification cards; answering customer inquiries over the telephone and Internet; maintaining comprehensive driver history; and maintaining the statewide traffic citation system.

*Motorists Financial Responsibility Compliance* – This service category is responsible for ensuring licensed drivers comply with Florida automobile insurance laws

and requirements to carry Personal Injury Protection (PIP) and Property Damage Liability (PDL) insurance coverage, and Bodily Injury Liability coverage if required. Enforcement of this responsibility involves administering Florida's No Fault and Financial Responsibility laws; verifying insurance coverage; suspending driving privileges of a person for non-compliance with Florida's motor vehicle insurance laws; and reinstating suspended driving privileges upon compliance and payment of reinstatement fees.

*Identification and Control of Problem Drivers* – This service category is responsible for identifying and controlling problem drivers through suspending, revoking, disqualifying, and canceling driving privileges, conducting administrative reviews for issuance of limited restricted licenses for offenders, and approving course curriculum and evaluating driver improvement-related course programs.

*Executive Direction and Support Services* – This service category administers general business functions, provides leadership and direction, and supports all driver license-related activities.

### ***Florida's Current Efforts to Reduce Crashes by Regulating Human Factors***

Most motor vehicle crashes have multiple causes. Experts and studies have identified three categories of factors that contribute to crashes – human, roadway environment, and vehicle factors. Human factors involve the driver's actions (speeding and violating traffic laws) or conditions (effects of alcohol or drugs, inattention, decision errors, and age). Roadway environment factors include the design of the roadway, roadside hazards, and roadway conditions. Vehicle factors include any failures in the vehicle or its design. Human factors are generally seen as contributing most often to crashes, followed by roadway environment and vehicle factors.

Three examples of human factors having a significant impact on traffic crashes are alcohol, speeding and bad drivers (defined as a driver with multiple traffic violations in multiple years). In order to reduce the human factors causing crashes, Florida has enacted numerous traffic laws including laws relating to driving under the influence, a points system and financial responsibility laws.

### ***Driving Under the Influence***

Section 316.193, F.S., prohibits driving under the influence (DUI) of alcohol or drugs to the extent normal faculties are impaired or driving with a blood or breath alcohol level of .08 percent or higher. During 2002, 32.04 percent of Florida's traffic fatalities and 8.6 percent of Florida's traffic crashes were alcohol-related.

Penalties for DUI vary according to the frequency of previous convictions, the offender's blood alcohol level (BAL) when arrested, and whether serious injury or death results. If a driver is stopped by a law enforcement officer for suspicion of DUI and refuses to take a test, his or her driving privilege is automatically suspended for one year.

Generally, modified misdemeanor penalties apply when there has been no property damage or personal injury and when there have been less than four DUI convictions. For example, a first-time offender is subject to a fine ranging from \$250 to \$500, as well as being subject to serving up to 6 months in county jail. He must also be on probation for up to 1 year and participate in 50 hours of community service. However, if the convicted offender's BAL is .20 percent or higher, or a passenger under 18 years of age is present in the vehicle, the penalty is enhanced to a fine ranging from \$500 to \$1,000 and imprisonment not exceeding 9 months in jail. Also, regardless of the convicted offender's BAL, his license must be revoked for a minimum of 180 days.

A second DUI conviction carries a fine ranging from \$500 to \$1,000, imprisonment for a period of up to 9 months and license revocation for a minimum of 180 days. However, if that conviction occurs within 5 years of a previous DUI conviction, there is a mandatory imprisonment period of at least 10 days. At least 48 hours of this confinement must be consecutive. In addition, the license is revoked for five years. Enhanced penalties also apply when the offender's BAL is .20 percent or higher, or when a passenger under the age of 18 is present in the vehicle to include a fine ranging from \$1,000 to \$2,000, and imprisonment not exceeding 12 months.

A third or subsequent DUI conviction carries a fine ranging from \$1,000 to \$2,500, possible imprisonment up to 12 months and license revocation for a minimum of 180 days. However, if that conviction occurs within 10 years of a previous DUI conviction, it results in a third degree felony penalty, which is punishable by a minimum fine of \$1,000 but not exceeding \$5,000, and a term of imprisonment not to exceed 5 years. There is

a 30-day minimum mandatory imprisonment period and at least 48 hours of this confinement must be consecutive. Additionally, the license is revoked for ten years. Enhanced penalties also apply when the offender's BAL is .20 percent or higher, or when a passenger under the age of 18 is present in the vehicle to include a fine ranging from \$2,000 to \$5,000 and imprisonment not exceeding 12 months.

A fourth or subsequent DUI conviction results in a third degree felony penalty, which is punishable by a minimum fine of \$1,000 but not exceeding \$5,000, and a term of imprisonment not to exceed 5 years.

#### *Florida's Point System*

Section 322.27, F.S., establishes a system of points that are assessed against a driver's license when a person is convicted of violating certain motor vehicle laws. The point system is used for the evaluation and determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon a showing of its records or other good and sufficient evidence the licensee has been convicted of violation of motor vehicle laws amounting to 12 or more points as determined by the point system. The suspension will be for a period of not more than one year. The statute provides the following provisions:

- When a licensee accumulates 12 points within a 12-month period, the period of suspension will be for not more than 30 days.
- When a licensee accumulates 18 points within an 18-month period, the suspension will be for a period of not more than 3 months.
- When a licensee accumulates 24 points within a 36-month period, the suspension will be for a period of not more than 1 year.
- The point system has, as its basic element, a graduated scale of points assigning relative values to convictions of the following violations:
  1. Reckless driving—4 points.
  2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
  3. Unlawful speed resulting in a crash—6 points.

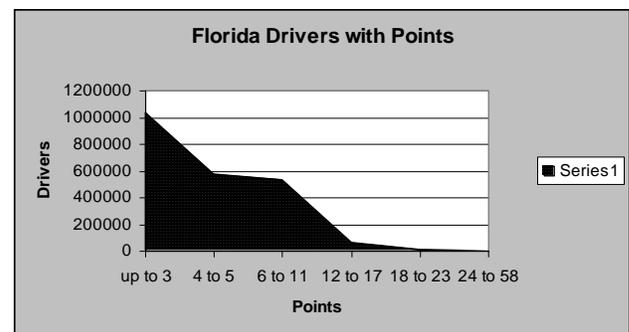
4. Passing a stopped school bus—4 points.
  5. Unlawful speed:
    - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
    - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
  6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points.
  7. Any moving violation, excluding unlawful speed, resulting in a crash—4 points.
  8. Dumping litter in an amount exceeding 15 pounds, which involves the use of a motor vehicle—3 points.
  9. Driving during restricted hours—3 points.
  10. Violation of curfew—3 points.
  11. Open container as an operator—3 points.
  12. Child restraint violation—3 points.
- A conviction which occurred out-of-state or in a federal court may be recorded against a driver on the basis of the same number of points received had the conviction been made in a court of this state.
  - In computing the total number of points, when the licensee reaches the danger zone, the department is authorized to send the licensee a warning letter advising any further convictions may result in suspension of their driving privilege.
  - Three points are deducted from the driver history record of any person whose driving privilege has been suspended only once under the point system and has been reinstated, if such person has complied with all other requirements.
  - The offense date of all convictions is used in computing the points and period of time for suspensions.
  - The department revokes the license of any person designated a habitual offender, as set forth in s. 322.264, F.S., and such person is not eligible to be

relicensed for a minimum of 5 years from the date of revocation, except as provided for in s. 322.271, F.S. Any person whose license is revoked may, by petition to the department, show cause why his or her license should not be revoked.

- The department revokes the driving privilege of any person who is convicted of a felony for the possession of a controlled substance if, at the time of such possession, the person was driving or in actual physical control of a motor vehicle. A person whose driving privilege has been revoked pursuant to this subsection is not eligible to receive a limited business or employment purpose license during the term of such revocation.
- Review of an order of suspension or revocation is by writ of certiorari as provided in s. 322.31, F.S.

Exhibit 3 shows of the total number (14.7 million) of licensed drivers in Florida, 2.2 million drivers have accumulated points from FY 2000 to 2003. Of those 2.2 million drivers who have accumulated points, 614,879 (27.6 percent) have accumulated six or more points (or 4.2 percent of the total number of licensed drivers in Florida).

**EXHIBIT 3**  
**Florida Drivers with Points**  
**FY 2000-2003**



Source: DHSMV Data Warehouse

#### *Current Mandatory Automobile Insurance Provisions*

##### *No-Fault Law*

Under the Florida Motor Vehicle No-Fault law, motor vehicle owners are required to maintain \$10,000 of personal injury protection (PIP) coverage at all times during the licensing or vehicle registration period. Subject to co-payments and other restrictions, PIP insurance provides compensation for bodily injuries to the insured driver and passengers regardless of who is at fault in an accident. This coverage also provides the policyholder with immunity from liability for economic

damages up to the policy limits and for non-economic damages (pain and suffering) for non-permanent injuries. Property damage liability (PDL) coverage of \$10,000 is also required which pays for the property damage expense caused by the insured to third parties in the accident.

To obtain driver compliance, Florida has enacted the following measures to enforce the provisions:

- Section 627.736(9), F.S., requires “each insurer which has issued a policy providing personal injury protection benefits shall report the renewal, cancellation, or nonrenewal thereof to the Department of Highway Safety and Motor Vehicles within 45 days from the effective date of the renewal, cancellation, or nonrenewal. Upon the issuance of a policy providing personal injury protection benefits to a named insured not previously insured by the insurer thereof during that calendar year, the insurer shall report the issuance of the new policy to the Department of Highway Safety and Motor Vehicles within 30 days.”
- Mandate motorists to have proof of insurance when renewing their license, purchasing license tags or operating a vehicle.

As a result of enforcement of the measures listed above, the population of uninsured drivers has been reduced from 15 to 6 percent over the past 5 years.

#### *Financial Responsibility Law*

The Florida “Financial Responsibility Law” (ch 324, F.S.), requires drivers to demonstrate their ability to respond to damages for bodily injury caused in an accident. This law requires a minimum level of bodily injury liability (BI) insurance, or other allowable form of security, but only after a driver has been involved in an accident or convicted of certain serious traffic offenses. Such proof of BI coverage is not required as a condition of registering a vehicle, as required for PIP and PDL, unless the Financial Responsibility law has been triggered by a prior accident or conviction. The minimum amounts of liability coverage required are \$10,000 in the event of bodily injury to, or death of, one person; \$20,000 in the event of injury to two or more persons; and \$10,000 in the event of injury to property of others; or \$30,000 combined single limit. If the owner or operator of the vehicle is not financially responsible at the time of an accident, that individual’s driver’s license is suspended as well as the registration of the owner of the vehicle. An individual can comply

with the Financial Responsibility law in several ways: liability insurance, surety bond, deposit of cash or securities, or self-insurance.

## **METHODOLOGY**

Staff has reviewed federal laws, Florida law and laws from other states relating to improving highway safety and driver responsibility. In addition, staff has conducted interviews by phone, electronic mail and in person with participants, affected parties and other stakeholders.

## **FINDINGS**

While Florida has made significant strides in reducing traffic crashes and fatalities by regulating human factors, there is room for improvement. Several states have implemented a driver responsibility program in an effort to increase safety on public roads and to reduce deaths and injuries from motor vehicle crashes. Those states who have implemented driver responsibility programs are New Jersey, Texas and Michigan. Illinois, Pennsylvania and Rhode Island are currently studying the need for driver responsibility programs in their respective states.

### *New Jersey*

According to NHTSA, New Jersey has the lowest number of fatalities per miles driven of any of the 10 most populated states. New Jersey attributes this low fatality rate in part upon its Motor Vehicle Surcharge Program which, since its inception, has helped reduce traffic fatalities by 24 percent.

The New Jersey Motor Vehicle Surcharge Program, better known as the “bad driver surcharge” program, was established in 1984. This driver responsibility program requires the New Jersey Motor Vehicle Commission (MVC) to collect surcharges, beyond the normal fines and penalties, from motorists whose driving records include certain motor vehicle offenses such as DUI, excessive points and certain regulatory offenses.

The surcharge assessed to drivers by MVC for DUI or refusal to submit to a chemical test is \$1,000 a year for three years. A driver having a third or subsequent offense within a three year period is assessed \$1,500 a year for three years.

A driver with six or more points accumulated in a 36 month period or less is surcharged \$100 for the first six points and \$25 for each additional point. The point

surcharge remains in effect as long as the driver has six points on his driving record resulting from violations posted in the immediate past three years. The accumulation of points is calculated from the posting date to the driving record, not when the violations occurred.

Other regulatory offenses for which a surcharge is assessed include: (1) \$100 annually for three years for driving without a license; (2) \$100 annually for three years for driving a moped without liability insurance; (3) \$250 annually for three years for driving with a suspended driver's license; and (4) \$250 annually for three years for driving a motor vehicle with no liability insurance.

There are approximately 5.9 million licensed drivers in New Jersey. In 2002, the New Jersey program sent 473,000 assessments to drivers under the state's "bad driver surcharge program." This included second and third year assessments since most assessments are payable annually over a three-year period.

The breakout of the number and dollar amount of the assessments in 2002 is presented in Exhibit 4:

**EXHIBIT 4**  
**2002 New Jersey Driver Responsibility**  
**Assessments**

| Offenses         | Number / %     | \$ Value / %         |
|------------------|----------------|----------------------|
| DUI              | 58,000 / 12%   | \$59,000,000 / 46%   |
| Regulatory       | 255,000 / 54%  | \$50,000,000 / 39%   |
| Excessive Points | 160,000 / 34%  | \$20,000,000 / 15%   |
| <b>Total</b>     | <b>473,000</b> | <b>\$129,000,000</b> |

Source: New Jersey MVC

The 473,000 assessments in 2002, were sent to 317,000 individual drivers (a driver can get more than one type of assessment in a given year). This represents about 5.6 percent of the licensed drivers in New Jersey.

According to the MVC's 2003 Annual Report and Service Assessment, more than 200,000 people in New Jersey have their driving privileges suspended at any given time for one or more of nearly 300 statutory violations. About one-third of that group is suspended for financial inability to pay the assessed surcharges. More than 23,000 drivers currently have surcharges in excess of \$10,000. Many times, these surcharges prevent low-income motorists from recovering their driving privileges, which can potentially lead to the

loss of a job, defeating most prospects New Jersey has of collecting the fees.

Since 1994, New Jersey has collected \$1.1 billion in revenue under the surcharge program. The collection rate for the assessed surcharges and suspensions is about 53 percent. According to New Jersey, the breakdown of the average collection rates is as follows: (1) 55 percent for DUI offenses; (2) 80 percent for point violations; and (3) 20 percent for regulatory offenses. The drivers enrolled in the surcharge program have accumulated outstanding surcharge fees of \$1.2 billion. Beginning in 1994 in an effort to enforce collections, MVC began to secure liens against personal property of a delinquent driver, which includes an additional 20 percent collection cost and interest. Since 1997, New Jersey has collected the surcharge via a private collection agency.

The revenue collected by MVC goes toward the debt service of a \$705 million bond issue sold to eliminate the debt of New Jersey's Market Transition Facility, which was an automobile insurance organization created in 1992 to cover uninsured motorists. Funds beyond those needed for annual debt service go the General Fund.

### *Texas*

The State of Texas has approximately 14.7 million licensed drivers. According to NHTSA, Texas is second only to Florida for the highest number of fatalities per miles driven of any of the 10 most populated states. In addition, Texas ranks first in speeding-related fatalities and alcohol-related fatalities of any of the 10 most populated states.

During 2003, the Texas Legislature passed House bill 3588, which amended Subtitle I, Title 7, Transportation Code, by adding Chapter 708. Article 10 of the bill created the Texas Driver Responsibility program similar to New Jersey's program.

Many states keep track of the number and severity of traffic violations through a points system; however Texas was an exception. Effective September 1, 2003, the Texas Driver Responsibility law establishes a system that assigns points to moving violations classified as Class C misdemeanors and applies surcharges to offenders, based on the type of offense and the time period in which the citation was received. For each conviction, the Texas Department of Public Safety (DPS) will assign points to a person's license as follows:

- Two points for a moving violation conviction in Texas or another state.
- Three points for a moving violation conviction in Texas or another state that resulted in a vehicle crash.
- Points will not be assigned for speeding if the rate of speed is less than 10 percent over the posted limit, nor will points be assigned for seat belt convictions.

The DPS will assess a surcharge, beyond the normal fines and penalties, when the driver accumulates a total of six points or more on his or her record during a three-year period. The driver must pay a \$100 surcharge for the first six points and \$25 for each additional point. Points remain on the driver's record for a period of three years. Points and fees are only assessed for convictions or offenses after September 1, 2003. Those who continue to accumulate points will be required to pay the \$100 surcharge for multiple years, while drivers who improve their driving habits may only have to pay the surcharge for one year.

Certain convictions will not be assessed points, but will result in an automatic surcharge. They include: (1) \$1,000 annually for three years for driving while intoxicated (DWI); (2) \$1,500 annually for three years for a second or subsequent DWI; (3) \$2,000 annually for three years for any DWI with an alcohol concentration level of .16 or more; (4) \$250 annually for three years for driving while license invalid or suspended; (5) \$250 annually for three years for driving a motor vehicle with no liability insurance; and (6) \$100 annually for driving without a valid license.

The DPS must notify the driver of the assessment of a surcharge on his or her license via first-class mail. If a driver fails to pay or initiate an installment payment plan within 30 days of notification the driver's license will be suspended. For amounts less than \$2,300, the DPS may authorize an installment plan for up to 12 months. For amounts over \$2,300, the DPS may authorize an installment plan for up to 24 months. The DPS must suspend driving privileges until the assessment and any other related fees are paid.

Texas anticipates revenue exceeding \$300 million by the third year of operation. These revenues are based upon a 66 percent collection rate. Fees collected by DPS will be remitted to the Texas Comptroller on a

monthly basis. Trauma centers and county and regional emergency medical services will receive 49.5 percent of the collected revenue, and the Texas Mobility Fund will also, receive 49.5 percent. The remaining one percent is directed to DPS for operation of the program.

The Texas Driver Responsibility program has a Sunset provision of September 1, 2007.

### *Michigan*

The State of Michigan has approximately seven million licensed drivers. A Detroit News analysis of crash records revealed one in six traffic deaths in Michigan involve a driver with multiple traffic violations. The same report also revealed, according to data provided by NHTSA, between 1994 and 2001 Michigan ranked fourth in the nation in the percentage of crash deaths involving drivers with bad records. Michigan was looking for another incentive for people to drive safer.

During the State of Michigan's 2003 regular session, the legislature passed Senate bill 509, which amended the Michigan Vehicle Code, 1949, PA 300, by adding a new section, 732a. Michigan's law created a driver responsibility fee which is patterned after New Jersey's program. Effective October 1, 2003, if a licensed or unlicensed driver accumulates seven points on his or her driving record within a two-year period, for a violation not subject to a \$150, \$500, or \$1,000 fee, the driver must be assessed a \$100 driver responsibility fee. For each additional point above seven, the driver must be assessed an additional \$50. The Michigan Secretary of State (SOS) must collect the fee each year the point total on an individual driving record is seven points or more. Under Michigan's point system, each traffic violation has a point value, which is set by law in the Michigan Vehicle Code. Points are placed on the driver's record only after a conviction or when found guilty of, or responsible for a civil infraction. Points remain on a driver's record for two years from the date of conviction. The driver responsibility fees are only assessed for points assigned after October 1, 2003.

Additionally, the SOS must assess the designated driver responsibility fees for two consecutive years, upon the recording of a conviction of any of the following:

#### \$1,000 Fee-

- Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, off-road vehicle (ORV), or snowmobile.
- A moving violation subject to criminal penalties that results in injury or death to a person working in a construction zone; or causing injury or death to a police officer, firefighter, or other emergency response personnel in the immediate area of a stationary authorized emergency vehicle.
- Operating a motor vehicle or ORV under the influence of alcohol or a controlled substance (OUIL – bodily alcohol content of .10 or more); or causing the death of serious impairment of a body function of another person while driving under the influence or while visibly impaired due to the consumption of alcohol or a controlled substance (OWI – bodily alcohol content of more than .07 but less than .10).
- Failing to stop and disclose identity at the scene of an accident when required by law.
- Fleeing or eluding a police officer.

#### \$500 Fee-

- OWI.
- Driving with any bodily alcohol content if under the age of 21.
- OUIL or OWI with a passenger under 16.
- Reckless driving.
- Driving with a suspended or revoked license or registration certificate.
- Driving a motor vehicle or motorcycle without insurance.

#### \$150 Fee-

- Driving without a valid license, or possessing more than one valid driver's license.
- Failing to produce proof of insurance upon request by a police officer, or knowingly providing false evidence of insurance.

Drivers have 60 days to pay the fees or face a license suspension. The SOS must mail notice of the fee to the driver, who then will have 30 days to pay the fee. If payment is not received within the 30 days, the SOS must send a second notice indicating driving privileges will be suspended if the payment is not received within the next 30 days. For amounts over \$500, the SOS may authorize an installment plan for up to 12 months. If payment is not received or an installment plan is not established after the time limit required by the second notice expires, the SOS must suspend driving

privileges until the assessment and any other fees prescribed by the Michigan Code are paid.

The law designates the distribution of driver responsibility fees by requiring the SOS to transmit the collected fees to the State Treasurer. The Treasurer must deposit the first \$65 million into the General Fund. The amount collected in excess of \$65 million up to \$68.5 million must be deposited into the Fire Protection Fund. If more than \$100 million are collected, the amount collected in excess of \$100 million up to \$105 must be deposited into the Fire Protection Fund.

Michigan reviewed New Jersey's average collection rate (60 percent) and collection cost (12.3 percent). According to the Michigan bill analysis and data on driver records, it is estimated Michigan would collect between \$68.6 and \$74.8 million in revenue annually. This estimate is based on a 60 percent to 63 percent collection rate.

Michigan is in the process of contracting with a collection agency to implement Michigan's driver responsibility program. Collection costs in the first two years might be higher than costs in the future because of program start-up costs. Also, the actual amount collected will vary depending on the degree and efficiency of collection efforts, the ability of convicted individuals to pay the fees, and any reduction in violations resulting from the law's financial disincentives.

### **RECOMMENDATIONS**

Legislative review of the driver responsibility programs of other states is recommended in order for the legislature to determine the need for such a program in Florida.

The safety impacts of New Jersey and the other states' driver responsibility programs are not totally known; therefore, further study by Florida's safety experts may be warranted in order to determine the effectiveness of a driver responsibility program in Florida.