

STORAGE NAME: h1163s1.tr
DATE: March 14, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: CS/HB 1163

RELATING TO: Teenage Driver Education

SPONSOR(S): Committee on Transportation and Representative Minton

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 9 NAYS 0
 - (2) JUDICIARY
 - (3) FINANCE & TAXATION
 - (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (5)
-

I. SUMMARY:

This bill increases the driver's license application requirements for persons who are at least 16 years of age, but under 18 years of age. The bill also places an additional restriction on driver's licenses held by drivers under the age of 18.

In addition to existing application requirements, the bill would require that 16 and 17 year old applicants must have:

- No traffic convictions for at least 12 months (learner's license period) prior to applying for a driver's license; and
- Their parent, guardian, or other responsible adult must certify that he or she, or another licensed driver age 21 or older, has accompanied the applicant for 50 hours or more of behind-the-wheel experience, with at least 10 hours at night.

However, the Department of Highway Safety and Motor Vehicles may issue a driver license to a person who has held a learner's driver's license for at least 12 months and who had a traffic conviction but elected to attend a traffic driving school.

The bill provides for a person at least 16 years of age but under 18 years of age who meets the school attendance requirements and has held a valid learner's driver's license for at least six months prior to October 1, 2000 to be issued a driver license.

The bill specifies that a person who is at least 16 years of age but under 18 years of age may not operate a motor vehicle when the number of passengers exceeds the number of safety belts in the motor vehicle. A person who violates this provision is guilty of a nonmoving violation, punishable by a \$30 fine.

Furthermore, the bill authorizes a board of county commissioners to withhold \$2 of each civil penalty resulting from a traffic violation by a person holding a restricted license for the use of traffic awareness and education programs.

The bill has an effective date of October 1, 2000.

The bill has an opt in provision. However, it is unknown as to the extent that the counties will elect to enact the program.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Florida's graduated licensing law became effective July 1996. It allows DHS&MV to issue a learner's driver's license to a 15-year-old who has passed vision and hearing tests and the written exam for the license. Furthermore, the applicant must have completed a traffic law and substance abuse education course. The law requires that the holder of the permit be supervised at all times and that driving occur during daylight hours for the first three months of the learner's license by a licensed driver of at least 21 years of age. Three months after its issuance, driving can occur between 7 p.m. and 10 p.m. Nighttime driving bans, from 11 p.m. to 6 a.m. at age 16 and 1 a.m. to 5 a.m. at age 17, continue through 18.

Section 322.1615, F.S., authorizes DHS&MV to issue a learner's driver's license to a person who is at least 15 years of age and who has:

- Passed the written examination for a learner's license;
- Passed the vision and hearing tests;
- Completed the traffic law and substance abuse course; and
- Meets all other requirements in law and Department rule.

The section further provides that when the holder of a learner's license is operating a vehicle, the licensee must be accompanied at all times by a person who holds a valid license for the type of vehicle being operated, who is at least 21 years old, and who occupies the front passenger seat. A person who holds a learner's driver's license may operate a vehicle only during daylight hours, except that the holder of a learner's driver's license may operate a vehicle between the hours of 7 p.m. and 10 p.m. three months after the issuance of the learner's driver's license. A licensee who violates this requirement is subject to the civil penalty imposed for a moving violation, as provided in chapter 318, F.S..

Section 322.05, F.S., authorizes DHS&MV to issue a driver's license to anyone who is 16 or 17 years of age if they have had a learner's driver's license for at least 6 months and they comply with the school attendance requirements, as provided in s. 322.091, F.S.. DHS&MV may also issue licenses to persons who are 16 or 17 years of age if they already possess a driver's license from another state or foreign jurisdiction.

Section 322.16, F.S., places restrictions on nighttime driving for all drivers under 18, except those who are driving to or from work. A person who holds a driver's license and who is 16 years of age must be accompanied by a person at least 21 years old when operating a

motor vehicle after 11 p.m. and before 6 a.m. A person who holds a driver's license who is 17 years of age must be accompanied by a person at least 21 years old when operating a motor vehicle after 1 a.m. and before 5 a.m. The 21 year old must have a valid driver's license to operate the type of vehicle being operated. The department may not suspend or revoke the license of a person who violates the nighttime driving restrictions. However, a violation of the nighttime driving restrictions is a noncriminal traffic infraction, punishable as a moving violation.

Section 322.161, F.S., authorizes DHS&MV to restrict the driving privilege of any Class E licensee who is age 15 through 17 and who has accumulated four or more points, excluding parking violations, within a 12-month period. If four or more points have been accumulated, DHS&MV must notify the licensee and issue the licensee a restricted license that is valid for business purposes only. After 1 year, the restriction will be automatically withdrawn by DHS&MV if the licensee does not accumulate any additional points. This section also provides that a Class E licensee who is age 15 through 17 and who has accumulated four or more points within a 12-month period will also be ineligible to obtain a Class D license for a period of no less than 1 year. The bill further provides for additional periods of restriction if more points are accumulated.

Section 318.21, F.S. provides for 54.6 percent of all fines paid for violations occurring within a municipality, certain special improvement districts, or unincorporated county areas are to be paid to that entity. The remainder of the funds are then transferred to the Department of Highway Safety and Motor Vehicles for distribution to various state trust funds, the General Revenue Fund, and the County Article V Trust Fund.

C. EFFECT OF PROPOSED CHANGES:

This bill increases the driver's license application requirements for persons who are at least 16 years of age, but under 18 years of age. The bill also places an additional restriction on driver's licenses held by drivers under the age of 18.

In addition to existing application requirements, the bill would require that 16 and 17 year old applicants must have:

- No traffic convictions or traffic crashes for at least 12 months (learner's license period) prior to applying for a driver's license; and
- Their parent, guardian, or other responsible adult certify that he or she, or another licensed driver age 21 or older, has accompanied the applicant for 50 hours or more of behind-the-wheel experience, with at least 10 hours at night.

The Department of Highway Safety and Motor Vehicles may, however, issue a driver license to a person who has held a learner's driver's license for at least 12 months and who had a traffic conviction but elected to attend a traffic driving school.

The bill provides for a person at least 16 years of age but under 18 years of age who meets the requirements of s. 322.091, F.S. and has held a valid learner's driver's license for at least six months prior to October 1, 2000 to be issued a driver license.

The bill specifies that a person who is at least 16 years of age but under 18 years of age may not operate a motor vehicle when the number of passengers exceeds the number of safety belts in the motor vehicle. A person who violates this provision is guilty of a nonmoving violation, punishable by a \$30 fine.

Furthermore, the bill provides that a board of county commissioners may withhold \$2 of each civil penalty resulting from a traffic violation by a person holding a restricted license for the use of traffic awareness and education programs. The board of commissioners would be required to have an ordinance to require the clerk of the court to withhold the \$2 from the civil penalty. This ordinance must provide for either the board of county commissioners to administer the funds or for local safety groups to be designated to receive and administer the funds.

D. SECTION-BY-SECTION ANALYSIS:

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

State Government Expenditures

The department will require modifications to the driver license software system costing approximately \$30,000.

Local Government Revenue

A board of county commissioners would be allowed the option of withholding \$2 from traffic violations committed by a person holding a restricted license to fund traffic awareness and education programs. The exact figure is unavailable due to the uncertainty of violations and local governments that would choose to implement the program.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

Statistics

Based on data collected by the DHS&MV, the statistics for the graduated licensing program in 1998, two years after becoming law, show positive results for the nighttime driving restriction. The number of 15-17 year old drivers in crashes decreased by 11 percent during the restricted hours. Also, the number of 15-17-year old drivers in fatal crashes decreased 18.5 percent during the restricted hours.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

An amendment was adopted to:

- Amend s. 318.21, F.S. to incorporate the provision of withholding \$2 from each civil penalty resulting from a violation by any person holding a restricted license;
- Extend the date from July 1, 2000 to October 1, 2000 for a person at least 16 years of age, but under 18 years of age to become required to hold a valid learner's driver's license for at least 12 months without a traffic conviction prior to being issued a driver license;
- Allow a person at least 16 years of age, but under 18 years of age holding a learner's driver's license and who has a traffic conviction, *but* elects to attend a traffic driving school, to be issued a driver license;
- Provide for a person at least 16 years of age, but under 18 years of age who meets the requirements of s. 322.091, F.S. and has held a valid learner's driver's license

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for at least six months prior to October 1, 2000 to be issued a driver license from the Department of Highway Safety and Motor Vehicles; and

- Provide for a penalty for any person at least 16 years of age, but under 18 years of age with a restricted, or learner's, driver's license when he or she operates a motor vehicles where the number of passengers exceeds the number of seat belts.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

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