

STORAGE NAME: h1723s1.jud

DATE: April 3, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUDICIARY
ANALYSIS**

BILL #: CS/HB 1723

RELATING TO: Driver Improvement Schools

SPONSOR(S): Committee on Judiciary and Representative Alexander

TIED BILL(S):

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

- (1) JUDICIARY YEAS 8 NAYS 0
 - (2) FINANCE AND TAXATION
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill requires law enforcement officers to issue a copy of the Traffic School Reference Guide each time the officer issues a traffic citation. The bill removes the limit on the number of times a person can elect to attend traffic school in lieu of a court appearance.

The bill requires traffic schools to assess each person who is court ordered to attend the school \$2.50. Currently, the fee is only assessed on persons who elect to attend the school in lieu of a court appearance.

The bill provides that the Department of Highway Safety and Motor Vehicles shall screen crash reports and require persons involved in a crash causing damage of \$2500 or more who were convicted or pleaded nolo contendere to a traffic offense relating to the crash to attend a basic driver improvement course.

The bill creates a new statute to require the Department of Highway Safety and Motor Vehicles to screen reports of convictions for violations of chapter 316 for two classes of operators:

- (1) Operators under 21 who have been convicted of, or pleaded nolo contendere to, a noncriminal moving infraction and have also been convicted of, or pleaded nolo contendere to, another noncriminal moving infraction since initial license issuance; and
- (2) Operators who have been convicted of, or pleaded nolo contendere to, more than one noncriminal moving infraction in a twelve month period.

The Department of Highway Safety is required to notify operators identified by this screening that the operators are required attend a basic driver improvement course within 90 days. If the operator fails to complete the course, the operator's license is canceled until the course is completed.

The bill requires persons who are at least 16 but under 18 to attend (1) a Department of Education driver's education course offered pursuant to section 233.063, Florida Statutes, (2) a commercial driving school pursuant to section 488.01, Florida Statutes, or (3) a basic driver improvement course before obtaining a driver's license.

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

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1. Less Government Yes No N/A

The bill creates new requirements for persons under 21 who receive traffic citations. It creates new requirements for persons under 18 to obtain a driver's license.

2. Lower Taxes Yes No N/A

3. Individual Freedom Yes No N/A

4. Personal Responsibility Yes No N/A

5. Family Empowerment Yes No N/A

B. PRESENT SITUATION:

Effective June 1, 2000, s. 318.1451(5), F.S., prohibits any governmental entity or court from providing any information regarding driver improvement schools or course providers except the Traffic School Reference Guide. The entities however, can direct inquiries or requests to the local telephone directory heading of driving instruction. s. 318.1451(5)(b), F.S.

Effective June 1, 2000, the Department of Highway Safety and Motor Vehicles (DHS&MV) is required to prepare a Traffic School Reference Guide that may be distributed by governmental entities. The information contained in the guide is restricted to the benefits of attending a driver improvement school, but cannot list course providers or schools. s. 318.1451(5)(b), F.S. DHS&MV says it does not currently print the Traffic School Reference Guide.

Section 318.14(9), F.S., permits someone cited for certain traffic infractions to elect to attend a basic driver improvement course (traffic school) in lieu of a court appearance. If a person attends traffic school, adjudication is withheld, points are not assessed on the offender's driver's license, and the civil penalty is reduced if the person has not made such an election in the previous twelve months. s. 318.14(9), F.S. A person may only elect to attend traffic school in lieu of court appearance five times. Id. In addition, the current statutes allow an assessment fee of \$2.50 only on those persons electing to attend a driver improvement course and do not address traffic school attendees who attend pursuant to court order. s. 318.1451(4), F.S. This assessment is remitted to DHS&MV. Id.

DHS&MV is responsible for screening crash reports to identify motor vehicle operators required to attend a driver improvement course. s. 322.0261, F.S. The criteria for mandatory attendance are two crashes within two years involving property damage of at least \$500. s. 322.0261(1)(b), F.S.

DHS&MV is prohibited from issuing a driver license to an individual between 16 and 18 years of age unless the individual retains a valid learner's license and meets the requirements regarding school attendance of s. 322.091, F.S. s. 322.05(2), F.S.

C. EFFECT OF PROPOSED CHANGES:

Section 1 of the bill requires law enforcement officers to issue a copy of the Traffic School Reference Guide each time the officer issues a traffic citation.

Section 2 of the bill removes the limit on the number of times a person can elect to attend traffic school in lieu of a court appearance. Currently, a person can only make that election five times.

Section 3 of the bill requires traffic schools to assess each person who is court ordered to attend the school \$2.50. Currently, the fee is only assessed on persons who elect to attend the school in lieu of a court appearance. s. 318.1451(4), F.S.

Section 4 of the bill amends s. 322.0261(1)(b), F.S., to require DHS&MV to screen crash reports. Any person involved in a crash causing damage of \$2500 or more who was convicted of or pleaded nolo contendere to a traffic offense giving rise to the crash must attend a basic driver improvement course. If the operator does not complete the course within 90 days of receiving notice from DHS&MV, the operator's license is canceled until the course is completed.

Section 5 of the bill creates s. 322.02615, F.S., to require DHS&MV to screen reports of convictions for violations of chapter 316, F.S., for two classes of operators:

- (1) Operators under 21 who have been convicted of, or pleaded nolo contendere to, a noncriminal moving infraction and have also been convicted of, or pleaded nolo contendere to, another noncriminal moving infraction since initial license issuance; and
- (2) Operators who have been convicted of, or pleaded nolo contendere to, more than one noncriminal moving infraction in a twelve month period.

Operators identified by this screening are required to attend a basic driver improvement course within 90 days. If the operator fails to complete the course, the operator's license is canceled until the course is completed. Attendance at a driving course pursuant to s. 318.14(9), F.S., will satisfy the requirements of the new section.

Section 6 of the bill requires persons who are at least 16 but under 18 to attend (1) a Department of Education driver's education course offered pursuant to s. 233.063, F.S., (2) a commercial driving school pursuant to s. 488.01, F.S., or (3) a basic driver improvement course approved by DHS&MV before obtaining a driver's license.

Section 7 of the bill provides an effective date of October 1, 2000.

D. SECTION-BY-SECTION ANALYSIS:

See Section II.C. Effect of Proposed Changes

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

DHS&MV says that fiscal impact from assessments due to proposed changes in the bill is indeterminate.

2. Expenditures:

DHS&MV estimates it will cost \$72,900 to modify the Driver License Software System.

DHS&MV estimates it will have to produce 3.2 million traffic school reference guides at a cost of approximately \$13,000. The cost to ship the guides to appropriate agencies is unknown.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals who are required to attend driver improvement courses will have to pay the costs of such courses. Currently, Tallahassee traffic schools charge from \$30-\$39 for a four hour driver improvement course. A five hour course for first time drivers also costs \$30-\$39.

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

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

The bill does not reduce the amount of state tax shared with any city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

DHS&MV suggests that allowing attendance at a commercial driving school pursuant to s. 488.01, F.S., will likely not meet the training requirements of the bill since only 5 of 113 commercial driving schools actually teach someone to operate a motor vehicle.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Judiciary adopted two amendments to the bill. The first was a technical amendment to correct a statutory reference. The second amendment requires DHS&MV to screen accident reports and require any driver who pleads guilty or nolo contendere to an infraction arising from a crash where the apparent property damage exceeds \$2500 to attend a basic driver improvement course. The bill as originally filed required any person involved in a second crash causing damage of \$500 or more who was convicted or pleaded nolo contendere to a traffic offense relating to the crash to attend a basic driver improvement course. The bill was reported favorably as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON JUDICIARY:

Prepared by:

Staff Director:

L. Michael Billmeier, J.D.

P.K. Jameson, J.D.