

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1274

SPONSOR: Judiciary Committee and Senator Burt

SUBJECT: Motor Vehicles

DATE: March 20, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Johnson	JU	Favorable/CS
2.	_____	_____	BI	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill relieves a foster parent or the authorized representative of a group home of liability for damages caused by a foster child in their care who is under 18 years of age solely because the foster parent or group home representative signed the minor’s application for a driver’s license.

The bill also prohibits insurance companies from charging additional premiums to person’s insuring a minor possessing a learner’s driver’s license.

This bill substantially amends ss. 322.09 and 627.746 of the Florida Statutes.

II. Present Situation:

When a child turns 15 years of age they are authorized to obtain a learner’s driver’s license provided they meet the school attendance requirements of s. 322.091, F.S., and meet the application and testing requirements of s. 322.1615, F.S. When a minor applies for a learner’s or regular driver’s license the application must be signed by a parent, guardian, or when there is no parent or guardian some other responsible adult. Any negligence or willful misconduct of the minor operating a motor vehicle will be imputed to the adult who signed the application. That adult is jointly and severally liable with the minor for any damages caused by the negligent or willful misconduct.

While a person holds a learner’s driver’s license they are prohibited from operating a motor vehicle unless they are accompanied at all times by a licensed driver who is at least 21 years of age. The person 21 years of age or older must occupy the seat closest to the right of the driver.

Many foster children are denied the right to obtain a regular driver's license or a learner's driver's license because the foster parents are not willing or able to assume responsibility for the child's driving. This prevents the child from taking driver's education in school or otherwise learning to drive an automobile until they are 18 years of age and able to afford their own car and insurance.

Currently, some insurance companies allow a minor with a learner's driver's license to operate the parent's vehicle without charging an additional premium.

III. Effect of Proposed Changes:

This bill amends the responsibilities of the individual signing for a minor foster child's learner's driver's license. Either a foster parent or the responsible adult in a residential group home would be able to sign the learner's driver's license application for a foster child without assuming liability for any negligent or willful misconduct of that child while operating a motor vehicle. However, this provision would not relieve any individual, whether he or she signed the application or not, from vicarious liability when he or she allowed the foster child to operate a motor vehicle the individual owns. Thus, the motor vehicle owner will assume liability for the actions of the minor child while operating the vehicle rather than the person signing the driver's license application.

A new section 627.746, F.S., is created to provide insurance coverage for the operation of a motor vehicle by a minor holding a learner's driver's license. The section prohibits any insurance company from charging an additional premium on a motor vehicle owned by a parent or foster parent of a minor child holding a learner's driver's license. This prohibition will be applicable until the child obtains a regular driver's license.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The newly created section, s. 627.746, F.S., if applied to existing contracts, would constitute an unconstitutional impairment of any insurance contract in existence on the effective date of the act. However, the bill does not provide for retroactive application of the provision thus it would only apply to contracts entered on or after the effective date. Further, as indicated in the present situation, at least some insurance companies do not currently charge an additional premium for coverage of minor's holding a learner's driver's license.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This provision would allow children in foster care to obtain at least a learner's driver's license and to possibly take driver's education prior to turning 18. The bill would also allow the foster parent to have insurance coverage for the child holding a learner's license while operating the foster parent's automobile.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
