

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 478

SPONSOR: Transportation Committee and Senator Sebesta

SUBJECT: Highway Safety

DATE: February 20, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	RC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This CS addresses a number of highway safety, motor vehicle, and driver license issues. Many of the provisions in the CS relate to the functions of the Department of Highway Safety and Motor Vehicles (DHSMV). Major provisions contained in the CS are summarized below.

Traffic Control/Enforcement – The CS authorizes the Department of Health’s emergency response vehicles to display flashing red lights when responding to an emergency. The CS authorizes law enforcement officers to enforce stop signs on private roads under certain circumstances, and allows traffic crash investigators employed by city and county law enforcement agencies to issue citations for violations of motor vehicle and driver license laws. The CS provides for the doubling of fines for speeding in a posted toll collection zone.

Motor Vehicle/Vessel Titles and Registration – The CS conforms certain vessel registration requirements and procedures to those for motor vehicles. The CS provides for the use of one registration decal on a license plate to conform decal provisions to DHSMV’s implementation of the new decal dispenser system. The CS restricts the time frame a person can use a previous license plate for exemption from the \$100 initial motor vehicle registration fee to 10 years. The CS increases the maximum weight restriction for Amateur Radio Operator, Ex-POW, Purple Heart Recipient, and Pearl Harbor Survivor license plates to include vehicles weighing less than 8,000 pounds.

Driver Licenses – The CS requires that if a Florida driver license is accepted for identification purposes, a Florida identification card must also be accepted if the person presenting it does not have a driver’s license. The CS enables the court to direct DHSMV to issue a temporary driver’s license, restricted to business or employment purposes only, to a minor whose driving privileges have been revoked or delayed, if the child is otherwise qualified for such a license.

This CS substantially amends the following sections of the Florida Statutes: 316.003, 316.006, 316.061, 316.1975, 316.2397, 316.640, 318.18, 319.28, 320.025, 320.05, 320.055, 320.06, 320.072, 320.0805, 320.08058, 320.083, 320.089, 321.02, 322.051, 322.056, 322.25, 322.27, 322.271, 328.01, 328.42, 328.56, 328.72, 832.09, and 860.20.

The CS creates section 316.00825 of the Florida Statutes.

The CS repeals the following sections of the Florida Statutes: 322.28 and 322.282.

II. Present Situation:

Because of the comprehensive nature of changes contained in this CS, the present situation relating to each section is set out in a section-by-section analysis under the “Effect of Proposed Changes” section of the analysis.

III. Effect of Proposed Changes:

Section 1. Authorized Emergency Vehicles: The Department of Health’s disaster response vehicles are not currently “authorized emergency vehicles.” The CS amends s. 316.003, F.S., to provide that the Department of Health’s disaster response vehicles are emergency vehicles.

Section 2. Traffic Control/Multi-Party Stop Signs on Private Roads: Section 316.006, F.S., provides that local government law enforcement agencies may enforce traffic laws on private roads if the local government and the private owners enter into a written agreement providing for traffic enforcement. Private communities may install multi-party stop signs on private roads that do not meet the minimum traffic requirements adopted by the Department of Transportation (DOT) for the installation of these signs on public roads. Because these signs do not meet minimum legal criteria for installation, law enforcement officers reportedly cannot issue citations for failure to obey the signs. The CS amends this section to permit issuance of a citation for failure to obey a multi-party stop sign in a private community, if provided for in the written agreement and if the signs conform to DOT’s specifications. Minimum traffic volumes are not required for installation of the signs or for enforcement of traffic laws for failure to stop at the signs.

The CS also provides that if a county abandons a road and conveys its interests to a homeowners association in a manner prescribed in s. 316.00825, F.S., the county’s traffic control jurisdiction over the roads ceases unless the county and the homeowners association enter into an agreement expressly providing that the county has traffic control jurisdiction.

Section 3. Abandonment of Roads/Homeowners’ Associations: Currently, s. 336.12, F.S., provides that if a county elects to abandon a roadway, interests vest with the abutting land owners. The CS creates s. 316.00825, F.S., which establishes a procedure by which a county may elect to abandon the roads and right-of-ways in a recorded residential subdivision and convey the county’s interests in such roads to a homeowners’ association. The following conditions would apply: (1) the homeowners’ association must request the abandonment and conveyance in writing for the purpose of converting the subdivision to a gated community; (2)

80 percent of the residents must consent in writing to the abandonment and conveyance; (3) the homeowners' association is a not for profit organization and has the power to levy and collect assessments; (4) the homeowners' association has provided sufficient assurance to the county that it has sufficient resources to maintain, repair, and periodically reconstruct or replace the roads, drainage, lighting, and sidewalks; and (5) the homeowners' association shall maintain all traffic control devices unless the association enters into an agreement providing that the county has traffic control jurisdiction.

Section 4. Crashes Involving Damage to Vehicle or Property: Section 316.061, F.S., requires any person driving or attending a vehicle involved in a crash that results only in property damage to immediately stop at the scene, or as close as possible, and to remain at the scene until he or she has exchanged all information and rendered any aid that is required by law. Any stop must be made without obstructing traffic more than is necessary and the driver of a stopped vehicle must make every reasonable effort to move the vehicle so that it does not block the regular flow of traffic. The CS amends this section of law to authorize employees and agents of law enforcement, the Department of Transportation, or an expressway authority to remove broken down or crashed vehicles and their debris from the roadway when the crash only involves property damage. In addition, the CS provides that the driver or any other person who removes such a vehicle will not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle.

Section 5. Unattended Motor Vehicles: Currently, s. 316.1975, F.S., provides that a motor vehicle operator may not permit the vehicle to stand unattended without first stopping the engine, locking the ignition, and removing the key. In addition, if the vehicle is left unattended on a perceptible grade the brake must be set and the front wheels must be turned to the curb or side of the street. A violation of this section is a non-criminal traffic infraction, punishable as a nonmoving violation. This section does not apply to the operator of an authorized emergency vehicle while performing official duties or to a licensed delivery vehicle while making deliveries. The CS exempts operators of solid waste and recovered materials trucks from these provisions regarding unattended vehicles.

Sections 6. Authorized Emergency Vehicles: The Department of Health's disaster response vehicles are not currently "authorized emergency vehicles." The CS amends s. 316.2397, F.S., to provide that the Department of Health's response vehicles are emergency vehicles and are authorized to display red flashing lights when responding to an emergency.

Section 7. Traffic Enforcement – State Universities/Traffic Crash Investigators: Currently, traffic crash investigators may be employed by the state and local governments to perform on-scene crash investigations. These investigators must meet minimum statutory training requirements, but are not law enforcement officers and do not have arrest authority. Traffic crash investigators for the state may enforce the provisions of Chapters 316 (traffic control), 319 (titles) 320 (registration) and 322 (driver's licensing), F.S., through issuance of citations. Local government traffic crash investigators currently may only enforce the provisions of Chapter 316, F.S. In addition, university police officers are authorized to enforce the state's traffic laws when violations of those laws occur on or about property or facilities that are under the guidance, supervision, regulation, or control of the state university system, and they are allowed to enforce laws off-campus when hot pursuit originates on campus.

The CS amends s. 316.640, F.S., to allow city and county traffic crash investigators to issue citations for all of the motor vehicle and driver's license chapters. This extends the same enforcement authority currently provided state traffic crash investigators to local traffic crash investigators. In addition, the CS authorizes university police officers to enforce traffic laws when violations occur on or about properties of a university's direct support organizations, or those of any other organizations controlled by the university.

Section 8. Amount of Civil Penalties – Toll Collection Zones: With the advent of transponders as a convenient method for paying tolls on the turnpike (Sun Pass) and on certain expressway authorities (e-pass), vehicles are not required to come to a complete stop to pay tolls at collection facilities. Since some motorists are no longer required to stop or slow to a near stop in order to pay tolls while others are required to stop. The danger at these facilities is heightened by motorists who approach and pass through toll facilities at an unlawful speed. The heightened risk inherently present in some areas on the roads is recognized in current law by enhanced speeding fines. For example, fines may be doubled for speeding in posted school and construction zones. However, the law does not address the heightened risk that exists in toll collection zones. The CS amends s. 318.18, F.S., to double the fines for speeding in a toll collection zone. However, the fines cannot be doubled unless an appropriate sign has been placed to warn speeders that fines will be doubled.

Section 9. Vehicle Title Transfer/Contractual Default: Currently, s. 319.28(1)(a), F.S., requires an original or certified copy of the applicable contract when processing an application for title based on a contractual default. The CS deletes the requirement for the original or certified copy of the contract. Because a contractual lien is acknowledged by the owner at the time it is recorded on the title certificate, a copy of the security contract between the owner and the lien holder is not necessary.

Section 10. Vessel Registrations/Technical Revisions: Currently, s. 320.025, F.S., does not include vessels in provisions allowing the registration of vessels owned and operated by a law enforcement agency under a fictitious name. The CS amends s. 320.025, F.S., to permit issuance of a registration number to a law enforcement agency under a fictitious name. The CS also requires government-owned vessels to display registration numbers and vessel decals.

Sections 11. Vessel Registrations/Technical Revisions: Statutory provisions relating to DHSMV's records and inspection procedures, refer to vehicles, but do not specifically refer to vessels. The CS amends s. 320.05, F.S., to conform vessel registration record and inspection requirements to motor vehicle registration requirements.

Section 12. Non-Appportioned Commercial Motor Vehicle Registration Period: Section 320.055(5), F.S., provides that commercial vehicles are to be registered on a staggered 12 month basis as determined by DHSMV to spread vehicle registrations throughout the calendar year. An "apportioned vehicle" is a motor vehicle that is registered under the International Registration Plan. The International Registration Plan is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees in one jurisdiction, with the revenues being distributed on the basis of fleet miles operated by a vehicle in each jurisdiction. The CS provides that Florida commercial motor vehicles that are not

apportioned have a registration period beginning December 1 and ending November 30 each year.

Section 13. Motor Vehicle Validation Decals: Current Florida law requires each vehicle license plate to have two decals: a decal on the left with the month of expiration and a decal on the right with the year of expiration. The CS amends s. 320.06, F.S., to allow for only one decal on the right side of the plate with the month and year shown on the same decal. This will conform license plate decal provisions to DHSMV's implementation of a new decal dispenser system.

Section 14. Motor Vehicle Initial Registration Fee Exemption: Section 320.072, F.S., requires a fee of \$100 to be imposed upon the initial application for registration on certain motor vehicle registration transactions. The fee is due on any private-use vehicle unless the vehicle being registered is a replacement for a vehicle that has been disposed of by the person applying for registration. Current law allows a registrant to provide proof that they have owned a Florida license plate at any point in time to be exempt from the \$100 initial registration fee. The CS amends this section to provide that this exemption does not apply if the plate being renewed expired 10 or more years prior to the transaction date.

Section 15. Personalized License Plates/Re-issuance: Personalized license plates consist of letter and numeric characters picked by the person registering the vehicle, and cost an additional \$12 annually. Currently, all personalized license plates must remain out of circulation for a period of 3 years before they can be reassigned to another individual. The CS amends s. 320.0805, F.S., to allow personalized license plates to be reassigned to another individual 1 year following the expiration of the registration.

Section 16. Collegiate License Plates: Section 320.08058, F.S., provides collegiate license plates are exempt from the specialty license plate requirements contained in s. 320.08053, F.S. However, this section stipulates that collegiate license plate established after January 1, 1997, must comply with the requirements of s. 320.08053, F.S., and must be specifically authorized by the Legislature. The CS amends s. 320.08058, F.S., to provide that collegiate plates created prior to October 1, 2002, are exempt from the requirements contained in s. 320.08053, F.S.

Section 17. Specialty Plate Eligibility/Amateur Radio Operators: At this time, a vehicle for private use weighing more than 5,000 pounds may not be issued a license plate designated for Amateur Radio Operators. When these license plates were created, most private vehicles weighed under the 5,000-pound limit. Due to the popularity of larger pick-up trucks and sport utility vehicles many individuals now own vehicles for private use that weigh over 5,000 pounds. The CS amends s. 320.083, F.S., to increase the maximum weight restriction for these license plates to include vehicles weighing less than 8,000 pounds.

Section 18. Specialty Plates/Ex-POW's, Purple Heart Recipients, Pearl Harbor Survivors: At this time, a vehicle for private use weighing more than 5,000 pounds may not be issued a license plate designated for Ex-POW's or Purple Heart Medal Holders. When these license plates were created, most private vehicles weighed under the 5,000-pound limit. Due to the popularity of larger pick-up trucks and sport utility vehicles many individuals now own vehicles for private use that weigh over 5,000 pounds. The CS amends s. 320.089, F.S., to increase the maximum weight restriction for these license plates to include vehicles weighing less than 8,000 pounds.

Section 19 . Florida Highway Patrol/Vehicle Colors: The CS amends s. 321.02, F.S., to provide that the prescribed colors for Florida Highway Patrol motor vehicles and motorcycles is “Florida Highway Patrol black and tan”.

Section 20. Acceptance of Identification Cards: Some retailers in Florida accept a valid driver’s license as a proof of ID, but do not accept the Florida identification card as a valid proof of ID. The CS amends s. 322.051, F.S., to require that if a driver’s license is accepted, the identification card must also be accepted if the person presenting it does not have a driver’s license.

Section 21. Driver License/Under Age 18: The CS enables the court to direct DHSMV to issue a temporary driver’s license, restricted to business or employment purposes only, to a child whose driving privileges have been revoked or delayed pursuant to s. 322.056,F.S., if the child is otherwise qualified for such a license. This authorization provides the court with the same discretion it currently possesses for adults to direct the DHSMV to issue a business or employment purposes only driver’s license to a child under 18.

Section 22. License Reinstatement/Technical: The CS amends s. 322.25, F.S., to delete a cross-reference to a section repealed elsewhere in this CS (see sec. 24 for discussion).

Sections 23. Habitual Offenders/License Reinstatement: Section 322.27, F.S., authorizes DHSMV to revoke the license of a habitual traffic offender for a *minimum* of 5 years. The bill amends this section to make the revocation period a mandatory 5 years.

Section 24. Technical: Section 322.271, F.S., is amended to correct a cross-reference (see sec. 24 for discussion).

Section 25. Temporary Driving Permits: The CS repeals s. 322.28(2)(d), relating to the issuance of temporary driving permits when a license is suspended. These references are no longer needed because a temporary permit is issued at the scene of the arrest (see sec. 24 for discussion).

Sections 26. Temporary Driving Permits: Pursuant to s. 322.2615, F.S., a law enforcement officer must suspend the driver’s license of a person who has been arrested for having an unlawful blood-alcohol or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by law. The officer takes the person's driver's license and issues a 10-day temporary permit at the scene of the arrest if the person is otherwise eligible to receive one. The bill repeals s. 322.282, F.S., which provides for DHSMV to issue a temporary driving permit when a license is suspended. This reference is no longer needed because a temporary permit is issued at the scene of the arrest.

Section 27. Vessel Title Certificates/Contractual Default: Currently, s. 328.01(3), F.S., requires a copy of the applicable contract when processing an application for vessel title based on a contractual default. The CS deletes the requirement for the copy of the contract. Because the owner acknowledges a contractual lien at the time it is recorded on the title certificate, a copy of the security contract between the owner and the lien holder is not necessary.

Section 28. Vessel Registration/Dishonored Checks: Currently, s. 328.42, F.S., only allows a stop against vessel registration transactions if a person uses a dishonored check to pay a vessel registration fee. The CS amends this section to provide that a stop may be applied to any kind of vehicle or vessel transaction if a person pays any vehicle or vessel fee to DHSMV using a dishonored check.

Section 29. Vessel Registration Numbers: Currently s. 328.56, F.S., uses the terminology of commercial or recreational vessels when referring to numbering on vessels operated on the state's waters. There is now only one series of state registration numbers issued for vessels without regard to how the vessel is used. The CS amends this section to delete the reference to "commercial or recreational" when referring to vessels operated on the waters of the state.

Section 30. Transfer of Title/Antique Vessels: Section 328.72, F.S., currently provides special requirements for transferring ownership of an antique vessel. The CS deletes these special requirements for transfer of an antique vessel. This change conforms antique vessel title transfer requirements to the requirements for every other type of vessel.

Section 31. License Suspension/Worthless Checks: Current law provides that any person who passes a worthless check, and who fails to appear before the court, and against whom a warrant or capias writ for failure to appear is issued shall have their driver's license suspended or revoked. The clerk of the court notifies DHSMV of the action of the court and the license is suspended or revoked by the department. The CS amends s. 832.09, F.S., to allow DHSMV to create a standardized form for all clerks of the court to use when notifying DHSMV that a person has satisfied the requirements of the court and the driver's license should be reinstated.

Section 32. Identification Numbers/Vessel Motors: Section 860.20, F.S., provides that the Department of Environmental Protection (DEP) is responsible for establishing rules specifying the location and manner in which serial numbers for outboard motors will be affixed. Similarly, DEP is responsible for the issuance of replacement identification numbers. In 1994, vessel titling responsibilities were transferred from DEP to DHSMV. The CS amends s. 860.20, F.S., to transfer responsibility for the issuance of replacement serial numbers for outboard motors to DHSMV.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

The CS permits issuance of a citation for failure to obey a multi-party stop sign in a private community under certain circumstances. Consequently, persons operating vehicles on private roads who fail to obey stop signs may be subject to fines.

The CS establishes a procedure by which a county may elect to abandon the roads and right-of-ways in a recorded residential subdivision and convey the county's interests in such roads to a homeowners' association.

The CS provides for doubled speeding fines in a toll collection zone. Motorists who fail to obey the speed limit in these zones will be subject to doubled fines.

The CS limits the number of years that a previous license plate purchase may be used towards an exemption of the \$100 initial registration fee. This limitation will require registrants with a plate that has been expired for more than 10 years to pay the \$100 fee to renew the tag.

C. Government Sector Impact:

The doubling of speeding fines in toll collection zones may increase civil fine revenues for state and local governments. Since it is impossible to forecast the number of citations that will be issued for speeding in these zones, the amount of revenue generated is indeterminate.

Limiting the number of years that a previous license plate purchase may be used towards an exemption of the \$100 initial registration fee may cause a minimal increase in revenues to the General Revenue and State Transportation Trust Funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

