

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 189 Driving Privilege/Slosberg & Simmons Safety Act
SPONSOR(S): Slosberg
TIED BILLS: **IDEN./SIM. BILLS:** SB 1456

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	8 Y, 2 N	Garner	Miller
2) Transportation		Garner	Miller
3) Public Safety & Crime Prevention			
4) Finance & Tax			
5) Transportation & Econ. Dev. Apps. (Sub)			
6) Appropriations			

SUMMARY ANALYSIS

Florida law provides the amount of civil penalties to be assessed for moving and non-moving traffic infractions. These amounts range from \$15 for pedestrian traffic infractions to \$250 for certain speeding violations. The law also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to suspend or revoke a license for excessive accumulation of points, habitual violation of the traffic laws, fraud, DUI, refusing to submit to a lawful breath, blood, or urine test, and a variety of other offenses. Any person who applies for reinstatement following the suspension or revocation of his or her driver's license must pay a service fee of \$25 following a suspension, and \$50 following a revocation, in addition to the fee for a license. If the license is suspended or revoked for DUI or for refusing to submit to a lawful breath, blood, or urine test, the licensee must pay a \$105 reinstatement fee.

HB 189, imposes an additional \$50 fine for all moving and nonmoving traffic infractions. Forty-nine dollars is deposited into the General Revenue Fund, and \$1 is distributed to MADD Florida, up to \$1 million annually. After \$1 million is distributed to MADD Florida, all \$50 of the additional fine must be deposited into the General Revenue Fund. MADD Florida must use the distribution to fund local victim services and education and awareness programs in Florida.

HB 189 also imposes an additional \$50 reinstatement fee for suspended licenses. An additional \$500 reinstatement fee is imposed for licenses that have been suspended for DUI or for refusing to submit to a lawful breath, blood, or urine test. Driving privileges will not be reinstated until these reinstatement fees are completely paid. All reinstatement fee collections are deposited into the General Revenue Fund.

DHSMV estimates that HB 189 will generate \$81,026,600 in additional revenues in FY 2003-04, and \$138,956,800 on an annualized basis after FY 2003-04, of which \$1 million would be distributed to MADD Florida, and \$137,956,800 would be retained in the General Revenue Fund.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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DATE: March 26, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

Reduce Government?

HB 189 raises additional revenue for government, but does not specify how additional revenues are to be spent. To the extent that the additional revenues could be used to grow current government programs or to create new ones, the bill does not tend to reduce government.

Lower Taxes?

HB 189 requires any person who violates a civil traffic law or who requests reinstatement of his or her driver's license to pay a fine or service charge. Since penalties and fees already exist for these violations or transactions, the proposed fees are additional and designed to increase revenues.

Empower Families?

HB 189 imposes a \$500 service fee on the reinstatement of driver's licenses that have been suspended or revoked for DUI offenses. Some families may rely on a single adult as a primary source of transportation. If that adult is unable to afford this reinstatement fee, the family will be impacted. The bill increases the current cost from \$125 for reinstatement to \$625.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, s. 318.18, F.S., provides the amount of civil penalties to be assessed for moving and non-moving traffic infractions. Penalties range in severity from \$15 for pedestrian infractions up to \$250 for exceeding the speed limit by 30 mph or more. Where a mandatory hearing is involved, or an accused violator chooses to appear before a court or other designated official, the penalty provisions of s. 318.18, F.S., are waived, and the judge or other designated official may impose a fine of up to \$500 or \$1,000 depending upon the circumstances. Where a death occurs as a result of certain infractions, performance of 120 hours of community service may be required in addition to any other penalties.

In addition to the penalties assigned to the various civil traffic infractions, violators may also be required to pay a number of fees. For example, under the Dori Slosberg Driver Education Safety Act, counties may impose an additional \$3 surcharge to fund traffic education programs in the schools. Florida law also provides for a variety of fees associated with driver improvement schools, failure to comply or to appear, and with court operations.

Section 322.27, F.S., authorizes DHSMV to suspend or revoke a license for excessive accumulation of points, habitual violation of the traffic laws, fraud, and a variety of other offenses. Sections 322.2615 and 322.2616, F.S., authorize DHSMV to suspend a license for refusal to submit to a blood or breath alcohol test and for driving with an unlawful blood alcohol level.

Currently, pursuant to s. 322.12, F.S., any person who applies for reinstatement following the suspension or revocation of his or her driver's license must pay a service fee of \$25 following a suspension, and \$50 following a revocation, in addition to the fee for a license. Most of each service fee is paid into the General Revenue Fund, and the remainder is paid into the Highway Safety Operating Trust Fund. If the license is suspended or revoked for DUI or for refusing to submit to a lawful breath, blood, or urine test, the licensee must pay a \$105 reinstatement fee, which is paid into the Highway Safety Operating Trust Fund.

Effect of Proposed Changes

HB 189, also known as the "Slosberg and Simmons Safety Act," imposes an additional \$50 fine for all moving and nonmoving traffic infractions. Of each \$50 collected, \$49 is remitted to the Department of Revenue (DOR) to be deposited into the General Revenue Fund, and \$1 is remitted to DOR to be distributed to MADD Florida, up to \$1 million annually. After \$1 million is distributed to MADD Florida, all \$50 of the additional fine must be deposited into the General Revenue Fund. The bill requires MADD Florida to use the distribution to fund local victim services and education and awareness programs in Florida.

HB 189 also imposes an additional \$50 reinstatement fee for licenses that have been suspended pursuant to s. 322.27, F.S., or an additional \$500 reinstatement fee for licenses that have been suspended pursuant to ss. 322.2615 and 322.2616, F.S. Driving privileges will not be reinstated until these reinstatement fees are completely paid. All reinstatement fee collections are deposited into the General Revenue Fund.

All fines and reinstatement fees provided in HB 189 are in addition to fines and fees that already exist. For example, a driver ticketed for a violation of the sunscreen or window tinting law is currently subject to a \$30 fine for a nonmoving violation, and additional court costs and fees that can reach as much as \$30 depending on the jurisdiction. HB 189 imposes an additional \$50 fine on this nonmoving violation. Under the bill, the ticketed driver could be liable for up to \$110 for violation of the sunscreen or window tinting law.

Similarly, costs are dramatically increased for a licensee seeking reinstatement of a suspended or revoked driver's license. For example, if a driver has had his or her license suspended after being convicted of violating a traffic law that resulted in crash causing more than \$500 in property damage, that driver is required to pay a \$25 fee to have the license reinstated, plus the \$20 license fee. HB 189 imposes an additional \$50 reinstatement fee, increasing the licensee's cost from \$45 to \$95. A person whose license has been suspended for violation of the DUI law is required to pay a \$105 service fee and a \$20 license fee prior to reinstatement. HB 189 imposes a \$500 reinstatement fee raising the cost to \$625.

DHSMV estimates that HB 189 will generate \$81,026,600 in additional revenues in FY 2003-04, and \$138,956,800 on an annualized basis after FY 2003-04, of which \$1 million would be distributed to MADD Florida, and \$137,956,800 would be retained in the General Revenue Fund. The \$50 fine on all moving and nonmoving civil traffic infractions is estimated to generate \$104,591,900, the \$50 license reinstatement fee is estimated to generate \$2,123,400, and the \$500 DUI license reinstatement fee is estimated to generate \$32,241,500 after the first year of the bill's implementation. These estimates assume that the number of infractions and suspensions will remain the same, and further assume that all penalties and reinstatement fees will be paid.

C. SECTION DIRECTORY:

Section 1. Provides the popular name the "Slosberg and Simmons Safety Act."

Section 2. Creates s. 318.1225, F.S., imposing additional charges for violation of traffic laws.

Section 3. Amends s. 318.21, F.S., directing the clerk of the court to collect and distribute the additional charges.

Section 4. Creates s. 322.287, F.S., imposing additional license reinstatement fees.

Section 5. Provides an effective date of October 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
1. Revenues:			
General Revenue Fund	\$ 81,026,600	\$ 138,956,800	\$ 138,956,800
2. Expenditures:			
General Revenue Fund:			
Data Processing	\$ 54,000	\$ 0	\$ 0

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

MADD Florida will receive up to \$1 million of the estimated revenues annually to fund local victim services and education and awareness programs.

See also EFFECT OF PROPOSED CHANGES section above.

D. FISCAL COMMENTS:

DHSMV calculates that it will incur a one-time expenditure of \$54,000 based on 400 hours of contracted programming modifications to the Driver License Software System priced at \$135 per hour.

DHSMV estimates that HB 189 will generate \$81,026,600 in additional revenues in FY 2003-04, and \$138,956,800 on an annualized basis after FY 2003-04, of which \$1 million would be distributed to MADD Florida, and \$137,956,800 would be retained in the General Revenue Fund. The \$50 fine on all moving and nonmoving civil traffic infractions is estimated to generate \$104,591,900, the \$50 license reinstatement fee is estimated to generate \$2,123,400, and the \$500 DUI license reinstatement fee is estimated to generate \$32,241,500 after the first year of the bill's implementation. These estimates assume that the number of infractions and suspensions will remain the same, and further assume that all penalties and reinstatement fees will be paid.

The estimates presented in the FISCAL IMPACT ON STATE GOVERNMENT section were reported by the Impact Estimating Conference.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

HB 189 does not require agency rule-making to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES