

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 300

SPONSOR: Transportation Committee and Senator Smith

SUBJECT: Motor Vehicles

DATE: March 5, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u> </u>	<u> </u>	<u>ATD</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This CS amends s. 316.251, F.S., providing any automobile for private use weighing between 5,000 and 10,000 pounds and any truck weighing between 3,000 and 10,000 pounds, must comply with maximum bumper height requirements of 28 inches in the front and 30 inches in the back. The CS also provides a definition for the word “bumper.”

The CS further amends s. 322.54, F.S, to clarify the driver of a sport utility vehicle (SUV) or other automobile for private use which weighs between 8,000 and 26,001 pounds, or which has a width of more than 80 inches, is not required to have a class D driver’s license.

This CS substantially amends sections 316.251 and 322.54, of the Florida Statutes.

II. Present Situation:

Bumper Heights

Section 316.251, F.S., provides maximum bumper heights on passenger cars and trucks. Maximum bumper heights are as follows:

Automobiles for Private Use:	Front	Rear
Net weight of less than 2,500 pounds	22”	22”
Net weight of 2,500 pounds or more but less than 3,500 pounds	24”	26”
Net weight of 3,500 pounds or more	27”	29”

Trucks:	Front	Rear
Net weight of less than 2,000 pounds	24"	26"
Net weight of 2,000 pounds or more but less than 3,000 pounds	24"	26"
Net weight of 3,000 pounds or more but less than 5,000 pounds	28"	30"

Under current law, certain trucks are exempt from bumper height requirements. For example, under current law, a Ford F-250 weighing 5,420 pounds, would not be subject to bumper height requirements. Further, a Chevrolet Suburban weighing over 8,500 pounds would be subject to the requirements for a front bumper height of no more than 27 inches and a rear bumper height of no more than 29 inches. While these type vehicles are manufactured within maximum bumper height requirements there are lift kits available which can substantially raise the bumper height of a truck or passenger vehicle.

Further, because there is currently no statutory definition for a bumper, there has been some confusion among law enforcement officers as to whether certain self-constructed bumpers are legal.

Driver’s License Classification

Section 322.54, F.S., provides a person may drive any motor vehicle authorized by the classification of his or her driver’s license. The section provides six different types of driver’s license classifications which are issued by the Department of Highway Safety and Motor Vehicles (DHSMV).

Commercial Classifications

Class A: Any Tractor/Trailer combination that has an actual weight (the weight of the vehicle plus the weight of the load), declared weight (maximum weight declared for registration purposes) or Gross Vehicle Weight Rating (GVWR is the maximum weight declared by the manufacturer) of 26,001 pounds or more and the trailer weighs more than 10,000 pounds.

Class B: Any single motor vehicle that has an actual weight, declared weight or GVWR of 26,001 pounds or more, or any tractor/trailer combination that has an actual weight, declared weight, or GVWR of 26,001 pounds or more and the trailer weighs less than 10,000 pounds.

Class C: Any motor vehicle that has an actual weight, declared weight or GVWR of less than 26,001 pounds when endorsements "H" (hazardous materials transport) or "P" (transporting 15 or more passengers) would be required on the driver license; or any combination where the towing vehicle is less than 26,001 pounds GVWR and the trailer has a GVWR of 10,000 pounds or less, but together they weigh 26,001 pounds or more.

Non-Commercial Classifications

Class D: Any truck or truck tractor that has an actual weight, declared weight or GVWR of 8,000 pounds or more but less than 26,001 pounds or is more than 80 inches wide.

Class E: Motor vehicles less than 8,000 pounds.

Class E-Learner: Motor vehicles less than 8,000 pounds. A learner license has the following conditions:

- Drivers with a learners license may operate a vehicle only between the hours of 6 a.m. and 7 p.m. After three months from issuance, drivers with a learner's license may operate a vehicle from 6 a.m. to 10 p.m. with a licensed driver, 21 years or older, occupying the closest seat to right of the driver.
- Drivers with a learners license must have a 21 year old licensed driver occupying the closest seat to the right of the driver.
- A learners license does not allow for the operation of a motorcycle.
- 16 year olds cannot drive from 11p.m. to 6 a.m. unless accompanied by 21 year old licensed driver or driving to and from work.
- 17 year olds cannot drive from 1 a.m. to 5 a.m. unless accompanied by 21 year old licensed driver or driving to and from work.

Qualifications for Commercial Driver's License

In order to qualify for a commercial driver's license the applicant must pass a test of his or her knowledge of air brakes if applicable, a vision and hearing test, a pre-trip test (not required for Class C); a basic skills test and a driving test.

A person under the age of 21 is restricted to intrastate driving only. The applicant must score 80 percent or better on each test to pass. There is no limit on the number of times an applicant may take the written test. There are three types of CDL skills tests: the pre-trip inspection test, the basic control skills test, and the road test. The applicant must take these tests in a vehicle "representative" of those that may be driven with the class license the applicant is applying for.

Qualifications for Non-Commercial Driver's License

In order to qualify for a class D driver's license, the applicant must be at least 16 years of age, and if the applicant is under 18 the applicant must have had a class E license for at least 90 days, and if the applicant is not married, the license application must be signed by a parent or guardian. The applicant must pass a test of road rules and signs, a driving test, and a hearing and vision test.

The qualification requirements for a class E driver's license are the same as for a class D except the test for a class D license requires the applicant to answer twenty extra questions. For example, if a person with a current class E license applies for a class D license all they must do is pass a twenty question written test. There is no requirement that the applicant demonstrate the ability to drive a representative vehicle as with a commercial driver's license.

Registration Requirements

Currently, for registration purposes, the DHSMV classifies a SUV as an automobile for private use under s. 320.08 (2)(d), F.S. The department does not consider SUVs trucks because they do not have an exposed bed. Section 320.01 (9), F.S., defines a “truck” as any motor vehicle with a net weight of 5,000 pounds or less which is designed or use principally for the carriage of goods and includes a motor vehicle to which has been added a cabinet box, a platform, a rack or other equipment for the purpose of carrying goods other than the personal effects of the passengers.

Section 320.08 (2)(d), F.S., provides for a \$32.50 registration fee for an automobile for private use weighing 3,500 pounds or more. Under current law, the owner of a Ford F-250 weighing 5,420 pounds would pay \$45 in registration fees, while the owner of a Chevrolet Suburban weighing over 8,500 pounds would pay \$32.50 in registration fees.

Federal Classifications

The United State Department of Transportation defines a light truck as any truck or "truck derivative" with a GVWR of 8,500 pounds or less. SUVs and mini-vans are usually built on truck chassis, or have other truck-like characteristics (e.g. 4 wheel drive and flat loading areas), and are therefore classified as light trucks.

For emission standards, SUVs and light trucks are regulated through the Energy Policy and Conservation Act of 1975 and the Clean Air Act . Light trucks are regulated less stringently than passenger cars. The Environmental Protection Agency (EPA) makes a distinction between different vehicle types and has four categories for light-duty trucks (LDT1 through 4), based on GVWR and either loaded vehicle weight (LVW) or adjusted loaded vehicle weight (ALVW). The LDT1 category includes compact SUVs (e.g. Chevrolet Tracker) and a few small pickup trucks (e.g. Toyota Tacoma). The next category, LDT2, includes most light pickups, all mini-vans and most SUVs (e.g. Ford Explorer). The LDT3 and LDT4 categories include full-sized pickups, passenger vans and larger SUVs (e.g. Dodge Durango).

Finally, some SUVs and pickups are so large (greater than 8,500 pounds GVWR) they do not qualify as "light trucks" under the current standards. These include the largest full-sized pickups and passenger vans, and larger models of the Ford Excursion and Chevrolet Suburban SUVs. However, EPA recently added the classification "medium-duty passenger vehicle" to include heavy passenger vehicles-passenger vans and SUVs up to 10,000 GVWR starting in 2004.

III. Effect of Proposed Changes:

This CS amends s. 316.251, F.S., providing any automobile for private use weighing between 5,000 and 10,000 pounds and any truck weighing between 3,000 and 10,000 pounds, must comply with maximum bumper height requirements of 28 inches in the front and 30 inches in the back. The CS also provides a definition for the word “bumper.”

This CS amends s. 322.54, F.S, to clarify the driver of an SUV or other automobile for private use which weighs between 8,000 and 26,001 pounds, or which has a width of more than 80 inches, is not required to have a class D driver’s license.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.