

# 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: SB 1456

SPONSOR: Senator Campbell

SUBJECT: Driving Privilege

DATE: April 4, 2003

REVISED: 04/23/03 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>TR</u>	_____
4.	_____	_____	<u>ATD</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

## I. Summary:

Senate Bill 1456 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.

Senate Bill 1456 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.

This bill substantially amends section 318.21 and creates sections 318.1225 and 322.287 of the Florida Statutes.

## II. 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 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, and a variety of other offenses. Sections 322.2615 and 322.2616, F.S., authorize the 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.

### **III. Effect of Proposed Changes:**

Senate Bill 1456, also known as the "Campbell, 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.

Senate Bill 1456 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 the bill 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. Senate Bill 1456 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 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 a 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. The bill 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. The bill imposes a \$500 reinstatement fee raising the cost to \$625.

#### **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:

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

C. Government Sector Impact:

The 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.

The DHSMV estimates that SB 1456 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.

These estimates were reported by the Impact Estimating Conference.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Criminal Justice:

The strike everything amendment imposes an additional \$10 fee on nonmoving traffic violations, an additional \$25 fee on moving traffic violations, a \$50 fee on license reinstatements, and a \$100 fee on DUI violations and license reinstatements, reckless driving violations, and leaving-the-scene-of-an-accident violations (the bill provides for an additional \$50 fee to be imposed on moving and nonmoving traffic infractions and most license reinstatements and a \$500 fee on license reinstatements following suspension or revocation for driving with an unlawful blood or breath alcohol level).

The additional revenue is distributed as follows under the amendment:

- \$1 million would be distributed to MADD Florida;
- Contingent upon the passage of other legislation, \$1 million would be distributed to DHSMV to fund a study about the effects of aging on driving ability and an advisory council appointed by the department to assist in that study;
- Fifty cents out of each fine collected under the bill for DUI and each driver's license reinstatement fee collected for driving with an unlawful blood alcohol level would be remitted to the Department of Revenue to be distributed to the Florida Poison Information Network for poisoning education and services;
- Effective July 1, 2004, up to \$25 million would be remitted to the Biomedical Research Trust Fund in the Department of Health;
- Effective July 1, 2004, up to \$23.6 million would be remitted to the Grants and Donations Trust Fund to be distributed to Florida's trauma centers; and
- Any remainder would be deposited into the General Revenue Fund.

The amendment also adds the following provisions related to DUI ignition interlock devices: authorizes the DHSMV to contract with a provider or providers to furnish the commodities and contractual services necessary for the implementation of the ignition interlock device law; requires the court to mandate proof of installation of the interlock device; requires monitoring by a licensed DUI program and periodic reporting to the DHSMV by the DUI program for verification of the operation of the device in the person's vehicle; requires ignition interlock devices to prevent a motor vehicle from starting if the operator's breath alcohol level is higher than .025 grams of alcohol per 210 liters of breath (rather than 0.05 percent as is currently required); provides that if a DUI offender is accepted into a supervision program conducted by a

licensed DUI program, the ignition interlock device requirement will be waived; provides that if the convicted person has a driver's license revoked for violating the abstinence requirement of a licensed supervision program, the ignition interlock device must be in place for 1 year of the 5-year revocation period, or 2 years of the 10-year revocation period (the revocation period will begin anew upon the installation of the device); and requires probation orders to contain conditions requiring placement of ignition interlock devices effective upon the convicted person obtaining a restricted license and requires the person to notify his or her probation officer within 72 hours of imposition of the condition; and amends the bill's effective date so that the ignition interlock device provisions will become effective July 1, 2003, and the rest of the bill will become effective on October 1, 2003.

(Current law authorizes the court to order a person convicted of DUI to equip his or her vehicle with an interlock device that has been certified by the DHSMV. The interlock device must be installed so that the vehicle will not start if the driver's BAL is over 0.05 percent. Violation of the conditions of this section will result in the revocation of the offender's driving privilege and imposition of a fine. s. 316.1937, F.S. Last year, the Legislature passed a bill that amended s. 316.193, F.S, to require the court to order the placement of an interlock device for a period of at least 2 years on all vehicles either individually or jointly leased or owned by a person who is convicted of a second or third DUI when the person qualifies for a permanent or restricted driver's license. It also requires such device for up to 6 months for a first offense and at least 2 years for a second offense when the person is convicted of DUI with a blood-alcohol level of .20 or higher or when accompanied by a passenger under the age of 18 years while DUI. The interlock device must be approved by the DHSMV and must be paid for by the convicted person. The DHSMV must adopt rules for the implementation of ignition interlock devices. The installation of these ignition interlock devices may not occur before July 1, 2003.) (WITH TITLE AMENDMENT)

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

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