

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 623 CS

Former Military Vehicles

SPONSOR(S): Littlefield

TIED BILLS:

IDEN./SIM. BILLS: SB 1240

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>13 Y, 0 N, w/CS</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Military & Veteran Affairs Committee</u>	<u></u>	<u>Marino</u>	<u>Carter</u>
3) <u>State Infrastructure Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 623 with committee substitute contains a number of changes related to former motor vehicles. The provisions of the committee substitute are as listed:

- Defines former military vehicles as a vehicle, including a trailer, regardless of the vehicle's size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to represent its military design and markings accurately;
- Exempts former military vehicles from being equipped with a windshield if the Department of Highway Safety and Motor Vehicles (DHSMV) determines that the exemption is necessary to maintain the vehicle's accurate military design and markings;
- Requires the operator and passengers of former military vehicles to wear approved eye-protective devices when the vehicle is operating on public roads and highways;
- Exempts former military vehicles that are 30 years old or older and used only in exhibitions, parades, or public display, from front-end registration license plates and from any requirement to display license plates or registration insignia if the license plate and registration are carried within the vehicle and available for inspection;
- Provides for issuance of special, permanent license plates for privately used former military vehicles;
- Provides for Combat Infantry Badge license plates for members of the armed services who have received the Combat Infantry Badge; and
- Allows vehicles owned by the Daily Bread Food Bank to be registered as "X-series" vehicles, which exempts them from paying vehicle registration fees.

The committee substitute has minimal fiscal impact and takes effect July 1, 2005

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The committee substitute does not appear to implicate any of the house principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Former Military Vehicles Windshield Requirements:

Current law does not have a definition for former military vehicles, and does not exempt such vehicles from windshield requirements. The law states that every motor vehicle that is operated on the public highways, roads, and streets, except motorcycles or implements of husbandry must have a windshield in a fixed and upright position, that is equipped with safety glazing as required by federal safety-glazing material standards. Windshields on every motor vehicle must be maintained in good working order and equipped with a device for cleaning rain, snow, or other moisture from the windshield that can be controlled or operated by the driver of the vehicle. Electric powered grove equipment, including "goats," "highlift-goats," grove chemical supply tanks, fertilizer distributors, fruit-loading equipment, and electric-powered vehicles are exempt from the requirements of this section but are required to have a windscreen approved by the DHSMV.

Windshield requirement infractions are considered non-moving violations punishable by a fine of \$30 plus applicable court costs and fees. The fees and court costs vary county by county, but the total paid for each citation would range from \$68.50 to \$74.50.

Licensing of Vehicles:

Under current law all vehicles on any highways, roads, or streets of this state, are to be licensed in the name of the owner. The only exceptions to this provision are front-end registration license plates on truck tractors. The license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, are to be securely fastened to the vehicle, with identification marks upon the plates clear and distinct at all times. Violation of this provision is a non-moving violation punishable by a fine of \$30 plus applicable court costs and fees. The fees and court costs vary county by county, but the total paid for each citation would range from \$68.50 to \$74.50.

Permanent License Plates:

The only vehicles that are currently eligible for special, permanent license plates include:

- Ancient or antique motor vehicles and horseless carriages that were:
 - Manufactured in 1945 or earlier, equipped with an engine manufactured in 1945 or earlier or manufactured to the specifications of the original engine and operated on the streets and highways of this state; and
 - Manufactured after 1945 and of the age of 30 years or more after the date of manufacture, equipped with an engine of the age of 30 years or more after the date of manufacture, and operated on the streets and highways of this state;
- Ancient or antique firefighting apparatus or other historical motor vehicles or trailers identifiable as military trailers 30 years old or older which are used only in exhibitions, parades, or public display; and

- A motor vehicle manufactured in the model year 1974 or earlier.

Exclusive Combat Infantry Badge License Plates

Currently an owner or lessee of an automobile or truck for private use or recreational vehicle who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active member of any branch of the United States Armed Forces Reserve, upon application to the DHSMV may be issued a "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," license plate.

X-series Vehicles

Under current law, vehicles owned by certain not-for-profit organizations and local affiliate organizations are eligible for exemption from annual license taxes as long as each maintains current articles of incorporation on file with the Department of State and qualifies as a not-for-profit organization under **s. 212.08, F.S.** Examples of exempt organizations include religious institutions, veterans organizations, schools, colleges and universities, as well as specific groups such as Boy Scouts, Salvation Army and Goodwill Industries.

Effect of Proposed Changes:

HB 623 with committee substitute amends **s. 316.2952, F.S.**, to define former military vehicles as being a vehicle, including a trailer, regardless of the vehicle's size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to represent its military design and markings accurately. This committee substitute exempts former military vehicles from being equipped with a windshield if the DHSMV determines that the exemption is necessary to maintain the vehicle's accurate military design and markings or if the original design of the vehicle did not include a windshield. This committee substitute also requires the operator and passengers to wear approved eye-protective devices when the vehicle is operating on public roads and highways. A violation of this provision would be a non-moving violation punishable by a fine of \$30 plus court costs and fees.

This committee substitute exempts former military vehicles that are used only in exhibitions, parades, or public display, from the requirement to display a valid license plate if the exemption is necessary to maintain the vehicle's accurate military markings. The license plate and registration certificate must be carried inside the vehicle, available for inspection by any law enforcement officer.

This committee substitute amends **s. 320.086, F.S.**, to define a former military vehicle as a vehicle, including a trailer, regardless of the vehicle's size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to represent its military design and markings accurately. This committee substitute also provides that the owner of a former military vehicle may be issued a special, permanent license plate if the vehicle was:

- Manufactured in 1945 or earlier, equipped with an engine manufactured in 1945 or earlier or manufactured to the specifications of the original engine and operated on the streets and highways of this state;
- Manufactured after 1945 and of the age of 30 years or more after the date of manufacture, equipped with an engine of the age of 30 years or more after the date of manufacture, and operated on the streets and highways of this state; and
- 30 years old or older and used only in exhibitions, parades, or public display.

This committee substitute exempts former military vehicles from displaying a license plate or registration insignia if the exemption is necessary to maintain the vehicle's accurate military markings. The license plate and registration certificate must be carried inside the vehicle, available for inspection by any law enforcement officer.

This committee substitute allows Combat Infantry Badge recipients to be issued exclusive Combat Infantry Badge license plates. The Combat Infantry Badge is issued to members of the U.S. Army in the grade of Colonel or below with an infantry or special forces military occupational specialty who have performed duty after December 6, 1941, when the unit was engaged in active ground combat.

This committee substitute adds vehicles owned by the Daily Bread Food Bank in south Florida to the list of vehicles exempt from annual license taxes in **s. 320.10, F.S.**

C. SECTION DIRECTORY:

Section 1. Amends **s. 316.2952 F.S.**, to define “former military vehicle”; to exempt such vehicles from windshield requirements; to require eye-protective devices and to provide penalties.

Section 2. Amends **s. 316.605 F.S.**, to exempt former military vehicles from license plate display requirements.

Section 3. Amends **s. 320.086 F.S.**, to include former military vehicles as eligible for permanent license plates; to define “former military vehicles”; and to specify license plate or registration requirements for former military vehicles.

Section 4. Amends **s. 320.089, F.S.**, to provide for a Combat Infantry license plate for active or retired United States Army personnel who have been awarded the Combat Infantry Badge.

Section 5. Amends **s. 320.10, F.S.**, to exempt vehicles owned and operated exclusively for the Daily Bread Food Bank from specified license taxes.

Section 6. Provides that the act shall take effect July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The fiscal impact on state revenues appears to be indeterminate yet minimal. It is unknown how many vehicles across the state will now qualify under the new definition as former military vehicles that would be exempt from annual vehicle registration fees, but the number of vehicles eligible should be minimal.

Daily Bread Food Bank currently has seven vehicles in its fleet. The registration fee for commercial tractor trailers is about \$1,000. So at most, the Daily Bread Food Bank exception would reduce state revenue by approximately \$7,000.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The fiscal impact on local revenues appears to be indeterminate yet minimal. There would be a loss of fees associated with the new exemption in this committee substitute.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector. However, owners of former military vehicles that are exempt from windshield requirements would have to pay for eye-protective devices. Also, HB 623 w/CS adds vehicles owned by the Daily Bread Food Bank to the list of vehicles exempt from annual license taxes.

D. FISCAL COMMENTS:

None.

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 actions 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.

3. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Department of Highway Safety and Motor Vehicles Comments:

DHSMV does not inspect motor vehicles for registration or title issuance. For this reason the DHSMV would be unable to determine if a former military vehicle met the requirements for issuance of a windshield waiver. In addition, the DHSMV has no method to determine if the vehicle is an authentic former military vehicle. Also, these former military vehicles may or may not meet the National Highway Traffic Safety Administration (NHTSA) safety requirements necessary to be titled and registered if operated on the roadways of Florida.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **March 8, 2005** the Committee on Transportation adopted 2 amendments to HB 623 which added the following issues to the original bill.

Amendment # 1—Provides for Combat Infantry Badge license plates for members of the armed services who have received the Combat Infantry Badge.

Amendment # 2—Allows vehicles owned by the Daily Bread Food Bank to be registered as “X-series” vehicles, which exempts them from paying vehicle registration fees.

The bill was reported favorably with a committee substitute.