

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.)

Prepared By: Transportation Committee

BILL: SB 2528

INTRODUCER: Senator Posey

SUBJECT: Learner Driver's License and Cell Phones

DATE: March 30, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 2528 prohibits any person holding a learner's driver's license from operating a mobile telephone or personal communication device while operating a motor vehicle.

This bill substantially amends s. 322.1615 of the Florida Statutes.

II. Present Situation:

Florida Learner Driver's License

Section 322.1615, F.S., provides the requirements for, and limitations of, a learner's driver's license. Specifically, in order to obtain a learner's driver's license, a person must be at least 15 years of age and have:

- Passed a written examination administered by the Department of Highway Safety and Motor Vehicles (DHSMV);
- Passed a vision and hearing examination; and
- Completed a traffic law and substance abuse education course.

Drivers holding a learner driver's license must be accompanied by a fully licensed driver who is at least 21 years old and occupies the nearest seat to the right of the learning driver.

Holders of a learner driver's license may only operate a vehicle during daylight hours for the first 3 months of their licensure. Following the first three months, learning drivers may operate a vehicle from dawn until 10 p.m.

Driver Inattention/Distraction

According to the National Transportation Safety Board (NTSB), highway crashes are the leading cause of death among 15- to 20-year-olds. From 1995 to 2004, about 64,000 young people died in traffic crashes – more than 122 nationwide, each week. Research by the National Highway Traffic Safety Administration (NHTSA) estimates driver inattention in its various forms contributes to approximately 25 percent of all police-reported crashes¹. Using a mobile phone while driving can distract drivers visually, physically, aurally, and/or cognitively. Driver distraction or inattention is especially acute when manipulating a communication device for text-messaging purposes.

In September, 2005, the NTSB revised its “Most Wanted Transportation Safety Improvements” list to urge states to enact legislation prohibiting holders of learner's permits and intermediate licenses from using interactive wireless communication devices while driving. As rationale for its recommendation, the NTSB stated:

- Learning how to drive and getting comfortable in traffic requires all the concentration a novice driver can muster. Research has shown that the cognitive effects of conducting a conversation on a wireless telephone can decrease situational awareness and that wireless telephone use can increase reaction time.
- A 2001 study, "Driver Situational Awareness and Carphone Use²," reported that drivers engaged in wireless conversations were unaware of traffic movements around them.
- Research by NHTSA has shown that drivers who use a wireless telephone while driving can lose situational awareness and experience "inattention blindness³," suggesting that the cognitive effects, as well as the physical demands of handheld telephone use are dangerous.

Eight states, Connecticut, Maine, Delaware, Maryland, Tennessee, Illinois, Minnesota, and New Jersey, currently have laws which restrict cell phone use by drivers holding a learner driver's license.

III. Effect of Proposed Changes:

Section 322.1615, F.S., is amended to prohibit a person holding a learner driver's license from operating a mobile telephone or personal communication device while operating a motor vehicle.

The act takes effect July 1, 2006.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

¹ The NHTSA findings are seemingly at odds with the Florida DHSMV “Distracted Driver Report” (December 2004) which concluded less than one percent of crashes in Florida during 2003 were caused by distracted drivers.

² A.M Parkes and V. Hooijmeijer, “Driver Situation Awareness and Carphone Use,” First Human-Centered Transportation Simulation Conference, 2001, University of Iowa, Iowa City, Iowa, November 4-7, 2001.

³ Inattention Blindness Behind the Wheel: Cell Phone Induced Failures of Visual Attention During Simulated Driving. David L. Strayer et al., University of Utah, [2002].

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:

Violators would be subject to a fine of \$60 plus court costs which vary by county.

C. Government Sector Impact:

This bill may generate additional revenue for state and local governments; however, the number of citations that may be issued and resulting revenue is indeterminate. Implementation of the bill's provisions will require modifications to the driver's license card to add additional verbiage at a cost of \$165,000. This bill will also require programming modifications to the Driver License Software System which could be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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