

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 239 Driver License Restrictions
SPONSOR(S): Skidmore and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 2000

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on Infrastructure		Owen	Miller
2) Economic Expansion & Infrastructure Council			
3) Policy & Budget Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 239 restricts a driver who has not reached the age of 18 from carrying more than one underage passenger in the vehicle. The bill excludes passengers who are siblings or children of the driver from the provision. Violations of this restriction are considered a noncriminal traffic infraction and punishable as a moving violation.

Currently, there is no statutory provision for the number of passengers an underage driver may carry in his/her vehicle.

The bill's exclusion of passengers who are siblings or children of the underage driver could limit enforceability for law enforcement. Passengers under the age of 18 may not have a state-issued identification card, thereby making it difficult to prove familial relationships.

The bill may generate additional fines for state and local governments; however, the amount is unknown. The effective date is October 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill adds an additional restriction to s. 322.16, F.S., “License restrictions”.

Safeguard Individual Liberty – The bill restricts an individual, under the age of 18, from carrying more than one underage passenger in his or her vehicle.

Empower Families – The bill limits the control a parent has in determining the safest number of passengers for the vehicle of their child.

B. EFFECT OF PROPOSED CHANGES:

Background

“Graduated licensing” is a system for phasing in on-road driving, allowing beginners to get their initial experience under conditions that involve lower risk and introducing them in stages to more complex driving situations.¹ This involves three stages: a supervised learner’s period (at least 6 months in optimal systems), an intermediate licensing phase that permits unsupervised driving only in less risky situations, and finally a full-privilege license (once the conditions of the first two stages are met).

A component of graduated licensing is passenger restrictions for teenage drivers. Passenger presence is a major contributor to the teenage crash rate. According to the National Highway Traffic Safety Administration, half of all crash deaths that involve 16-year-old drivers occur when the beginners drive with teenage passengers. The table below lists examples of passenger restrictions in the United States.

Passenger Restrictions in the United States, as of January 2007²

State	Min. Age Unsupervised Driving	Restriction on Passengers (family members excepted unless otherwise noted)	Min. Age at Which Restriction May Be Lifted
California	16	First 12 mo.: No passengers younger than 20 (limited exception for immediate family)	17
Florida	16	None	N/A
Georgia	16	First 6 mo.: No passengers; Second 6 mo.: No more than 1 passenger younger than 21; Thereafter, no more than 3 passengers	18
Kentucky	16, 6 mo.	No more than 1 passenger younger than 20 unless supervised by a driving instructor	17
North Carolina	16	No more than 1 passenger younger than 21 (family members exempted); if a family member younger than 21 is already a passenger then no other passengers younger than 21 are allowed.	16, 6 mo.
South Carolina	15, 6 mo.	No more than 2 passengers younger than 21 (exceptions: family members and driving students to and from school)	16, 6 mo.

¹ Insurance Institute for Highway Safety; Traffic Injury Research Foundation. Graduated Licensing: A Blueprint for North America. In: <http://www.iihs.org/research/> [Internet] (cited 2007 Feb 20).

² Insurance Institute for Highway Safety

According to the Florida Department of Highway Safety and Motor Vehicles (DHSMV), drivers age 15 to 19 in the state of Florida have the highest rate per 10,000 licensed drivers of crash involvement and the highest rate in fatal crashes.³ Sixteen-year-old drivers have crash rates that are three times greater than 17-year-old drivers, five times greater than 18-year-old drivers, and twice the rate of 85-year-old drivers, according to the National Highway Traffic Safety Administration.

Under current law, the following operating restrictions are placed on a minor's driver's license:

- 15 years old (learner's permit)⁴- May operate a vehicle only during daylight hours, but after 3 months, may operate a vehicle until 10pm. Must be accompanied by a holder of a valid driver's license who is at least 21 years of age.
- Under the age of 17⁵- Must be accompanied by a holder of a valid driver's license who is at least 21 years of age during the hours of 11:01pm and 5:59am, unless driving to or from work.
- 17 years old- Must be accompanied by a holder of a valid driver's license who is at least 21 years of age during the hours of 1:01am and 4:59am, unless driving to or from work.

Current statutes do not place limitations on the number of passengers an underage driver may carry in his or her vehicle. To earn an operator's license, a driver must be at least 16 years old and have held a learner's license for at least one year without any traffic convictions. A parent or guardian must certify that the teen has completed at least 50 hours of behind the wheel driving experience, of which 10 hours must have been at night. As of January 1, 2007, there are over 392,000 drivers under the age of 18 according to the DHSMV's driver's license issuance data.

Proposed Changes

HB 239 restricts those drivers who are not yet 18 years old from carrying more than one passenger in the vehicle who is not yet 18 years old. Such passengers may influence the risk-taking behavior of teenage drivers, resulting in unsafe behaviors that lead to accidents and increased injuries and fatalities for drivers and their passengers.⁶ A survey of 192 high school drivers reported that dangerous driving behaviors (driving after drinking alcohol or using drugs, speeding, swerving, crossing the center line, purposely skidding, and running a red light) were strongly associated with the presence of peers.⁷

The bill also provides that violation of this provision is a noncriminal traffic infraction and is punishable as a moving violation (\$60 plus applicable court costs and 3 points assessed on the driver's license).

The bill is consistent with Idea #65 from the book "100 Innovative Ideas for Florida's Future", which states, "To reduce distractions for teen drivers, Florida will limit the number of passengers who can be transported by drivers age eighteen and under."

However, the bill exempts passengers under 18 from this requirement who are siblings or children of the driver, whether by whole or half blood, affinity or adoption. Proof of such a relationship could be difficult to determine by a law enforcement officer since minors may or may not have state-issued identification cards. Also, even with an identification card, a law enforcement officer may not be able to determine family relationships due to different last names and residential addresses. An officer unable to make a positive familial identification would have to use his or her best judgment.

Limiting the number of passengers a driver under 18 is allowed to transport in a vehicle may result in an increase in the number of teenage drivers on the road. Those teenagers who once carpooled to school

³ "Traffic Crash Statistics Report 2005" (Florida Department of Highway Safety and Motor Vehicles, 2005).

⁴ s. 322.1615, F.S.

⁵ s. 322.16, F.S.

⁶ Mei-Li Lin and Kevin Fearn, "The provisional license: nighttime and passenger restrictions", *Journal of Safety Research* 34 (2003).

⁷ Li-Hui Chen, et al., "Carrying Passengers as a Risk Factor for Crashed Fatal to 16- and 17-Year Old Drivers", *JAMA* 283 (2000).

and other activities may have to begin driving themselves, thus creating additional drivers on the road who are under the age of 18.

C. SECTION DIRECTORY:

Section 1. Amends s. 322.16, F.S., to create a new restriction regarding the number of certain passengers permitted in a vehicle operated by a person under the age of 18, to allow for exceptions to the restriction, and to specify penalties for violation of the restriction.

Section 2. Amends s. 318.14, F.S., to provide for citation procedures for violation of restriction.

Section 3. Provides an effective date of October 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section below.

2. Expenditures:

The costs of contracted programming modifications to the Driver License Software Systems that would need to be completed by the DHSMV would be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section below.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS section below.

D. FISCAL COMMENTS:

The bill may result in the issuance of an increased number of citations. However, because it is impossible to forecast how many additional violations will occur and be cited, the fiscal impact on state and local governments is unknown.

To the extent the bill could prevent or reduce vehicular crashes resulting in injuries or fatalities, associated medical and insurance costs could be reduced, thus impacting the public and private sectors.

The bill may create additional costs (ie: fuel, additional vehicles, etc.) for families who rely on a driver under the age of 18 to transport multiple minors.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require counties or cities to spend funds or take 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 239 does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES