

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 1082

INTRODUCER: Senator Lynn

SUBJECT: Driver's License Restrictions

DATE: April 6, 2010

REVISED: _____

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

I. Summary:

This bill restricts, during the first 6 months after being licensed, a driver who has not reached the age of 18 from having an underage passenger in the vehicle, unless also accompanied by a licensed driver who is at least 21 years of age. Thereafter, a driver under 18 years of age may not operate a motor vehicle if more than three passengers in the vehicle are younger than 18 years of age. 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.

This bill substantially amends ss. 322.16 and 318.14 of the Florida Statutes.

II. Present Situation:

“Graduated licensing” is a system designed to delay full licensure while allowing beginners to obtain their initial experience under lower risk conditions¹ and introduce them to more complex driving situations. There are three stages: a minimum supervised learner’s period, an intermediate license (once the driving test is passed) that limits unsupervised driving in high-risk situations, and finally a full-privilege driver’s license available after completion of the first two stages. Beginners must remain in each of the first two stages for set minimum time periods. Forty-nine U.S. states and the District of Columbia currently have all three stages, but the systems vary in strength.² According to the Insurance Institute for Highway Safety, in an optimal system, the minimum age for a learner’s permit is 16; the learner stage lasts at least 6 months,

¹ See <http://www.iihs.org/laws/GraduatedLicenseIntro.aspx> (last visited March 21, 2010.)

² *Id.*

during which parents must certify at least 30-50 hours of supervised driving; and the intermediate stage lasts until at least age 18 and includes both a night driving restriction starting at 9 or 10 p.m. and a strict teenage passenger restriction allowing no teenage passengers, or no more than one teenage passenger.

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 (NHTSA), half of all crash deaths involving 16-year-old drivers occur when the beginners drive with teenage passengers. There is greatly increased crash risk when teenage drivers transport passengers, and the more passengers, the greater the risk.³ Risk increases exponentially with one, two, or three or more passengers, such that when there are multiple passengers in the vehicle, crash risk is 3-5 times greater than when driving alone.⁴ Passenger presence is associated with increased crash risk for both male and female teen drivers; risk is greater for younger teens ages 16-17 than for older teen drivers; and the increased risk with passengers has been found for all types of crashes: property damage, nonfatal injury, and fatal.⁵ The table below lists examples of passenger restrictions in the United States.

State Graduated Licensing Laws, as of March 2010⁶

State/ Jurisdiction	Minimum Entry Age for a Learners Permit	Learner Stage with a Minimum Amount of Supervised Driving Required - # of hours of supervised drive time	Intermediate Stage with Passenger Restrictions (family members excepted unless otherwise noted) What those restrictions are
Alabama	15	30 hr (none with driver education)	No more than 3 passengers
Alaska	14	40 hr, 10 of which must be at night or in inclement weather	First 6 mo: No passengers
Arizona	15, 6 mo	30 hr, 10 of which must be at night (none with driver education)	First 6 mo: No more than 1 passenger younger than 18 (secondary ⁷)
Arkansas	14	None	No more than 1 passenger (eff 7/30/09)
California	15, 6 mo	50 hr, 10 of which must be at night	First 12 mo: No passengers younger than 20 (limited exceptions for immediate family) (secondary)
Colorado	15	50 hr, 10 of which must be at night	First 6 mo: No passengers. Second 6 mo: No more than 1 passenger (secondary)
Connecticut	16	40 hr	First 6 mo: No passenger other than parents or driving instructor. Second 6 mo: No passengers other than parents, driving instructor, or members of immediate family

³ U.S. Department of Transportation, National Highway Traffic Safety Administration, *Evaluation and Compliance of Passenger Restrictions in a Graduated Driver Licensing Program*, September 2007. See

<http://nhtsa.gov/staticfiles/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/810781Scr.pdf>

⁴ *Id.*

⁵ *Id.*

⁶ Insurance Institute for Highway Safety, *Licensing Ages and Graduated Licensing Systems*. See

http://www.iihs.org/laws/pdf/us_licensing_systems.pdf (last visited March 21, 2010.)

⁷ Some states prohibit police from stopping young drivers solely for violating night driving or passenger restrictions. These secondary enforcement restrictions are labeled.

State/ Jurisdiction	Minimum Entry Age for a Learners Permit	Learner Stage with a Minimum Amount of Supervised Driving Required - # of hours of supervised drive time	Intermediate Stage with Passenger Restrictions (family members excepted unless otherwise noted) What those restrictions are
Delaware	16	50 hr, 10 of which must be at night	No more than 1 passenger
District of Columbia	16	40 hr in learner's stage, 10 hr at night in intermediate stage	First 6 mo: No passengers. Thereafter, no more than 2 passengers.
Florida	15	50 hr, 10 of which must be at night	None
Georgia	15	40 hr, 6 of which must be at night	First 6 mo: No passengers. Second 6 mo: No more than 1 passenger younger than 21. Thereafter, no more than 3 passengers (secondary)
Hawaii	15, 6 mo	50 hr, 10 of which must be at night	No more than 1 passenger younger than 18 (household members excepted)
Idaho	14, 6 mo	50 hr, 10 of which must be at night	First 6 mo: Licensees 16 and younger can have no more than 1 passenger younger than 17
Illinois	15	50 hr, 10 of which must be at night	First 12 mo: No more than 1 passenger younger than 20
Indiana	15, 6 mo (eff 7/1/10)	50 hr, 10 of which must be at night (eff 7/1/10)	First 180 days: No passengers (eff 7/1/09)
Iowa	14	20 hr, 2 of which must be at night	None
Kansas	14	25 hr in learner phase; 25 hr before age 16; 10 of the 50 hr must be at night	First 6 mo: No more than 1 passenger younger than 18 (eff 1/1/10)
Kentucky	16	60 hr, 10 of which must be at night	No more than 1 passenger younger than 20 unless supervised by a driving instructor (secondary)
Louisiana	15	35 hr	None
Maine	15	35 hr, 5 of which must be at night	First 180 days: No passengers
Maryland	15, 9 mo	60 hr, 10 of which must be at night	First 5 mo: No passengers younger than 18 (secondary)
Massachusetts	16	40 hr	First 6 mo: No passengers younger than 18
Michigan	14, 9 mo	50 hr, 10 of which must be at night	None
Minnesota	15	30 hr, 10 of which must be at night	First 6 mo: No more than 1 passenger younger than 20. Second 6 mo: no more than 3 passengers younger than 20
Mississippi	15	None	None
Missouri	15	40 hr, 10 of which must be at night	First 6 mo: No more than 1 passenger younger than 19. Thereafter: No more than 3 passengers younger than 19
Montana	14, 6 mo	50 hr, 10 of which must be at night	First 6 mo: No more than 1 passenger younger than 18. Second 6 mo: no more than 3 passengers younger than 18
Nebraska	15	50 hr, 10 of which must be at night (none with driver education)	First 6 mo: No more than 1 passenger younger than 19 (secondary)

State/ Jurisdiction	Minimum Entry Age for a Learners Permit	Learner Stage with a Minimum Amount of Supervised Driving Required - # of hours of supervised drive time	Intermediate Stage with Passenger Restrictions (family members excepted unless otherwise noted) What those restrictions are
Nevada	15, 6 mo	50 hr, 10 of which must be at night	First 6 mo: No passengers younger than 18 (secondary)
New Hampshire	15, 6 mo ⁸	40 hr, 10 of which must be at night (eff 6/16/09)	First 6 mo: No more than 1 passenger younger than 25
New Jersey	16	None	No more than 1 passenger (household members excepted until 5/1/10 when the exception will be limited to the drivers' dependents)
New Mexico	15	50 hr, 10 of which must be at night	No more than 1 passenger younger than 21
New York	16	50 hours, 15 of which must be at night	No more than 1 passenger younger than 21
North Carolina	15	None	No more than 1 passenger younger than 21. If a family member younger than 21 is already a passenger then no other passengers younger than 21 who are not family members
North Dakota	14	None	None
Ohio	15, 6 mo	50 hr, 10 of which must be at night	No more than 1 passenger
Oklahoma	15, 6 mo	50 hr, 10 of which must be at night (eff 11/1/09)	No more than 1 passenger
Oregon	15	100 hr (50 hr with driver education)	First 6 mo: No passengers younger than 20. Second 6 mo: No more than 3 passengers younger than 20
Pennsylvania	16	50 hr	None
Rhode Island	16	50 hr, 10 of which must be at night	First 12 mo: No more than 1 passenger younger than 21
South Carolina	15	40 hr, 10 of which must be at night	No more than 2 passengers younger than 21 (driving to and from school excepted)
South Dakota	14	None	None
Tennessee	15	50 hr, 10 of which must be at night	No more than 1 passenger
Texas	15	20 hr, 10 of which must be at night	No more than 1 passenger younger than 21 (secondary)
Utah	15	40 hr, 10 of which must be at night	First 6 mo: No passengers (secondary)
Vermont	15	40 hr, 10 of which must be at night	First 3 mo: No passengers without exception. Second 3 mo: No passengers with family exception
Virginia	15, 6 mo	45 hr, 15 of which must be at night	First 12 mo: No more than 1 passenger younger than 18. Thereafter, no more than 3 passengers younger than 18 (secondary)
Washington	15	50 hr, 10 of which must be at night	First 6 mo: No passengers younger than 20. Second 6 mo: no more than 3 passengers younger than 20 (secondary)

⁸ In New Hampshire, learner's permits are not issued. At age 15, and six months, a person can drive while supervised by a licensed driver 25 or older.

State/ Jurisdiction	Minimum Entry Age for a Learners Permit	Learner Stage with a Minimum Amount of Supervised Driving Required - # of hours of supervised drive time	Intermediate Stage with Passenger Restrictions (family members excepted unless otherwise noted) What those restrictions are
West Virginia	15	50 hr, 10 of which must be at night (none with driver education) (eff 7/10/09)	First 6 mo: No passengers younger than 20. Second 6 mo: no more than 1 passenger younger than 20
Wisconsin	15, 6 mo	30 hr, 10 of which must be at night	No more than 1 passenger
Wyoming	15	50 hr, 10 of which must be at night	No more than 1 passenger younger than 18

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 second highest rate in fatal crashes. Sixteen-year-old drivers have crash rates 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 NHTSA.

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

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

Current Florida 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 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, 2010, there are approximately 351,000 drivers in Florida under the age of 18 according to the DHSMV’s driver’s license issuance data.

III. Effect of Proposed Changes:

This bill amends s. 322.16, F.S., providing during the first 6 months after being licensed, a person younger than 18 years of age may not operate a motor vehicle if a passenger in the vehicle is younger than 18 years of age unless also accompanied by a valid licensed driver who is at least 21 years of age. Thereafter, a driver under 18 years of age may not operate a motor vehicle if more than three passengers in the vehicle are younger than 18 years of age. 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.

The bill also provides a 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). This bill provides that state and local law enforcement agencies shall enforce this as a secondary action only when the driver of a motor vehicle has been detained for a suspected violation of another section of chs. 316, 320, or 322, F.S., and does not apply to a minor whose disability of nonage has been removed.

This bill applies to any person younger than 18 years of age who is issued a driver's license on or after October 1, 2010.

In addition, the bill amends s. 318.14(1), F.S., to provide citation procedures for a violation of the restriction.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons under 18 years of age who operate a motor vehicle in violation of the proposed passenger restrictions commit a noncriminal traffic infraction, which is punishable as a moving violation (\$60 plus applicable court costs and 3 points assessed on the driver's license).

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.

C. Government Sector Impact:

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.

According to DHSMV, this bill would require a verbiage change to the back of the driver license for drivers under 18 years of age. Based on similar jobs done in the past, the DHSMV anticipates a non-recurring cost of \$20,000 to incorporate the required change.

In addition, the costs of approximately 50 hours 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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill exempts passengers under 18 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.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.