

STORAGE NAME: h0139s1a.lecp

DATE: March 31, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
LAW ENFORCEMENT AND CRIME PREVENTION
ANALYSIS**

BILL #: CS/HB 139

RELATING TO: Motor Vehicle Licenses

SPONSOR(S): Committee on Transportation and Representatives Heyman, Bloom, Ritter, and others

COMPANION BILL(S): SB 1124 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 8 NAYS 2
- (2) LAW ENFORCEMENT AND CRIME PREVENTION YEAS 8 NAYS 0
- (3) FINANCE & TAXATION
- (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
- (5)

I. SUMMARY:

To register a motor vehicle in Florida a person must meet certain conditions provided by law, including obtaining proof of insurance and paying proper taxes and fees. Once the conditions are met, two validation stickers are affixed to the license plate of the motor vehicle to indicate that it has been properly registered. One validation sticker indicates the owner's birth month and the other sticker indicates the year that the registration expires.

To avoid having to obtain insurance or pay the appropriate taxes and fees some motor vehicle owners illegally use license plates and validation stickers issued to other vehicles.

This bill requires the birth month and expiration information that appears on the two validation stickers to be combined so that they appear on one sticker. Since the information is combined on one validation sticker, the bill deletes the requirement for a second sticker.

More importantly, the bill requires that a motor vehicle validation decal be issued along with, and in the same manner as, a motor vehicle license plate validation sticker. The decal is required to be placed on the inside lower corner of the windshield on the driver's side and must indicate the same number and expiration date as the license plate. Existing provisions relating to validation stickers would also apply to the windshield decal. For example, the validation decal would be issued based on the vehicle owner's license renewal period and the penalties for misuse of the decal would be the same as for the sticker.

Current law authorizes the Department of Highway Safety and Motor Vehicles (DHS&MV) to collect a service charge of up to \$1 for each license plate validation sticker or mobile home sticker issued from an automated vending facility or printer dispenser machine. DHS&MV has not authorized the collection of the service charge. Instead, DHS&MV has an issue in its 1999 - 2000 budget request to provide this equipment in all tax collector offices throughout the state. DHS&MV indicated that it needs the printer dispenser machines to implement the bill's windshield validation decal provisions because the registration documents will need to be printed simultaneously on blank forms.

CS/HB 139 requires DHS&MV to begin issuing the windshield decal October 1, 2001, for the year 2002 registration period, if DHS&MV installs the necessary printing equipment and assesses the service charge to pay for the equipment. If the equipment is installed and the service charge assessed, revenues to the Highway Safety Operating Trust Fund will increase by approximately \$13 million. The anticipated equipment cost is \$6.5 million, which leaves \$6.5 million available for other initiatives including implementing the bill's windshield decal provisions. If the equipment is not installed or the service charge not assessed, the bill's windshield decal provisions would not be implemented and there would be no fiscal impact to the Highway Safety Operating Trust Fund.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Chapter 320, F.S., provides that every owner or person in charge of a motor vehicle which is operated or driven on the roads in this state shall register their vehicle in Florida, unless such registration is exempted by law. County tax collectors function as authorized agents for DHS&MV and register the vast majority of motor vehicles in Florida. Tax collectors issue registration certificates, license plates, validation stickers, and mobile home stickers to applicants for registration. In FY 1997-98, DHS&MV registered approximately 13 million motor vehicles.

Section 320.04, F.S., authorizes DHS&MV to collect a service charge of up to \$1 for each license plate validation sticker or mobile home sticker issued from an automated vending facility or printer dispenser machine. The \$1 service charge is retained by DHS&MV in order to provide for such automated vending facilities and printer dispenser machines in tax collector or license tag agent offices. *DHS&MV has not authorized the collection of the service charge.* Instead, DHS&MV has an issue in its 1999 - 2000 budget request to provide this equipment in all tax collector offices throughout the state. Once the equipment is installed DHS&MV will decide whether to assess the service charge. If the equipment is installed and the service charge assessed, revenues will increase by approximately \$13 million. The anticipated equipment cost is \$6.5 million, which leaves \$6.5 million available for other initiatives.

Section 320.06, F.S., provides general guidance for the issuance of registration certificates, license plates, and validation stickers. Currently, the law requires that two validation stickers be issued, one validation sticker to indicate the owner's birth month and the other to indicate the year that registration expires.

When registering a motor vehicle in Florida the applicant must meet certain conditions provided by law, including payment of taxes and fees and providing proof of insurance. To avoid meeting these conditions, some motor vehicle owners use license plates and validation stickers issued to other vehicles. According to DHS&MV, 85,656 stolen license plates were replaced during FY 1997-98.

The penalty for knowingly attaching a license plate or validation sticker to a vehicle other than the one assigned is a second degree misdemeanor, punishable by incarceration for 60 days or less or a fine of up to \$500.

B. EFFECT OF PROPOSED CHANGES:

The bill requires that a motor vehicle validation decal be issued along with, and in the same manner as, a motor vehicle license plate validation sticker. The decal is required to be placed on the inside lower corner of the windshield on the driver's side and must indicate the same number and expiration date as the license plate. Also, when determined to be feasible by DHS&MV, the VIN number must be displayed on the decal.

In order to display both the license plate number and the registration expiration date, DHS&MV intends to issue a two-part windshield validation decal. One part would display the license plate number and be affixed to the windshield for five years. The second part would display registration expiration date and audit number.

Since the bill provides for the validation decal to be administered in the same manner as the validation sticker, existing provisions relating to the sticker would also apply to the validation decal. For example, the windshield validation decal would be issued based on the applicant's appropriate license renewal period and the penalties for misuse of the windshield decal would be the same as for the motor vehicle license plate sticker.

The bill also provides exceptions to the windshield decal requirements for some types of vehicles that are required to be registered. For example, the bill exempts:

- motorcycles, mopeds, and motorized bicycles;
- ancient, antique, and collectible automobiles;

- heavy trucks weighing more than 26,001 pounds;
- semitrailers, school buses, wreckers, hearses, and ambulances.

DHS&MV indicated that it needs the printer dispenser machines to implement the bill's windshield decal provisions because the registration documents will need to be printed simultaneously on blank forms. Therefore, the bill requires DHS&MV to begin issuing the windshield decal October 1, 2001, for the year 2002 registration period, if DHS&MV installs the necessary printing equipment and assesses the service charge to pay for the equipment. If the equipment is not installed or the service charge not assessed, the bill's windshield decal provisions would not be implemented.

The bill could have some indeterminate positive impact on the incidence of stolen or misused license plates and validation stickers as a result of matching the motor vehicle validation decal to the license plate and limiting the accessibility of the motor vehicle windshield decal.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

N/A

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, the bill creates a requirement that a motor vehicle validation decal be issued along with, and in the same manner as, a motor vehicle license plate validation sticker. Tax collectors would be responsible for issuing the decal and motor vehicle owners would be responsible for ensuring that the decal is properly placed on their windshield.

- (3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

The bill requires certain motor vehicle owners to place a decal on their windshield.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

chapter 320 and s. 921.0022, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 320.06, F.S., to require that a windshield validation decal, with the same number and expiration date as the license plate, be placed on the inside lower corner of the windshield on the driver's side. This section also provides that the validation decal shall be issued based on the applicant's appropriate renewal period. This section further provides that DHS&MV must provide tax collectors and license plate agents with the necessary number of validation decals.

Sections 2 - 14: Conforming changes.

Section 15: Prohibits DHS&MV from implementing the windshield decal provisions until automated vending facilities or printer dispenser machines have been installed and the Department has begun to assess the service charge.

Section 16: Provides that the bill takes effect on July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate, see D., Fiscal Comments

2. Recurring Effects:

Indeterminate, see D., Fiscal Comments

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

It is expected that this bill may help to discourage the theft of motor vehicle license plates and possibly increase compliance with motor vehicle registration laws. Also, reducing the number of stolen license plates would result in an indeterminate time and cost savings for persons having to replace their plates.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The bill requires DHS&MV to begin issuing windshield decals on October 1, 2001, for the year 2002 registration period, if DHS&MV installs the necessary printing equipment and assesses the service charge to pay for the equipment. If the equipment is installed and the service charge assessed, revenues to the Highway Safety Operating Trust Fund will increase by approximately \$13 million. The anticipated equipment cost is \$6.5 million, which would leave \$6.5 million available for other initiatives including implementing the bill's windshield decal provisions. If the equipment is not installed or the service charge not assessed, the bill's windshield decal

provisions would not be implemented and there would be no fiscal impact fiscal impact to the Highway Safety Operating Trust Fund.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 11, 1999, the Committee on Transportation adopted 2 amendments to HB 139. One amendment was technical in nature and the other amendment prohibited implementation of the windshield decal program until DHS&MV installs the necessary printing equipment and assesses the service charge to pay for the equipment.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

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Prepared by:

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