

**STORAGE NAME:** h1911.tr  
**DATE:** February 22, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** HB 1911  
**RELATING TO:** Highway Safety and Motor Vehicles  
**SPONSOR(S):** Representative Kyle  
**TIED BILL(S):**

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

- (1) TRANSPORTATION
  - (2) FINANCE & TAXATION
  - (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
  - (4)
  - (5)
- 

**I. SUMMARY:**

The bill is based on legislative recommendations made by the Department of Highway Safety and Motor Vehicles (DHS&MV) to the 2000 Legislature. The bill contains numerous changes to provisions of law relating to programs administered by DHS&MV. Substantive issues included in the bill relate to information sharing, expenditure of funds for safety awareness campaigns, cancellation of registration and driver license for payments with dishonored checks, and the dismantling and destruction of vessels. Major provisions of the bill relate to:

- Confidentiality and Information Sharing - Providing for the cross-referencing of the databases of the Department of Revenue and the Department of Highway Safety and Motor Vehicles to allow each department to access the most accurate information regarding the location of an individual and provide a more efficient process for making refunds or collecting revenue.
- Cancellation of Registration and Driver License/Dishonored Checks - Providing the department the authority to cancel a person's registration and driver license should he or she pay the driver license fee, registration fee, license plate tax, or any other tax liability with a dishonored check. The registration and driver license would then be reinstated after the delinquent fees, penalties, and reinstatement fees have been paid for in certified funds.
- Liens for Recovering, Towing, or Storing Vehicles and Undocumented Vessels - Authorizes the department to limit the number of reassignments allowable under a certificate of destruction to two before dismantling or destruction of the vehicle or vessel would be required, to inspect the records of any person in the business of recovering, towing, or storing vehicles or vessels to ensure compliance with the provisions and to provide a punishment of a first degree misdemeanor for any person who fails to maintain or produce records for vehicles or vessels that have been recovered, towed, or stored.

With the exception of Section 3 dealing with restrictions of suncreening which has an effective date of July 1, 2001, the bill will become effective July 1, 2000.

A majority of the provisions in the bill have minimal or no fiscal impact. Granting the department authority to collect a \$40 fee for the required physical examination of an assembled from parts vehicle would result in approximately \$64,000 of additional revenue.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Due to the comprehensive nature of the changes, the Present Situation relating to each issue is described in the Section-by-Section portion of this analysis.

C. EFFECT OF PROPOSED CHANGES:

Due to the comprehensive nature of the changes, the Present Situation relating to each issue is described in the Section-by-Section portion of this analysis.

D. SECTION-BY-SECTION ANALYSIS:

**Sections 1 & 19. Excluding Gopeds from the Motor Vehicle Definition:** This bill amends ss. 316.003 and 322.01, F.S., to broaden the definition of "motor vehicle" to exclude gopeds from being considered a motor vehicle. A goped is defined as a motorized miniscooter upon which an individual stands. It is propelled with a lever on the handlebars and has an average top speed of 20 mph. The clarification would exempt any person operating a goped from obtaining a driver license.

**Section 2. Bicycle Regulations:** The Consumer Product Safety Commission has issued its final rule regarding bicycle helmets titled 16 CFR Part 1203 Safety Standard for Bicycle Helmets which provides for all bicycle helmet sold after March 10, 1999 to comply with the new standard. This section amends s. 316.2065(3)(d), F.S., to make the new standard applicable to all bicycle helmets sold after October 1, 2000. Helmets purchased prior to October 1, 2000, however, would still be able to be worn by riders or passengers until March 9, 2009.

**Section 3. Windows Behind the Driver; Restrictions on Sunscreening Material:** Amends s. 316.2954, F.S., to reduce the allowable tint of the sunscreening material placed on the rear window of a motor vehicle, multipurpose passenger, and law enforcement vehicle manufactured after July 1, 2001.

**Section 4. Licensing of Vehicles:** Amends s. 316.605, F.S., to prohibit the placement of any object or covering on a license plate so as to obstruct the letters, numerals, or other identification marks.

**Section 5. Expenditure of Funds for Safety and Public Awareness Campaigns:** Section 316.613(4), F.S., Child restraint requirements, establishes the requirement for the DHS&MV to conduct safety awareness campaigns. It does not, however, provide for any expenditure of funds for purchasing materials to be used in the campaigns. This bill amends s. 316.613, F.S., which would authorize the department to expend funds for the purpose of purchasing promotional items to be used in conjunction with a safety awareness program.

**Sections 6,9 & 31. Definitions; Dismantling, Destruction, Change of Identity of Motor Vehicle or Mobile Home; Salvage:** Amends s. 319.01, F.S., to delineate the major component parts of motor vehicles other than motorcycles, trucks, and mobile homes within various defined terms. The term "major component parts" is defined as the front-end assembly (fenders, hood, grill, and bumper), cowl assemble, rear body section (both quarter panels, decklid, bumper, and floor pan), door assemblies, engine, frame, and transmission.

Amends s. 319.30, F.S., to also delineate the major component parts of motor vehicles. The section, however, would prohibit a vehicle from being rebuilt or sold in a rebuilt condition once the vehicle is declared unbuildable by the department.

Amends s. 325.203, F.S., to make a technical change to a cross-reference.

**Section 7. Sale of Motor Vehicles Registered or Used as Taxi Cabs, Police Vehicles, Lease Vehicles, or Rebuilt Vehicles and Nonconforming Vehicles:** This section would amend s. 319.14, F.S., to delete the definition of a combined vehicle and incorporate it as another type of vehicle "assembled from parts". According to the DHS&MV, this would eliminate confusion between vehicles that are rebuilt or put together from parts of another vehicle. This section would also provide the department authority to affix a decal to a vehicle that has been rebuilt. Any person who removes a rebuilt decal would be guilty of a third degree felony.

**Section 8. Notice of Lien on Motor Vehicles or Mobile Homes; Notation on Certificate; Recording of Lien:** Under current law, lienholders may file Florida liens on a vehicle that is not currently registered in Florida in the anticipation that the vehicle will be registered in this state. DHS&MV states that many of those vehicles are never registered in this state and their databases become cluttered with the filed liens. This section would amend s. 319.27, F.S., by prohibiting the filing of liens in Florida on a vehicle until the vehicle has been registered in this state.

**Section 10. Fees, Service Charges; Disposition:** Current law provides for a \$40 fee for a physical examination of a rebuilt vehicle to assure its identity. This physical examination is also required on an assembled from parts vehicle. Current law, however, does not provide for a fee for this examination. This section amends s. 319.32, F.S., to authorize the department to assess a \$40 fee for a physical examination of an assembled from parts vehicle. In 1997, the department processed approximately 1,600 applications for titles with the designation of "assembled from parts". Based on this amount, the DHS&MV approximates \$64,000 of additional revenue.

**Section 11. Registration; Renewal Periods:** Section 320.055, F.S. provides for a staggered registration for nonapportioned vehicles, such as:

- Heavy trucks with a gross weight over 5,000 pounds;
- A semitrailer drawn by a GVW truck by means of a fifth-wheel arrangement;

- A motor vehicle for hire which carries nine or more passengers; and
- A motor vehicle for hire which is primarily operated within the city limits.

This bill would amend the registration period for nonapportioned vehicles to be December 1st through November 30th.

**Section 12. Expiration of Registration; Annual Renewal Required; Penalties:** Under the staggered renewal system, registration periods normally expire at midnight on an individual's birthday or on the date otherwise scheduled by statute. Current law provides a delinquent fee on late registration renewals due on the 11th calendar day of the month succeeding the renewal period. This section amends s. 320.07(4)(a), F.S., which would make the delinquent fee due at 12:01 a.m. on the day immediately following the expiration of the registration period.

**Section 13-14. Special License Plates; Fees:** Current law provides that any person who holds an Amateur Radio Operator license or is an ex-POW or a Purple Heart recipient and who owns an automobile for private use may apply for and receive an "Amateur Radio Operator", an "EX-POW" or a "Purple Heart" license plate. Individuals who own trucks for private use weighing over 5,000 pounds, however, may not receive this specialty license plate. With the increasing popularity of sport utilities today, many individuals now own trucks which are solely for private use. This section amends ss. 320.083 and 320.089, F.S., to eliminate the weight restriction on trucks for private use so that an "Amateur Radio Operator", an "EX-POW", or a "Purple Heart" license plate may be issued to owners of these trucks. This section also provides technical changes to these statutes to cross-reference the license tax to the applicable vehicles.

**Sections 15&20. Withholding Registration. Authority of department to cancel license:** Currently, the DHS&MV have no statutory authority to seek revenue owed to it by a person who pays the fee for a driver's license or registration with a dishonored check. This bill amends ss. 320.18 and 322.22, F.S., to provide the department with the authority to cancel a person's registration and driver's license should he or she pay the driver license fee, registration fee, license plate tax, or any other tax liability with a dishonored check. The registration and driver license would then be reinstated after the delinquent fees, penalties, and reinstatement fees have been paid for in certified funds.

**Sections 16-18. Motor Vehicle Dealers. License Required of Mobile Home and Recreational Vehicle Dealers:** Sections 320.77(7) and 320.771(7), F.S., provide that a mobile home dealer and a recreational vehicle dealer may obtain a supplemental license from the DHS&MV authorizing off-premises sales for not more than 10 consecutive days. This supplemental license for off-premises sales, however, is not available to motor vehicle dealers. The bill amends s. 320.27(5), F.S., to permit a motor vehicle dealer to obtain a supplemental license for off-premises sales for not more than 10 consecutive days.

The bill also provides additional requirements for obtaining a supplemental license for off-premises sales in ss. 320.27(5), 320.77(7), and 320.771(7), F.S., which specifies that the dealer must:

- Be a licensed dealer;
- Notify the department with specific dates and locations for which the license is requested;
- Display a sign at the location where the temporary sales is to take place clearly identifying that the sale is being conducted by a licensed dealer;
- Provide staff to work at the temporary location for the duration of the off-premises sale;

- Meet any local government permitting requirements; and
- Have the permission of the property owner to sell at the location.

**Sections 21&22. Identification Cards and Application for License:** Any person who has already complied with the identification requirements, such as a U.S. birth certificate or a U.S. passport, has established a record with the DHS&MV. Although this primary identification is recorded in the system, when that person applies for a second issuance of an identification card or who has an identification card and now applies for a license, he or she must provide proof of identity once again. This section amends ss. 322.051 and 322.08, F.S., which provides that a person would only have to show primary proof of identity when applying for an identification card or driver license if he or she has not already established a record with the department.

**Section 23. High Risk Drivers; Restricted Licenses:** Under current law, a driver under the age of 18 years who has a Class D or Class E license may have his or her driving privilege restricted if he or she accumulates four or more points, resulting from noncriminal infractions, within a 12 month period. The point system is as follows:

- 6 points for leaving the scene of an accident resulting in property damage of \$50 or more;
- 6 points for an accident caused by unlawful speed;
- 4 points for reckless driving;
- 4 points for any moving violation resulting in an accident;
- 4 points for passing a stopped school bus;
- 3 points driving during restricted hours;
- 4 points for an unlawful speed of 16 MPH or more over the posted speed;
- 3 points for an unlawful speed of 15 MPH or less over the posted speed;
- 3 points for all other moving violations;
- 2 points for improper equipment or if the vehicle is in an unsafe condition;
- 3 for a violation of curfew;
- 3 points for an operator of a vehicle with an open container; and
- 3 points for a child restraint violation.

A driver under the age of 18 years, therefore, may have his or her license restricted after receiving only one ticket. This section amends s. 322.161, F.S., to increase the minimum number of points that would determine restriction from four to five.

**Sections 24&25. Driver Improvement Schools:** Under current law, a person under the age of 21 found driving under the influence is subject to license suspension and is required to show proof of enrollment in an education course prior to the reinstatement of his or her license. The law, however, does not specifically state which type of education course the person must attend. This bill amends ss. 322.271 and 322.291, F.S., to provide that a person under the age of 21 found driving under the influence must submit to the DHS&MV proof of enrollment in a basic driver improvement or traffic law and substance abuse education course prior to the reinstatement of his or her license.

**Section 26. Liens for Recovering, Towing, or Storing Vehicles and Undocumented Vessels:** Current law does not provide restrictions on the number of times a certificate of destruction can be reassigned to a vehicle or vessel. According to the DHS&MV, many vehicles and vessels are being sold on certificates of destruction without ever being dismantled or destroyed. This section amends s. 713.78, F.S., to provide:

- A limitation on the number of reassignments allowable under a certificate of destruction to two before dismantling or destruction of the vehicle or vessel would be required;

- Authority for law enforcement officers and the department to inspect the records of any person in the business of recovering, towing, or storing vehicles or vessels to ensure compliance with the provisions; and
- A punishment of a first degree misdemeanor for any person who fails to maintain records or produce records in regards to a vehicle or vessel that has been recovered, towed, or stored.

**Section 27&28. Vehicles and Vessels Parked on Private Property; Towing:** Amends s. 715.05, F.S., regarding the reporting of an unclaimed vehicle after authorizing its removal, to add the terms “vessel”, so as to provide authority to tow vehicles and vessels, and “marina”, as private property from which a vessel may be towed. It also provides a cross-reference to a filed lien on a vessel.

Amends s. 715.07, F.S., regarding the towing of a vehicle parked on private property, to add the term “vessel” throughout the section and to provide a definition for “vessel”.

**Section 29. Confidentiality and Information Sharing:** This section amends s. 213.053, F.S., to permit the Department of Revenue to share information with the Department of Highway Safety for use in the conduct of its official duties. Currently, the Department of Highway Safety must rely on its own database to locate individuals. The bill would provide for the cross-referencing of the two databases which would allow each department to access the most accurate information regarding the location of an individual and provide a more efficient process for making refunds or collecting revenue.

### III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See D. Fiscal Comments

2. Expenditures:

See D. Fiscal Comments

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

**Section 10. Fees from a Physical Examination of a Rebuilt Vehicle**

According to DHS&MV, during the calendar year 1997, approximately 1,600 applications for titles with the assembled from parts designation were processed. Therefore, with a \$40 fee for the required physical examination of an assembled from parts vehicle, there would be approximately \$64,000 in additional revenue.

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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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Jennifer L. Sexton-Bartelme

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John R. Johnston