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DATE: April 2, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 557

RELATING TO: Drivers' Licenses/Under Age 18

SPONSOR(S): Representative(s) Peterman

TIED BILL(S):

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

- (1) TRANSPORTATION
- (2) CRIME PREVENTION, CORRECTIONS & SAFETY
- (3) COUNCIL FOR READY INFRASTRUCTURE
- (4)
- (5)

I. SUMMARY:

The bill allows a court to use its discretion to direct the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a temporary driver's license, restricted to business or employment purposes, to a person under the age of 18 whose driving privileges have been revoked or delayed because of a criminal violation of certain alcohol or drug provisions. The discretion provided in the bill is similar to the discretion a court currently possesses to direct the DHSMV to issue a business or employment purposes only driver's license to an adult.

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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 322.056(1), F.S., provides that the court shall direct the DHSMV to revoke or to withhold issuance of a driver's license of a person under age 18 who is eligible by reason of age to obtain a driver's license, but who is found guilty of, or delinquent for, a criminal violation of alcohol and drug provisions of s. 562.11(2), s. 562.111, or chapter 893, F.S. as follows:

- 6 months to 1 year for the first violation.
- 2 years, for a subsequent violation.

If the person's driver's license or driving privilege is already under suspension or revocation for any reason, the court shall direct DHSMV to extend the period of suspension or revocation by an additional period of:

- 6 months to 1 year for the first violation.
- 2 years, for a subsequent violation.

If the person is ineligible because of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of a driver's license or driving privilege for a period of:

- 6 months to 1 year after the date on which the person would otherwise have become eligible, for the first violation.
- 2 years after the date on which the person would otherwise have become eligible, for a subsequent violation.

Section 322.055, F.S., provides similar penalties for adults convicted of certain drug offenses under chapter 893, F.S. The minimum period of revocation is two years. The section authorizes the court to direct DHSMV to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, F.S., if the person is otherwise qualified for such a license.

Section 322.271(1)(c), F.S., defines "a driving privilege restricted to business purposes only" to mean a driving privilege limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes. A restricted "driving privilege for employment purposes only" is limited to driving to and from work and any necessary on-the-job driving.

If the court does not order DHSMV to issue a restricted license, a person whose license or driving privilege has been suspended or revoked may, upon the expiration of 6 months, petition DHSMV for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. However, in no case shall a restricted license be available until 6 months after the suspension or revocation period has expired.

In 1999, according to DHSMV, there were 1,673 suspensions or revocations associated with violations of chapter 893, F.S. (drugs), 139 suspensions or revocations associated with violations of s. 562.111, F.S. (alcohol), and 3,840 suspensions or revocations associated with violations of s. 562.11, F.S. (alcohol).

C. EFFECT OF PROPOSED CHANGES:

The bill enables the court to use its sound discretion to direct the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a temporary driver's license, restricted to business or employment purposes only, to a person under the age of 18 whose driving privileges have been revoked or delayed pursuant to s. 322.056, F.S., if the person is otherwise qualified for such a license. The discretion provided in the bill is similar to the discretion a court currently possesses to direct the DHSMV to issue a business or employment purposes only driver's license to an adult.

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

By authorizing courts to grant driver's licenses restricted to employment or business purposes, the bill may increase employment opportunities for persons under age 18 who have had their licenses suspended for drug and alcohol related violations.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

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

The bill does not reduce the amount of state tax shared with any city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

Phillip B. Miller

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