

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1229 Motor Vehicles Equipment Inspections
SPONSOR(S): Evers
TIED BILLS: **IDEN./SIM. BILLS:** SB 2420

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--|--------|---------|----------------|
| 1) Highway Safety (Sub) | | Garner | Miller |
| 2) Transportation | | | |
| 3) Transportation & Econ. Dev. Apps. (Sub) | | | |
| 4) Appropriations | | | |
| 5) | | | |

SUMMARY ANALYSIS

Currently, for the purposes of verifying compliance and mitigating a penalty, only police departments and sheriff's offices may inspect vehicles owned by persons cited for operating a vehicle violating minimum headlamp, safety, and equipment requirements, and execute affidavits of compliance. These agencies collect a \$4 fee for conducting an inspection.

HB 1229 authorizes enforcement officers of the Florida Highway Patrol (FHP) to participate in this penalty mitigation procedure and collect the \$4 fee. In addition, the Department of Highway Safety and Motor Vehicles is authorized to designate areas within current facilities for inspection and collection of the fee.

The bill takes effect July 1, 2003.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1229.tr.doc
DATE: March 13, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

Current Situation

A law enforcement officer must issue an affidavit-of-compliance to any person cited for operating a vehicle that does not meet the minimum headlamp requirement, is not in a safe condition, or is not properly equipped. The penalty for these nonmoving infractions is \$30. However, the person receiving the citation and form may mitigate the penalty by making necessary repairs and presenting the vehicle to any Florida police department or sheriff's office for inspection within 30 days of receiving the citation.

After an employee of the police department or sheriff's office inspects the vehicle and determines that it is in compliance with the law, and the person who presents the vehicle pays \$4 to the law enforcement agency, the employee must execute the affidavit-of-compliance form and return it to the person who received the citation. The person cited must then present the executed affidavit-of-compliance form to the court clerk and pay a reduced fine of \$5.

Currently, only police department and sheriff's office employees may conduct an inspection of this kind, execute an affidavit of compliance, and collect the \$4 fee. Employees of the Florida Highway Patrol (FHP) are not authorized to participate in this penalty mitigation procedure and collect the \$4 fee.

Effect of Proposed Changes

HB 1229 authorizes enforcement officers of FHP to inspect vehicles to verify completion of repairs, and to execute affidavits of compliance. In addition, the bill authorizes the Department of Highway Safety and Motor Vehicles to designate areas within current facilities for inspection and collection of the \$4 fee.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.6105, F.S., authorizing the FHP to inspect vehicles for the purpose of mitigating a penalty and authorizing DHSMV to designate portions of existing facilities for this purpose.

Section 2. Providing an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
See FISCAL COMMENTS section below.

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
See FISCAL COMMENTS section below.

2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill authorizes FHP to collect a \$4 fee for inspecting motor vehicles for the purpose of determining compliance with a penalty mitigation process. Revenues to FHP will increase however the amount of increase is indeterminate because it is impossible to project the number of vehicle inspections that will be required in the future. In addition, it is impossible to predict how many future inspections will be distributed among police departments, sheriff's offices, and FHP. It is therefore impossible to determine the extent to which FHP's participation in this activity will decrease revenues to police departments and sheriff's offices.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the 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:

No new rule-making authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES