

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1200

SPONSOR: Senator Sebesta

SUBJECT: Highway Safety and Motor Vehicles

DATE: March 8, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/CS
2.	_____	_____	FT	_____
3.	_____	_____	ATD	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This CS addresses a number of issues relating to highway safety, motor vehicles, and driver licenses that primarily affects the duties of the Department of Highway Safety and Motor Vehicles (DHSMV). Many of the CS's provisions are technical or administrative in nature and will have no fiscal impacts. Provisions of the CS are as follows:

- ◆ Clarifies that portion of the license plate which must be clear and plainly visible. Specifically, the word "Florida," the registration decal and the alphanumeric designation must be plainly visible and free from obscuring objects.
- ◆ Broadens DHSMV's authority to use funds previously targeted towards the promotion of child restraints, safety belts, driver improvement, and agency recycling programs, to be applied more generally towards the promotion of public awareness and education campaigns related to highway safety, awareness, and community-based initiatives as found in chapters 316, 320, 322 and s. 403.7145 (recycling);
- ◆ Relocates a provision from chapter 320 to chapter 322 relating to the DHSMV's authority to charge for electronic access to driver's license report by name, gender, date of birth or driver's license number but prohibits such charge if the information is made available through the DHSMV's Internet website;
- ◆ Exempts information provided through DHSMV's Internet website from the prescribed fees.
- ◆ Requires identity verification on certain title, registration, license plate and disabled parking permit transactions;

- ◆ Clarifies the definitions of “apportionable vehicle” and “commercial motor vehicle” to include vehicles with gross weight requirements equal to 26,001 pounds or more;
- ◆ Resets the threshold date to 1975 or earlier for purchases of antique car license plate; and
- ◆ Revises procedures to broaden DHSMV’s authority to expedite for a \$5 fee, the issuance of a certificate of vessel title, whether the request is for an original, duplicate or corrected version.

This CS substantially amends ss. 316.605, 316.613, 319.29, 320.01, 320.05, 320.06, 320.0607, 320.0843, 320.0848, 320.086, 320.58, 322.20 and 328.11; and creates s. 316.6131 of the Florida Statutes.

II. Present Situation:

Section 316.605, F.S., provides vehicles in this state are required to display license plates on the rear of the vehicle, except government vehicles having a gross weight of 26,001 pounds or more. License plates must be securely fastened to the vehicle to prevent swinging. In addition, all letters, numerals, printing, writing, and other identification marks on the plates must be clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so they are visible from 100 feet. A violation of this section is punishable as a non-moving violation (\$30 fine).

Section 316.613 (4), F.S., authorizes DHSMV to expend funds for the purchase of promotional items as part of a public information and education campaign related to child restraints, safety belts, driver improvement programs, and recycling programs.

Section 319.29, F.S., requires DHSMV to implement a system to verify an application for title is signed by the person authorized to receive a duplicate title certificate if the applicant gives an address different from the one already shown in DHSMV’s records.

Section 320.01, F.S., provides definitions for chapter 320, F.S., relating to motor vehicle licenses. Currently, the definitions for “apportionable vehicle” and “commercial motor vehicle” are inconsistent with respect to the weight of the vehicle defined. The definition of "apportionable vehicle" references a unit with a gross vehicle weight in excess of 26,001 pounds, while the definition of "commercial motor vehicle" references a vehicle having a gross vehicle weight of 26,001 pounds or more. These definitions may apply to the same vehicle in certain circumstances, but apply a different weight standard to the same vehicle.

Section 320.05, F.S., provides for public inspection of certain motor vehicle records and driver’s license status reports for a prescribed fee. This section currently does not exempt information provided via DHSMV’s website from a fee.

Section 320.06, F.S., authorizes the corporation (PRIDE) organized under ch. 946, F.S., to manufacture license plates, validation stickers, and decals for DHSMV pursuant to chapters 320 and 327, F.S.

Section 320.0607, F.S., provides for replacement license plate, mobile home sticker or validation decal transactions; DHSMV must only be satisfied the information in the application for such replacement is true before it is required to issue the replacement. If the applicant pays a \$10 replacement fee or produces a police report indicating the permit was stolen, DHSMV must issue a replacement. For replacement of registration plates or stickers or decals, DHSMV is not required to implement an identity verification system.

Section 320.0843, F.S., provides certain persons with a disability are eligible for a permanent disabled parking permit. Disabled parking permits are issued in the form of placards that can be carried by the disabled person and used in any car in which that person is a passenger or operator. Each placard carried the name and driver's license or identification card number of the person to whom it was issued, and a warning such identification must be carried at all times while the placard is used. This enables law enforcement personnel to ascertain whether the person eligible to have the placard is the one actually using it. Some persons who are eligible for the permanent disabled parking permit elect to obtain a license plate for persons with disabilities rather than the placard. The license plate, adorned with the international symbol of accessibility, is affixed to a single vehicle and cannot be carried from one vehicle to another. In many cases, motor vehicles are registered to more than one owner making it difficult for law enforcement personnel to ascertain whether the driver of the car bearing a disabled license plate is the person entitled to the benefits conferred by the plate.

Section 320.0848, F.S., provides for the replacement of a lost or stolen disabled parking permit.

Section 320.086, F.S., establishes the model year 1974 or earlier as the manufactured years permissible to use a historical, Florida license plate.

Section 320.58, F.S., authorizes DHSMV inspectors and supervisors to enforce the provisions of chapters 319, 322, and 324, F.S.

Section 322.20, F.S., authorizes DHSMV to provide services and documents relating to driver licenses for a prescribed fee.

Section 328.11, F.S., provides DHSMV may issue a duplicate certificate of title upon application if DHSMV is satisfied the original certificate has been lost, destroyed, or mutilated. A fee of \$6 is charged for issuing a duplicate certificate. An additional fee of \$5 must be charged for expedited service in issuing a duplicate certificate of title. DHSMV must issue each certificate of title applied for under this section within 5 working days after receipt of a proper application or must refund the additional \$5 fee upon written request by the applicant.

III. Effect of Proposed Changes:

The following discussion represents a section-by-section analysis of the CS:

Section 1 amends s. 316.605, F.S., to clarify that portion of the license plate which must be clear and plainly visible. Specifically, the word "Florida," the registration decal and the alphanumeric designation must be plainly visible and free from obscuring objects.

Sections 2 and 3 collectively result in the relocation of s. 316.613(4)(b), F.S., as revised to the new s. 316.6131, F.S. This relocated provision shifts and broadens the authority of the DHSMV to expend current funds for public awareness campaigns. The revised provision broadens the authority to expend such funds to purchase educational items for promoting highway safety and awareness campaigns as provided in chapters 316 (state uniform traffic control), 320 (registration requirements), 322 (driver's licenses), and section 403.7145 (recycling), F.S and for community-based initiatives.

Section 4 amends s. 319.29, F.S., to require DHSMV to verify and document the identity of any person other than the owner of record who receives a duplicate certificate of title. In addition, verification documentation is to be retained by DHSMV.

Section 5 amends s. 320.01, F.S., to clarify the definitions of apportionable vehicle and commercial motor vehicle to conform and be consistent regarding their weight requirements. The CS specifies the gross vehicle weight to be 26,001 pounds or more.

Section 6 amends s. 320.05, F.S., to exempt information relating to motor vehicle, vessel, and mobile home registration data when such information is provided through DHSMV's Internet website from the associated charges. Also, the CS deletes the provision relating to electronic access to driver's license status reports, and relocates it to s. 322.20, F.S., relating expressly to driver's licenses.

Section 7 - Conforming provision - Section 320.06, F.S., is amended to correct a cross reference to Chapter 328, F.S., relating to titles, liens and registration of vessels, in lieu of chapter 327, F.S., relating to vessel safety matters.

Section 8 amends s. 320.0607, F.S., to provide for verification of identity by DHSMV before delivering a replacement or duplicate license plate or registration to a person who provides an address in the application different from the one reflected in the records of DHSMV. In addition, DHSMV is required to retain the documentation of verification.

Section 9 amends s. 320.0843, F.S., to provide a method for distinguishing who is eligible to use a disabled persons' license plate when the vehicle is registered to more than one person. Specifically, the provision requires if more than one registrant is listed on the registration for a wheelchair license plate, then the eligible license plate applicant must be noted on the registration.

Section 10 amends s. 320.0848, F.S., to provide for verification of identity by DHSMV before delivering a replacement or duplicate disabled parking permit to a person who provides an address in the application different from the one reflected in the records of DHSMV. In addition, DHSMV is required to retain the documentation of verification.

Section 11 amends s. 320.086, F.S., to establish 1975 or earlier as the latest vehicle model year, in which an applicant may purchase an authenticated, historical Florida license plate. According to DHSMV, the change is needed to correct the model year since 1975, was the last year license plates were embossed. Currently, customers wanting to use a plate from 1975 are not eligible.

Section 12 amends s. 320.58, F.S., to authorize DHSMV to appoint license inspectors and supervisors to enforce the provisions of ch. 317, F.S., regarding off – highway vehicle titling and ch. 328, F.S., regarding vessel titling, liens and registration.

Section 13 amends s. 322.20, F.S., to authorize DHSMV to provide electronic access to driver’s license status reports by name, gender, and date of birth, or by driver license number for a \$.50 per item fee. This section is further amended to exempt information provided via DHSMV’s Internet website from the \$.50 fee.

Section 14 amends s. 328.11, F.S., to revise procedures to authorize DHSMV to charge a \$5 fee for expedited services for the issuance of certificates of title. Specifically, subsection (2) is amended to authorize the DHSMV to expedite the issuance of a certificate of title, whether the request is for an original, duplicate, or corrected version. This has the implicit effect of requiring the DHSMV to process such request within 5 working days of receipt of the application for a certificate of title (whether original, duplicate or corrected) or otherwise refund the \$5 fee upon the applicant’s written request.

Section 15 provides the act will take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals will be able to access DHSMV’s Internet website to obtain data pertaining to motor vehicle, vessel, mobile home registration or driver’s license status reports free of charge.

Owners of vehicles built in 1975 may become eligible to obtain an antique license for their vehicles based on a change in the CS that reflects 1975, not 1974, as the last year that license plates were embossed.

C. Government Sector Impact:

The CS authorizes DHSMV to offer certain electronic information to the public free of charge via the DHSMV website. Under current law, such information costs 50 cents per item. To the extent DSHMV is already providing the information for free over its website and the CS language changes the law to fit current practice, there will be no impact to DHSMV.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
