

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Committee

BILL: CS/SB 1974

INTRODUCER: Budget Committee and Senator Hill

SUBJECT: Driver's License Examinations/Blind Pedestrians

DATE: April 15, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Spalla	TR	Favorable
2.	Carey	Meyer, C.	BC	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill mandates that all examinations given for Class E or Commercial Driver's Licenses must include one question testing the applicant's knowledge of traffic regulations to assist blind persons which must be answered correctly in order to pass the examination. This bill also mandates that the Department of Highway Safety and Motor Vehicles (DHSMV or department) emphasize pedestrian right of way when a driver is making a right turn when developing questions under this subsection.

This bill also requires the department to take into consideration ,when approving driver improvement school and traffic law and substance abuse courses, whether the curriculum includes the risks associated with driving while distracted and specifically the use of handheld electronic communication devices while operating a motor vehicle.

This bill substantially amends sections 318.1451, 322.095, and 322.12 of the Florida Statutes.

II. Present Situation:

Currently, the Florida Driver's Handbook, 2011, contains section 5.16.2 entitled "Persons Who are Blind" which includes advice as to how to recognize a blind pedestrian and which also states that "[d]rivers must always yield the right-of-way to persons who are blind. When a pedestrian is crossing a street or highway guided by a dog or carrying a white cane (or a white cane with a red tip), vehicles must come to a complete stop." Driver's License exams are currently formulated by pulling random questions from a large pool of questions. Questions about blind pedestrians may be, but are not guaranteed to be, tested on current driver's license examinations.

Currently, applicants for a Class E or Commercial Driver's License must pass each individual knowledge test (road signs, road laws, Commercial Driver License General Knowledge) by answering 80% or more of the questions correctly. A passing score is based on all of the questions asked on each exam, not just one individual question.¹

Driver Improvement Schools

Section 318.1451, F.S., as related to driver improvement schools, provides: (1) The Department of Highway Safety and Motor Vehicles (DHSMV, department) shall approve the courses and technology used as the delivery method of driver improvement schools; (2) In approving a driver improvement course, the department shall consider course content related to promoting safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve the driver performance from a safety viewpoint; (3) The department may only consider those driver improvement schools that have obtained approval for statewide delivery; (4) Persons that elected to take courses through unapproved schools shall receive a refund from the school and may retake the course through a department approved school; (5) Approved driver improvement schools shall collect a fee of \$2.50 from each person who elects to attend a course which shall be remitted to the DHSMV and deposited in the Highway Safety Operating Trust Fund; and (8) The department is authorized to maintain records and information necessary for administration for driver improvement courses and may prepare a traffic school reference guide which lists the benefits of attending driver improvement schools and a list of approved course providers.

Currently, s. 318.1451, F.S., does not include criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle.

Traffic Law and Substance Abuse Education Programs

Section 322.095, F.S., as related to traffic law and substance abuse education programs for driver's license applicants, provides: (1) DHSMV must approve traffic law and substance abuse education courses; (2) Curricula of these courses must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, and the laws of this state relating to the operation of a motor vehicle; and (3)

¹ Florida Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis, SB 1974* (on file with the Senate Transportation Committee)

The course provider must obtain certification from the department that the course complied with the requirements of this section.

Currently, s. 322.095, F.S., does not include criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle.

III. Effect of Proposed Changes:

Section 1 mandates that all examinations given for Class E or Commercial Driver's Licenses must include one question testing the applicant's knowledge of traffic regulations to assist blind persons which must be answered correctly in order to pass the examination. This section also mandates that the Department of Highway Safety and Motor Vehicles emphasize pedestrian right of way when a driver is making a right turn when developing questions under this subsection.

Section 2 requires DHSMV to consider whether a driver improvement school's curriculum includes awareness of the risks associated with the use of handheld electronic communication devices while operating a motor vehicle when the department is approving such courses.

Section 3 requires an additional minimum course requirement to traffic law and substance abuse education courses to include the risks associated with the use of handheld electronic communication devices while operating a motor vehicle.

Section 4 sets an effective date of July 1, 2011.

Other Potential Implications:

According to the Department of Highway Safety and Motor Vehicles, if enacted this bill may result in a higher failure rate since passing the test would require both an overall test score of 80% or above and correctly answering the question about traffic regulations to assist blind persons. This would have a negative impact on customer service when individuals score 80% or above but fail because they incorrectly answered the question about traffic regulations to assist blind persons and this would cause these customers to pay a \$10 retest fee. The modifications to include the question would be simple. However, the process to disqualify someone for failing the specific question on blind persons even if they score 80% correctly would require extensive programming.² Also, ensuring that the test pulls one of the required questions from the pool of available questions would require extensive reprogramming as well.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

² Id.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

This bill could cost the private sector additional money due to imposing additional \$10.00 retest fees on drivers who fail the exam due to incorrectly answering the mandated question.

There are currently 22 different organizations who provide driver improvement courses, some of which are multiple course providers. Providers not currently including such information in their curricula will likely experience a direct, but indeterminate fiscal impact relating the costs of incorporating the new course requirements into their driver improvement or traffic law and substance abuse education courses.

C. Government Sector Impact:

Enacting this bill would impose an indeterminate non-recurring cost for contract reprogramming due to extensive modifications to the Automated Driver License Test System.³ These costs will be absorbed within existing resources.

This bill could generate additional revenue due to imposing additional \$10.00 retest fees on drivers who fail the exam due to incorrectly answering the mandated question. Retest fees are deposited into the Highway Safety Operating Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

³ Id.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Budget Committee on April 15, 2011:

The committee substitute requires the DHSMV to consider, when approving driver improvement and traffic law and substance school courses, whether the curriculum includes the risks associated with driving while distracted and specifically the use of handheld electronic communication devices while operating a motor vehicle.

- B. **Amendments:**

None.