PCB TR 06-03
House Transportation Committee

Highway Safety
and Motor Vehicles

The issues shaded in gray are new issues that have been incorporated into the new draft of PCB TR 06-03.

Issues	Current Situation	Proposed Change	Justification
Settlement of taxes and Penalties or Interest	Section 207.021, F.S., only allows the department to settle or compromise penalties or interest imposed under Chapter 207, F.S. , and the section requires the department to use Section 213.21, F.S., which relates to the Department of Revenue in settling or compromising such penalties or interest. Also, there is no authority in Chapter 207, F.S. for the department to conduct informal conferences for the resolution of disputes arising from the assessment of taxes, penalties, or interest.	This change would delete the reference to Section 213.21, F.S. It would provide the department with the authority to adopt rules for conducting informal conferences in order to resolve taxpayer disputes arising from audit assessments. This change would include taxes in addition to penalties and interest as to what can be settled or compromised by the department. In addition, this change would authorize the executive director of the department or his or her designee to enter into closing agreements with any taxpayer to settle or compromise taxpayer liabilities for any taxes, penalties, or interest imposed under Chapter 207, F.S., and would prohibit the department from imposing an additional assessment upon a taxpayer after a closing agreement has been entered into.	This change would give DHSMV the necessary authority in the correct chapter of law to carry out its duties.

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REAL ID Act	The REAL ID Act of 2005, signed into law by President Bush in May, sets a May 2008 deadline for states to add detailed personal information to driver's licenses and guarantee that licensed drivers are U.S. citizens or legal immigrants. • Current Florida law does not have all specifications mentioned in the REAL ID Act. Most of the provisions of the Real ID Act are already being enforced in Florida.	Section 322.01, F.S., revises definitions to comply with federal codes. • "Driver's license" denotes an operator's license as defined in 49 U.S.C. s. 30301 • "Identification card" means a personal identification card issued by the department and which conforms to the federal law. • "Temporary driver license" or "temporary identification card" means a certificate which, subject to all other requirements of law, issued by the department, and which authorizes an individual to drive a motor vehicle, and which denotes an operator's license as defined in 49 U.S.C. s. 30301, or a personal identification card, issued by the department, and which conforms to the definition in 18 U.S.C. s. 1028(D), and which denotes that the holder is permitted to stay for a short duration of time specified in the document so issued and is not a permanent resident of the United States.	Florida law would better mirror the newly enacted federal legislation. Subsequent to the events of September 11, 2001, the requirement for lawful presence to be eligible for a driver license or an ID card by the agency was established, initially through the Governor's Executive Order, and then through statutory amendments. Earlier this year, the US Congress passed the Federal Real ID Act, and provided all states three years to implement the provisions if the state issued driver license or ID was to be accepted by Federal Government as a valid ID for transportation and other purposes. The proposed amendments are to effect the required changes.

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DUBAL	When an individual is arrested for a violation of s. 316.193, Florida Statutes, and has an unlawful blood or breath level of .08 or higher or refuses to submit to a breath, blood or urine test when requested by a law enforcement officer, the individual's driving privilege is suspended at the time of arrest.	This change would remove the requirement for an arrest for a violation of s. 316.193, Florida Statutes, clarify what individuals can be subpoenaed to a Formal Review of the suspension, and provide clarification as to blood alcohol and breath alcohol levels.	These changes will provide clarifications to the statute. This will also provide consistency between ss. 322.2615 and 322.26216, Florida Statutes. These changes will also address issues raised by courts in cases involving the department's implementation of this section.
Motorcycle Riders	Currently, Florida law only requires those riders under 21 who seek to obtain a motorcycle endorsement on their license to attend a motorcycle safety education course. Further, drivers under 21 are required to wear helmets while riding their motorcycle.	This proposal would require all applicants for a motorcycle endorsement to attend the motorcycle safety education course. In addition, no original motorcycle license plates could be issued without proof that the registrant has the proper endorsement, as well as require registrants under 21 to obtain a license plate that is unique in color and design.	Due to the rise in popularity of motorcycles, the increase in traffic on Florida's roadways and other mitigating factors fatalities among motorcyclist have risen in Florida. Statistics show that within the last two years, there have been no fatalities among those riders completing the Florida Rider Training Course. These changes are intended to reduce crashes among motorcyclists.

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Identification Cards	Florida law only allows children 12 and over to obtain a State of Florida identification card.	This change would allow children five and over to apply for an identification card.	Parents of young children have been encouraged by law enforcement officials to maintain current photographs and identification documents for their children as a precautionary measure. Further, many parents travel with their children utilizing public transportation where having photo identification is encouraged.
All Terrain Vehicles (ATV's)	Currently, s. 316.2074, F.S., does not allow all-terrain vehicles to be operated on the public roads, streets, or highways of this state, except as permitted by a managing state or federal agency.	This change would create s. 316.2123, F.S., allowing "ATV's" to be operated by a licensed driver or a minor under the supervision of a licensed driver on un-paved roadways where the posted speed limit is less than 35 mph. The licensed drivers are still required to provide proof of ownership if requested by law enforcement.	This change is intended to enhance recreational opportunities in rural areas.

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CDL Vision Exemption	Currently, s. 316.302, F.S., exempts a person who was a regularly employed driver of a commercial motor vehicle on July 4, 1987 from the CDL vision requirements located in 49 CFR, if certain other state and federal requirements are met.	The provision would allow a person whose driving record shows no traffic convictions, pursuant to s. 322.61, during the 2-year period immediately preceding the application for the commercial driver's license, and who is otherwise qualified as a driver under 49 C.F.R. part 391, and who operates a commercial vehicle in intrastate commerce only, to be exempt from the requirements of 49 C.F.R. part 391, subpart E, s. 391.41(b)(10).	The bill would delete a restrictive grandfather provision from state law and make the state exemption consistent with federal waiver provisions.
Motor Vehicle Dealers: Continuing Education	Currently s. 320.27, F.S., requires all independent motor vehicle dealers to complete 8 hours of continuing education prior to filing the renewal forms to DHSMV. The continuing education is to include at least 2 hours of legal or legislative issues, 1 hour of department issues, and 5 hours of relevant motor vehicle industry topics. It is provided in a classroom setting or by correspondence.	This change would require only independent motor vehicle dealers who have been in business for less than five years to complete the continuing education listed in s. 320.27, F.S.	This change would limit the continuing education course requirement to only those independent dealers who are relatively new to the business.

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Motor Vehicle Dealers: Low Speed Vehicles	Currently, s. 320.27, F.S., relating to motor vehicle dealers, defines "motor vehicle" as any motor vehicle of the type and kind required to be registered and titled under chapter 319 and this chapter, except a recreational vehicle, moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, or mobile home.	The bill adds low speed vehicles to the list of vehicles excepted from the definition of "motor vehicles" for motor vehicle dealer licensing purposes. Low speed vehicles are defined in s. 320.01, F.S., as any four-wheeled electric vehicle complying with federal safety standards whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles.	Sellers of low speed vehicles are required to be licensed as motor vehicle dealers. These same businesses are not required to be licensed to sell golf carts. Low speed vehicles and golf carts are similar in design. This change would eliminate the requirement that sellers of low speed vehicles be licensed as motor vehicle dealers.
Specialty License Plates	Currently s. 320.089, F.S., provides that an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active or retired member of any branch of the United States Armed Forces Reserve be issued a license plate as provided by s. 320.06, with the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," as appropriate, followed by the serial number of the license plate.	This proposal would create Operation Iraqi Freedom and Operation Enduring Freedom license plates and qualifies Operation Iraqi Freedom and Operation Enduring Freedom veterans as the exclusive recipients of these plates. There would be no additional charge for the new license plate.	This would honor veterans of recent military conflicts and allow them to display a tag that showed that they had served their country in these conflicts.

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Forestry Equipment	Section 316.515, F.S., currently, only allows certain tractors, movers, and agricultural implements to operate on public roads to move from one point of agricultural production to another, by a person working these products. Such vehicles must be operated in accordance with Department of Transportation rules.	The bill would allow certain forestry equipment to be transported from one point of harvest to another, by a person harvesting the forestry products. Such vehicles are to be operated in accordance with all safety requirements prescribed by law and Department of Transportation rules.	This change would allow forestry equipment operators the freedom of movement necessary to complete their work.
Police Vehicles	Section 319.14, F.S., relating to the sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles defines "police vehicle" as a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement. The title of such vehicles must be branded to show that the vehicle was used as a police vehicle.	The bill amends the definition of "police vehicles" in s. 319.14, F.S., to include the words "marked and outfitted as a pursuit vehicle."	Law enforcement agencies own non-pursuit vehicles that are not subjected to the same operating conditions as patrol cars. Branding the title of non-pursuit vehicles as police vehicles reduces the resale value of such vehicle.

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Dump Truck License Plates	Currently s. 316.221, F.S., requires rear registration plates to be illuminated by taillamps and are to be legible from a distance of 50 feet to the rear and are to be lighted whenever the headlamps or auxiliary driving lamps are lighted. Section 320.0706, F.S., does not provide for a height requirement for the display of license plates on commercial trucks of gross vehicle weight of 26,001 pounds or more.	The bill exempts dump trucks and vehicles with dump bodies from the taillamp requirements of this subsection and allows the bill requires the owners of dump trucks to place the rear license plate on the gate no higher than 60 inches from the ground to the top of the license plate to allow for better visibility.	Currently, dump truck license plates are located in a position on the truck where the visibility of the plate is damaged or defaced during everyday use.
Technical Amendments	Section 320.27 (9)(b) (18), Motor Vehicle Dealer law related to Denial, Suspension, or Revocation Section 322.121 (8), relating to the periodic reexamination of all drivers.	Changes the word 'owned' to 'owed ' and corrected a cross reference to s. 320.02(17). This change would update cross reference to paragraphs in s. 322.57 (1)	