

Department of Highway Safety and Motor Vehicles 2012 Legislative Proposals



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Department of Highway Safety and Motor Vehicles

2012 Legislative Proposals

Public Safety

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
Commercial drivers	Florida law, in the majority of cases, mirrors federal law and rules with respect to commercial driver licensing. However, in some cases minor differences exist which cause conflicts. Federal regulations create a uniform national standard for the licensing and disqualification of commercial drivers which allows the industry to operate more efficiently than having state-by-state regulations.	The suggested changes will resolve the conflicts that exist between Florida law and federal rule. These changes are related to the list of disqualifying offenses which, if convicted, result in drivers losing their privilege to drive a commercial motor vehicle as well as other minor changes.	Florida must comply with all federal commercial licensing laws in order to ensure continued federal funding for road projects. These changes must be enacted during the 2012 session in order to avoid the possible loss of federal funding.	None	ss. 318.14, 322.53, 322.59 and 322.61
Driver license applications	Currently, Florida law allows individuals who are attempting to receive permanent legal status to obtain a driver license by providing documentation that they are actively seeking a change in status. However, individuals who are not entitled to receive permanent legal status could utilize a loophole in the current law in an attempt to get a driver license.	The statutory change required to close the loophole for those seeking legal status but who are not entitled to it, includes a provision to allow the department to require additional documentation beyond simple proof of application and also proof of eligibility for legal status.	The intent of Florida law and the requirement of federal law are for driver licenses to be issued to persons legally authorized to be in the U.S. This change would allow the department additional authority to require documentation from those seeking a change in their legal status to provide proof they are entitled to that status.	None	s. 322.051 and s. 322.08

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Identification cards	The department is authorized to suspend the driver license of any person who unlawfully or fraudulently uses or who knowingly allows a person to obtain a license by fraud.	The proposed change would provide the department authority to suspend a person's identification card in the same manner as a driver license when identification card fraud has been committed.	The Florida identification card provides individuals with the identical level of documented proof of identity and should be treated the same as the driver license as it relates to fraud.	None	s. 322.27
Vehicle insurance	Florida law currently outlines the methodology for automobile insurance companies to share information with the department and for the department to suspend the licenses of uninsured drivers.	This proposal would shorten the timeframe for drivers to provide insurance once a policy has been canceled from 30 days to 14 days. It would also align the timeframe for reporting the cancellation of policies on commercial vehicles with the insurance code statutes.	These changes will enhance the department's ability to enforce the insurance requirements of current law.	None	ss. 320.02 322.251 324.071 324.072 and 324.091
Motor vehicle definition	Currently, Florida law does not accommodate certain vehicles that are used primarily off-road in managed land areas.	This change would create a new definition for vehicles used off-road in managed land areas.	Current law is out of date and should reflect the varying degrees of vehicle types.	None.	s. 316.003 s. 316.2129 s. 320.01

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Reliable Service Delivery

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
Late fees	Foreign visitors are only issued a driver license for the duration of their authorized stay in the United States. By law, these visitors must leave the country and return before being issued a renewal. The current process requires all foreign visitors to renew their licenses late and they are therefore charged the late fee of \$15 each and every time.	This change would require all foreign visitors to be issued an original license each time they leave the country and return.	The process for issuing temporary licenses is identical for an original issuance vs. a renewal due to the requirement to resubmit travel documents. Therefore the issuance should be treated as an original for processing purposes as well as removing the late fee penalty. The late fee penalty is a provision of law that these customers cannot legally meet otherwise.	(\$1,159,800) Loss	s. 322.21
Enhanced Driver Licenses	Currently, the department does not issue enhanced driver licenses which meet the requirements of the Western Hemisphere Travel Initiative	This proposal would authorize the department to offer for sale an enhanced driver license which meets the requirements of the Western Hemisphere Travel Initiative. This license allows travelers crossing international borders by land or sea to use the license as proof of identification in lieu of a U. S. Passport.	Florida has a significant cruise industry as well as a large population of retirees from northern portions of the country. Offering the enhanced driver license as an option to frequent travelers to the Caribbean and Canada would be an excellent customer service the department can provide.	TBD	s. 322.21

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Leveraging Technology

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
Commercial drivers	Federal law requires all commercial driver license holders to have a digital image on file with the department. As a result, Florida has not allowed commercial drivers to renew using a convenience method in order to convert all drivers to a digital photo.	The department is proposing to allow commercial drivers to renew online and utilize the digital image already on file for the new license.	Now that older film-based images have been eliminated and replaced by digital images, the department can proceed with allowing commercial drivers to renew online.	None	s. 322.14
Registration renewal notices	At this time the department is required to mail all registration and driver license renewal notices by U.S. Postal Service	This proposal would allow the department to send registration renewal notices via electronic mail upon request of the owner.	This could result in a cost savings over time to the tax collectors and the department.	In determinant	s. 320.95 s. 322.08 s. 322.18 s. 328.30 s. 328.80
Electronic Titles and Liens	At this time the department provides electronic titles and liens in order to prevent consumers from losing titles. When it becomes necessary to transfer ownership however the title must be printed and signatures obtained.	The department would like to begin migrating to complete electronic titles by eliminating the signature requirement for odometer verifications. In addition, this proposal would require all liens to be held electronically with exceptions provided for casual sales.	The existence of paper ownership documents creates numerous opportunities for fraud and theft. The elimination of paper will reduce those opportunities.	None	s. 319.24 s. 319.225 s. 319.27

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Other Issues:

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Bureau Name	Section 20.24 created the Office of Motor Carrier Compliance within the FHP.	The proposal would change the name to the Office of Commercial Vehicle Enforcement.	The department wants to ensure that the name of the office reflects its mission.	None.	s. 20.24
Technical changes	(1) The penalty for driving on an expired driver license is incorrect. (2) Record retention	(1) Correct a deficiency in the current law related to driving on an expired license. (2) Require vehicle registration records to be retained for 10-years.	(1) Current law is incorrect. (2) Title records are statutorily required to be maintained for 10-years and this creates consistency.	None	s. 322.065 s. 320.02
Voluntary check-offs	Driver license and motor vehicle applicants are allowed to make charitable contributions to specified charities while completing their transactions.	This change would allow the department place the charitable organizations on the agency website and remove them from the paper renewal notices.	Due to the increasing number of charitable organizations, the department will eventually no longer have enough space on the paper renewals to display all organizations.	None	s. 320.023 s. 322.08
Temp tags	It is a violation of current law to alter a permanent license plate or decal.	Add temporary license plates to the list of documents that are unlawful to alter.	Fraud prevention.	None	s. 320.061
Reports	Currently, the DHSMV is required to submit annual reports on seatbelt usage.	This proposal would eliminate the seatbelt report.	The seatbelt report was originally created to monitor the primary seatbelt law implementation to ensure profiling was not occurring. No evidence of profiling has been detected by this report.	None	s. 316.614