

Committee Substitute for Senate Bill No. 26-A

An act relating to motor vehicles; amending s. 318.15, F.S.; providing for driver's license reinstatement; providing for disposition of fees; amending s. 322.051, F.S.; revising fees; amending s. 322.12, F.S.; revising provisions relating to the subsequent testing of driving knowledge and skills; amending s. 322.21, F.S.; providing driver's license reinstatement fees; providing for fee distribution; amending s. 322.251, F.S.; providing a conforming change; amending s. 322.29, F.S.; providing driver's license reinstatement fees; providing for fee distribution; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, ~~together~~ with the ~~\$35~~ \$25 nonrefundable service fee imposed under s. 322.29, or presents the certificate of compliance and pays the aforementioned \$35 \$25 service fee to the clerk of the court or tax collector clearing such suspension, with \$10 of the fee collected by the clerk of the court or tax collector to be remitted to the Department of Revenue to be deposited into the Highway Safety Operating Trust Fund. Such person shall also be in compliance with requirements of chapter 322 prior to reinstatement.

Section 2. Subsections (2) and (3) of section 322.051, Florida Statutes, are amended to read:

322.051 Identification cards.—

(2)(a) Every identification card shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue. However, if an individual is 60 years of age or older, and has an identification card issued under this section, the card shall not expire unless done so by cancellation by the department or by the death of the cardholder. Renewal of any identification card shall be made for a term which shall expire on the fourth birthday of the applicant following expiration of the identification card renewed, unless surrendered earlier. Any application for renewal received later than 90 days after expiration of the identification card shall be considered the same as an application for an original identification card. The renewal fee for an identification card shall be \$10, of which \$4 shall be

deposited into the General Revenue Fund and \$6 into the Highway Safety Operating Trust Fund \$3. The department shall, at the end of 4 years and 6 months after the issuance or renewal of an identification card, destroy any record of the card if it has expired and has not been renewed, unless the cardholder is 60 years of age or older.

(b) Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for an identification card using a document authorized under sub-subparagraph (a)3.d., the identification card shall expire on the fourth birthday of the applicant following the date of original issue or upon first renewal or duplicate issued after implementation of this section. After an initial showing of such documentation, he or she is exempted from having to renew or obtain a duplicate in person.

(c) Notwithstanding any other provisions of this chapter, if an applicant establishes his or her identity for an identification card using an identification document authorized under sub-subparagraphs (a)3.e.-f., the identification card shall expire 2 4 years after the date of issuance or upon the expiration date cited on the United States Department of Justice documents, whichever date first occurs, and may not be renewed or obtain a duplicate except in person.

(3) ~~If In the event~~ an identification card issued under this section is lost, destroyed, or mutilated or a new name is acquired, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact to the department and upon payment of a fee of \$10 ~~\$2.50~~ for such duplicate, \$2.50 of which shall be deposited into the General Revenue Fund and \$7.50 into the Highway Safety Operating Trust Fund. The fee which shall include payment for the color photograph or digital image of the applicant. Any person who loses an identification card and who, after obtaining a duplicate, finds the original card shall immediately surrender the original card to the department. The same documentary evidence shall be furnished for a duplicate as for an original identification card.

Section 3. Subsections (1) and (2) and paragraph (a) of subsection (5) of section 322.12, Florida Statutes, are amended to read:

322.12 Examination of applicants.—

(1) It is the intent of the Legislature that every applicant for an original driver's license in this state be required to pass an examination pursuant to this section. However, the department may waive the knowledge, endorsement, and skills tests for an applicant who is otherwise qualified and who surrenders a valid driver's license from another state or a province of Canada, or a valid driver's license issued by the United States Armed Forces, if the driver applies for a Florida license of an equal or lesser classification. Any applicant who fails to pass the initial knowledge test will incur a \$5 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund. Any applicant who fails to pass the initial skills test will incur a \$10 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund. A person who seeks to retain a hazardous-materials endorsement, pursuant to s. 322.57(1)(d), must pass the hazardous-materials test, upon surrendering his or her commercial driver's

license, if the person has not taken and passed the hazardous-materials test within 2 years preceding his or her application for a commercial driver's license in this state.

(2) The department shall examine every applicant for a driver's license, including an applicant who is licensed in another state or country, except as otherwise provided in this chapter. A person who holds a learner's driver's license as provided for in s. 322.1615 is not required to pay a fee for successfully completing the examination showing his or her ability to operate a motor vehicle as provided for herein and need not pay the fee for a replacement license as provided in s. 322.17(2). ~~Any person who applies for reinstatement following the suspension or revocation of his or her driver's license shall pay a service fee of \$25 following a suspension, and \$50 following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of his or her privilege to operate a commercial motor vehicle shall pay a service fee of \$50, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:~~

(a) ~~Of the \$25 fee received from a licensee for reinstatement following a suspension, the department shall deposit \$15 in the General Revenue Fund and the remaining \$10 in the Highway Safety Operating Trust Fund.~~

(b) ~~Of the \$50 fee received from a licensee for reinstatement following a revocation or disqualification, the department shall deposit \$35 in the General Revenue Fund and the remaining \$15 in the Highway Safety Operating Trust Fund.~~

~~If the revocation or suspension of the driver's license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$105 must be charged. However, only one such \$105 fee is to be collected from one person convicted of such violations arising out of the same incident. The department shall collect the \$105 fee and deposit it into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver's license, but the fee must not be collected if the suspension or revocation was overturned.~~

(5)(a) The department shall formulate a separate examination for applicants for licenses to operate motorcycles. Any applicant for a driver's license who wishes to operate a motorcycle, and who is otherwise qualified, must successfully complete such an examination, which is in addition to the examination administered under subsection (3). The examination must test the applicant's knowledge of the operation of a motorcycle and of any traffic laws specifically relating thereto and must include an actual demonstration of his or her ability to exercise ordinary and reasonable control in the operation of a motorcycle. Any applicant who fails to pass the initial knowledge examination will incur a \$5 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. Any applicant who fails to pass the initial skills examination will incur a \$10 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust

Fund. In the formulation of the examination, the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes the examination that the licensee is authorized to operate a motorcycle. If the applicant wishes to be licensed to operate a motorcycle only, he or she need not take the skill or road test required under subsection (3) for the operation of a motor vehicle, and the department shall indicate such a limitation on his or her license as a restriction. Every first-time applicant for licensure to operate a motorcycle who is under 21 years of age must provide proof of completion of a motorcycle safety course, as provided for in s. 322.0255, before the applicant may be licensed to operate a motorcycle.

Section 4. Subsection (8) is added to section 322.21, Florida Statutes, to read:

322.21 License fees; procedure for handling and collecting fees.—

(8) Any person who applies for reinstatement following the suspension or revocation of the person's driver's license shall pay a service fee of \$35 following a suspension, and \$60 following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$60, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the \$35 fee received from a licensee for reinstatement following a suspension, the department shall deposit \$15 in the General Revenue Fund and \$20 in the Highway Safety Operating Trust Fund.

(b) Of the \$60 fee received from a licensee for reinstatement following a revocation or disqualification, the department shall deposit \$35 in the General Revenue Fund and \$25 in the Highway Safety Operating Trust Fund.

If the revocation or suspension of the driver's license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$115 must be charged. However, only one \$115 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the \$115 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver's license, but the fee may not be collected if the suspension or revocation is overturned.

Section 5. Subsection (4) of section 322.251, Florida Statutes, is amended to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.—

(4) A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver's license, be issued a Class D or Class E driver's license, valid for the length of his or her unexpired commercial driver's license, at no cost. Such person may, upon the completion of his or her disqualification, be issued a commercial driver's license, of the type disqualified, for the remainder of his or her unexpired license period. Any such person shall pay the reinstatement fee provided in s. 322.21 ~~s. 322.12~~ before being issued a commercial driver's license.

Section 6. Subsection (2) of section 322.29, Florida Statutes, is amended to read:

322.29 Surrender and return of license.—

(2) The provisions of subsection (1) to the contrary notwithstanding, no examination is required for the return of a license suspended under s. 318.15 or s. 322.245 unless an examination is otherwise required by this chapter. Every person applying for the return of a license suspended under s. 318.15 or s. 322.245 shall present to the department certification from the court that he or she has complied with all obligations and penalties imposed on him or her pursuant to s. 318.15 or, in the case of a suspension pursuant to s. 322.245, that he or she has complied with all directives of the court and the requirements of s. 322.245 and shall pay to the department a nonrefundable service fee of \$35, of which \$25 shall be deposited into the General Revenue Fund and \$10 shall be deposited into the Highway Safety Operating Trust Fund \$25. If reinstated by the clerk of the court or tax collector, \$25 shall be retained and \$10 shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. However, the service fee is not required if the person is required to pay a ~~\$35~~ \$25 fee or ~~\$60~~ \$50 fee under the provisions of s. 322.21 ~~s. 322.12(2)~~.

Section 7. If any law that is amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted during the same session of the Legislature, and full effect should be given to each if that is possible.

Section 8. This act shall take effect October 1, 2003.

Approved by the Governor July 11, 2003.

Filed in Office Secretary of State July 11, 2003.