

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 369 Motor Vehicle Registration Certificate Cards

SPONSOR(S): McCurdy

TIED BILLS: HB 371 **IDEN./SIM. BILLS:** CS/SB 574

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Except as otherwise provided by law, every owner or person in charge of a motor vehicle that is operated or driven on Florida’s roads must register the vehicle. A state-issued registration certificate provides proof that the vehicle is registered.

The bill requires the application form for motor vehicle registration, renewal, and transfer of a registration to include language permitting an applicant to request an optional registration certificate card in addition to the required registration certificate. The bill also amends various statutory provisions to allow registration certificate card to be used in lieu of a motor vehicle registration certificate.

The bill has a negative fiscal impact to the Department of Highway Safety and Motor Vehicles. HB 371 (2022), which is linked to this bill, authorizes the imposition of fees for registration certificate cards, which may offset all or some of the costs to DHSMV.

This bill takes effect on July 1, 2022, but only if HB 371 (2022) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Under Florida law, a vehicle must have a valid registration to operate on Florida's roads. A complete motor vehicle registration consists of the following and is evidence of having paid the appropriate registration taxes and fees on a motor vehicle:

- A license plate attached to the vehicle in the designated area;¹
- A registration certificate in the possession of the operator of the motor vehicle or carried in the vehicle at all times;² and
- A registration decal, which is a sticker that is provided on the registration certificate. The validation decal should be affixed in the square provided in the upper right-hand corner of the license plate.³

Upon the receipt of an initial application for registration and payment of the appropriate license tax⁴ and other required fees, DHSMV must assign to the motor vehicle a registration license number and issue the owner or lessee a registration certificate.⁵

The motor vehicle registration certificate or other proof of registration must, at all times while the vehicle is being operated, be in the possession of the motor vehicle operator or be carried in the vehicle. The certificate must be exhibited upon demand of any authorized law enforcement officer or any agent of DHSMV. This provision does not apply during the first 30 days after purchase of a replacement vehicle. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation.⁶

Effect of the Bill

The bill requires the application for a motor vehicle registration and renewal of registration to include language permitting an applicant to request a registration certificate card, and authorizes a registration certificate card to be used in lieu of the required certificate of registration. This card may be issued as proof of motor vehicle registration. The bill also makes it unlawful to alter a registration certificate card, with a violation being a noncriminal traffic infraction. The bill amends various statutes to allow a registration certificate card to be used in lieu of a motor vehicle registration certificate by:

- Authorizing use of for a registration certificate card during reduced registration periods for persons with a suspended driver license for driving under the influence.
- Authorizing use of a replacement registration card when exchanging the registration for a replacement vehicle or transferring the vehicle to a surviving spouse.
- Authorizing notations on a registration certificate card indicating that the registration holder has a license plate for persons with disabilities.
- Authorizing use of a registration certificate card for former military vehicles and the temporarily employed.
- Authorizing a person to obtain a valid registration certificate card in order to avoid a penalty for failure to have a valid registration.
- Adding a registration certificate card to the list of documents a person must submit to an inspector, supervisor, or authorized agent of DHSMV upon request.

The bill also adds failure to exhibit a registration certificate card to the list of nonmoving violations where one may still have "safe driver" marked on his or her driver license.

¹ S. 316.605, F.S.

² S. 320.0605, F.S.

³ S. 320.06(1)(b), F.S.

⁴ License taxes are provided for in s. 320.08, F.S., and are based on the weight and type of motor vehicle.

⁵ S. 320.06(1), F.S.

⁶ S. 320.0605(1)(a), F.S.

The bill has an effective date of July 1, 2022, but only if HB 371 (2022) if similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

HB 371 (2022)

HB 371 (2022), to which this bill is linked, authorizes the collection of a mail service charge for delivery of a registration certificate card, provides that a registration certificate card application is subject to a service charge of \$2.50, and provides that no additional tax, other than the \$4.50 transfer fee, applies to the transfer or exchange of a new license plate and for the issuance, at the request of the owner, of a new registration certificate card.

B. SECTION DIRECTORY:

- Section 1** Amends s. 320.02, F.S., relating to registration required; application for registration; forms.
- Section 2** Amends s. 320.055, F.S., relating to registration periods; renewal periods.
- Section 3** Amends s. 320.06, F.S., relating to registration certificates, registration certificate cards, license plates, and validation stickers generally.
- Section 4** Amends s. 320.0605, F.S., relating to certificate of registration; possession required; exception.
- Section 5** Amends s. 320.0609, F.S., relating to the transfer and exchange of registration license plates; transfer fee.
- Section 6** Amends s. 320.061, F.S., relating to unlawful to alter motor vehicle registration certificates, registration certificate cards, license plates, temporary license plates, mobile home stickers, or validation stickers or to obscure license plates; penalty.
- Section 7** Amends s. 320.07, F.S., relating to expiration of registration, renewal required; penalties.
- Section 8** Amends s. 320.0843, F.S., relating to license plates for persons with disabilities eligible for permanent disabled parking permits.
- Section 9** Amends s. 320.086, F.S., relating to ancient or antique motor vehicles; horseless carriage, antique or historical license plates; former military vehicles.
- Section 10** Amends s. 320.1325, F.S., relating to registration required for the temporarily employed.
- Section 11** Amends s. 320.58, F.S., relating to license inspectors; powers, appointment.
- Section 12** Amends s. 320.27, F.S., relating to motor vehicle dealers.
- Section 13** Amends s. 322.121, F.S., relating to the periodic reexamination of all drivers.
- Section 14** Provides a contingent effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DHSMV will incur costs to revise its procedures, update its website, make programming changes, and update the Florida Highway Patrol's (FHP's) enforcement policies and training.⁷

Assuming one-fourth of all registrants opt for a registration certificate card, DSHMV estimates that the cost of materials to implement the bill is \$632,812.⁸

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not define the term "registration certificate card."

DHSMV asserts may need additional time beyond the July 1, 2022, effective date to implement this bill due to required programming and the distribution of equipment and materials necessary to print the new registration certificate card.⁹

⁷ Department of Highway Safety and Motor Vehicles, Agency Analysis of House Bill 369, p.6. (Dec. 8, 2021)

⁸ *Id.*

⁹ *Id.* at 9.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.