



Log H-533A

National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Date: June 8, 1989

In reply refer to: H-89-21

Honorable Bob Martinez
Governor of Florida
Tallahassee, Florida 32301

Representative Tom Gustasson
Speaker of the House
Room 420
Capitol Building
Tallahassee, Florida 32399-1300

Senator Bob Crawford
President, State Senate
Suite 409
Capitol Building
Tallahassee, Florida 32399-1100

On August 28, 1987, a 1982 school bus carrying 21 passengers was traveling westbound on Levy County (Florida) Road C-32 when it collided with a two-axle flatbed truck traveling northbound on Levy County Road C-337 near Bronson, Florida. The school bus driver and 5 passengers died, the truckdriver sustained critical injuries and 16 school bus passengers were injured.¹

Both the truckdriver and the school bus driver held valid licenses and met Florida's requirement to operate their respective vehicles. Currently, Florida and several other States do not require a commercial vehicle driver applicant to pass a driving test in the type of commercial motor vehicle (CMV) they intend to operate before issuing a license to operate that type of vehicle.

The Commercial Motor Vehicle Safety Act of 1966 (Public Law 99-570) directs the States to issue minimum testing standards for drivers of CMVs which must include a written test to determine the driver applicant's knowledge concerning the safe operation of CMVs and a driving test in a vehicle representative of the type of vehicle that each applicant operates or intends to operate to determine the applicant's skill in operating that type of CMV. Beginning in fiscal year 1994, the act provides for withholding Federal aid highway funds from those States that do not issue testing standards in compliance with the act.

A representative of the Florida Department of Highway Safety and Motor Vehicles advised the Safety Board that in the April 1989 assembly of the Florida legislature proposed standards to ensure compliance with the

¹For more detailed information, read Highway Accident Report--"Collision of Levy County, Florida School Bus and Airdrome Tire Centers, Inc. Truck, near Bronson, Florida, August 28, 1987" (NTSB/HAR-89/02).

provisions of the act will be submitted. The Board encourages Florida to issue testing standards to ensure compliance with the act as soon as possible.

The Safety Board is concerned that the Florida statutes permit Florida-licensed drivers, including drivers of a CMV, to have only one-half the driving points assessed against their license that they would receive for a Florida conviction if the conviction actually occurs out of state or in a Federal court for a similar violation of motor vehicle traffic laws. This provision of the Florida statutes allows Florida-licensed drivers who drive extensively in other States to accumulate, in the Safety Board's view, an excessive number of driving violation convictions before any action will be taken to revoke their driver's or chauffeur's licenses. This provision of the Florida statutes should be eliminated.

Therefore, the National Transportation Safety Board recommends that the State of Florida:

Amend the Florida statutes to assess the full number of driving points when a Florida-licensed driver is convicted of a driving violation out of state or in a Federal court. (Class II, Priority Action)(H-89-21)

Also, the Safety Board issued Safety Recommendation H-89-20 to the National Highway Traffic Safety Administration.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "... to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you regarding action taken or contemplated with respect to the recommendation(s) in this letter. Please refer to Safety Recommendation H-89-21 in your reply.

KOLSTAD, Acting Chairman, and BURNETT, LAUBER, and DICKINSON, Members, concurred in this recommendation. NALL, Member, did not participate.


By: James L. Kolstad
Acting Chairman