

By Senator Geller

29-1122-99

See HB

1 A bill to be entitled
2 An act relating to teenage driver education;
3 amending s. 233.063, F.S.; revising provisions
4 relating to instruction in the operation of
5 motor vehicles; providing minimum classroom
6 instruction and experience requirements;
7 amending s. 322.16, F.S.; prohibiting certain
8 drivers from transporting more than one
9 passenger who is younger than 18 years of age;
10 amending s. 322.1615, F.S.; raising the age for
11 the issuance of a learner's driver's license;
12 amending s. 322.05, F.S.; conforming
13 provisions; providing additional requirements
14 with respect to the issuance of a driver's
15 license; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (4) of section 233.063, Florida
20 Statutes, is amended to read:

21 233.063 Instruction in operation of motor vehicles.--

22 (4) The district school board shall prescribe
23 standards for the course required by this act and for
24 instructional personnel directly employed by the board. The
25 course shall provide each student with a minimum of 30
26 classroom hours instruction and a minimum of 6 hours'
27 experience in control of a motor vehicle under the supervision
28 of a certified instructor. Any certified instructor or
29 licensed commercial driving school shall be deemed
30 sufficiently qualified and shall not be required to meet any

31

1 standards in lieu of or in addition to those prescribed under
2 chapter 488.

3 Section 2. Section 322.16, Florida Statutes, is
4 amended to read:

5 322.16 License restrictions.--

6 (1)(a) The department, upon issuing a driver's
7 license, may, whenever good cause appears, impose restrictions
8 suitable to the licensee's driving ability with respect to the
9 type of special mechanical control devices required on a motor
10 vehicle that the licensee may operate, including, but not
11 limited to, restricting the licensee to operating only
12 vehicles equipped with air brakes, or imposing upon the
13 licensee such other restrictions as the department determines
14 are appropriate to assure the safe operation of a motor
15 vehicle by the licensee.

16 (b) The department may further impose other suitable
17 restrictions on use of the license with respect to time and
18 purpose of use, including, but not limited to, a restriction
19 providing for intrastate operation only, or may impose any
20 other condition or restriction that the department considers
21 necessary for driver improvement, safety, or control of
22 drivers in this state.

23 (c) The department may further, at any time, impose
24 other restrictions on the use of the license with respect to
25 time and purpose of use or may impose any other condition or
26 restriction upon recommendation of any court, of the Parole
27 Commission, or of the Department of Corrections with respect
28 to any individual who is under the jurisdiction, supervision,
29 or control of the entity that made the recommendation.

30 (d) The department may impose a restriction upon the
31 use of the license requiring that the licensee wear a medical

1 identification bracelet when operating a motor vehicle.
2 Medical identification bracelet restrictions must be coded on
3 the license of the restricted operator. There is no penalty
4 for violating this paragraph.

5 (2) A person who holds a driver's license and who is
6 under 17 years of age, when operating a motor vehicle after 11
7 p.m. and before 6 a.m., must be accompanied by a driver who
8 holds a valid license to operate the type of vehicle being
9 operated and is at least 21 years of age unless that person is
10 driving directly to or from work.

11 (3) A person who holds a driver's license who is 17
12 years of age, when operating a motor vehicle after 1 a.m. and
13 before 5 a.m., must be accompanied by a driver who holds a
14 valid license to operate the type of vehicle being operated,
15 and is at least 21 years of age unless that person is driving
16 directly to or from work.

17 (4) A person who holds a driver's license and who is
18 under 18 years of age may not transport more than one
19 passenger younger than 18 years of age.

20 (5)~~(4)~~ The department may, upon receiving satisfactory
21 evidence of any violation of the restriction upon such a
22 license, except a violation of paragraph (1)(d), subsection
23 (2), or subsection (3), suspend or revoke the license, but the
24 licensee is entitled to a hearing as upon a suspension or
25 revocation under this chapter.

26 (6)~~(5)~~ It is a misdemeanor of the second degree,
27 punishable as provided in s. 775.082 or s. 775.083, for any
28 person to operate a motor vehicle in any manner in violation
29 of the restrictions imposed in a license issued to him or her
30 except for a violation of paragraph (1)(d), subsection (2), or
31 subsection (3).

1 (7)~~(6)~~ Any person who operates a motor vehicle in
2 violation of the restrictions imposed in subsection (2),or
3 subsection (3), or subsection (4) will be charged with a
4 moving violation and fined in accordance with chapter 318.

5 Section 3. Subsection (1) of section 322.1615, Florida
6 Statutes, is amended to read:

7 322.1615 Learner's driver's license.--

8 (1) The department may issue a learner's driver's
9 license to a person who is at least 16 ~~15~~ years of age and
10 who:

11 (a) Has passed the written examination for a learner's
12 driver's license;

13 (b) Has passed the vision and hearing examination
14 administered under s. 322.12;

15 (c) Has completed the traffic law and substance abuse
16 education course prescribed in s. 322.095; and

17 (d) Meets all other requirements set forth in law and
18 by rule of the department.

19 Section 4. Section 322.05, Florida Statutes, is
20 amended to read:

21 322.05 Persons not to be licensed.--The department may
22 not issue a license:

23 (1) To a person who is under the age of 16 years,
24 ~~except that the department may issue a learner's driver's~~
25 ~~license to a person who is at least 15 years of age and who~~
26 ~~meets the requirements of ss. 322.091 and 322.1615 and of any~~
27 ~~other applicable law or rule.~~

28 (2) To a person who is at least 16 years of age but is
29 under 18 years of age unless the person meets the requirements
30 of s. 322.091 and holds a valid:

31

1 (a) Learner's driver's license for at least 6 months,
2 with no traffic convictions or traffic crashes, before
3 applying for a license; or

4 (b) License that was issued in another state or in a
5 foreign jurisdiction and that would not be subject to
6 suspension or revocation under the laws of this state.

7 (3) To a person who is at least 16 years of age but is
8 under 18 years of age unless the person has completed an
9 approved driver education course meeting the requirements of
10 s. 233.063.

11 (4) To a person who is at least 16 years of age but is
12 under 18 years of age unless the parent, guardian, or other
13 responsible adult meeting the requirements of s. 322.09
14 certifies that he or she, or another licensed driver age 21 or
15 older, has accompanied the applicant for a total of not less
16 than 50 hours' behind-the-wheel experience, of which not less
17 than 10 hours must be at night.

18 ~~(5)~~~~(3)~~ Except as provided by this subsection, to any
19 person, as a Class A licensee, Class B licensee, Class C
20 licensee, or Class D licensee, who is under the age of 18
21 years. A person age 16 or 17 years who applies for a Class D
22 driver's license is subject to all the requirements and
23 provisions of ss. 322.09 and 322.16(2) and (3). Any person
24 who applies for a Class D driver's license who is age 16 or 17
25 years must have had a learner's driver's license or a driver's
26 license for at least 90 days before he or she is eligible to
27 receive a Class D driver's license. The department may require
28 of any such applicant for a Class D driver's license such
29 examination of the qualifications of the applicant as the
30 department considers proper, and the department may limit the
31 use of any license granted as it considers proper.

1 (6)~~(4)~~ To any person whose license has been suspended,
2 during such suspension, nor to any person whose license has
3 been revoked, until the expiration of the period of revocation
4 imposed under the provisions of this chapter.

5 (7)~~(5)~~ To any person, as a commercial motor vehicle
6 operator, whose privilege to operate a commercial motor
7 vehicle has been disqualified, until the expiration of the
8 period of disqualification.

9 (8)~~(6)~~ To any person who is an habitual drunkard, or
10 is an habitual user of narcotic drugs, or is an habitual user
11 of any other drug to a degree which renders him or her
12 incapable of safely driving a motor vehicle.

13 (9)~~(7)~~ To any person who has been adjudged to be
14 afflicted with or suffering from any mental disability or
15 disease and who has not at the time of application been
16 restored to competency by the methods provided by law.

17 (10)~~(8)~~ To any person who is required by this chapter
18 to take an examination, unless such person shall have
19 successfully passed such examination.

20 (11)~~(9)~~ To any person, when the department has good
21 cause to believe that the operation of a motor vehicle on the
22 highways by such person would be detrimental to public safety
23 or welfare. Deafness alone shall not prevent the person
24 afflicted from being issued a Class D or Class E driver's
25 license.

26 (12)~~(10)~~ To any person who is ineligible under s.
27 322.056.

28 Section 5. This act shall take effect July 1, 1999.

29

30

31

LEGISLATIVE SUMMARY

1 Revises provisions relating to instruction in the operation of
2 motor vehicles to require that courses offered by the district
3 school board shall provide each student with a minimum of 30
4 classroom hours of instruction and a minimum of 6 hours'
5 experience in control of a motor vehicle under the supervision
6 of a certified instructor. Prohibits a person who holds a
7 driver's license and who is under 18 years of age from
8 transporting more than one passenger younger than 18 years of
9 age. Increases to age 16 the age required for the issuance of
10 a learner's driver's license. Specifies additional persons who
11 may not be licensed under described circumstances. (See bill
12 for details.)
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31