

By Representative Minton

1 A bill to be entitled
2 An act relating to teenage driver education;
3 amending s. 322.16, F.S.; prohibiting certain
4 drivers from transporting more than one
5 passenger who is younger than 18 years of age
6 unless accompanied by a parent or legal
7 guardian; amending s. 322.05, F.S.; conforming
8 language; providing additional requirements
9 with respect to the issuance of a driver's
10 license; providing an effective date.

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

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14 Section 1. Section 322.16, Florida Statutes, is
15 amended to read:

16 322.16 License restrictions.--

17 (1)

18 (a) The department, upon issuing a driver's license,
19 may, whenever good cause appears, impose restrictions suitable
20 to the licensee's driving ability with respect to the type of
21 special mechanical control devices required on a motor vehicle
22 that the licensee may operate, including, but not limited to,
23 restricting the licensee to operating only vehicles equipped
24 with air brakes, or imposing upon the licensee such other
25 restrictions as the department determines are appropriate to
26 assure the safe operation of a motor vehicle by the licensee.

27 (b) The department may further impose other suitable
28 restrictions on use of the license with respect to time and
29 purpose of use, including, but not limited to, a restriction
30 providing for intrastate operation only, or may impose any
31 other condition or restriction that the department considers

1 necessary for driver improvement, safety, or control of
2 drivers in this state.

3 (c) The department may further, at any time, impose
4 other restrictions on the use of the license with respect to
5 time and purpose of use or may impose any other condition or
6 restriction upon recommendation of any court, of the Parole
7 Commission, or of the Department of Corrections with respect
8 to any individual who is under the jurisdiction, supervision,
9 or control of the entity that made the recommendation.

10 (d) The department may impose a restriction upon the
11 use of the license requiring that the licensee wear a medical
12 identification bracelet when operating a motor vehicle.
13 Medical identification bracelet restrictions must be coded on
14 the license of the restricted operator. There is no penalty
15 for violating this paragraph.

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

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

28 (4) A person who holds a driver's license and who is
29 under 18 years of age may not transport more than one
30 passenger younger than 18 years of age unless accompanied by a
31 parent or legal guardian.

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

7 (6)~~(5)~~ It is a misdemeanor of the second degree,
8 punishable as provided in s. 775.082 or s. 775.083, for any
9 person to operate a motor vehicle in any manner in violation
10 of the restrictions imposed in a license issued to him or her
11 except for a violation of paragraph (1)(d), subsection (2), or
12 subsection (3).

13 (7)~~(6)~~ Any person who operates a motor vehicle in
14 violation of the restrictions imposed in subsection (2), ~~or~~
15 subsection (3), or subsection (4) will be charged with a
16 moving violation and fined in accordance with chapter 318.

17 Section 2. Section 322.05, Florida Statutes, is
18 amended to read:

19 322.05 Persons not to be licensed.--The department may
20 not issue a license:

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

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

29 (a) Learner's driver's license for at least 6 months,
30 with no traffic convictions or traffic crashes, before
31 applying for a license; or

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

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

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

15 (5)(3) Except as provided by this subsection, to any
16 person, as a Class A licensee, Class B licensee, Class C
17 licensee, or Class D licensee, who is under the age of 18
18 years. A person age 16 or 17 years who applies for a Class D
19 driver's license is subject to all the requirements and
20 provisions of ss. 322.09 and 322.16(2) and (3). Any person
21 who applies for a Class D driver's license who is age 16 or 17
22 years must have had a learner's driver's license or a driver's
23 license for at least 90 days before he or she is eligible to
24 receive a Class D driver's license. The department may require
25 of any such applicant for a Class D driver's license such
26 examination of the qualifications of the applicant as the
27 department considers proper, and the department may limit the
28 use of any license granted as it considers proper.

29 (6)(4) To any person whose license has been suspended,
30 during such suspension, nor to any person whose license has
31

1 | been revoked, until the expiration of the period of revocation
2 | imposed under the provisions of this chapter.

3 | (7)~~(5)~~ To any person, as a commercial motor vehicle
4 | operator, whose privilege to operate a commercial motor
5 | vehicle has been disqualified, until the expiration of the
6 | period of disqualification.

7 | (8)~~(6)~~ To any person who is an habitual drunkard, or
8 | is an habitual user of narcotic drugs, or is an habitual user
9 | of any other drug to a degree which renders him or her
10 | incapable of safely driving a motor vehicle.

11 | (9)~~(7)~~ To any person who has been adjudged to be
12 | afflicted with or suffering from any mental disability or
13 | disease and who has not at the time of application been
14 | restored to competency by the methods provided by law.

15 | (10)~~(8)~~ To any person who is required by this chapter
16 | to take an examination, unless such person shall have
17 | successfully passed such examination.

18 | (11)~~(9)~~ To any person, when the department has good
19 | cause to believe that the operation of a motor vehicle on the
20 | highways by such person would be detrimental to public safety
21 | or welfare. Deafness alone shall not prevent the person
22 | afflicted from being issued a Class D or Class E driver's
23 | license.

24 | (12)~~(10)~~ To any person who is ineligible under s.
25 | 322.056.

26 | Section 3. This act shall take effect October 1, 1999.

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HOUSE SUMMARY

Prohibits a person who holds a driver's license and who is under 18 years of age from transporting more than one passenger younger than 18 years of age unless accompanied by a parent or legal guardian. Provides additional persons who may not be licensed under described circumstances. See bill for details.