

541-167AXA-06

Bill No. CS/CS/HB 1163

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Minton offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. This act may be cited as the "Justin Marks Teen Safety Driving Act."

Section 2. Subsections (4) and (5) of section 316.614, Florida Statutes, are amended to read:

316.614 Safety belt usage.--

(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each passenger of the vehicle under the age of 18 ~~16~~ years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle in this state unless the person is restrained by a safety belt.

(5) It is unlawful for any person 18 ~~16~~ years of age or older to be a passenger in the front seat of a motor vehicle unless such person is restrained by a safety belt when

1 the vehicle is in motion.

2 Section 3. Section 322.05, Florida Statutes, is  
3 amended to read:

4 322.05 Persons not to be licensed.--The department may  
5 not issue a license:

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

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

14 (a) Learner's driver's license for at least 12 6  
15 months, with no traffic convictions, before applying for a  
16 license; ~~or~~

17 (b) Learner's driver's license for at least 12 months  
18 and who has a traffic conviction but elects to attend a  
19 traffic driving school for which adjudication must be withheld  
20 pursuant to s. 318.14; or

21 (c)~~(b)~~ License that was issued in another state or in  
22 a foreign jurisdiction and that would not be subject to  
23 suspension or revocation under the laws of this state.

24 (3) To a person who is at least 16 years of age but  
25 who is under 18 years of age unless the parent, guardian, or  
26 other responsible adult meeting the requirements of s. 322.09  
27 certifies that he or she, or another licensed driver 21 years  
28 of age or older, has accompanied the applicant for a total of  
29 not less than 50 hours behind-the-wheel experience, of which  
30 not less than 10 hours shall be at night This subsection is  
31 not intended to create a private cause of action as a result

1 of the certification. The certification is inadmissible for  
2 any purpose in any civil proceeding.

3 (4)~~(3)~~ Except as provided by this subsection, to any  
4 person, as a Class A licensee, Class B licensee, Class C  
5 licensee, or Class D licensee, who is under the age of 18  
6 years. A person age 16 or 17 years who applies for a Class D  
7 driver's license is subject to all the requirements and  
8 provisions of ss. 322.09 and 322.16(2) and (3). Any person  
9 who applies for a Class D driver's license who is age 16 or 17  
10 years must have had a learner's driver's license or a driver's  
11 license for at least 90 days before he or she is eligible to  
12 receive a Class D driver's license. The department may require  
13 of any such applicant for a Class D driver's license such  
14 examination of the qualifications of the applicant as the  
15 department considers proper, and the department may limit the  
16 use of any license granted as it considers proper.

17 (5)~~(4)~~ To any person whose license has been suspended,  
18 during such suspension, nor to any person whose license has  
19 been revoked, until the expiration of the period of revocation  
20 imposed under the provisions of this chapter.

21 (6)~~(5)~~ To any person, as a commercial motor vehicle  
22 operator, whose privilege to operate a commercial motor  
23 vehicle has been disqualified, until the expiration of the  
24 period of disqualification.

25 (7)~~(6)~~ To any person who is an habitual drunkard, or  
26 is an habitual user of narcotic drugs, or is an habitual user  
27 of any other drug to a degree which renders him or her  
28 incapable of safely driving a motor vehicle.

29 (8)~~(7)~~ To any person who has been adjudged to be  
30 afflicted with or suffering from any mental disability or  
31 disease and who has not at the time of application been

1 restored to competency by the methods provided by law.

2 (9)~~(8)~~ To any person who is required by this chapter  
3 to take an examination, unless such person shall have  
4 successfully passed such examination.

5 (10)~~(9)~~ To any person, when the department has good  
6 cause to believe that the operation of a motor vehicle on the  
7 highways by such person would be detrimental to public safety  
8 or welfare. Deafness alone shall not prevent the person  
9 afflicted from being issued a Class D or Class E driver's  
10 license.

11 (11)~~(10)~~ To any person who is ineligible under s.  
12 322.056.

13 Section 4. Notwithstanding s. 322.05(2) and (3),  
14 Florida Statutes, a person who is at least 16 years of age but  
15 who is under 18 years of age and who meets the requirements of  
16 s. 322.091, Florida Statutes, and has been issued a valid  
17 learner's driver's license prior to October 1, 2000, and has  
18 held such license for at least 6 months, may be issued a  
19 driver's license by the Division of Driver Licenses of the  
20 Department of Highway Safety and Motor Vehicles.

21 Section 5. This act shall take effect October 1, 2000.

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24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 remove from the title of the bill: the entire title

27

28 and insert in lieu thereof:

29 A bill to be entitled

30 An act relating to motor vehicles; providing a

31 short title; amending s. 316.614, F.S.;

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requiring specified passengers to wear safety belts; amending s. 322.05, F.S.; increasing the required time period to hold a learner's driver's license prior to issuance of a regular license; providing additional requirements with respect to the issuance of a driver's license; providing an effective date.