

By the Committee on Transportation and Senators Geller, Klein and Kurth

306-2137-00

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A bill to be entitled
An act relating to motor vehicles; amending s.
316.614, F.S.; 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.

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

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
the vehicle is in motion.

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

1 322.05 Persons not to be licensed.--The department may
2 not issue a license:

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

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

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

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

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

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

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1 (4)~~(3)~~ Except as provided by this subsection, to any
2 person, as a Class A licensee, Class B licensee, Class C
3 licensee, or Class D licensee, who is under the age of 18
4 years. A person age 16 or 17 years who applies for a Class D
5 driver's license is subject to all the requirements and
6 provisions of ss. 322.09 and 322.16(2) and (3). Any person
7 who applies for a Class D driver's license who is age 16 or 17
8 years must have had a learner's driver's license or a driver's
9 license for at least 90 days before he or she is eligible to
10 receive a Class D driver's license. The department may require
11 of any such applicant for a Class D driver's license such
12 examination of the qualifications of the applicant as the
13 department considers proper, and the department may limit the
14 use of any license granted as it considers proper.

15 (5)~~(4)~~ To any person whose license has been suspended,
16 during such suspension, nor to any person whose license has
17 been revoked, until the expiration of the period of revocation
18 imposed under the provisions of this chapter.

19 (6)~~(5)~~ To any person, as a commercial motor vehicle
20 operator, whose privilege to operate a commercial motor
21 vehicle has been disqualified, until the expiration of the
22 period of disqualification.

23 (7)~~(6)~~ To any person who is an habitual drunkard, or
24 is an habitual user of narcotic drugs, or is an habitual user
25 of any other drug to a degree which renders him or her
26 incapable of safely driving a motor vehicle.

27 (8)~~(7)~~ To any person who has been adjudged to be
28 afflicted with or suffering from any mental disability or
29 disease and who has not at the time of application been
30 restored to competency by the methods provided by law.

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1 ~~(9)(8)~~ To any person who is required by this chapter
2 to take an examination, unless such person shall have
3 successfully passed such examination.

4 ~~(10)(9)~~ To any person, when the department has good
5 cause to believe that the operation of a motor vehicle on the
6 highways by such person would be detrimental to public safety
7 or welfare. Deafness alone shall not prevent the person
8 afflicted from being issued a Class D or Class E driver's
9 license.

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

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

20 Section 5. This act shall take effect October 1, 2000.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB's 1530 and 1456

This CS designates the act as the "Justin Marks Teen Safety Driving Act".

The CS provides that it is unlawful to operate a motor vehicle unless each passenger under the age of 18 is restrained by a seatbelt or child restraint. The CS provides it is unlawful for a person 18 years or older to be a passenger in the front seat unless such person is restrained by a seatbelt.

The CS provides that 16 and 17 year olds must have had a learner's license for 12 months with no traffic convictions before applying for a driver's license. Allows one traffic conviction where the person has elected to attend traffic school and adjudication was withheld.

The CS provides that 16 and 17 year olds must provide certification that an authorized person has accompanied them for 50 hours of driving experience, with at least 10 hours being at night.

The CS provides persons who held a learner's license prior to October 1, 2000, are exempt from the requirements contained in this CS.