

ENROLLED

2000 Legislature CS for SB's 1530 & 1456, 1st Engrossed (ntc)

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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:

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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 who is under 18 years of age who meets the requirements of  
15 section 322.091, Florida Statutes, and has been issued a valid  
16 learner's license prior to October 1, 2000 and has held such  
17 license for at least 6 months, may be issued a driver's  
18 license by the Division of Driver Licenses of the Department  
19 of Highway Safety and Motor Vehicles.

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