

By Representative Waters

1 A bill to be entitled
2 An act relating to the operation of soundmaking
3 devices in vehicles; amending s. 316.3045,
4 F.S.; providing that the unlawful operation of
5 a soundmaking device in a vehicle is a moving
6 violation rather than a nonmoving violation;
7 providing for points to be assessed against the
8 driver's license of a person who unlawfully
9 operates a soundmaking device in a vehicle;
10 requiring the Department of Highway Safety and
11 Motor Vehicles to impound the vehicle of
12 certain persons cited for unlawfully operating
13 a soundmaking device in a vehicle; providing an
14 effective date.

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

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18 Section 1. Section 316.3045, Florida Statutes, is
19 amended to read:

20 316.3045 Operation of radios or other mechanical
21 soundmaking devices or instruments in vehicles; exemptions.--

22 (1) It is unlawful for any person operating or
23 occupying a motor vehicle on a street or highway to operate or
24 amplify the sound produced by a radio, tape player, or other
25 mechanical soundmaking device or instrument from within the
26 motor vehicle so that the sound is:

27 (a) Plainly audible at a distance of 100 feet or more
28 from the motor vehicle; or

29 (b) Louder than necessary for the convenient hearing
30 by persons inside the vehicle in areas adjoining churches,
31 schools, or hospitals.

1 (2) The provisions of this section shall not apply to
2 any law enforcement motor vehicle equipped with any
3 communication device necessary in the performance of law
4 enforcement duties or to any emergency vehicle equipped with
5 any communication device necessary in the performance of any
6 emergency procedures.

7 (3) The provisions of this section do not apply to
8 motor vehicles used for business or political purposes, which
9 in the normal course of conducting such business use
10 soundmaking devices. The provisions of this subsection shall
11 not be deemed to prevent local authorities, with respect to
12 streets and highways under their jurisdiction and within the
13 reasonable exercise of the police power, from regulating the
14 time and manner in which such business may be operated.

15 (4) The provisions of this section do not apply to the
16 noise made by a horn or other warning device required or
17 permitted by s. 316.271. The Department of Highway Safety and
18 Motor Vehicles shall adopt ~~promulgate~~ rules defining the term
19 "plainly audible" and establish standards regarding how sound
20 should be measured by law enforcement personnel who enforce
21 the provisions of this section.

22 (5) Any person who violates ~~A violation of this~~
23 section commits ~~is a noncriminal traffic infraction,~~
24 ~~punishable as a~~ moving nonmoving violation, punishable as
25 provided in chapter 318, and shall have 3 points assessed
26 against his or her driver's license as set forth in s. 322.27.
27 The Department of Highway Safety and Motor Vehicles shall
28 impound the vehicle of any person who is cited for a third or
29 subsequent violation of this section.

30 Section 2. This act shall take effect July 1, 2000.
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SENATE SUMMARY

Provides that unlawfully operating a radio or other soundmaking device in a vehicle is a moving violation rather than a nonmoving violation. Provides for 3 points to be assessed against the driver's license of a person who unlawfully operates a radio or soundmaking device in a vehicle. Requires that the Department of Highway Safety and Motor Vehicles impound the vehicle of a person who is cited three or more times for unlawfully operating a radio or soundmaking device in a vehicle.