4-552-01

1 A bill to be entitled 2 An act relating to driver's licenses; amending s. 322.16, F.S.; providing that it is a 3 4 noncriminal traffic infraction for a driver who 5 is less than a specified age to operate a motor 6 vehicle, during a certain period after being 7 issued a license, which has more than one passenger who is less than a specified age; 8 9 providing exceptions; amending ss. 318.14, 322.05, F.S.; conforming provisions to changes 10 made by the act; providing an effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 14 Section 1. Present subsections (4), (5), and (6) of 15 section 322.16, Florida Statutes, are redesignated as 16 17 subsections (5), (6), and (7), respectively, and amended, and a new subsection (4) is added to that section, to read: 18 19 322.16 License restrictions.--20 (4) Within the first 6 months after being issued a 21 driver's license, a driver may not operate a motor vehicle 22 that has more than one passenger who is less than 21 years of age and not a member of the driver's immediate family, unless: 23 24 (a) The driver is at least 18 years of age; or 25 (b) A licensed driver who is at least 21 years of age 26 is in the front seat of the motor vehicle while the vehicle is 27 being operated. 28 (5)(4) The department may, upon receiving satisfactory evidence of any violation of the restriction upon such a 29 30 license, except a violation of paragraph (1)(d), subsection (2), or subsection (3), or subsection (4), suspend or revoke

the license, but the licensee is entitled to a hearing as upon 2 a suspension or revocation under this chapter. 3 (6) It is a misdemeanor of the second degree, 4 punishable as provided in s. 775.082 or s. 775.083, for any 5 person to operate a motor vehicle in any manner in violation 6 of the restrictions imposed in a license issued to him or her, 7 except for a violation of paragraph (1)(d), subsection (2), or subsection (3), or subsection (4). 8 9 (7) Any person who operates a motor vehicle in 10 violation of the restrictions imposed in subsection (2), or 11 subsection (3), or subsection (4) will be charged with a moving violation and fined in accordance with chapter 318. 12 13 Section 2. Subsection (1) of section 318.14, Florida Statutes, is amended to read: 14 318.14 Noncriminal traffic infractions; exception; 15 16 procedures. --17 (1) Except as provided in ss. 318.17 and 320.07(3)(c), 18 any person cited for a violation of s. 240.265, chapter 316, 19 s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), s. 322.16(3), s. 322.16(4) or (3), s. 20 322.161(5), or s. 322.19 is charged with a noncriminal 21 infraction and must be cited for such an infraction and cited 22 to appear before an official. If another person dies as a 23 24 result of the noncriminal infraction, the person cited may be 25 required to perform 120 community service hours under s. 316.027(4), in addition to any other penalties. 26 Section 3. Subsection (4) of section 322.05, Florida 27 28 Statutes, is amended to read: 29 322.05 Persons not to be licensed. -- The department may not issue a license: 30 31

(4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, Class C licensee, or Class D licensee, who is under the age of 18 years. A person age 16 or 17 years who applies for a Class D driver's license is subject to all the requirements and provisions of ss. 322.09 and 322.16(2), and (3), and (4). person who applies for a Class D driver's license who is age 16 or 17 years must have had a learner's driver's license or a driver's license for at least 90 days before he or she is eligible to receive a Class D driver's license. The department may require of any such applicant for a Class D driver's license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper. Section 4. This act shall take effect October 1, 2001.

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SENATE SUMMARY

Prohibits a person less than 18 years of age from operating a motor vehicle within 6 months after being issued a license if the motor vehicle has more than one passenger less than 21 years of age who is not a member of the driver's immediate family. Provides an exception if the driver is accompanied in the front seat by a licensed driver who is at least 21 years of age. Provides that the offense is a noncriminal traffic infraction.

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