

By the Committee on Health Regulation and Representatives
 Flanagan and Fiorentino

1 A bill to be entitled
 2 An act relating to state uniform traffic
 3 control; creating the "Move Over Act"; amending
 4 s. 316.126, F.S.; providing requirements with
 5 respect to authorized emergency vehicles making
 6 use of visual signals when parked; providing a
 7 penalty; amending s. 316.2397, F.S.;
 8 authorizing the use of emergency lights and
 9 sirens on certain vehicles; authorizing
 10 wreckers to use amber rotating or flashing
 11 lights under certain circumstances; amending s.
 12 318.18, F.S.; providing a penalty; amending s.
 13 318.21, F.S.; establishing civil penalty for a
 14 violation of s. 316.126(1)(b), F.S.; providing
 15 for the disposition of such fines; providing an
 16 effective date.

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

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 20 Section 1. Short title.--This act may be cited as the
 21 "Move Over Act."

22 Section 2. Subsection (1) of section 316.126, Florida
 23 Statutes, is amended to read:

24 316.126 Operation of vehicles and actions of
 25 pedestrians on approach of authorized emergency vehicle.--

26 (1)(a) Upon the immediate approach of an authorized
 27 emergency vehicle, while en route to meet an existing
 28 emergency, the driver of every other vehicle shall, when such
 29 emergency vehicle is giving audible signals by siren, exhaust
 30 whistle, or other adequate device, or visible signals by the
 31 use of displayed blue or red lights, yield the right-of-way to

1 the emergency vehicle and shall immediately proceed to a
2 position parallel to, and as close as reasonable to the
3 closest edge of the curb of the roadway, clear of any
4 intersection and shall stop and remain in position until the
5 authorized emergency vehicle has passed, unless otherwise
6 directed by any law enforcement officer.

7 (b) When an authorized emergency vehicle making use of
8 any visual signals is parked, the driver of every other
9 vehicle, as soon as it is safe:

10 1. Shall vacate the lane closest to the emergency
11 vehicle when driving on an interstate highway or other highway
12 with two or more lanes traveling in the direction of the
13 emergency vehicle, except when otherwise directed by a law
14 enforcement officer.

15 2. Shall slow to a speed that is 20 miles per hour
16 less than the posted speed limit when the posted speed limit
17 is 25 miles per hour or greater; or travel at 5 miles per hour
18 when the posted speed limit is 20 miles per hour or less, when
19 driving on a two-lane road, except when otherwise directed by
20 a law enforcement officer.

21 (c) The Department of Highway Safety and Motor
22 Vehicles shall provide an educational awareness campaign
23 informing the motoring public about the Move Over Act. The
24 department shall provide information about the Move Over Act
25 in all newly printed driver's license educational materials
26 after July 1, 2002.

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28 This section shall not relieve the driver of an authorized
29 emergency vehicle from the duty to drive with due regard for
30 the safety of all persons using the highway.

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1 (6) A violation of this section is a noncriminal
2 traffic infraction, punishable pursuant to chapter 318 as
3 either a moving violation for infractions of subsection (1) or
4 subsection (3), or as a pedestrian violation for infractions
5 of subsection (2).

6 Section 3. Subsection (3) of section 316.2397, Florida
7 Statutes, is amended to read:

8 316.2397 Certain lights prohibited; exceptions.--

9 (3) Vehicles of the fire department and fire patrol,
10 including vehicles of volunteer firefighters as permitted
11 under s. 316.2398, vehicles of medical staff physicians or
12 technicians of medical facilities licensed by the state as
13 authorized under s. 316.2398, ambulances as authorized under
14 this chapter, and buses and taxicabs as authorized under s.
15 316.2399 are permitted to show or display red lights. Vehicles
16 of the fire department, fire patrol, police vehicles, and such
17 ambulances and emergency vehicles of municipal and county
18 departments, public service corporations operated by private
19 corporations, the Department of Environmental Protection, the
20 Department of Transportation, and the Department of
21 Agriculture and Consumer Services as are designated or
22 authorized by their respective department or the chief of
23 police of an incorporated city or any sheriff of any county
24 are hereby authorized to operate emergency lights and sirens
25 in an emergency.Wreckers, mosquito control fog and spray
26 vehicles, and emergency vehicles of governmental departments
27 or public service corporations may show or display amber
28 lights when in actual operation or when a hazard exists
29 provided they are not used going to and from the scene of
30 operation or hazard without specific authorization of a law
31 enforcement officer or law enforcement agency. Wreckers may

1 use amber rotating or flashing lights while performing
2 recoveries and loading on the roadside day or night, and while
3 towing a vehicle on wheel lifts, slings, or under reach only
4 if the operator of the wrecker deems such lights necessary. A
5 flatbed, car carrier, or rollback may not use amber rotating
6 or flashing lights when hauling a vehicle on the bed unless it
7 creates a hazard to other motorists because of protruding
8 objects.Further, escort vehicles will be permitted to show or
9 display amber lights when in the actual process of escorting
10 overdimensioned equipment, material, or buildings as
11 authorized by law. Vehicles of private watch, guard, or patrol
12 agencies licensed pursuant to chapter 493 may show or display
13 amber lights while patrolling condominium, cooperative, and
14 private residential and business communities by which employed
15 and which traverse public streets or highways.

16 Section 4. Subsection (2) of section 318.18, Florida
17 Statutes, is amended to read:

18 318.18 Amount of civil penalties.--The penalties
19 required for a noncriminal disposition pursuant to s. 318.14
20 are as follows:

21 (2) Thirty dollars for all nonmoving traffic
22 violations and:

23 (a) For all violations of s. 322.19.

24 (b) For all violations of ss. 320.0605, 320.07(1),
25 322.065, and 322.15(1). Any person who is cited for a
26 violation of s. 320.07(1) shall be charged a delinquent fee
27 pursuant to s. 320.07(4).

28 1. If a person who is cited for a violation of s.
29 320.0605 or s. 320.07 can show proof of having a valid
30 registration at the time of arrest, the clerk of the court may
31 dismiss the case and may assess a \$5 dismissal fee. A person

1 who finds it impossible or impractical to obtain a valid
2 registration certificate must submit an affidavit detailing
3 the reasons for the impossibility or impracticality. The
4 reasons may include, but are not limited to, the fact that the
5 vehicle was sold, stolen, or destroyed; that the state in
6 which the vehicle is registered does not issue a certificate
7 of registration; or that the vehicle is owned by another
8 person.

9 2. If a person who is cited for a violation of s.
10 322.03, s. 322.065, or s. 322.15 can show a driver's license
11 issued to him or her and valid at the time of arrest, the
12 clerk of the court may dismiss the case and may assess a \$5
13 dismissal fee.

14 3. If a person who is cited for a violation of s.
15 316.646 can show proof of security as required by s. 627.733,
16 issued to the person and valid at the time of arrest, the
17 clerk of the court may dismiss the case and may assess a \$5
18 dismissal fee. A person who finds it impossible or impractical
19 to obtain proof of security must submit an affidavit detailing
20 the reasons for the impracticality. The reasons may include,
21 but are not limited to, the fact that the vehicle has since
22 been sold, stolen, or destroyed; that the owner or registrant
23 of the vehicle is not required by s. 627.733 to maintain
24 personal injury protection insurance; or that the vehicle is
25 owned by another person.

26 (c) For all violations of ss. 316.2935 and 316.610.
27 However, for a violation of s. 316.2935 or s. 316.610, if the
28 person committing the violation corrects the defect and
29 obtains proof of such timely repair by an affidavit of
30 compliance executed by the law enforcement agency within 30
31 days from the date upon which the traffic citation was issued,

1 and pays \$4 to the law enforcement agency, thereby completing
2 the affidavit of compliance, then upon presentation of said
3 affidavit by the defendant to the clerk within the 30-day time
4 period set forth under s. 318.14(4), the fine must be reduced
5 to \$5, which the clerk of the court shall retain.

6 (d) For all violations of s. 316.126(1)(b), unless
7 otherwise specified.

8 Section 5. Subsection (13) is added to section 318.21,
9 Florida Statutes, to read:

10 318.21 Disposition of civil penalties by county
11 courts.--All civil penalties received by a county court
12 pursuant to the provisions of this chapter shall be
13 distributed and paid monthly as follows:

14 (13) As of July 1, 2002, the proceeds from the fine as
15 defined in s. 316.126(1)(b) shall be paid to the Crime Victims
16 Services Office in the Attorney General's Office. The Crime
17 Victims Services Office shall annually allocate in an equal
18 distribution funds collected pursuant to s. 316.126(1)(b) to
19 the surviving minor children of any law enforcement officer
20 killed as a result of a violation of s. 316.126(1)(b).

21 Section 6. This act shall take effect July 1, 2002.
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