

Bill No. CS for SB 366

Amendment No. Barcode 635224

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Crist moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 Section 1. Short title.--This act may be cited as the

18 "Move Over Act."

19 Section 2. Subsections (1) and (6) of section 316.126,

20 Florida Statutes, are amended to read:

21 316.126 Operation of vehicles and actions of

22 pedestrians on approach of authorized emergency vehicle.--

23 (1)(a) Upon the immediate approach of an authorized

24 emergency vehicle, while en route to meet an existing

25 emergency, the driver of every other vehicle shall, when such

26 emergency vehicle is giving audible signals by siren, exhaust

27 whistle, or other adequate device, or visible signals by the

28 use of displayed blue or red lights, yield the right-of-way to

29 the emergency vehicle and shall immediately proceed to a

30 position parallel to, and as close as reasonable to the

31 closest edge of the curb of the roadway, clear of any

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1 intersection and shall stop and remain in position until the
2 authorized emergency vehicle has passed, unless otherwise
3 directed by any law enforcement officer.

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

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

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

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

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

28 (6) A violation of this section is a noncriminal
29 traffic infraction, punishable pursuant to chapter 318 as
30 either a moving violation for infractions of subsection (1) or
31 subsection (3), or as a pedestrian violation for infractions

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1 of subsection (2).

2 Section 3. Subsections (2), (3), and (10) of section
3 316.2397, Florida Statutes, are amended to read:

4 316.2397 Certain lights prohibited; exceptions.--

5 (2) It is expressly prohibited for any vehicle or
6 equipment, except police vehicles, to show or display blue
7 lights. However, vehicles owned, operated, or leased by the
8 Department of Corrections may show or display blue lights when
9 responding to emergencies. A person who violates this
10 subsection is guilty of a misdemeanor of the first degree,
11 punishable as provided in s. 843.081.

12 (3) Vehicles of the fire department and fire patrol,
13 including vehicles of volunteer firefighters as permitted
14 under s. 316.2398, vehicles of medical staff physicians or
15 technicians of medical facilities licensed by the state as
16 authorized under s. 316.2398, ambulances as authorized under
17 this chapter, and buses and taxicabs as authorized under s.
18 316.2399 are permitted to show or display red lights. Vehicles
19 of the fire department, fire patrol, police vehicles, and such
20 ambulances and emergency vehicles of municipal and county
21 departments, public service corporations operated by private
22 corporations, the Department of Environmental Protection, the
23 Department of Transportation, and the Department of
24 Agriculture and Consumer Services as are designated or
25 authorized by their respective department or the chief of
26 police of an incorporated city or any sheriff of any county
27 are hereby authorized to operate emergency lights and sirens
28 in an emergency.Wreckers, mosquito control fog and spray
29 vehicles, and emergency vehicles of governmental departments
30 or public service corporations may show or display amber
31 lights when in actual operation or when a hazard exists

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1 provided they are not used going to and from the scene of
 2 operation or hazard without specific authorization of a law
 3 enforcement officer or law enforcement agency. Wreckers may
 4 use amber rotating or flashing lights while performing
 5 recoveries and loading on the roadside day or night, and while
 6 towing a vehicle on wheel lifts, slings, or under reach only
 7 if the operator of the wrecker deems such lights necessary. A
 8 flatbed, car carrier, or rollback may not use amber rotating
 9 or flashing lights when hauling a vehicle on the bed unless it
 10 creates a hazard to other motorists because of protruding
 11 objects. Further, escort vehicles will be permitted to show or
 12 display amber lights when in the actual process of escorting
 13 overdimensioned equipment, material, or buildings as
 14 authorized by law. Vehicles of private watch, guard, or patrol
 15 agencies licensed pursuant to chapter 493 may show or display
 16 amber lights while patrolling condominium, cooperative, and
 17 private residential and business communities by which employed
 18 and which traverse public streets or highways.

19 (10) Except as provided in subsection (2), a violation
 20 of this section is a noncriminal traffic infraction,
 21 punishable as a nonmoving violation as provided in chapter
 22 318.

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

25 318.18 Amount of civil penalties.--The penalties
 26 required for a noncriminal disposition pursuant to s. 318.14
 27 are as follows:

- 28 (2) Thirty dollars for all nonmoving traffic
- 29 violations and:
 - 30 (a) For all violations of s. 322.19.
 - 31 (b) For all violations of ss. 320.0605, 320.07(1),

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1 322.065, and 322.15(1). Any person who is cited for a
2 violation of s. 320.07(1) shall be charged a delinquent fee
3 pursuant to s. 320.07(4).

4 1. If a person who is cited for a violation of s.
5 320.0605 or s. 320.07 can show proof of having a valid
6 registration at the time of arrest, the clerk of the court may
7 dismiss the case and may assess a \$5 dismissal fee. A person
8 who finds it impossible or impractical to obtain a valid
9 registration certificate must submit an affidavit detailing
10 the reasons for the impossibility or impracticality. The
11 reasons may include, but are not limited to, the fact that the
12 vehicle was sold, stolen, or destroyed; that the state in
13 which the vehicle is registered does not issue a certificate
14 of registration; or that the vehicle is owned by another
15 person.

16 2. If a person who is cited for a violation of s.
17 322.03, s. 322.065, or s. 322.15 can show a driver's license
18 issued to him or her and valid at the time of arrest, the
19 clerk of the court may dismiss the case and may assess a \$5
20 dismissal fee.

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

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1 owned by another person.

2 (c) For all violations of ss. 316.2935 and 316.610.
3 However, for a violation of s. 316.2935 or s. 316.610, if the
4 person committing the violation corrects the defect and
5 obtains proof of such timely repair by an affidavit of
6 compliance executed by the law enforcement agency within 30
7 days from the date upon which the traffic citation was issued,
8 and pays \$4 to the law enforcement agency, thereby completing
9 the affidavit of compliance, then upon presentation of said
10 affidavit by the defendant to the clerk within the 30-day time
11 period set forth under s. 318.14(4), the fine must be reduced
12 to \$5, which the clerk of the court shall retain.

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

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

17 318.21 Disposition of civil penalties by county
18 courts.--All civil penalties received by a county court
19 pursuant to the provisions of this chapter shall be
20 distributed and paid monthly as follows:

21 (13) As of July 1, 2002, the proceeds from the fine as
22 defined in s. 316.126(1)(b) shall be paid to the Crimes
23 Compensation Trust Fund administered by the Office of the
24 Attorney General. The Office of the Attorney General shall
25 annually allocate in an equal distribution funds collected
26 pursuant to s. 316.126(1)(b) to the surviving minor children
27 of any victim killed as a result of a violation of s.
28 316.126(1)(b).

29 Section 6. This act shall take effect July 1, 2002.
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

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A bill to be entitled

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An act relating to state uniform traffic

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control; creating the "Move Over Act"; amending

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s. 316.126, F.S.; providing requirements with

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respect to authorized emergency vehicles making

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use of visual signals when parked; providing

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for the disposition of fines; amending s.

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316.2397, F.S.; authorizing the use of

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emergency lights and sirens on certain

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vehicles; authorizing wreckers to use amber

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rotating or flashing lights under certain

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circumstances; revising penalties for showing

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or displaying certain lights; amending s.

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318.18, F.S.; providing a penalty for a

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violation of s. 316.126(1)(b), F.S.; amending

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s. 318.21.F.S.; providing a civil penalty for

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violation of s. 316.126(1)(b), F.S.; providing

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for the distribution of such fines; providing

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an effective date.

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