

By Senator Wasserman Schultz

32-179A-02

1 A bill to be entitled
2 An act relating to the use of a cellular
3 telephone while operating a motor vehicle
4 within a school zone; creating s. 316.1897,
5 F.S.; defining the terms "cellular telephone"
6 and "hands-free device"; prohibiting a person
7 from using a cellular telephone that is not
8 equipped with a hands-free device while
9 operating a motor vehicle in a school zone
10 during a time when the reduced speed limit is
11 in effect; providing that such traffic
12 infraction is punishable as a moving violation;
13 amending s. 318.18, F.S.; providing a penalty
14 for violating s. 316.1897, F.S.; amending s.
15 316.1895, F.S.; providing requirements for
16 signs that designate a school zone; requiring
17 the Department of Transportation to establish
18 standards for the signs; providing an effective
19 date.

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

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23 Section 1. Section 316.1897, Florida Statutes, is
24 created to read:

25 316.1897 Use of cellular telephone while operating a
26 motor vehicle within a school zone prohibited.--

27 (1) As used in this section, the term:

28 (a) "Cellular telephone" means a device capable of
29 sending or receiving telephone communications without an
30 access line, including, but not limited to, an analog, a
31 digital, or a wireless telephone.

1 (b) "Hands-free device" means an internal or external
2 device, attachment, or addition to a cellular telephone or
3 motor vehicle, regardless of whether the device is permanently
4 installed, which allows the operator of the motor vehicle to:

5 1. Maintain both hands, or prosthetic device or aid in
6 the case of a physically disabled person, on the applicable
7 steering device; and

8 2. Hear surrounding sound.

9 (2) A person may not use a cellular telephone while
10 operating a motor vehicle within a school zone during any time
11 when the reduced speed limit for the school zone is in effect
12 unless the cellular telephone is used with a hands-free
13 device.

14 (3) A person who violates this section commits a
15 noncriminal traffic infraction, punishable as a moving
16 violation as provided in chapter 318.

17 Section 2. Paragraph (c) is added to subsection (5) of
18 section 318.18, Florida Statutes, to read:

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

22 (5)(c) Sixty dollars for a violation of s. 316.1897,
23 using a cellular telephone without a hands-free device while
24 operating a motor vehicle in a school zone when the reduced
25 speed limit is in effect.

26 Section 3. Subsection (6) of section 316.1895, Florida
27 Statutes, is amended to read:

28 316.1895 Establishment of school speed zones,
29 enforcement; designation.--

30 (6) Permanent signs designating school zones and
31 school zone speed limits must ~~shall~~ be uniform in size and

1 color, and must clearly designate ~~shall have~~ the times during
2 which the restrictive speed limit is enforced and during which
3 a person is prohibited from operating a motor vehicle within
4 the school zone while using a cellular telephone without a
5 hands-free device ~~clearly designated thereon~~. The Department
6 of Transportation shall establish adequate standards for the
7 signs.

8 Section 4. This act shall take effect July 1, 2002.

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11 SENATE SUMMARY

12 Prohibits a person from using a cellular telephone while
13 operating a motor vehicle within a school zone during the
14 hours when the reduced speed limit is in effect unless
15 the operator uses a hands-free device. Provides that a
16 person who violates such prohibition commits a moving
17 violation. Provides a fine of \$60. Requires that signs
18 for a school zone designate the times during which the
19 prohibition is in effect.
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