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CHAMBER ACTION

The Committee on Transportation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to highway safety; amending s. 316.075, F.S.; requiring hearing for specified violations of traffic control signal devices resulting in a crash; amending s. 318.14, F.S.; providing penalties for certain traffic infractions requiring a mandatory hearing; amending s. 318.18, F.S.; providing penalty for specified violation; providing for distribution of moneys collected; amending s. 318.19, F.S.; requiring hearing for specified violations resulting in a crash; amending s. 322.0261, F.S.; requiring driver improvement course for a second violation of specified provisions within a specified time period; providing penalty for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning point value for conviction of specified violation of traffic control device; providing an effective date.

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



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30 Section 1. Subsection (4) of section 316.075, Florida
31 Statutes, is amended to read:

32 316.075 Traffic control signal devices.--

33 (1) Except for automatic warning signal lights installed
34 or to be installed at railroad crossings, whenever traffic,
35 including municipal traffic, is controlled by traffic control
36 signals exhibiting different colored lights, or colored lighted
37 arrows, successively one at a time or in combination, only the
38 colors green, red, and yellow shall be used, except for special
39 pedestrian signals carrying a word legend, and the lights shall
40 indicate and apply to drivers of vehicles and pedestrians as
41 follows:

42 (a) *Green indication*--

43 1. Vehicular traffic facing a circular green signal may
44 proceed cautiously straight through or turn right or left unless
45 a sign at such place prohibits either such turn. But vehicular
46 traffic, including vehicles turning right or left, shall yield
47 the right-of-way to other vehicles and to pedestrians lawfully
48 within the intersection or an adjacent crosswalk at the time
49 such signal is exhibited.

50 2. Vehicular traffic facing a green arrow signal, shown
51 alone or in combination with another indication, as directed by
52 the manual, may cautiously enter the intersection only to make
53 the movement indicated by such arrow, or such other movement as
54 is permitted by other indications shown at the same time, except
55 the driver of any vehicle may U-turn, so as to proceed in the
56 opposite direction unless such movement is prohibited by posted



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57 traffic control signs. Such vehicular traffic shall yield the
58 right-of-way to pedestrians lawfully within an adjacent
59 crosswalk and to other traffic lawfully using the intersection.

60 3. Unless otherwise directed by a pedestrian control
61 signal as provided in s. 316.0755, pedestrians facing any green
62 signal, except when the sole green signal is a turn arrow, may
63 proceed across the roadway within any marked or unmarked
64 crosswalk.

65 (b) *Steady yellow indication.*--

66 1. Vehicular traffic facing a steady yellow signal is
67 thereby warned that the related green movement is being
68 terminated or that a red indication will be exhibited
69 immediately thereafter when vehicular traffic shall not enter
70 the intersection.

71 2. Pedestrians facing a steady yellow signal, unless
72 otherwise directed by a pedestrian control signal as provided in
73 s. 316.0755, are thereby advised that there is insufficient time
74 to cross the roadway before a red indication is shown and no
75 pedestrian shall start to cross the roadway.

76 (c) *Steady red indication.*--

77 1. Vehicular traffic facing a steady red signal shall stop
78 before entering the crosswalk on the near side of the
79 intersection or, if none, then before entering the intersection
80 and shall remain standing until a green indication is shown;
81 however:

82 a. The driver of a vehicle which is stopped at a clearly
83 marked stop line, but if none, before entering the crosswalk on
84 the near side of the intersection, or, if none then at the point



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85 nearest the intersecting roadway where the driver has a view of
86 approaching traffic on the intersecting roadway before entering
87 the intersection in obedience to a steady red signal may make a
88 right turn, but shall yield the right-of-way to pedestrians and
89 other traffic proceeding as directed by the signal at the
90 intersection, except that municipal and county authorities may
91 prohibit any such right turn against a steady red signal at any
92 intersection, which prohibition shall be effective when a sign
93 giving notice thereof is erected in a location visible to
94 traffic approaching the intersection.

95 b. The driver of a vehicle on a one-way street that
96 intersects another one-way street on which traffic moves to the
97 left shall stop in obedience to a steady red signal, but may
98 then make a left turn into the one-way street, but shall yield
99 the right-of-way to pedestrians and other traffic proceeding as
100 directed by the signal at the intersection, except that
101 municipal and county authorities may prohibit any such left turn
102 as described, which prohibition shall be effective when a sign
103 giving notice thereof is attached to the traffic control signal
104 device at the intersection.

105 2. Unless otherwise directed by a pedestrian control
106 signal as provided in s. 316.0755, pedestrians facing a steady
107 red signal shall not enter the roadway.

108 (4)(a) A violation of this section is a noncriminal
109 traffic infraction, punishable pursuant to chapter 318 as either
110 a pedestrian violation or, if the infraction resulted from the
111 operation of a vehicle, as a moving violation.



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112 (b) A person committing a violation of subparagraph
113 (1)(c)1. resulting in a crash is subject to a mandatory hearing
114 under the provisions of s. 318.19.

115 Section 2. Subsection (5) of section 318.14, Florida
116 Statutes, is amended to read:

117 318.14 Noncriminal traffic infractions; exception;
118 procedures.--

119 (5) Any person electing to appear before the designated
120 official or who is required so to appear shall be deemed to have
121 waived his or her right to the civil penalty provisions of s.
122 318.18. The official, after a hearing, shall make a
123 determination as to whether an infraction has been committed. If
124 the commission of an infraction has been proven, the official
125 may impose a civil penalty not to exceed \$500, except that in
126 cases involving unlawful speed in a school zone or, involving
127 unlawful speed in a construction zone, ~~or involving a death~~, the
128 civil penalty may not exceed \$1,000; or require attendance at a
129 driver improvement school, or both. If the person is required to
130 appear before the designated official pursuant to s. 318.19(1)
131 and is found to have committed the infraction, the designated
132 official shall impose a civil penalty of \$1,000 in addition to
133 any other penalties and the person's driver license shall be
134 suspended for 6 months. If the person is required to appear
135 before the designated official pursuant to s. 318.19(2) and is
136 found to have committed the infraction, the designated official
137 shall impose a civil penalty of \$500 in addition to any other
138 penalties and the person's driver license shall be suspended for
139 3 months. If the person is required to appear before the



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140 designated official pursuant to s. 318.19(3) and is found to
141 have committed the infraction, the designated official shall
142 impose a civil penalty of \$200 in addition to any other
143 penalties and the person's driver license shall be suspended for
144 30 days. If the official determines that no infraction has been
145 committed, no costs or penalties shall be imposed and any costs
146 or penalties that have been paid shall be returned.

147 Section 3. Subsection (13) is added to section 318.18,
148 Florida Statutes, to read:

149 318.18 Amount of civil penalties.--The penalties required
150 for a noncriminal disposition pursuant to s. 318.14 are as
151 follows:

152 (13) One hundred twenty-five dollars for a violation of s.
153 316.075(1)(c)1., of which \$60 shall be distributed as provided
154 in s. 318.21 and \$65 shall be used to fund traffic education
155 programs in public and nonpublic schools.

156 Section 4. Section 318.19, Florida Statutes, is amended to
157 read:

158 318.19 Infractions requiring a mandatory hearing.--Any
159 person cited for the infractions listed in this section shall
160 not have the provisions of s. 318.14(2), (4), and (9) available
161 to him or her but must appear before the designated official at
162 the time and location of the scheduled hearing:

163 (1) Any infraction which results in a crash that causes
164 the death of another;

165 (2) Any infraction which results in a crash that causes
166 "serious bodily injury" of another as defined in s. 316.1933(1);



- 167 (3) Any infraction which results in a crash that causes
 168 any bodily injury not specified in s. 316.1933(1);
 169 ~~(4)(3)~~ Any infraction of s. 316.172(1)(b); ~~or~~
 170 ~~(5)(4)~~ Any infraction of s. 316.520(1) or (2); or
 171 (6) Any infraction of s. 316.075(1)(c)1. resulting in a
 172 crash.

173 Section 5. Section 322.0261, Florida Statutes, is amended
 174 to read:

175 322.0261 Mandatory driver improvement course; certain
 176 instances ~~crashes~~.--

177 (1) The department shall screen crash reports received
 178 under s. 316.066 or s. 324.051 to identify crashes involving the
 179 following:

180 (a) A crash involving death or a bodily injury requiring
 181 transport to a medical facility; or

182 (b) A second crash by the same operator within the
 183 previous 2-year period involving property damage in an apparent
 184 amount of at least \$500.

185 (2) With respect to an operator convicted of, or who
 186 pleaded nolo contendere to, a traffic offense giving rise to a
 187 crash identified pursuant to subsection (1), the department
 188 shall require that the operator, in addition to other applicable
 189 penalties, attend a departmentally approved driver improvement
 190 course in order to maintain driving privileges. If the operator
 191 fails to complete the course within 90 days of receiving notice
 192 from the department, the operator's driver's license shall be
 193 canceled by the department until the course is successfully
 194 completed.



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195 (3) The department shall identify operators convicted of a
196 second violation of s. 316.075(1)(c)1. within 12 months after
197 the first violation and shall require that operator, in addition
198 to other applicable penalties, to attend a departmentally
199 approved driver improvement course in order to maintain driving
200 privileges. If the operator fails to complete the course within
201 90 days after receiving notice from the department, the
202 operator's driver license shall be canceled by the department
203 until the course is successfully completed.

204 ~~(4)~~(3) In determining whether to approve a driver
205 improvement course for the purposes of this section, the
206 department shall consider course content designed to promote
207 safety, driver awareness, crash avoidance techniques, and other
208 factors or criteria to improve driver performance from a safety
209 viewpoint.

210 Section 6. Paragraph (d) of subsection (3) of section
211 322.27, Florida Statutes, is amended to read:

212 322.27 Authority of department to suspend or revoke
213 license.--

214 (3) There is established a point system for evaluation of
215 convictions of violations of motor vehicle laws or ordinances,
216 and violations of applicable provisions of s. 403.413(6)(b) when
217 such violations involve the use of motor vehicles, for the
218 determination of the continuing qualification of any person to
219 operate a motor vehicle. The department is authorized to suspend
220 the license of any person upon showing of its records or other
221 good and sufficient evidence that the licensee has been
222 convicted of violation of motor vehicle laws or ordinances, or



223 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 224 more points as determined by the point system. The suspension
 225 shall be for a period of not more than 1 year.

226 (d) The point system shall have as its basic element a
 227 graduated scale of points assigning relative values to
 228 convictions of the following violations:

- 229 1. Reckless driving, willful and wanton--4 points.
- 230 2. Leaving the scene of a crash resulting in property
 231 damage of more than \$50--6 points.
- 232 3. Unlawful speed resulting in a crash--6 points.
- 233 4. Passing a stopped school bus--4 points.
- 234 5. Unlawful speed:
 - 235 a. Not in excess of 15 miles per hour of lawful or posted
 236 speed--3 points.
 - 237 b. In excess of 15 miles per hour of lawful or posted
 238 speed--4 points.
- 239 6. A violation of a traffic control device as provided in
 240 s. 316.075(1)(c)1.--4 points.

241 ~~7.6.~~ All other moving violations (including parking on a
 242 highway outside the limits of a municipality)--3 points.
 243 However, no points shall be imposed for a violation of s.
 244 316.0741 or s. 316.2065(12).

245 ~~8.7.~~ Any moving violation covered above, excluding
 246 unlawful speed, resulting in a crash--4 points.

247 ~~9.8.~~ Any conviction under s. 403.413(5)(b)--3 points.

248 Section 7. This act shall take effect upon becoming a law.

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