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CHAMBER ACTION

The Committee on Finance & Tax 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. Moneys
 147 received from the mandatory civil penalties imposed pursuant to
 148 this section shall be remitted to the Department of Revenue for
 149 deposit into the General Revenue Fund.

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

152 318.18 Amount of civil penalties.--The penalties required
 153 for a noncriminal disposition pursuant to s. 318.14 are as
 154 follows:

155 (13) One hundred twenty-five dollars for a violation of s.
 156 316.075(1)(c)1., of which \$60 shall be distributed as provided
 157 in s. 318.21 and \$65 shall be remitted to the Department of
 158 Revenue for deposit into the General Revenue Fund.

159 Section 4. Section 318.19, Florida Statutes, is amended to
 160 read:

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

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



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

170 (3) Any infraction which results in a crash that causes
171 any bodily injury not specified in s. 316.1933(1);

172 (4)~~(3)~~ Any infraction of s. 316.172(1)(b); ~~or~~

173 (5)~~(4)~~ Any infraction of s. 316.520(1) or (2); or

174 (6) Any infraction of s. 316.075(1)(c)1. resulting in a
175 crash.

176 Section 5. Section 322.0261, Florida Statutes, is amended
177 to read:

178 322.0261 Mandatory driver improvement course; certain
179 instances ~~crashes~~.--

180 (1) The department shall screen crash reports received
181 under s. 316.066 or s. 324.051 to identify crashes involving the
182 following:

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

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

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



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196 canceled by the department until the course is successfully
197 completed.

198 (3) The department shall identify operators convicted of a
199 second violation of s. 316.075(1)(c)1. within 12 months after
200 the first violation and shall require that operator, in addition
201 to other applicable penalties, to attend a departmentally
202 approved driver improvement course in order to maintain driving
203 privileges. If the operator fails to complete the course within
204 90 days after receiving notice from the department, the
205 operator's driver license shall be canceled by the department
206 until the course is successfully completed.

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

213 Section 6. Paragraph (d) of subsection (3) of section
214 322.27, Florida Statutes, is amended to read:

215 322.27 Authority of department to suspend or revoke
216 license.--

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



224 good and sufficient evidence that the licensee has been
 225 convicted of violation of motor vehicle laws or ordinances, or
 226 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 227 more points as determined by the point system. The suspension
 228 shall be for a period of not more than 1 year.

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

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

244 ~~7.6-~~ All other moving violations (including parking on a
 245 highway outside the limits of a municipality)--3 points.
 246 However, no points shall be imposed for a violation of s.
 247 316.0741 or s. 316.2065(12).

248 ~~8.7-~~ Any moving violation covered above, excluding
 249 unlawful speed, resulting in a crash--4 points.

250 ~~9.8-~~ Any conviction under s. 403.413(5)(b)--3 points.

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