

HB 1341

2004

1 A bill to be entitled
 2 An act relating to motor vehicles; providing legislative
 3 intent; amending s. 316.081, F.S.; requiring operators of
 4 motor vehicles to drive in the right-hand lane on certain
 5 highways; providing exceptions; providing penalties for
 6 violation; amending s. 322.27, F.S.; providing for the
 7 assessment of points for violating specified provisions
 8 that require operators of motor vehicles to drive on the
 9 right side of the road; providing an effective date.

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

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13 Section 1. It is the intent of the Legislature to decrease
 14 the incidence of drivers interfering with the movement of
 15 traffic, to reduce road rage and aggressive driving, to minimize
 16 crashes, and to promote the orderly, free flow of traffic on the
 17 roads and highways of the state.

18 Section 2. Section 316.081, Florida Statutes, is amended
 19 to read:

20 316.081 Driving on right side of roadway; exceptions.--

21 (1) Upon all roadways of sufficient width, a vehicle shall
 22 be driven upon the right half of the roadway, except as follows:

23 (a) When overtaking and passing another vehicle proceeding
 24 in the same direction under the rules governing such movement;

25 (b) When an obstruction exists making it necessary to
 26 drive to the left of the center of the highway; provided any
 27 person so doing shall yield the right-of-way to all vehicles
 28 traveling in the proper direction upon the unobstructed portion

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29 of the highway within such distance as to constitute an
 30 immediate hazard;

31 (c) Upon a roadway divided into three marked lanes for
 32 traffic under the rules applicable thereon; or

33 (d) Upon a roadway designated and signposted for one-way
 34 traffic.

35 (2) Upon a two-lane roadway providing for two-way movement
 36 of traffic, a vehicle ~~Upon all roadways, any vehicle proceeding~~
 37 ~~at less than the normal speed of traffic at the time and place~~
 38 ~~and under the conditions then existing~~ shall be driven in the
 39 right-hand lane ~~then~~ available for traffic or as close as
 40 practicable to the right-hand curb or edge of the roadway,
 41 except when overtaking and passing another vehicle proceeding in
 42 the same direction or when preparing for a left turn at an
 43 intersection or into a private road or driveway.

44 (3) Upon any roadway having four or more lanes for moving
 45 traffic and providing for two-way movement of traffic, no
 46 vehicle shall be driven to the left of the centerline of the
 47 roadway, except when authorized by official traffic control
 48 devices designating certain lanes to the left side of the center
 49 of the roadway for use by traffic not otherwise permitted to use
 50 such lanes, or except as permitted under paragraph (1)(b).
 51 However, this subsection shall not be construed as prohibiting
 52 the crossing of the centerline in making a left turn into or
 53 from an alley, private road, or driveway.

54 (a) Upon a four-lane highway, an interstate highway, or a
 55 highway with fully controlled access, or the Florida Intrastate
 56 Highway System, a vehicle may not be driven in the left-hand
 57 lane except when overtaking and passing another vehicle.

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58 (b) Paragraph (a) shall not apply:

59 1. When no other vehicle is directly behind the vehicle in
 60 the left-hand lane;

61 2. When traffic conditions and congestion make it
 62 impractical to drive in the right-hand lane;

63 3. When inclement weather conditions make it necessary to
 64 drive in the left-hand lane;

65 4. When obstructions or hazards exist in the right-hand
 66 lane;

67 5. When, because of highway design, a vehicle must be
 68 driven in the left-hand lane when preparing to exit;

69 6. On toll highways when necessary to use Sun-Pass and on
 70 toll and other highways when driving in the left-hand lane is
 71 required to comply with an official traffic control device; or

72 7. To law enforcement vehicles, ambulances, and other
 73 emergency vehicles engaged in official duties and vehicles
 74 engaged in highway maintenance and construction operations.

75 (4) A violation of this section is a noncriminal traffic
 76 infraction, punishable as a moving violation as provided in
 77 chapter 318.

78 Section 3. Paragraph (d) of subsection (3) of section
 79 322.27, Florida Statutes, is amended to read:

80 322.27 Authority of department to suspend or revoke
 81 license.--

82 (3) There is established a point system for evaluation of
 83 convictions of violations of motor vehicle laws or ordinances,
 84 and violations of applicable provisions of s. 403.413(6)(b) when
 85 such violations involve the use of motor vehicles, for the
 86 determination of the continuing qualification of any person to

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87 operate a motor vehicle. The department is authorized to suspend
 88 the license of any person upon showing of its records or other
 89 good and sufficient evidence that the licensee has been
 90 convicted of violation of motor vehicle laws or ordinances, or
 91 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 92 more points as determined by the point system. The suspension
 93 shall be for a period of not more than 1 year.

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

- 97 1. Reckless driving, willful and wanton--4 points.
- 98 2. Leaving the scene of a crash resulting in property
 99 damage of more than \$50--6 points.
- 100 3. Unlawful speed resulting in a crash--6 points.
- 101 4. Passing a stopped school bus--4 points.
- 102 5. Unlawful speed:
 - 103 a. Not in excess of 15 miles per hour of lawful or posted
 104 speed--3 points.
 - 105 b. In excess of 15 miles per hour of lawful or posted
 106 speed--4 points.
- 107 6. All other moving violations (including parking on a
 108 highway outside the limits of a municipality)--3 points.
 109 However, no points shall be imposed for a violation of s.
 110 316.0741 or s. 316.2065(12).
- 111 7. Any moving violation covered above, excluding unlawful
 112 speed, resulting in a crash--4 points.
- 113 8. Any conviction under s. 403.413(5)(b)--3 points.
- 114 9. Any conviction under s. 316.081--4 points.

115 Section 4. This act shall take effect October 1, 2004.

CODING: Words **stricken** are deletions; words underlined are additions.