

By Senator Atwater

25-1651-04

See HB

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

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

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

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

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

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

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

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided any

1 person so doing shall yield the right-of-way to all vehicles
2 traveling in the proper direction upon the unobstructed
3 portion of the highway within such distance as to constitute
4 an immediate hazard;

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

7 (d) Upon a roadway designated and signposted for
8 one-way traffic.

9 (2) Upon a two-lane roadway providing for two-way
10 movement of traffic, a vehicle ~~Upon all roadways, any vehicle~~
11 ~~proceeding at less than the normal speed of traffic at the~~
12 ~~time and place and under the conditions then existing~~ shall be
13 driven in the right-hand lane ~~then~~ available for traffic or as
14 close as practicable to the right-hand curb or edge of the
15 roadway, except when overtaking and passing another vehicle
16 proceeding in the same direction or when preparing for a left
17 turn at an intersection or into a private road or driveway.

18 (3) Upon any roadway having four or more lanes for
19 moving traffic and providing for two-way movement of traffic,
20 no vehicle shall be driven to the left of the centerline of
21 the roadway, except when authorized by official traffic
22 control devices designating certain lanes to the left side of
23 the center of the roadway for use by traffic not otherwise
24 permitted to use such lanes, or except as permitted under
25 paragraph (1)(b). However, this subsection shall not be
26 construed as prohibiting the crossing of the centerline in
27 making a left turn into or from an alley, private road, or
28 driveway.

29 (a) Upon a four-lane highway, an interstate highway,
30 or a highway with fully controlled access, or the Florida
31 Intrastate Highway System, a vehicle may not be driven in the

1 left-hand lane except when overtaking and passing another
2 vehicle.

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

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

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

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

10 4. When obstructions or hazards exist in the
11 right-hand lane;

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

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

18 7. To law enforcement vehicles, ambulances, and other
19 emergency vehicles engaged in official duties and vehicles
20 engaged in highway maintenance and construction operations.

21 (4) A violation of this section is a noncriminal
22 traffic infraction, punishable as a moving violation as
23 provided in chapter 318.

24 Section 3. Paragraph (d) of subsection (3) of section
25 322.27, Florida Statutes, is amended to read:

26 322.27 Authority of department to suspend or revoke
27 license.--

28 (3) There is established a point system for evaluation
29 of convictions of violations of motor vehicle laws or
30 ordinances, and violations of applicable provisions of s.
31 403.413(6)(b) when such violations involve the use of motor

1 vehicles, for the determination of the continuing
2 qualification of any person to operate a motor vehicle. The
3 department is authorized to suspend the license of any person
4 upon showing of its records or other good and sufficient
5 evidence that the licensee has been convicted of violation of
6 motor vehicle laws or ordinances, or applicable provisions of
7 s. 403.413(6)(b), amounting to 12 or more points as determined
8 by the point system. The suspension shall be for a period of
9 not more than 1 year.

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

13 1. Reckless driving, willful and wanton--4 points.

14 2. Leaving the scene of a crash resulting in property
15 damage of more than \$50--6 points.

16 3. Unlawful speed resulting in a crash--6 points.

17 4. Passing a stopped school bus--4 points.

18 5. Unlawful speed:

19 a. Not in excess of 15 miles per hour of lawful or
20 posted speed--3 points.

21 b. In excess of 15 miles per hour of lawful or posted
22 speed--4 points.

23 6. All other moving violations (including parking on a
24 highway outside the limits of a municipality)--3 points.

25 However, no points shall be imposed for a violation of s.
26 316.0741 or s. 316.2065(12).

27 7. Any moving violation covered above, excluding
28 unlawful speed, resulting in a crash--4 points.

29 8. Any conviction under s. 403.413(5)(b)--3 points.

30 9. Any conviction under s. 316.081--4 points.

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