

By Senator Argenziano

3-785-04

See HB 65

1 A bill to be entitled

2 An act relating to highway safety; amending s.

3 316.075, F.S.; requiring a hearing for

4 specified violations of traffic control signal

5 devices resulting in a crash; amending s.

6 318.14, F.S.; providing penalties for certain

7 traffic infractions requiring a mandatory

8 hearing; amending s. 318.18, F.S.; providing a

9 penalty for a specified violation of traffic

10 control signal devices; providing for

11 distribution of moneys collected; amending s.

12 318.19, F.S.; requiring a hearing for certain

13 violations resulting in a crash; amending s.

14 318.21, F.S.; providing for distribution of

15 specified civil penalties by county courts;

16 amending s. 322.0261, F.S.; requiring the

17 driver improvement course for a second

18 violation of specified provisions within a

19 specified time period; providing a penalty for

20 failure to complete the course within a

21 specified time period; amending s. 322.27,

22 F.S.; assigning a point value for conviction of

23 a specified violation of traffic control signal

24 devices; providing an effective date.

25

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

27

28 Section 1. Subsection (4) of section 316.075, Florida

29 Statutes, is amended to read:

30 316.075 Traffic control signal devices.--

31

1 (1) Except for automatic warning signal lights
2 installed or to be installed at railroad crossings, whenever
3 traffic, including municipal traffic, is controlled by traffic
4 control signals exhibiting different colored lights, or
5 colored lighted arrows, successively one at a time or in
6 combination, only the colors green, red, and yellow shall be
7 used, except for special pedestrian signals carrying a word
8 legend, and the lights shall indicate and apply to drivers of
9 vehicles and pedestrians as follows:

10 (a) Green indication.--

11 1. Vehicular traffic facing a circular green signal
12 may proceed cautiously straight through or turn right or left
13 unless a sign at such place prohibits either such turn. But
14 vehicular traffic, including vehicles turning right or left,
15 shall yield the right-of-way to other vehicles and to
16 pedestrians lawfully within the intersection or an adjacent
17 crosswalk at the time such signal is exhibited.

18 2. Vehicular traffic facing a green arrow signal,
19 shown alone or in combination with another indication, as
20 directed by the manual, may cautiously enter the intersection
21 only to make the movement indicated by such arrow, or such
22 other movement as is permitted by other indications shown at
23 the same time, except the driver of any vehicle may U-turn, so
24 as to proceed in the opposite direction unless such movement
25 is prohibited by posted traffic control signs. Such vehicular
26 traffic shall yield the right-of-way to pedestrians lawfully
27 within an adjacent crosswalk and to other traffic lawfully
28 using the intersection.

29 3. Unless otherwise directed by a pedestrian control
30 signal as provided in s. 316.0755, pedestrians facing any
31 green signal, except when the sole green signal is a turn

1 arrow, may proceed across the roadway within any marked or
2 unmarked crosswalk.

3 (b) Steady yellow indication.--

4 1. Vehicular traffic facing a steady yellow signal is
5 thereby warned that the related green movement is being
6 terminated or that a red indication will be exhibited
7 immediately thereafter when vehicular traffic shall not enter
8 the intersection.

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

14 (c) Steady red indication.--

15 1. Vehicular traffic facing a steady red signal shall
16 stop before entering the crosswalk on the near side of the
17 intersection or, if none, then before entering the
18 intersection and shall remain standing until a green
19 indication is shown; however:

20 a. The driver of a vehicle which is stopped at a
21 clearly marked stop line, but if none, before entering the
22 crosswalk on the near side of the intersection, or, if none
23 then at the point nearest the intersecting roadway where the
24 driver has a view of approaching traffic on the intersecting
25 roadway before entering the intersection in obedience to a
26 steady red signal may make a right turn, but shall yield the
27 right-of-way to pedestrians and other traffic proceeding as
28 directed by the signal at the intersection, except that
29 municipal and county authorities may prohibit any such right
30 turn against a steady red signal at any intersection, which
31 prohibition shall be effective when a sign giving notice

1 | thereof is erected in a location visible to traffic
2 | approaching the intersection.

3 | b. The driver of a vehicle on a one-way street that
4 | intersects another one-way street on which traffic moves to
5 | the left shall stop in obedience to a steady red signal, but
6 | may then make a left turn into the one-way street, but shall
7 | yield the right-of-way to pedestrians and other traffic
8 | proceeding as directed by the signal at the intersection,
9 | except that municipal and county authorities may prohibit any
10 | such left turn as described, which prohibition shall be
11 | effective when a sign giving notice thereof is attached to the
12 | traffic control signal device at the intersection.

13 | 2. Unless otherwise directed by a pedestrian control
14 | signal as provided in s. 316.0755, pedestrians facing a steady
15 | red signal shall not enter the roadway.

16 | (4)(a) A violation of this section is a noncriminal
17 | traffic infraction, punishable pursuant to chapter 318 as
18 | either a pedestrian violation or, if the infraction resulted
19 | from the operation of a vehicle, as a moving violation.

20 | (b) A person committing a violation of subparagraph
21 | (1)(c)1. resulting in a crash is subject to a mandatory
22 | hearing under the provisions of s. 318.19.

23 | Section 2. Subsection (5) of section 318.14, Florida
24 | Statutes, is amended to read:

25 | 318.14 Noncriminal traffic infractions; exception;
26 | procedures.--

27 | (5) Any person electing to appear before the
28 | designated official or who is required so to appear shall be
29 | deemed to have waived his or her right to the civil penalty
30 | provisions of s. 318.18. The official, after a hearing, shall
31 | make a determination as to whether an infraction has been

1 committed. If the commission of an infraction has been proven,
2 the official may impose a civil penalty not to exceed \$500,
3 except that in cases involving unlawful speed in a school zone
4 ~~or, involving unlawful speed in a construction zone, or~~
5 ~~involving a death,~~ the civil penalty may not exceed \$1,000; or
6 require attendance at a driver improvement school, or both. If
7 the person is required to appear before the designated
8 official pursuant to s. 318.19(1) and is found to have
9 committed the infraction, the designated official shall impose
10 a civil penalty of \$1,000 in addition to any other penalties
11 and the person's driver's license shall be suspended for 6
12 months. If the person is required to appear before the
13 designated official pursuant to s. 318.19(2) and is found to
14 have committed the infraction, the designated official shall
15 impose a civil penalty of \$500 in addition to any other
16 penalties and the person's driver's license shall be suspended
17 for 3 months. If the person is required to appear before the
18 designated official pursuant to s. 318.19(3) and is found to
19 have committed the infraction, the designated official shall
20 impose a civil penalty of \$200 in addition to any other
21 penalties and the person's driver's license shall be suspended
22 for 30 days. If the official determines that no infraction has
23 been committed, no costs or penalties shall be imposed and any
24 costs or penalties that have been paid shall be returned.
25 Moneys received from the mandatory civil penalties imposed
26 pursuant to this subsection upon persons required to appear
27 before a designated official pursuant to s. 318.19(1), (2), or
28 (3) shall be remitted to the Department of Revenue for deposit
29 into the General Revenue Fund.

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

1 318.18 Amount of civil penalties.--The penalties
2 required for a noncriminal disposition pursuant to s. 318.14
3 are as follows:

4 (13) One hundred twenty-five dollars for a violation
5 of s. 316.075(1)(c)1., which shall be remitted to the
6 Department of Revenue for deposit into the General Revenue
7 Fund.

8 Section 4. Section 318.19, Florida Statutes, is
9 amended to read:

10 318.19 Infractions requiring a mandatory hearing.--Any
11 person cited for the infractions listed in this section shall
12 not have the provisions of s. 318.14(2), (4), and (9)
13 available to him or her but must appear before the designated
14 official at the time and location of the scheduled hearing:

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

17 (2) Any infraction which results in a crash that
18 causes "serious bodily injury" of another as defined in s.
19 316.1933(1);

20 (3) Any infraction which results in a crash that
21 causes any bodily injury other than "serious bodily injury"
22 defined in s. 316.1933(1);

23 ~~(4)(3)~~ Any infraction of s. 316.172(1)(b); ~~or~~

24 ~~(5)(4)~~ Any infraction of s. 316.520(1) or (2); ~~or~~

25 (6) Any infraction of s. 316.075(1)(c)1. resulting in
26 a crash.

27 Section 5. Subsection (13) is added to section 318.21,
28 Florida Statutes, to read:

29 318.21 Disposition of civil penalties by county
30 courts.--All civil penalties received by a county court
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1 pursuant to the provisions of this chapter shall be
2 distributed and paid monthly as follows:

3 (13)(a) All moneys received from the mandatory civil
4 penalties imposed pursuant to s. 318.14(5) upon persons
5 required to appear before a designated official pursuant to s.
6 318.19(1), (2), or (3) shall be remitted to the Department of
7 Revenue for deposit into the General Revenue Fund.

8 (b) All moneys received from the civil penalties
9 imposed pursuant to s. 318.18(13) shall be remitted to the
10 Department of Revenue for deposit into the General Revenue
11 Fund.

12 Section 6. Section 322.0261, Florida Statutes, is
13 amended to read:

14 322.0261 ~~Mandatory~~ Driver improvement course;
15 requirement to maintain driving privileges; failure to
16 complete; department approval of course ~~certain crashes.--~~

17 (1) The department shall screen crash reports received
18 under s. 316.066 or s. 324.051 to identify crashes involving
19 the following:

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

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

25 (2) With respect to an operator convicted of, or who
26 pleaded nolo contendere to, a traffic offense giving rise to a
27 crash identified pursuant to subsection (1), the department
28 shall require that the operator, in addition to other
29 applicable penalties, attend a department-approved
30 ~~departmentally approved~~ driver improvement course in order to
31 maintain driving privileges. If the operator fails to complete

1 the course within 90 days of receiving notice from the
2 department, the operator's driver's license shall be canceled
3 by the department until the course is successfully completed.

4 (3) The department shall identify any operator
5 convicted of, or who pleaded nolo contendere to, a second
6 violation of s. 316.075(1)(c)1., which violation occurred
7 within 12 months after the first violation, and shall require
8 that operator, in addition to other applicable penalties, to
9 attend a department-approved driver improvement course in
10 order to maintain driving privileges. If the operator fails to
11 complete the course within 90 days after receiving notice from
12 the department, the operator's driver's license shall be
13 canceled by the department until the course is successfully
14 completed.

15 (4)~~(3)~~ In determining whether to approve a driver
16 improvement course for the purposes of this section, the
17 department shall consider course content designed to promote
18 safety, driver awareness, crash avoidance techniques, and
19 other factors or criteria to improve driver performance from a
20 safety viewpoint.

21 Section 7. Paragraph (d) of subsection (3) of section
22 322.27, Florida Statutes, is amended to read:

23 322.27 Authority of department to suspend or revoke
24 license.--

25 (3) There is established a point system for evaluation
26 of convictions of violations of motor vehicle laws or
27 ordinances, and violations of applicable provisions of s.
28 403.413(6)(b) when such violations involve the use of motor
29 vehicles, for the determination of the continuing
30 qualification of any person to operate a motor vehicle. The
31 department is authorized to suspend the license of any person

1 upon showing of its records or other good and sufficient
2 evidence that the licensee has been convicted of violation of
3 motor vehicle laws or ordinances, or applicable provisions of
4 s. 403.413(6)(b), amounting to 12 or more points as determined
5 by the point system. The suspension shall be for a period of
6 not more than 1 year.

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

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

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

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

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

15 5. Unlawful speed:

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

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

20 6. A violation of a traffic control signal device as
21 provided in s. 316.075(1)(c)1.--4 points.

22 7.6. All other moving violations (including parking on
23 a highway outside the limits of a municipality)--3 points.
24 However, no points shall be imposed for a violation of s.
25 316.0741 or s. 316.2065(12).

26 8.7. Any moving violation covered above, excluding
27 unlawful speed, resulting in a crash--4 points.

28 9.8. Any conviction under s. 403.413(5)(b)--3 points.

29 Section 8. This act shall take effect upon becoming a
30 law.

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