

1 A bill to be entitled
 2 An act relating to driver license restrictions; amending
 3 s. 322.16, F.S.; restricting the number of certain
 4 passengers permitted in a vehicle operated by a person
 5 under a certain age; providing for exceptions; providing
 6 penalties; amending s. 318.14, F.S.; providing citation
 7 procedures for violation of said restrictions; amending s.
 8 322.05, F.S.; providing for application of said
 9 restrictions to requirements for issuance of driver
 10 licenses; providing an effective date.

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

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 14 Section 1. Subsections (4), (5), and (6) of section
 15 322.16, Florida Statutes, are amended and renumbered as
 16 subsections (5), (6), and (7), respectively, and a new
 17 subsection (4) is added to said section, to read:

18 322.16 License restrictions.--

19 (4) A person who holds a driver's license who is under 18
 20 years of age shall not operate a motor vehicle with more than
 21 one passenger in the vehicle who is under 18 years of age,
 22 unless any additional passenger or passengers under 18 years of
 23 age are siblings or children of the driver, whether related by
 24 the whole or half blood, by affinity, or by adoption.

25 (5)(4) The department may, upon receiving satisfactory
 26 evidence of any violation of the restriction upon such a
 27 license, except a violation of paragraph (1)(d), subsection (2),
 28 ~~or~~ subsection (3), or subsection (4), suspend or revoke the

29 license, but the licensee is entitled to a hearing as upon a
 30 suspension or revocation under this chapter.

31 ~~(6)~~(5) It is a misdemeanor of the second degree,
 32 punishable as provided in s. 775.082 or s. 775.083, for any
 33 person to operate a motor vehicle in any manner in violation of
 34 the restrictions imposed in a license issued to him or her
 35 except for a violation of paragraph (1)(d), subsection (2), ~~or~~
 36 subsection (3), or subsection (4).

37 ~~(7)~~(6) Any person who operates a motor vehicle in
 38 violation of the restrictions imposed in subsection (2), ~~or~~
 39 subsection (3), or subsection (4) commits a noncriminal traffic
 40 infraction, punishable as will be charged with a moving
 41 violation as provided in and fined in accordance with chapter
 42 318.

43 Section 2. Subsection (1) of section 318.14, Florida
 44 Statutes, is amended to read:

45 318.14 Noncriminal traffic infractions; exception;
 46 procedures.--

47 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
 48 person cited for a violation of chapter 316, s. 320.0605, s.
 49 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~
 50 (3), or (4), s. 322.161(5), s. 322.19, or s. 1006.66(3) is
 51 charged with a noncriminal infraction and must be cited for such
 52 an infraction and cited to appear before an official. If another
 53 person dies as a result of the noncriminal infraction, the
 54 person cited may be required to perform 120 community service
 55 hours under s. 316.027(4), in addition to any other penalties.

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56 Section 3. Subsection (4) of section 322.05, Florida
57 Statutes, is amended to read:

58 322.05 Persons not to be licensed.--The department may not
59 issue a license:

60 (4) Except as provided by this subsection, to any person,
61 as a Class A licensee, Class B licensee, Class C licensee, or
62 Class D licensee, who is under ~~the age of~~ 18 years of age. A
63 person ~~age~~ 16 or 17 years of age who applies for a Class D
64 driver's license is subject to all the requirements and
65 provisions of paragraphs (2)(a) and (b) and ss. 322.09 and
66 322.16(2), ~~and (3), and (4)~~. The department may require of any
67 such applicant for a Class D driver's license such examination
68 of the qualifications of the applicant as the department
69 considers proper, and the department may limit the use of any
70 license granted as it considers proper.

71 Section 4. This act shall take effect October 1, 2005.