

HB 1395

2006
CS

CHAMBER ACTION

1 The Transportation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to traffic safety; providing a short
7 title; providing legislative findings and intent; amending
8 s. 316.083, F.S.; prohibiting a person from operating a
9 motor vehicle in the most left-hand lane under described
10 circumstances; providing penalties for violations;
11 amending s. 316.1923, F.S.; redefining the term
12 "aggressive careless driving"; providing penalties for
13 aggressive careless driving; amending s. 318.19, F.S.;
14 requiring a hearing for a second or subsequent aggressive
15 careless driving violation; requiring the Department of
16 Highway Safety and Motor Vehicles to provide an
17 educational awareness campaign; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. This act may be cited as the "Road Rage
23 Reduction Act."

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24 Section 2. The Legislature finds that road rage and
 25 aggressive careless driving are growing threats to the public's
 26 health, safety, and welfare. Road rage occurs when a driver or
 27 passenger intentionally injures or kills, or attempts or
 28 threatens to injure or kill, another motorist, passenger, or
 29 pedestrian. Aggressive careless driving occurs when a driver
 30 commits multiple traffic control violations simultaneously or in
 31 succession. The intent of the Legislature is to reduce road rage
 32 and aggressive careless driving, to reduce the incidence of
 33 drivers interfering with the movement of traffic, to minimize
 34 crashes, and to promote the safe, orderly, and free flow of
 35 traffic on the roads and highways of the state.

36 Section 3. Subsection (3) of section 316.083, Florida
 37 Statutes, is renumbered as subsection (4), and a new subsection
 38 (3) is added to that section, to read:

39 316.083 Overtaking and passing a vehicle.--The following
 40 rules shall govern the overtaking and passing of vehicles
 41 proceeding in the same direction, subject to those limitations,
 42 exceptions, and special rules hereinafter stated:

43 (3) On roads, streets, or highways with two or more lanes
 44 allowing for movement in the same direction, no person shall
 45 continue to operate a motor vehicle in the most left-hand lane
 46 once such person knows or reasonably should know he or she is
 47 being overtaken in such lane from the rear by a motor vehicle
 48 traveling at a higher rate of speed except when such motor
 49 vehicle is in the process of overtaking a slower vehicle in an
 50 adjacent lane or is preparing for a left turn.

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51 ~~(4)(3)~~ A violation of this section is a noncriminal
52 traffic infraction, punishable as a moving violation as provided
53 in chapter 318.

54 Section 4. Section 316.1923, Florida Statutes, is amended
55 to read:

56 316.1923 Aggressive careless driving.--

57 (1) "Aggressive careless driving" means committing three
58 ~~two~~ or more of the following acts simultaneously or in
59 succession:

60 ~~(a)(1)~~ Exceeding the posted speed as defined in s.
61 322.27(3)(d)5.b.

62 ~~(b)(2)~~ Unsafely or improperly changing lanes as defined in
63 s. 316.085.

64 ~~(c)(3)~~ Following another vehicle too closely as defined in
65 s. 316.0895(1).

66 ~~(d)(4)~~ Failing to yield the right-of-way as defined in s.
67 316.079, s. 316.0815, or s. 316.123.

68 ~~(e)(5)~~ Improperly passing or failing to yield to
69 overtaking vehicles as defined in s. 316.083, s. 316.084, or s.
70 316.085.

71 ~~(f)(6)~~ Violating traffic control and signal devices as
72 defined in ss. 316.074 and 316.075.

73 (2) Any person convicted of aggressive careless driving
74 shall be guilty of a moving violation and shall be punished as
75 provided in chapter 318, including the accumulation of points as
76 provided in s. 322.27, for each of the acts committed.

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77 (3) In addition to the fines and accumulation of points
 78 under subsection (2) for each of the acts committed, a person
 79 convicted of aggressive careless driving shall be punished:

80 (a) Upon a first conviction, by fine of \$100.

81 (b) Upon a second or subsequent conviction, by a fine of
 82 not less than \$250 or more than \$500.

83 (4) A second or subsequent citation for aggressive
 84 careless driving is subject to a mandatory hearing under s.
 85 318.19.

86 Section 5. Subsections (3), (4), and (5) of section
 87 318.19, Florida Statutes, are amended to read:

88 318.19 Infractions requiring a mandatory hearing.--Any
 89 person cited for the infractions listed in this section shall
 90 not have the provisions of s. 318.14(2), (4), and (9) available
 91 to him or her but must appear before the designated official at
 92 the time and location of the scheduled hearing:

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

94 (4) Any infraction of s. 316.520(1) or (2); or

95 (5) Any second or subsequent infraction of s. 316.1923(1).

96 Section 6. The Department of Highway Safety and Motor
 97 Vehicles shall provide an educational awareness campaign
 98 informing the motoring public about the Road Rage Reduction Act.
 99 The department shall provide information about the Road Rage
 100 Reduction Act in all newly printed driver's license educational
 101 materials after October 1, 2006, and in public service
 102 announcements produced in cooperation with the Florida Highway
 103 Patrol.

104 Section 7. This act shall take effect July 1, 2006.