

CHAMBER ACTION

1 The State Infrastructure Council 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; providing for distribution of
14 certain fines collected; amending s. 318.19, F.S.;
15 requiring a hearing for a second or subsequent aggressive
16 careless driving violation; requiring the Department of
17 Highway Safety and Motor Vehicles to provide an
18 educational awareness campaign; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. This act may be cited as the "Road Rage
24 Reduction Act."

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

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

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

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

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50 vehicle is in the process of overtaking a slower vehicle in an
51 adjacent lane or is preparing for a left turn.

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

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

57 316.1923 Aggressive careless driving.--

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

61 (a)~~(1)~~ Exceeding the posted speed as defined in s.
62 322.27(3)(d)5.b.

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

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

67 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
68 316.079, s. 316.0815, or s. 316.123.

69 (e)~~(5)~~ Improperly passing or failing to yield to
70 overtaking vehicles as defined in s. 316.083, s. 316.084, or s.
71 316.085.

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

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

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

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

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

84 (4) Moneys received from the increased fines imposed by
 85 subsection (3) shall be remitted to the Department of Revenue
 86 and deposited into the Department of Health Administrative Trust
 87 Fund to provide financial support to certified trauma centers to
 88 ensure the availability and accessibility of trauma services
 89 throughout the state. Funds deposited into the Administrative
 90 Trust Fund under this subsection shall be allocated as follows:

91 (a) Fifty percent shall be allocated equally among all
 92 Level I, Level II, and pediatric trauma centers in recognition
 93 of readiness costs for maintaining trauma services.

94 (b) Fifty percent shall be allocated among Level I, Level
 95 II, and pediatric trauma centers based on each center's relative
 96 volume of trauma cases as reported in the Department of Health
 97 Trauma Registry.

98 (5) A second or subsequent citation for aggressive
 99 careless driving is subject to a mandatory hearing under s.
 100 318.19.

101 Section 5. Subsections (3) and (4) of section 318.19,
 102 Florida Statutes, are amended, and subsection (5) is added to
 103 that section, to read:

104 318.19 Infractions requiring a mandatory hearing.--Any
 105 person cited for the infractions listed in this section shall

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106 | not have the provisions of s. 318.14(2), (4), and (9) available
 107 | to him or her but must appear before the designated official at
 108 | the time and location of the scheduled hearing:

- 109 | (3) Any infraction of s. 316.172(1)(b); ~~or~~
- 110 | (4) Any infraction of s. 316.520(1) or (2); or
- 111 | (5) Any second or subsequent infraction of s. 316.1923(1).

112 | Section 6. The Department of Highway Safety and Motor
 113 | Vehicles shall provide an educational awareness campaign
 114 | informing the motoring public about the Road Rage Reduction Act.
 115 | The department shall provide information about the Road Rage
 116 | Reduction Act in all newly printed driver's license educational
 117 | materials after October 1, 2006, and in public service
 118 | announcements produced in cooperation with the Florida Highway
 119 | Patrol.

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