

By Senator Lynn

7-809-07

See HB 239

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A bill to be entitled  
An act relating to driver's license  
restrictions; amending s. 322.16, F.S.;  
restricting the number of certain passengers  
permitted in a vehicle operated by a person  
under a certain age; providing exceptions;  
providing penalties; amending s. 318.14, F.S.;  
providing citation procedures for violation of  
said restrictions; providing an effective date.

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

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

322.16 License restrictions.--

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

~~(5)(4)~~ The department may, upon receiving satisfactory  
evidence of any violation of the restriction upon such a  
license, except a violation of paragraph (1)(d), subsection  
(2), ~~or~~ subsection (3), or subsection (4), suspend or revoke  
the license, but the licensee is entitled to a hearing as upon  
a suspension or revocation under this chapter.

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

7           ~~(7)~~(6) Any person who operates a motor vehicle in  
8 violation of the restrictions imposed in subsection (2), ~~or~~  
9 subsection (3), or subsection (4) commits a noncriminal  
10 traffic infraction, punishable as will be charged with a  
11 moving violation as provided in and fined in accordance with  
12 chapter 318.

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

15           318.14 Noncriminal traffic infractions; exception;  
16 procedures.--

17           (1) Except as provided in ss. 318.17 and 320.07(3)(c),  
18 any person cited for a violation of chapter 316, s. 320.0605,  
19 s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.  
20 322.16(2), ~~or~~ (3), or (4), s. 322.161(5), s. 322.19, or s.  
21 1006.66(3) is charged with a noncriminal infraction and must  
22 be cited for such an infraction and cited to appear before an  
23 official. If another person dies as a result of the  
24 noncriminal infraction, the person cited may be required to  
25 perform 120 community service hours under s. 316.027(4), in  
26 addition to any other penalties.

27           Section 3. This act shall take effect October 1, 2007.