

Bill No. SB 536

Barcode 673718

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Constantine) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Highway Safety Act."

Section 2. The Legislature finds that road rage and aggressive careless driving are a growing threat to the health, safety, and welfare of the public. The intent of the Legislature is to reduce road rage and aggressive careless driving, reduce the incidence of drivers' interfering with the movement of traffic, minimize crashes, and promote the orderly, free flow of traffic on the roads and highways of the state.

Section 3. Section 316.071, Florida Statutes, is amended to read:

316.071 ~~Disabled~~ Vehicles obstructing traffic.--

(1) Whenever a vehicle is disabled on any street or

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1 highway within the state or for any reason obstructs the
 2 regular flow of traffic, the driver shall move the vehicle so
 3 as not to obstruct the regular flow of traffic or, if he or
 4 she cannot move the vehicle alone, solicit help and move the
 5 vehicle so as not to obstruct the regular flow of traffic.

6 (2) On roads, streets, or highways having two or more
 7 lanes that allow movement in the same direction, a driver may
 8 not continue to operate a motor vehicle in the furthestmost
 9 left-hand lane if the driver knows, or reasonably should know,
 10 that he or she is being overtaken in that lane from the rear
 11 by a motor vehicle traveling at a higher rate of speed. This
 12 subsection does not apply to the driver of a motor vehicle if
 13 he or she is in the process of overtaking a slower motor
 14 vehicle in an adjacent right-hand lane or is preparing to make
 15 a left turn.

16 (3) Any person failing to comply with ~~the provisions~~
 17 of this section shall be cited for a nonmoving violation,
 18 punishable as provided in chapter 318.

19 Section 4. Section 316.1923, Florida Statutes, is
 20 amended to read:

21 316.1923 Aggressive careless driving.--

22 (1) "Aggressive careless driving" means committing
 23 three ~~two~~ or more of the following acts simultaneously or in
 24 succession:

25 (a)~~(1)~~ Exceeding the posted speed as defined in s.
 26 322.27(3)(d)5.b.

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

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

31 (d)~~(4)~~ Failing to yield the right-of-way as defined in

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1 s. 316.079, s. 316.0815, or s. 316.123.

2 ~~(e)(5)~~ Improperly passing as defined in s. 316.083, s.
3 316.084, or s. 316.085.

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

6 (2) Any person convicted of aggressive careless
7 driving shall be cited for a moving violation and punished as
8 provided in chapter 318, and by the accumulation of points as
9 provided in s. 322.27, for each act of aggressive careless
10 driving.

11 (3) In addition to any fine or points administered
12 under subsection (2), a person convicted of aggressive
13 careless driving shall also pay:

14 (a) Upon a first violation, a fine of \$100.

15 (b) Upon a second or subsequent conviction, a fine of
16 not less than \$250 but not more than \$500 and be subject to a
17 mandatory hearing under s. 318.19.

18 (4) Moneys received from the increased fine imposed by
19 subsection (3) shall be remitted to the Department of Revenue
20 and deposited into the Department of Health Administrative
21 Trust Fund to provide financial support to certified trauma
22 centers to assure the availability and accessibility of trauma
23 services throughout the state. Funds deposited into the
24 Administrative Trust Fund under this section shall be
25 allocated as follows:

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

29 (b) Fifty percent shall be allocated among Level I,
30 Level II, and pediatric trauma centers based on each center's
31 relative volume of trauma cases as reported in the Department

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1 of Health Trauma Registry.

2 Section 5. Section 318.19, Florida Statutes, is
3 amended to read:

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

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

11 (2) Any infraction which results in a crash that
12 causes "serious bodily injury" of another as defined in s.
13 316.1933(1);

14 (3) Any infraction of s. 316.172(1)(b);

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

16 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
17 316.189 of exceeding the speed limit by 30 m.p.h. or more; or-

18 (6) A second or subsequent infraction of s.
19 316.1923(1).

20 Section 6. The Department of Highway Safety and Motor
21 Vehicles shall provide an educational awareness campaign
22 informing the motoring public about the Highway Safety Act.
23 The department shall provide information about the act in all
24 newly printed driver's license educational materials after
25 October 1, 2007, and in public service announcements produced
26 in cooperation with the Florida Highway Patrol.

27 Section 7. For the purpose of incorporating the
28 amendments made by this act to section 316.1923, Florida
29 Statutes, in a reference thereto, paragraph (a) of subsection
30 (1) of section 316.650, Florida Statutes, is reenacted to
31 read:

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1 316.650 Traffic citations.--

2 (1)(a) The department shall prepare, and supply to
3 every traffic enforcement agency in this state, an appropriate
4 form traffic citation containing a notice to appear (which
5 shall be issued in prenumbered books with citations in
6 quintuplicate) and meeting the requirements of this chapter or
7 any laws of this state regulating traffic, which form shall be
8 consistent with the state traffic court rules and the
9 procedures established by the department. The form shall
10 include a box which is to be checked by the law enforcement
11 officer when the officer believes that the traffic violation
12 or crash was due to aggressive careless driving as defined in
13 s. 316.1923. The form shall also include a box which is to be
14 checked by the law enforcement officer when the officer writes
15 a uniform traffic citation for a violation of s. 316.074(1) or
16 s. 316.075(1)(c)1. as a result of the driver failing to stop
17 at a traffic signal.

18 Section 8. This act shall take effect July 1, 2007.

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete everything before the enacting clause

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25 and insert:

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A bill to be entitled

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An act relating to motor vehicles; creating the

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"Highway Safety Act"; providing legislative

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intent relating to road rage and aggressive

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careless driving; amending s. 316.071, F.S.;

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requiring an operator of a motor vehicle to

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1 yield the left lane when being overtaken on a
2 multilane highway; providing exceptions;
3 amending s. 316.1923, F.S.; revising the number
4 of specified acts necessary to qualify as an
5 aggressive careless driver; providing specified
6 punishments for aggressive careless driving;
7 amending s. 318.19, F.S.; providing that a
8 second or subsequent infraction as an
9 aggressive careless driver requires attendance
10 at a mandatory hearing; providing for the
11 disposition of the increased penalties;
12 requiring the Department of Highway Safety and
13 Motor Vehicles to provide an educational
14 awareness campaign; reenacting s.
15 316.650(1)(a), F.S., relating to traffic
16 citations, to incorporate the amendments made
17 to s. 316.1923, F.S., in a reference thereto;
18 providing an effective date.

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