

By Senator Bennett

21-451-07

1 A bill to be entitled

2 An act relating to motor vehicles; creating the

3 "Highway Safety Act"; providing legislative

4 intent relating to road rage and aggressive

5 careless driving; amending s. 316.003, F.S.;

6 defining the term "road rage"; amending s.

7 316.083, F.S.; requiring an operator of a motor

8 vehicle to yield the left lane when being

9 overtaken on a multilane highway; providing

10 exceptions; amending s. 316.1923, F.S.;

11 revising the number of specified acts necessary

12 to qualify as an aggressive careless driver;

13 providing specified punishments for aggressive

14 careless driving; amending s. 318.19, F.S.;

15 providing that a second or subsequent

16 infraction as an aggressive careless driver

17 requires attendance at a mandatory hearing;

18 providing for the disposition of the increased

19 penalties; requiring the Department of Highway

20 Safety and Motor Vehicles to provide an

21 educational awareness campaign; reenacting s.

22 316.650(1)(a), F.S., relating to traffic

23 citations, to incorporate the amendments made

24 to s. 316.1923, F.S., in a reference thereto;

25 providing an effective date.

26

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

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

30 Safety Act."

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

9 Section 3. Subsection (86) is added to section
10 316.003, Florida Statutes, to read:

11 316.003 Definitions.--The following words and phrases,
12 when used in this chapter, shall have the meanings
13 respectively ascribed to them in this section, except where
14 the context otherwise requires:

15 (86) ROAD RAGE.--The act of a driver or passenger to
16 intentionally injure or kill another driver, passenger, or
17 pedestrian, or to attempt or threaten to injure or kill
18 another driver, passenger, or pedestrian.

19 Section 4. Present subsection (3) of section 316.083,
20 Florida Statutes, is redesignated as subsection (4), and a new
21 subsection (3) is added to that section, to read:

22 316.083 Overtaking and passing a vehicle.--The
23 following rules shall govern the overtaking and passing of
24 vehicles proceeding in the same direction, subject to those
25 limitations, exceptions, and special rules hereinafter stated:

26 (3) On roads, streets, or highways having two or more
27 lanes that allow movement in the same direction, a driver may
28 not continue to operate a motor vehicle in the furthestmost
29 left-hand lane if the driver knows, or reasonably should know,
30 that he or she is being overtaken in that lane from the rear
31 by a motor vehicle traveling at a higher rate of speed. This

1 subsection does not apply to the driver of a motor vehicle if
2 he or she is in the process of overtaking a slower motor
3 vehicle in an adjacent right-hand lane or if he or she is
4 preparing to make a left turn.

5 Section 5. Section 316.1923, Florida Statutes, is
6 amended to read:

7 316.1923 Aggressive careless driving.--

8 (1) "Aggressive careless driving" means committing
9 three ~~two~~ or more of the following acts simultaneously or in
10 succession:

11 (a)(1) Exceeding the posted speed as defined in s.
12 322.27(3)(d)5.b.

13 (b)(2) Unsafely or improperly changing lanes as
14 defined in s. 316.085.

15 (c)(3) Following another vehicle too closely as
16 defined in s. 316.0895(1).

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

19 (e)(5) Improperly passing or failing to yield to
20 overtaking vehicles as defined in s. 316.083, s. 316.084, or
21 s. 316.085.

22 (f)(6) Violating traffic control and signal devices as
23 defined in ss. 316.074 and 316.075.

24 (2) Any person convicted of aggressive careless
25 driving shall be cited for a moving violation and punished as
26 provided in chapter 318, and by the accumulation of points as
27 provided in s. 322.27, for each act of aggressive careless
28 driving.

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

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

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

5 (4) Moneys received from the increased fine imposed by
6 subsection (3) shall be remitted to the Department of Revenue
7 and deposited into the Department of Health Administrative
8 Trust Fund to provide financial support to certified trauma
9 centers to assure the availability and accessibility of trauma
10 services throughout the state. Funds deposited into the
11 Administrative Trust Fund under this section shall be
12 allocated as follows:

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

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

20 Section 6. Section 318.19, Florida Statutes, is
21 amended to read:

22 318.19 Infractions requiring a mandatory hearing.--Any
23 person cited for the infractions listed in this section shall
24 not have the provisions of s. 318.14(2), (4), and (9)
25 available to him or her but must appear before the designated
26 official at the time and location of the scheduled hearing:

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

29 (2) Any infraction which results in a crash that
30 causes "serious bodily injury" of another as defined in s.
31 316.1933(1);

- 1 (3) Any infraction of s. 316.172(1)(b);
2 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
3 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
4 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or-~~
5 (6) A second or subsequent infraction of s.
6 316.1923(1).

7 Section 7. The Department of Highway Safety and Motor
8 Vehicles shall provide an educational awareness campaign
9 informing the motoring public about the Highway Safety Act.
10 The department shall provide information about the act in all
11 newly printed driver's license educational materials after
12 October 1, 2007, and in public service announcements produced
13 in cooperation with the Florida Highway Patrol.

14 Section 8. For the purpose of incorporating the
15 amendments made by this act to section 316.1923, Florida
16 Statutes, in a reference thereto, paragraph (a) of subsection
17 (1) of section 316.650, Florida Statutes, is reenacted to
18 read:

19 316.650 Traffic citations.--

20 (1)(a) The department shall prepare, and supply to
21 every traffic enforcement agency in this state, an appropriate
22 form traffic citation containing a notice to appear (which
23 shall be issued in prenumbered books with citations in
24 quintuplicate) and meeting the requirements of this chapter or
25 any laws of this state regulating traffic, which form shall be
26 consistent with the state traffic court rules and the
27 procedures established by the department. The form shall
28 include a box which is to be checked by the law enforcement
29 officer when the officer believes that the traffic violation
30 or crash was due to aggressive careless driving as defined in
31 s. 316.1923. The form shall also include a box which is to be

1 | checked by the law enforcement officer when the officer writes
2 | a uniform traffic citation for a violation of s. 316.074(1) or
3 | s. 316.075(1)(c)1. as a result of the driver failing to stop
4 | at a traffic signal.

5 | Section 9. This act shall take effect July 1, 2007.

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SENATE SUMMARY

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