

HB 731

2007

1                   A bill to be entitled  
2           An act relating to motor vehicles; creating the "Highway  
3           Safety Act"; providing legislative intent relating to road  
4           rage and aggressive careless driving; amending s. 316.071,  
5           F.S.; requiring an operator of a motor vehicle to yield  
6           the left lane when being overtaken on a multilane highway;  
7           providing exceptions; amending s. 316.1923, F.S.; revising  
8           the number of specified acts necessary to qualify as an  
9           aggressive careless driver; providing specified  
10          punishments for aggressive careless driving; amending s.  
11          318.19, F.S.; providing that a second or subsequent  
12          infraction as an aggressive careless driver requires  
13          attendance at a mandatory hearing; providing for the  
14          disposition of the increased penalties; requiring the  
15          Department of Highway Safety and Motor Vehicles to provide  
16          an educational awareness campaign; reenacting s.  
17          316.650(1)(a), F.S., relating to traffic citations, to  
18          incorporate the amendments made to s. 316.1923, F.S., in a  
19          reference thereto; providing an effective date.

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

22  
23           Section 1. This act may be cited as the "Highway Safety  
24 Act."

25           Section 2. The Legislature finds that road rage and  
26 aggressive careless driving are a growing threat to the health,  
27 safety, and welfare of the public. The intent of the Legislature  
28 is to reduce road rage and aggressive careless driving, reduce

HB 731

2007

29 the incidence of drivers' interfering with the movement of  
 30 traffic, minimize crashes, and promote the orderly, free flow of  
 31 traffic on the roads and highways of the state.

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

34 316.071 ~~Disabled~~ Vehicles obstructing traffic.--

35 (1) Whenever a vehicle is disabled on any street or  
 36 highway within the state or for any reason obstructs the regular  
 37 flow of traffic, the driver shall move the vehicle so as not to  
 38 obstruct the regular flow of traffic or, if he or she cannot  
 39 move the vehicle alone, solicit help and move the vehicle so as  
 40 not to obstruct the regular flow of traffic.

41 (2) On roads, streets, or highways having two or more  
 42 lanes that allow movement in the same direction, a driver may  
 43 not continue to operate a motor vehicle in the furthestmost left-  
 44 hand lane if the driver knows, or reasonably should know, that  
 45 he or she is being overtaken in that lane from the rear by a  
 46 motor vehicle traveling at a higher rate of speed. This  
 47 subsection does not apply to the driver of a motor vehicle if he  
 48 or she is in the process of overtaking a slower motor vehicle in  
 49 an adjacent right-hand lane or is preparing to make a left turn.

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

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

55 316.1923 Aggressive careless driving.--

56 (1) "Aggressive careless driving" means committing three

57 ~~two~~ or more of the following acts simultaneously or in  
 58 succession:

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

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

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

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

67 (e)~~(5)~~ Improperly passing as defined in s. 316.083, s.  
 68 316.084, or s. 316.085.

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

71 (2) Any person convicted of aggressive careless driving  
 72 shall be cited for a moving violation and punished as provided  
 73 in chapter 318, and by the accumulation of points as provided in  
 74 s. 322.27, for each act of aggressive careless driving.

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

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

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

82 (4) Moneys received from the increased fine imposed by  
 83 subsection (3) shall be remitted to the Department of Revenue  
 84 and deposited into the Department of Health Administrative Trust

HB 731

2007

85 Fund to provide financial support to certified trauma centers to  
 86 assure the availability and accessibility of trauma services  
 87 throughout the state. Funds deposited into the Administrative  
 88 Trust Fund under this section shall be allocated as follows:

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

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

96 Section 5. Section 318.19, Florida Statutes, is amended to  
 97 read:

98 318.19 Infractions requiring a mandatory hearing.--Any  
 99 person cited for the infractions listed in this section shall  
 100 not have the provisions of s. 318.14(2), (4), and (9) available  
 101 to him or her but must appear before the designated official at  
 102 the time and location of the scheduled hearing:

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

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

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

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

109 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 110 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~

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

112 Section 6. The Department of Highway Safety and Motor

HB 731

2007

113 Vehicles shall provide an educational awareness campaign  
114 informing the motoring public about the Highway Safety Act. The  
115 department shall provide information about the act in all newly  
116 printed driver's license educational materials after October 1,  
117 2007, and in public service announcements produced in  
118 cooperation with the Florida Highway Patrol.

119 Section 7. For the purpose of incorporating the amendments  
120 made by this act to section 316.1923, Florida Statutes, in a  
121 reference thereto, paragraph (a) of subsection (1) of section  
122 316.650, Florida Statutes, is reenacted to read:

123 316.650 Traffic citations.--

124 (1)(a) The department shall prepare, and supply to every  
125 traffic enforcement agency in this state, an appropriate form  
126 traffic citation containing a notice to appear (which shall be  
127 issued in prenumbered books with citations in quintuplicate) and  
128 meeting the requirements of this chapter or any laws of this  
129 state regulating traffic, which form shall be consistent with  
130 the state traffic court rules and the procedures established by  
131 the department. The form shall include a box which is to be  
132 checked by the law enforcement officer when the officer believes  
133 that the traffic violation or crash was due to aggressive  
134 careless driving as defined in s. 316.1923. The form shall also  
135 include a box which is to be checked by the law enforcement  
136 officer when the officer writes a uniform traffic citation for a  
137 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of  
138 the driver failing to stop at a traffic signal.

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