

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. 316.003,
 5 F.S.; defining the term "road rage"; amending s. 316.083,
 6 F.S.; requiring an operator of a motor vehicle to yield
 7 the left lane when being overtaken on a multilane highway;
 8 providing exceptions; amending s. 316.1923, F.S.; revising
 9 the number of specified acts necessary to qualify as an
 10 aggressive careless driver; providing specified
 11 punishments for aggressive careless driving; amending s.
 12 318.19, F.S.; providing that a second or subsequent
 13 infraction as an aggressive careless driver requires
 14 attendance at a mandatory hearing; providing for the
 15 disposition of the increased penalties; requiring the
 16 Department of Highway Safety and Motor Vehicles to provide
 17 an educational awareness campaign; reenacting s.
 18 316.650(1)(a), F.S., relating to traffic citations, to
 19 incorporate the amendments made to s. 316.1923, F.S., in a
 20 reference thereto; providing an effective date.

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

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

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

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29 is to reduce road rage and aggressive careless driving, reduce
 30 the incidence of drivers' interfering with the movement of
 31 traffic, minimize crashes, and promote the orderly, free flow of
 32 traffic on the roads and highways of the state.

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

35 316.003 Definitions.--The following words and phrases,
 36 when used in this chapter, shall have the meanings respectively
 37 ascribed to them in this section, except where the context
 38 otherwise requires:

39 (86) ROAD RAGE.--The act of a driver or passenger to
 40 intentionally injure or kill another driver, passenger, or
 41 pedestrian, or to attempt or threaten to injure or kill another
 42 driver, passenger, or pedestrian.

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

46 316.083 Overtaking and passing a vehicle.--The following
 47 rules shall govern the overtaking and passing of vehicles
 48 proceeding in the same direction, subject to those limitations,
 49 exceptions, and special rules hereinafter stated:

50 (3) On roads, streets, or highways having two or more
 51 lanes that allow movement in the same direction, a driver may
 52 not continue to operate a motor vehicle in the furthestmost left-
 53 hand lane if the driver knows, or reasonably should know, that
 54 he or she is being overtaken in that lane from the rear by a
 55 motor vehicle traveling at a higher rate of speed. This
 56 subsection does not apply to the driver of a motor vehicle if he

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57 or she is in the process of overtaking a slower motor vehicle in
 58 an adjacent right-hand lane or if he or she is preparing to make
 59 a left turn.

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

62 316.1923 Aggressive careless driving.--

63 (1) "Aggressive careless driving" means committing three
 64 ~~two~~ or more of the following acts simultaneously or in
 65 succession:

66 (a)~~(1)~~ Exceeding the posted speed as defined in s.
 67 322.27(3)(d)5.b.

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

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

72 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
 73 316.079, s. 316.0815, or s. 316.123.

74 (e)~~(5)~~ Improperly passing or failing to yield to
 75 overtaking vehicles as defined in s. 316.083, s. 316.084, or s.
 76 316.085.

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

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

83 (3) In addition to any fine or points administered under
 84 subsection (2), a person convicted of aggressive careless

85 driving shall also pay:

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

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

90 (4) Moneys received from the increased fine imposed by
 91 subsection (3) shall be remitted to the Department of Revenue
 92 and deposited into the Department of Health Administrative Trust
 93 Fund to provide financial support to verified trauma centers to
 94 ensure the availability and accessibility of trauma services
 95 throughout the state. Funds deposited into the Administrative
 96 Trust Fund under this section shall be allocated as follows:

97 (a) Twenty-five percent shall be allocated equally among
 98 all Level I, Level II, and pediatric trauma centers in
 99 recognition of readiness costs for maintaining trauma services.

100 (b) Twenty-five percent shall be allocated among Level I,
 101 Level II, and pediatric trauma centers based on each center's
 102 relative volume of trauma cases as reported in the Department of
 103 Health Trauma Registry.

104 (c) Twenty-five percent shall be allocated for emergency
 105 medical services.

106 (d) Twenty-five percent shall be allocated for rural
 107 emergency medical services.

108 Section 6. Section 318.19, Florida Statutes, is amended to
 109 read:

110 318.19 Infractions requiring a mandatory hearing.--Any
 111 person cited for the infractions listed in this section shall
 112 not have the provisions of s. 318.14(2), (4), and (9) available

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113 to him or her but must appear before the designated official at
 114 the time and location of the scheduled hearing:

- 115 (1) Any infraction which results in a crash that causes
- 116 the death of another;
- 117 (2) Any infraction which results in a crash that causes
- 118 "serious bodily injury" of another as defined in s. 316.1933(1);
- 119 (3) Any infraction of s. 316.172(1)(b);
- 120 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
- 121 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
- 122 316.189 of exceeding the speed limit by 30 m.p.h. or more; or-
- 123 (6) A second or subsequent infraction of s. 316.1923(1).

124 Section 7. The Department of Highway Safety and Motor
 125 Vehicles shall provide an educational awareness campaign
 126 informing the motoring public about the Highway Safety Act. The
 127 department shall provide information about the act in all newly
 128 printed driver's license educational materials after October 1,
 129 2008, and in public service announcements produced in
 130 cooperation with the Florida Highway Patrol.

131 Section 8. For the purpose of incorporating the amendments
 132 made by this act to section 316.1923, Florida Statutes, in a
 133 reference thereto, paragraph (a) of subsection (1) of section
 134 316.650, Florida Statutes, is reenacted to read:

135 316.650 Traffic citations.--

- 136 (1)(a) The department shall prepare, and supply to every
- 137 traffic enforcement agency in this state, an appropriate form
- 138 traffic citation containing a notice to appear (which shall be
- 139 issued in prenumbered books with citations in quintuplicate) and
- 140 meeting the requirements of this chapter or any laws of this

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141 state regulating traffic, which form shall be consistent with
142 the state traffic court rules and the procedures established by
143 the department. The form shall include a box which is to be
144 checked by the law enforcement officer when the officer believes
145 that the traffic violation or crash was due to aggressive
146 careless driving as defined in s. 316.1923. The form shall also
147 include a box which is to be checked by the law enforcement
148 officer when the officer writes a uniform traffic citation for a
149 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
150 the driver failing to stop at a traffic signal.

151 Section 9. This act shall take effect July 1, 2008.