

By Senator Lynn

7-00299-08

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1 A bill to be entitled

2 An act relating to driver's license restrictions; amending
3 s. 322.16, F.S.; restricting the number of certain
4 passengers permitted in a vehicle operated by a person
5 under a certain age; providing exceptions; providing for
6 secondary enforcement; providing penalties; amending s.
7 318.14, F.S.; providing citation procedures for violation
8 of such restrictions; providing an effective date.

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

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

16 322.16 License restrictions.--

17 (4) (a) During the first 6 months after the date of his or
18 her licensure, a person who has not attained 18 years of age
19 shall not operate a motor vehicle with any passenger in the
20 vehicle who has not attained 18 years of age. Thereafter, until
21 attaining 18 years of age, such person shall not operate a motor
22 vehicle with more than three passengers in the vehicle who have
23 not attained 18 years of age. This subsection does not apply to
24 any passenger or passengers who are siblings or children of the
25 driver, whether related by whole or half blood, by affinity, or
26 by adoption.

27 (b) Enforcement of this subsection by state or local law
28 enforcement agencies must be accomplished only as a secondary
29 action when a driver of a motor vehicle has been detained for a

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30 suspected violation of another section of this chapter, chapter
31 316, or chapter 320.

32 (5)~~(4)~~ The department may, upon receiving satisfactory
33 evidence of any violation of the restriction upon such a license,
34 except a violation of paragraph (1)(d), subsection (2), ~~or~~
35 subsection (3), or subsection (4), suspend or revoke the license,
36 but the licensee is entitled to a hearing as upon a suspension or
37 revocation under this chapter.

38 (6)~~(5)~~ It is a misdemeanor of the second degree, punishable
39 as provided in s. 775.082 or s. 775.083, for any person to
40 operate a motor vehicle in any manner in violation of the
41 restrictions imposed in a license issued to him or her except for
42 a violation of paragraph (1)(d), subsection (2), ~~or~~ subsection
43 (3), or subsection (4).

44 (7)~~(6)~~ Any person who operates a motor vehicle in violation
45 of the restrictions imposed in subsection (2), ~~or~~ subsection (3),
46 or subsection (4) commits a noncriminal traffic infraction,
47 punishable as will be charged with a moving violation as provided
48 in and fined in accordance with chapter 318.

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

51 318.14 Noncriminal traffic infractions; exception;
52 procedures.--

53 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
54 person cited for a violation of chapter 316, s. 320.0605, s.
55 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~
56 (3), or (4), s. 322.161(5), s. 322.19, or s. 1006.66(3) is
57 charged with a noncriminal infraction and must be cited for such
58 an infraction and cited to appear before an official. If another

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59 | person dies as a result of the noncriminal infraction, the person
60 | cited may be required to perform 120 community service hours
61 | under s. 316.027(4), in addition to any other penalties.

62 | Section 3. This act shall take effect October 1, 2008.