

By the Committees on Criminal Justice; Transportation; and
Senators Lynn and Storms

591-05788-08

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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 unless accompanied by a driver at
6 least 21 years of age; providing exceptions; providing for
7 secondary enforcement; providing penalties; providing for
8 applicability; amending s. 318.14, F.S.; providing
9 citation procedures for violation of such restrictions;
10 providing an effective date.

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

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

18 322.16 License restrictions.--

19 (4) (a) During the first 6 months after the date of his or
20 her licensure, a person who has not attained 18 years of age
21 shall not operate a motor vehicle with any passenger in the
22 vehicle who has not attained 18 years of age unless accompanied
23 by a driver who holds a valid license to operate the type of
24 vehicle being operated and who is at least 21 years of age.
25 Thereafter, until attaining 18 years of age, such person shall
26 not operate a motor vehicle with more than three passengers in
27 the vehicle who have not attained 18 years of age. This
28 subsection does not apply to any passenger or passengers who are
29 siblings or children of the driver, whether related by whole or

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30 half blood, by affinity, or by adoption.

31 (b) Enforcement of this subsection by state or local law
32 enforcement agencies must be accomplished only as a secondary
33 action when a driver of a motor vehicle has been detained for a
34 suspected violation of another section of this chapter, chapter
35 316, or chapter 320.

36 (c) This subsection applies to any person younger than 18
37 years of age who is issued a driver's license on or after October
38 1, 2008.

39 (d) This subsection does not apply to a married minor
40 pursuant to s. 743.01.

41 (5)(4) The department may, upon receiving satisfactory
42 evidence of any violation of the restriction upon such a license,
43 except a violation of paragraph (1)(d), subsection (2), ~~or~~
44 subsection (3), or subsection (4), suspend or revoke the license,
45 but the licensee is entitled to a hearing as upon a suspension or
46 revocation under this chapter.

47 (6)(5) It is a misdemeanor of the second degree, punishable
48 as provided in s. 775.082 or s. 775.083, for any person to
49 operate a motor vehicle in any manner in violation of the
50 restrictions imposed in a license issued to him or her except for
51 a violation of paragraph (1)(d), subsection (2), ~~or~~ subsection
52 (3), or subsection (4).

53 (7)(6) Any person who operates a motor vehicle in violation
54 of the restrictions imposed in subsection (2), ~~or~~ subsection (3),
55 or subsection (4) commits a noncriminal traffic infraction,
56 punishable as will be charged with a moving violation as provided
57 in and fined in accordance with chapter 318.

58 Section 2. Subsection (1) of section 318.14, Florida

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59 Statutes, is amended to read:

60 318.14 Noncriminal traffic infractions; exception;
61 procedures.--

62 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
63 person cited for a violation of chapter 316, s. 320.0605, s.
64 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~
65 (3), or (4), s. 322.161(5), s. 322.19, or s. 1006.66(3) is
66 charged with a noncriminal infraction and must be cited for such
67 an infraction and cited to appear before an official. If another
68 person dies as a result of the noncriminal infraction, the person
69 cited may be required to perform 120 community service hours
70 under s. 316.027(4), in addition to any other penalties.

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