

Bill No. SB 504



683652

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
4/1/2008	.	
	.	
	.	

1 The Committee on Transportation (Baker) recommended the
 2 following **amendment**:

3
 4 Senate Amendment (with title amendments)
 5 Delete line(s) 12-63

6 and insert:

7 Section 1. Section 316.304, Florida Statutes, is amended
 8 to read:

9 316.304 Use of listening or communications devices ~~Wearing~~
 10 ~~of headsets.--~~

11 (1) A ~~No~~ person may not ~~shall~~ operate a vehicle while
 12 wearing a headset, headphone, or other listening device, other
 13 than a hearing aid or instrument for the improvement of
 14 defective human hearing.

15 (a)(2) This subsection ~~section~~ does not apply to:

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16 1.(a) ~~A~~ ~~Any~~ law enforcement officer equipped with a ~~any~~
17 communication device necessary in performing his or her assigned
18 duties or to any emergency vehicle operator equipped with a ~~any~~
19 ear protection device.

20 2.(b) ~~An~~ ~~Any~~ applicant for a license to operate a
21 motorcycle while taking the examination required by s.
22 322.12(5).

23 3.(e) ~~A~~ ~~Any~~ person operating a motorcycle who is using a
24 headset that is installed in a helmet and worn so as to prevent
25 the speakers from making direct contact with the user's ears so
26 that the user can hear surrounding sounds.

27 4.(d) ~~A~~ ~~Any~~ person using a headset in conjunction with a
28 cellular telephone that only provides sound through one ear and
29 allows surrounding sounds to be heard with the other ear.

30 5.(e) ~~A~~ ~~Any~~ person using a headset in conjunction with
31 communicating with the central base operation that only provides
32 sound through one ear and allows surrounding sounds to be heard
33 with the other ear.

34 (b)(3) ~~The department of Highway Safety and Motor Vehicles~~
35 shall adopt promulgate, by ~~administrative rule,~~ standards and
36 specifications for headset equipment the use of which is
37 permitted under this subsection ~~section~~. The department shall
38 inspect and review all such devices submitted to it and shall
39 publish a list by name and type of approved equipment.

40 (c)(4) A violation of this subsection ~~section~~ is a
41 noncriminal traffic infraction, punishable as a nonmoving
42 violation as provided in chapter 318.



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43 (2) A person who has not attained 18 years of age may not
44 operate a motor vehicle while using an electronic communications
45 device.

46 (a) This subsection does not apply to a person using an
47 electronic communications device in order to:

48 1. Report illegal activity;

49 2. Summon medical or other emergency help; or

50 3. Prevent injury or damage to a person or property.

51 (b) Enforcement of this subsection by state or local law
52 enforcement agencies must be accomplished only as a secondary
53 action when an operator of a motor vehicle has been detained for
54 a suspected violation of another provision of this chapter,
55 chapter 320, or chapter 322.

56 (c) A person who violates this subsection commits a
57 noncriminal traffic infraction, punishable as a moving violation
58 as provided in chapter 318, and shall have one point assessed
59 against his or her driver's license as set forth in s. 322.27.

60 (3) A person may not operate a motor vehicle on the
61 highways of this state while manually writing a text message on
62 a electronic communications device. Manually writing a text
63 message does not include selecting or entering a phone number or
64 name in an electronic communications device for the purpose of
65 making a phone call.

66 (a) This subsection does not apply to a person writing a
67 text message on an electronic communications device in order to:

68 1. Report illegal activity;

69 2. Summon medical or other emergency help; or

70 3. Prevent injury or damage to a person or property.



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71 (b) Enforcement of this subsection by state or local law
 72 enforcement agencies must be accomplished only as a secondary
 73 action when an operator of a motor vehicle has been detained for
 74 a suspected violation of another provision of this chapter,
 75 chapter 320, or chapter 322.

76 (c) A person who violates this subsection commits a
 77 noncriminal traffic infraction, punishable as a moving violation
 78 as provided in chapter 318.

79
 80 ===== T I T L E A M E N D M E N T =====

81 And the title is amended as follows:

82 Delete line(s) 6

83 And insert:

84 vehicle; providing exceptions; providing for enforcement;
 85 providing a penalty; prohibiting writing a text message on
 86 an electronic communications device while operating a
 87 motor vehicle; providing for enforcement; providing
 88 exceptions; providing a penalty;