

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Legg offered the following:

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3 **Amendment (with title amendment)**

4 Remove line 52 and insert:

5 Section 3. Effective October 1, 2008, section 316.304,

6 Florida Statutes, is amended to read:

7 316.304 Use of listening or communications devices ~~Wearing~~
8 ~~of headsets.--~~

9 (1) (a) No person shall operate a vehicle while wearing a
10 headset, headphone, or other listening device, other than a
11 hearing aid or instrument for the improvement of defective human
12 hearing.

13 (b) ~~(2)~~ This subsection ~~section~~ does not apply to:

14 1. ~~(a)~~ Any law enforcement officer equipped with any
15 communications ~~communication~~ device necessary in performing his

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16 or her assigned duties or to any emergency vehicle operator
17 equipped with any ear protection device.

18 ~~2.(b)~~ Any applicant for a license to operate a motorcycle
19 while taking the examination required by s. 322.12(5).

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

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

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

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

37 ~~(d)(4)~~ A violation of this subsection ~~section~~ is a
38 noncriminal traffic infraction, punishable as a nonmoving
39 violation as provided in chapter 318.

40 (2)(a) A person who has not attained 18 years of age shall
41 not use any electronic wireless communications device while
42 operating or in actual physical control of a motor vehicle while
43 the motor vehicle is moving.

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44 (b) This subsection does not apply to a person using an
45 electronic wireless communications device to:

- 46 1. Report illegal activity;
47 2. Summon medical or other emergency help; or
48 3. Prevent injury to a person or property.

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

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

58 Section 4. Effective October 1, 2008, paragraph (d) of
59 subsection (3) of section 322.27, Florida Statutes, is amended
60 to read:

61 322.27 Authority of department to suspend or revoke
62 license.--

63 (3) There is established a point system for evaluation of
64 convictions of violations of motor vehicle laws or ordinances,
65 and violations of applicable provisions of s. 403.413(6)(b) when
66 such violations involve the use of motor vehicles, for the
67 determination of the continuing qualification of any person to
68 operate a motor vehicle. The department is authorized to suspend
69 the license of any person upon showing of its records or other
70 good and sufficient evidence that the licensee has been
71 convicted of violation of motor vehicle laws or ordinances, or

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72 applicable provisions of s. 403.413(6)(b), amounting to 12 or
73 more points as determined by the point system. The suspension
74 shall be for a period of not more than 1 year.

75 (d) The point system shall have as its basic element a
76 graduated scale of points assigning relative values to
77 convictions of the following violations:

- 78 1. Reckless driving, willful and wanton--4 points.
- 79 2. Leaving the scene of a crash resulting in property
80 damage of more than \$50--6 points.
- 81 3. Unlawful speed resulting in a crash--6 points.
- 82 4. Passing a stopped school bus--4 points.
- 83 5. Unlawful speed:
 - 84 a. Not in excess of 15 miles per hour of lawful or posted
85 speed--3 points.
 - 86 b. In excess of 15 miles per hour of lawful or posted
87 speed--4 points.
- 88 6. A violation of a traffic control signal device as
89 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
- 90 7. Person who has not attained 18 years of age using an
91 electronic wireless communications device while operating or in
92 actual physical control of a moving motor vehicle in violation
93 of s. 316.304(2)--1 point.

94 ~~8.7.~~ All other moving violations (including parking on a
95 highway outside the limits of a municipality)--3 points.
96 However, no points shall be imposed for a violation of s.
97 316.0741 or s. 316.2065(12).

98 ~~9.8.~~ Any moving violation covered above, excluding
99 unlawful speed, resulting in a crash--4 points.

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100 ~~10.9-~~ Any conviction under s. 403.413(6)(b)--3 points.

101 ~~11.10-~~ Any conviction under s. 316.0775(2)--4 points.

102 Section 5. Paragraph (a) of subsection (1) of section
103 316.613, Florida Statutes, as amended by this act, does not
104 apply to a person who is

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108 **T I T L E A M E N D M E N T**

109 Remove line 2 and insert:

110 An act relating to highway safety; amending s. 316.304, F.S.;
111 prohibiting certain persons from using an electronic wireless
112 communications device while operating a motor vehicle; providing
113 for enforcement; providing penalties; amending s. 322.27, F.S.;
114 providing for a point assessment against the driver's license;
115 amending