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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/21/2008	.	
	.	
	.	

1 The Committee on Criminal Justice (Bennett) recommended the
 2 following **amendment**:

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. This act may be cited as the "Highway Safety
8 Act."

9 Section 2. The Legislature finds that road rage and
10 aggressive careless driving are a growing threat to the health,
11 safety, and welfare of the public. The intent of the Legislature
12 is to reduce road rage and aggressive careless driving, reduce
13 the incidence of drivers' interfering with the movement of
14 traffic, minimize crashes, and promote the orderly, free flow of
15 traffic on the roads and highways of the state.

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



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18 316.003 Definitions.--The following words and phrases, when
19 used in this chapter, shall have the meanings respectively
20 ascribed to them in this section, except where the context
21 otherwise requires:

22 (86) ROAD RAGE.--The act of a driver or passenger to
23 intentionally injure or kill another driver, passenger, or
24 pedestrian, or to attempt or threaten to injure or kill another
25 driver, passenger, or pedestrian.

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

29 316.083 Overtaking and passing a vehicle.--The following
30 rules shall govern the overtaking and passing of vehicles
31 proceeding in the same direction, subject to those limitations,
32 exceptions, and special rules hereinafter stated:

33 (3) (a) On roads, streets, or highways having two or more
34 lanes that allow movement in the same direction, a driver may not
35 continue to operate a motor vehicle in the furthestmost left-hand
36 lane if the driver knows, or reasonably should know, that he or
37 she is being overtaken in that lane from the rear by a motor
38 vehicle traveling at a higher rate of speed.

39 (b) Paragraph (a) does not apply to a driver operating a
40 motor vehicle in the furthestmost left-hand lane if:

41 1. The driver is driving the legal speed limit and is not
42 impeding the flow of traffic in the furthestmost left-hand lane;

43 2. The driver is in the process of overtaking a slower
44 motor vehicle in the adjacent right-hand lane for the purpose of
45 passing the slower moving vehicle so that the driver may move to
46 the adjacent right-hand lane;

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47 3. Conditions make the flow of traffic substantially the
48 same in all lanes or preclude the driver from moving to the
49 adjacent right-hand lane;

50 4. The driver's movement to the adjacent right-hand lane
51 could endanger the driver or other drivers;

52 5. The driver is directed by a law enforcement officer,
53 road sign, or road crew to remain in the furthestmost left-hand
54 lane; or

55 6. The driver is preparing to make a left turn.

56 Section 5. Section 316.1923, Florida Statutes, is amended
57 to read:

58 316.1923 Aggressive careless driving.--

59 (1) "Aggressive careless driving" means committing three
60 ~~two~~ or more of the following acts simultaneously or in
61 succession:

62 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
63 322.27(3)(d)5.b.

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

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

68 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.
69 316.079, s. 316.0815, or s. 316.123.

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

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

74 (2) Any person convicted of aggressive careless driving
75 shall be cited for a moving violation and punished as provided in

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76 chapter 318, and by the accumulation of points as provided in s.
77 322.27, for each act of aggressive careless driving.

78 (3) In addition to any fine or points administered under
79 subsection (2), a person convicted of aggressive careless driving
80 shall also pay:

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

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

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

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

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

99 (c) Twenty-five percent shall be allocated for emergency
100 medical services.

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

103 Section 6. Section 318.19, Florida Statutes, is amended to
104 read:

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105 318.19 Infractions requiring a mandatory hearing.--Any
106 person cited for the infractions listed in this section shall not
107 have the provisions of s. 318.14(2), (4), and (9) available to
108 him or her but must appear before the designated official at the
109 time and location of the scheduled hearing:

110 (1) Any infraction which results in a crash that causes the
111 death of another;

112 (2) Any infraction which results in a crash that causes
113 "serious bodily injury" of another as defined in s. 316.1933(1);

114 (3) Any infraction of s. 316.172(1)(b);

115 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

116 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
117 316.189 of exceeding the speed limit by 30 m.p.h. or more; or-

118 (6) A second or subsequent infraction of s. 316.1923(1).

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

126 Section 8. For the purpose of incorporating the amendments
127 made by this act to section 316.1923, Florida Statutes, in a
128 reference thereto, paragraph (a) of subsection (1) of section
129 316.650, Florida Statutes, is reenacted to read:

130 316.650 Traffic citations.--

131 (1)(a) The department shall prepare, and supply to every
132 traffic enforcement agency in this state, an appropriate form
133 traffic citation containing a notice to appear (which shall be
134 issued in prenumbered books with citations in quintuplicate) and



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

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

147
 148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete everything before the enacting clause
 151 and insert:

152 A bill to be entitled
 153 An act relating to motor vehicles; creating the
 154 "Highway Safety Act"; providing legislative intent
 155 relating to road rage and aggressive careless driving;
 156 amending s. 316.003, F.S.; defining the term "road
 157 rage"; amending s. 316.083, F.S.; requiring an operator
 158 of a motor vehicle to yield the left lane when being
 159 overtaken on a multilane highway; providing exceptions;
 160 amending s. 316.1923, F.S.; revising the number of
 161 specified acts necessary to qualify as an aggressive
 162 careless driver; providing specified punishments for
 163 aggressive careless driving; specifying the allocation
 164 of moneys received from the increased fine imposed for

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165 | aggressive careless driving; amending s. 318.19, F.S.;

166 | providing that a second or subsequent infraction as an

167 | aggressive careless driver requires attendance at a

168 | mandatory hearing; providing for the disposition of the

169 | increased penalties; requiring the Department of

170 | Highway Safety and Motor Vehicles to provide an

171 | educational awareness campaign; reenacting s.

172 | 316.650(1)(a), F.S., relating to traffic citations, to

173 | incorporate the amendments made to s. 316.1923, F.S.,

174 | in a reference thereto; providing an effective date.