

By Senator Bennett

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1 A bill to be entitled

2 An act relating to motor vehicles; creating the "Highway
3 Safety Act"; providing legislative intent relating to road
4 rage and aggressive careless driving; amending s. 316.003,
5 F.S.; defining the term "road rage"; amending s. 316.083,
6 F.S.; requiring an operator of a motor vehicle to yield
7 the left lane when being overtaken on a multilane highway;
8 providing exceptions; amending s. 316.1923, F.S.; revising
9 the number of specified acts necessary to qualify as an
10 aggressive careless driver; providing specified
11 punishments for aggressive careless driving; amending s.
12 318.19, F.S.; providing that a second or subsequent
13 infraction as an aggressive careless driver requires
14 attendance at a mandatory hearing; providing for the
15 disposition of the increased penalties; requiring the
16 Department of Highway Safety and Motor Vehicles to provide
17 an educational awareness campaign; reenacting s.
18 316.650(1)(a), F.S., relating to traffic citations, to
19 incorporate the amendments made to s. 316.1923, F.S., in a
20 reference thereto; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. This act may be cited as the "Highway Safety
25 Act."

26 Section 2. The Legislature finds that road rage and
27 aggressive careless driving are a growing threat to the health,
28 safety, and welfare of the public. The intent of the Legislature
29 is to reduce road rage and aggressive careless driving, reduce

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30 the incidence of drivers' interfering with the movement of
31 traffic, minimize crashes, and promote the orderly, free flow of
32 traffic on the roads and highways of the state.

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

35 316.003 Definitions.--The following words and phrases, when
36 used in this chapter, shall have the meanings respectively
37 ascribed to them in this section, except where the context
38 otherwise requires:

39 (86) ROAD RAGE.--The act of a driver or passenger to
40 intentionally injure or kill another driver, passenger, or
41 pedestrian, or to attempt or threaten to injure or kill another
42 driver, passenger, or pedestrian.

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

46 316.083 Overtaking and passing a vehicle.--The following
47 rules shall govern the overtaking and passing of vehicles
48 proceeding in the same direction, subject to those limitations,
49 exceptions, and special rules hereinafter stated:

50 (3) On roads, streets, or highways having two or more lanes
51 that allow movement in the same direction, a driver may not
52 continue to operate a motor vehicle in the furthestmost left-hand
53 lane if the driver knows, or reasonably should know, that he or
54 she is being overtaken in that lane from the rear by a motor
55 vehicle traveling at a higher rate of speed. This subsection does
56 not apply to the driver of a motor vehicle if he or she is in the
57 process of overtaking a slower motor vehicle in an adjacent
58 right-hand lane or if he or she is preparing to make a left turn.

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59 Section 5. Section 316.1923, Florida Statutes, is amended
60 to read:

61 316.1923 Aggressive careless driving.--

62 (1) "Aggressive careless driving" means committing three
63 ~~two~~ or more of the following acts simultaneously or in
64 succession:

65 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
66 322.27(3)(d)5.b.

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

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

71 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.
72 316.079, s. 316.0815, or s. 316.123.

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

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

77 (2) Any person convicted of aggressive careless driving
78 shall be cited for a moving violation and punished as provided in
79 chapter 318, and by the accumulation of points as provided in s.
80 322.27, for each act of aggressive careless driving.

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

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

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

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

95 (a) Fifty percent shall be allocated equally among all
96 Level I, Level II, and pediatric trauma centers in recognition of
97 readiness costs for maintaining trauma services.

98 (b) Fifty percent shall be allocated among Level I, Level
99 II, and pediatric trauma centers based on each center's relative
100 volume of trauma cases as reported in the Department of Health
101 Trauma Registry.

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

104 318.19 Infractions requiring a mandatory hearing.--Any
105 person cited for the infractions listed in this section shall not
106 have the provisions of s. 318.14(2), (4), and (9) available to
107 him or her but must appear before the designated official at the
108 time and location of the scheduled hearing:

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

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

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

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

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

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

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

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

129 316.650 Traffic citations.--

130 (1)(a) The department shall prepare, and supply to every
131 traffic enforcement agency in this state, an appropriate form
132 traffic citation containing a notice to appear (which shall be
133 issued in prenumbered books with citations in quintuplicate) and
134 meeting the requirements of this chapter or any laws of this
135 state regulating traffic, which form shall be consistent with the
136 state traffic court rules and the procedures established by the
137 department. The form shall include a box which is to be checked
138 by the law enforcement officer when the officer believes that the
139 traffic violation or crash was due to aggressive careless driving
140 as defined in s. 316.1923. The form shall also include a box
141 which is to be checked by the law enforcement officer when the
142 officer writes a uniform traffic citation for a violation of s.
143 316.074(1) or s. 316.075(1)(c)1. as a result of the driver
144 failing to stop at a traffic signal.

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