

By the Committee on Criminal Justice; and 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; specifying
12 the allocation of moneys received from the increased fine
13 imposed for aggressive careless driving; amending s.
14 318.19, F.S.; providing that a second or subsequent
15 infraction as an aggressive careless driver requires
16 attendance at a mandatory hearing; providing for the
17 disposition of the increased penalties; requiring the
18 Department of Highway Safety and Motor Vehicles to provide
19 information about the Highway Safety Act in driver's
20 license educational materials; reenacting s.
21 316.650(1)(a), F.S., relating to traffic citations, to
22 incorporate the amendments made to s. 316.1923, F.S., in a
23 reference thereto; providing an effective date.

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

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27 Section 1. This act may be cited as the "Highway Safety
28 Act."

29 Section 2. The Legislature finds that road rage and

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30 aggressive careless driving are a growing threat to the health,
31 safety, and welfare of the public. The intent of the Legislature
32 is to reduce road rage and aggressive careless driving, reduce
33 the incidence of drivers' interfering with the movement of
34 traffic, minimize crashes, and promote the orderly, free flow of
35 traffic on the roads and highways of the state.

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

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

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

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

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

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

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

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

63 2. The driver is in the process of overtaking a slower
64 motor vehicle in the adjacent right-hand lane for the purpose of
65 passing the slower moving vehicle so that the driver may move to
66 the adjacent right-hand lane;

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

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

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

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

76 Section 5. Section 316.1923, Florida Statutes, is amended
77 to read:

78 316.1923 Aggressive careless driving.--

79 (1) "Aggressive careless driving" means committing three
80 ~~two~~ or more of the following acts simultaneously or in
81 succession:

82 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
83 322.27(3)(d)5.b.

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

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

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88 ~~(d)(4)~~ Failing to yield the right-of-way as defined in s.
89 316.079, s. 316.0815, or s. 316.123.

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

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

94 (2) Any person convicted of aggressive careless driving
95 shall be cited for a moving violation and punished as provided in
96 chapter 318, and by the accumulation of points as provided in s.
97 322.27, for each act of aggressive careless driving.

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

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

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

105 (4) Moneys received from the increased fine imposed by
106 subsection (3) shall be remitted to the Department of Revenue and
107 deposited into the Department of Health Administrative Trust Fund
108 to provide financial support to verified trauma centers to ensure
109 the availability and accessibility of trauma services throughout
110 the state. Funds deposited into the Administrative Trust Fund
111 under this section shall be allocated as follows:

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

115 (b) Twenty-five percent shall be allocated among Level I,
116 Level II, and pediatric trauma centers based on each center's

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117 relative volume of trauma cases as reported in the Department of
118 Health Trauma Registry.

119 (c) Twenty-five percent shall be transferred to the
120 Emergency Medical Services Trust Fund and used by the department
121 for making matching grants to emergency medical services
122 organizations as defined in s. 401.107(4).

123 (d) Twenty-five percent shall be transferred to the
124 Emergency Medical Services Trust Fund and made available to rural
125 emergency medical services as defined in s. 401.107(5), and shall
126 be used solely to improve and expand prehospital emergency
127 medical services in this state. Additionally, these moneys may be
128 used for the improvement, expansion, or continuation of services
129 provided.

130 Section 6. Section 318.19, Florida Statutes, is amended to
131 read:

132 318.19 Infractions requiring a mandatory hearing.--Any
133 person cited for the infractions listed in this section shall not
134 have the provisions of s. 318.14(2), (4), and (9) available to
135 him or her but must appear before the designated official at the
136 time and location of the scheduled hearing:

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

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

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

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

143 (5) Any infraction of s. 316.183(2), s. 316.187, or s.

144 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~

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

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146 Section 7. The Department of Highway Safety and Motor
147 Vehicles shall provide information about the Highway Safety Act
148 in all newly printed driver's license educational materials after
149 October 1, 2008.

150 Section 8. For the purpose of incorporating the amendments
151 made by this act to section 316.1923, Florida Statutes, in a
152 reference thereto, paragraph (a) of subsection (1) of section
153 316.650, Florida Statutes, is reenacted to read:

154 316.650 Traffic citations.--

155 (1)(a) The department shall prepare, and supply to every
156 traffic enforcement agency in this state, an appropriate form
157 traffic citation containing a notice to appear (which shall be
158 issued in prenumbered books with citations in quintuplicate) and
159 meeting the requirements of this chapter or any laws of this
160 state regulating traffic, which form shall be consistent with the
161 state traffic court rules and the procedures established by the
162 department. The form shall include a box which is to be checked
163 by the law enforcement officer when the officer believes that the
164 traffic violation or crash was due to aggressive careless driving
165 as defined in s. 316.1923. The form shall also include a box
166 which is to be checked by the law enforcement officer when the
167 officer writes a uniform traffic citation for a violation of s.
168 316.074(1) or s. 316.075(1)(c)1. as a result of the driver
169 failing to stop at a traffic signal.

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