

By the Policy and Steering Committee on Ways and Means; the Committees on Criminal Justice; and Transportation; and Senator Altman

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1 A bill to be entitled
2 An act relating to uniform traffic control; amending
3 s. 316.003, F.S.; defining the term "traffic
4 infraction detector"; creating s. 316.0076, F.S.;
5 preempting to the state the use of cameras to enforce
6 traffic laws; creating s. 316.0083, F.S.; creating the
7 Mark Wandall Traffic Safety Program; authorizing the
8 Department of Highway Safety and Motor Vehicles, a
9 county, or municipality to use a traffic infraction
10 detector to identify a motor vehicle that fails to
11 stop at a traffic control signal steady red light;
12 requiring authorization of a traffic infraction
13 enforcement officer to issue and enforce a citation
14 for such violation; providing exemptions from
15 citations; providing procedures for disposition and
16 enforcement of citations; providing that certain
17 evidence is admissible for enforcement; providing
18 penalties for submission of a false affidavit;
19 providing that the act does not preclude the issuance
20 of citations by law enforcement officers; establishing
21 a fine of a certain amount; providing for disposition
22 of revenue collected; requiring reports from
23 participating municipalities and counties to the
24 department; requiring the department to make reports
25 to the Governor and the Legislature; providing that
26 certain persons may not be issued a license plate or
27 revalidation sticker; amending s. 316.0745, F.S.;
28 providing that traffic infraction detectors must meet
29 certain specifications; providing for preexisting

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30 equipment; creating s. 316.0776, F.S.; providing for
31 placement and installation of detectors on certain
32 roads; amending s. 316.640, F.S.; requiring the
33 Department of Highway Safety and Motor Vehicles to
34 develop training and qualification standards for
35 traffic infraction enforcement officers; amending s.
36 316.650, F.S.; requiring a traffic enforcement agency
37 to provide a replica of the citation data by
38 electronic transmission under certain conditions;
39 amending s. 318.14, F.S.; providing an exception from
40 provisions requiring a person cited for an infraction
41 for failing to stop at a traffic control signal steady
42 red light to sign and accept a citation indicating a
43 promise to appear; amending s. 318.18, F.S.;
44 increasing certain fines; providing for penalties for
45 infractions enforced by a traffic infraction
46 enforcement officer; providing for distribution of
47 fines; allowing the clerk of court to dismiss certain
48 cases upon receiving documentation that the uniform
49 traffic citation was issued in error; amending s.
50 322.27, F.S.; providing that no points may be assessed
51 against the drivers license for infractions enforced
52 by a traffic infraction enforcement officer; amending
53 s. 395.4036, F.S.; providing for distribution of funds
54 to trauma centers, certain hospitals, and certain
55 nursing homes; providing for severability; providing
56 an effective date.

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

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Section 1. Subsection (86) is added to section 316.003, Florida Statutes, to read:

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

(86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

Section 2. Section 316.0076, Florida Statutes, is created to read:

316.0076 Regulation and use of cameras.—Regulation and use of cameras for enforcing the provisions of this chapter are expressly preempted to the state.

Section 3. Section 316.0083, Florida Statutes, is created to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.—

(1) The department may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails

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88 to stop at a traffic signal on the State Highway System as
89 defined in s. 334.03.

90 (2) Counties and municipalities may use traffic infraction
91 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
92 driver fails to stop at a traffic signal on any highways,
93 streets, or roads located within their boundaries, except the
94 State Highway System.

95 (3) (a) For purposes of administering this section, the
96 department, counties, or municipalities may by rule or ordinance
97 authorize a traffic infraction enforcement officer to issue a
98 uniform traffic citation for a violation of s. 316.074(1) or s.
99 316.075(1)(c)1. The term "traffic infraction enforcement
100 officer" means the designee of the department, county, or
101 municipality who is authorized to enforce s. 316.074(1) or s.
102 316.075(1)(c)1. when a driver fails to stop at a traffic signal.
103 The department, county, or municipality may designate traffic
104 infraction enforcement officers pursuant to s. 316.640(1).

105 (b) A citation issued under this section shall be issued by
106 mailing the citation by certified mail, return receipt
107 requested, to the address of the registered owner of the motor
108 vehicle involved in the violation. In the case of joint
109 ownership of a motor vehicle, the traffic citation shall be
110 mailed to the first name appearing on the registration, unless
111 the first name appearing on the registration is a business
112 organization, in which case the second name appearing on the
113 registration may be used. The citation must be mailed to the
114 registered owner of the motor vehicle involved in the violation
115 within 7 business days after the date of the violation. In
116 addition to the citation, notification must be sent to the

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117 registered owner of the motor vehicle involved in the violation
118 specifying remedies available under s. 318.18(15).

119 (c)1. The owner of the motor vehicle involved in the
120 violation is responsible and liable for paying the citation
121 issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
122 when the driver failed to stop at a traffic signal, unless the
123 owner can establish that:

124 a. The motor vehicle passed through the intersection in
125 order to yield right-of-way to an emergency vehicle or as part
126 of a funeral procession;

127 b. The motor vehicle passed through the intersection at the
128 direction of a law enforcement officer;

129 c. The motor vehicle passed through the intersection due to
130 a medical emergency;

131 d. The motor vehicle was, at the time of the violation, in
132 the care, custody, or control of another person; or

133 e. A uniform traffic citation was issued by a law
134 enforcement officer to the driver of the motor vehicle for the
135 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

136 2. In order to establish such facts, the owner of the motor
137 vehicle shall, within 30 days after the date of issuance of the
138 citation, furnish to the appropriate governmental entity an
139 affidavit setting forth detailed information supporting an
140 exemption as provided in this paragraph.

141 a. Affidavits supporting exemptions under sub-subparagraph
142 1.d. must include the name, address, date of birth, and, if
143 known, the driver's license number of the person who leased,
144 rented, or otherwise had care, custody, or control of the motor
145 vehicle at the time of the alleged violation. If the vehicle was

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146 stolen at the time of the alleged offense, the affidavit must
147 include the police report indicating that the vehicle was
148 stolen.

149 b. If a citation for a violation of s. 316.074(1) or s.
150 316.075(1)(c)1. was issued at the location of the violation by a
151 law enforcement officer, the serial number of the uniform
152 traffic citation.

153
154 Upon receipt of an affidavit, the person designated as having
155 care, custody, and control of the motor vehicle at the time of
156 the violation may be issued a citation for a violation of s.
157 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
158 at a traffic signal. The affidavit is admissible in a proceeding
159 pursuant to this section for the purpose of providing proof that
160 the person identified in the affidavit was in actual care,
161 custody, or control of the motor vehicle. The owner of a leased
162 vehicle for which a citation is issued for a violation of s.
163 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
164 at a traffic signal is not responsible for paying the citation
165 and is not required to submit an affidavit as specified in this
166 subsection if the motor vehicle involved in the violation is
167 registered in the name of the lessee of such motor vehicle.

168 (d) A written report of a traffic infraction enforcement
169 officer, along with photographic or electronic images or
170 streaming video evidence that a violation of s. 316.074(1) or s.
171 316.075(1)(c)1. when the driver failed to stop at a traffic
172 signal has occurred, is admissible in any proceeding to enforce
173 this section and raises a rebuttable presumption that the motor
174 vehicle named in the report or shown in the photographic or

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175 electronic images or streaming video evidence was used in
176 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
177 failed to stop at a traffic signal.

178 (4) The submission of a false affidavit is a misdemeanor of
179 the second degree, punishable as provided in s. 775.082 or s.
180 775.083.

181 (5) This section supplements the enforcement of s.
182 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
183 when a driver fails to stop at a traffic signal, and this
184 section does not prohibit a law enforcement officer from issuing
185 a citation for a violation of s. 316.074(1) or s.
186 316.075(1)(c)1. when a driver fails to stop at a traffic signal
187 in accordance with normal traffic-enforcement techniques.

188 (6) (a) Each county or municipality that operates a traffic
189 infraction detector shall submit an annual report to the
190 department which details the results of using the traffic
191 infraction detector and the procedures for enforcement. The
192 information submitted by the counties and municipalities must
193 include statistical data and information required by the
194 department to complete the report and be submitted no later than
195 90 days prior to the due date of the annual report.

196 (b) The department shall provide an annual summary report
197 to the Governor, the President of the Senate, and the Speaker of
198 the House of Representatives regarding the use and operation of
199 traffic infraction detectors under this section. The summary
200 report must include a review of the information submitted to the
201 department by the counties and municipalities and must describe
202 the enhancement of the traffic safety and enforcement programs.
203 The department shall report its recommendations, including any

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204 necessary legislation, on or before December 1, 2010, to the
205 Governor, the President of the Senate, and the Speaker of the
206 House of Representatives.

207 (7) Any governmental entity may supply the department with
208 data that is machine readable by the department's computer
209 system, listing persons who have one or more outstanding
210 violations of this section. Pursuant to s. 320.03(8), those
211 persons may not be issued a license plate or revalidation
212 sticker for any motor vehicle.

213 Section 4. Subsection (6) of section 316.0745, Florida
214 Statutes, is amended to read:

215 316.0745 Uniform signals and devices.—

216 (6)(a) Any system of traffic control devices controlled and
217 operated from a remote location by electronic computers or
218 similar devices ~~must shall~~ meet all requirements established for
219 the uniform system, and, ~~if where~~ such a system affects ~~systems~~
220 ~~affect~~ the movement of traffic on state roads, the design of the
221 system ~~must shall~~ be reviewed and approved by the Department of
222 Transportation.

223 (b) Any traffic infraction detector deployed on the
224 highways, streets, and roads of the state must meet
225 specifications established by the Department of Transportation
226 and must be tested at regular intervals according to procedures
227 prescribed by that department. However, any such equipment
228 acquired by purchase, lease, or other arrangement under an
229 agreement entered into by a county or municipality before the
230 effective date of this act or equipment used to enforce an
231 ordinance enacted by a county or municipality before the
232 effective date of this act is not required to meet the

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233 specifications established by the Department of Transportation
234 until September 30, 2010.

235 Section 5. Section 316.0776, Florida Statutes, is created
236 to read:

237 316.0776 Traffic infraction detectors; placement and
238 installation.—Placement and installation of traffic infraction
239 detectors is allowed on the State Highway System, county roads,
240 and municipal streets under specifications developed by the
241 Department of Transportation, so long as safety and operation of
242 the road facility is not impaired.

243 Section 6. Paragraph (b) of subsection (1) of section
244 316.640, Florida Statutes, is amended to read:

245 316.640 Enforcement.—The enforcement of the traffic laws of
246 this state is vested as follows:

247 (1) STATE.—

248 (b)1. The Department of Transportation has authority to
249 enforce on all the streets and highways of this state all laws
250 applicable within its authority.

251 2.a. The Department of Transportation shall develop
252 training and qualifications standards for toll enforcement
253 officers whose sole authority is to enforce the payment of tolls
254 pursuant to s. 316.1001. Nothing in this subparagraph shall be
255 construed to permit the carrying of firearms or other weapons,
256 nor shall a toll enforcement officer have arrest authority.

257 b. For the purpose of enforcing s. 316.1001, governmental
258 entities, as defined in s. 334.03, which own or operate a toll
259 facility may employ independent contractors or designate
260 employees as toll enforcement officers; however, any such toll
261 enforcement officer must successfully meet the training and

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262 qualifications standards for toll enforcement officers
263 established by the Department of Transportation.

264 3.a. The department shall develop training and
265 qualifications standards for traffic infraction enforcement
266 officers whose sole authority is to enforce s. 316.074(1) or s.
267 316.075(1)(c)1. when a driver fails to stop at a traffic signal
268 pursuant to s. 316.0083. This sub-subparagraph does not
269 authorize the carrying of firearms or other weapons by a traffic
270 infraction enforcement officer and does not authorize a traffic
271 infraction enforcement officer to make arrests.

272 b. For the purpose of enforcing s. 316.0083, the
273 department, counties, or municipalities may employ independent
274 contractors or designate employees as traffic infraction
275 enforcement officers; however, any such traffic infraction
276 enforcement officer must successfully meet the training and
277 qualifications standards for traffic infraction enforcement
278 officers established by the department.

279 Section 7. Subsection (3) of section 316.650, Florida
280 Statutes, is amended to read:

281 316.650 Traffic citations.—

282 (3) (a) Except for a traffic citation issued pursuant to s.
283 316.1001 and s. 316.0083, each traffic enforcement officer, upon
284 issuing a traffic citation to an alleged violator of any
285 provision of the motor vehicle laws of this state or of any
286 traffic ordinance of any municipality or town, shall deposit the
287 original traffic citation or, in the case of a traffic
288 enforcement agency that has an automated citation issuance
289 system, the chief administrative officer shall provide by an
290 electronic transmission a replica of the citation data to a

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291 court having jurisdiction over the alleged offense or with its
292 traffic violations bureau within 5 days after issuance to the
293 violator.

294 (b) If a traffic citation is issued pursuant to s.
295 316.1001, a traffic enforcement officer may deposit the original
296 traffic citation or, in the case of a traffic enforcement agency
297 that has an automated citation system, may provide by an
298 electronic transmission a replica of the citation data to a
299 court having jurisdiction over the alleged offense or with its
300 traffic violations bureau within 45 days after the date of
301 issuance of the citation to the violator. If the person cited
302 for the violation of s. 316.1001 makes the election provided by
303 s. 318.14(12) and pays the \$25 fine, or such other amount as
304 imposed by the governmental entity owning the applicable toll
305 facility, plus the amount of the unpaid toll that is shown on
306 the traffic citation directly to the governmental entity that
307 issued the citation, or on whose behalf the citation was issued,
308 in accordance with s. 318.14(12), the traffic citation will not
309 be submitted to the court, the disposition will be reported to
310 the department by the governmental entity that issued the
311 citation, or on whose behalf the citation was issued, and no
312 points will be assessed against the person's driver's license.

313 (c) If a traffic citation is issued under s. 316.0083, the
314 traffic infraction enforcement officer shall provide by
315 electronic transmission a replica of the citation data to the
316 court having jurisdiction over the alleged offense or its
317 traffic violations bureau within 5 business days after the date
318 of issuance of the citation to the violator.

319 Section 8. Subsection (2) of section 318.14, Florida

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320 Statutes, is amended to read:

321 318.14 Noncriminal traffic infractions; exception;
322 procedures.—

323 (2) Except as provided in s. 316.1001(2) and s.
324 316.0083(3), any person cited for an infraction under this
325 section must sign and accept a citation indicating a promise to
326 appear. The officer may indicate on the traffic citation the
327 time and location of the scheduled hearing and must indicate the
328 applicable civil penalty established in s. 318.18.

329 Section 9. Subsection (15) of section 318.18, Florida
330 Statutes, is amended to read:

331 318.18 Amount of penalties.—The penalties required for a
332 noncriminal disposition pursuant to s. 318.14 or a criminal
333 offense listed in s. 318.17 are as follows:

334 (15) (a) One hundred fifty ~~twenty-five~~ dollars for a
335 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
336 has failed to stop at a traffic signal and when enforced by a
337 law enforcement officer. Sixty dollars shall be distributed as
338 provided in s. 318.21, \$25 shall be distributed to the General
339 Revenue Fund, and the remaining \$65 shall be remitted to the
340 Department of Revenue for deposit into the Administrative Trust
341 Fund of the Department of Health.

342 (b) One hundred fifty dollars for a violation of s.
343 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
344 stop at a traffic signal and when enforced by the department's
345 traffic infraction enforcement officer shall be distributed to
346 the General Revenue Fund.

347 (c) One hundred fifty dollars for a violation of s.
348 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

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349 stop at a traffic signal and when enforced by a county or
350 municipality's traffic infraction enforcement officer. Ninety
351 dollars shall be distributed to the county or municipality
352 issuing the citation, \$40 shall be distributed to the General
353 Revenue Fund, and the remaining \$20 shall be remitted to the
354 Department of Revenue for deposit into the Department of Health
355 Administrative Trust Fund.

356 (d) If a person who is cited for a violation of s.
357 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
358 infraction enforcement officer under s. 316.0083, presents
359 documentation from the appropriate governmental entity that the
360 uniform traffic citation was in error, the clerk of court may
361 dismiss the case. The clerk of court shall not charge for this
362 service.

363
364 Funds deposited into the Department of Health Administrative
365 Trust Fund under this subsection shall be distributed as
366 provided in s. 395.4036(1).

367 Section 10. Paragraph (d) of subsection (3) of section
368 322.27, Florida Statutes, is amended to read:

369 322.27 Authority of department to suspend or revoke
370 license.—

371 (3) There is established a point system for evaluation of
372 convictions of violations of motor vehicle laws or ordinances,
373 and violations of applicable provisions of s. 403.413(6)(b) when
374 such violations involve the use of motor vehicles, for the
375 determination of the continuing qualification of any person to
376 operate a motor vehicle. The department is authorized to suspend
377 the license of any person upon showing of its records or other

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378 good and sufficient evidence that the licensee has been
379 convicted of violation of motor vehicle laws or ordinances, or
380 applicable provisions of s. 403.413(6)(b), amounting to 12 or
381 more points as determined by the point system. The suspension
382 shall be for a period of not more than 1 year.

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

- 386 1. Reckless driving, willful and wanton—4 points.
387 2. Leaving the scene of a crash resulting in property
388 damage of more than \$50—6 points.
389 3. Unlawful speed resulting in a crash—6 points.
390 4. Passing a stopped school bus—4 points.
391 5. Unlawful speed:
392 a. Not in excess of 15 miles per hour of lawful or posted
393 speed—3 points.
394 b. In excess of 15 miles per hour of lawful or posted
395 speed—4 points.
396 6. A violation of a traffic control signal device as
397 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
398 However, no points shall be imposed for a violation of s.
399 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
400 stop at a traffic signal and when enforced by a traffic
401 infraction enforcement officer.
402 7. All other moving violations (including parking on a
403 highway outside the limits of a municipality)—3 points. However,
404 no points shall be imposed for a violation of s. 316.0741 or s.
405 316.2065(12).
406 8. Any moving violation covered above, excluding unlawful

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407 speed, resulting in a crash-4 points.

408 9. Any conviction under s. 403.413(6)(b)-3 points.

409 10. Any conviction under s. 316.0775(2)-4 points.

410 Section 11. Subsection (1) of section 395.4036, Florida
411 Statutes, is amended to read:

412 395.4036 Trauma payments.—

413 (1) Recognizing the Legislature's stated intent to provide
414 financial support to the current verified trauma centers and to
415 provide incentives for the establishment of additional trauma
416 centers as part of a system of state-sponsored trauma centers,
417 the department shall use ~~utilize~~ funds collected under s.
418 318.18(15) (a) and (c) and deposited into the Administrative
419 Trust Fund of the department to ensure the availability and
420 accessibility of trauma and emergency services throughout the
421 state as provided in this subsection.

422 (a) Funds collected under s. 318.18(15) (a) and (c) shall be
423 distributed as follows:

424 1.(a) Eighteen ~~Twenty~~ percent of the total funds collected
425 under s. 318.18(15) (a) and (c) ~~this subsection~~ during the state
426 fiscal year shall be distributed to verified trauma centers that
427 have a local funding contribution as of December 31.
428 Distribution of funds under this paragraph shall be based on
429 trauma caseload volume for the most recent calendar year
430 available.

431 2.(b) Thirty-nine ~~Forty~~ percent of the total funds
432 collected under s. 318.18(15) (a) and (c) ~~this subsection~~ shall
433 be distributed to verified trauma centers based on trauma
434 caseload volume for the most recent calendar year available. The
435 determination of caseload volume for distribution of funds under

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436 this paragraph shall be based on the department's Trauma
437 Registry data.

438 3.~~(e)~~ Thirty-nine ~~Forty~~ percent of the total funds
439 collected under s. 318.18(15)(a) and (c) ~~this subsection~~ shall
440 be distributed to verified trauma centers based on severity of
441 trauma patients for the most recent calendar year available. The
442 determination of severity for distribution of funds under this
443 paragraph shall be based on the department's International
444 Classification Injury Severity Scores or another statistically
445 valid and scientifically accepted method of stratifying a trauma
446 patient's severity of injury, risk of mortality, and resource
447 consumption as adopted by the department by rule, weighted based
448 on the costs associated with and incurred by the trauma center
449 in treating trauma patients. The weighting of scores shall be
450 established by the department by rule.

451 4. Two percent of the total funds collected under s.
452 318.18(15)(a) and (c) shall be distributed to public hospitals
453 that qualify for distributions under s. 409.911(4), that are not
454 verified trauma centers but are located in trauma services areas
455 defined under s. 395.402, and that do not have a verified trauma
456 center based on their proportionate number of emergency room
457 visits on an annual basis. The Agency for Health Care
458 Administration shall provide the department with a list of
459 public hospitals and emergency room visits.

460 5. Two percent of the total funds collected under s.
461 318.18(15)(a) and (c) shall be distributed to provide an
462 enhanced Medicaid payment to nursing homes that serve residents
463 who have brain and spinal cord injuries and are Medicaid
464 recipients.

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465 **(b)** Funds deposited in the department's Administrative
466 Trust Fund for verified trauma centers may be used to maximize
467 the receipt of federal funds that may be available for such
468 trauma centers and public hospitals eligible for nontrauma funds
469 under subparagraph (a)4. Notwithstanding this section and s.
470 318.14, distributions to trauma centers may be adjusted in a
471 manner to ensure that total payments to trauma centers represent
472 the same proportional allocation as set forth in this section
473 and s. 318.14. For purposes of this section and s. 318.14, total
474 funds distributed to trauma centers may include revenue from the
475 Administrative Trust Fund and federal funds for which revenue
476 from the Administrative Trust Fund is used to meet state or
477 local matching requirements. Funds collected under ss. 318.14
478 and 318.18(15) (a) and (c) and deposited in the Administrative
479 Trust Fund of the department shall be distributed to trauma
480 centers and public hospitals eligible for nontrauma funds under
481 subparagraph (a)4. on a quarterly basis using the most recent
482 calendar year data available. Such data shall not be used for
483 more than four quarterly distributions unless there are
484 extenuating circumstances as determined by the department, in
485 which case the most recent calendar year data available shall
486 continue to be used and appropriate adjustments shall be made as
487 soon as the more recent data becomes available.

488 Section 12. If any provision of this act or its application
489 to any person or circumstance is held invalid, the invalidity
490 does not affect other provisions or applications of this act
491 which can be given effect without the invalid provision or
492 application, and to this end the provisions of this act are
493 severable.

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Section 13. This act shall take effect upon becoming a law.