

1 A bill to be entitled
 2 An act relating to use of an electronic wireless
 3 communications device while driving; amending s. 316.304,
 4 F.S.; prohibiting the operation of a moving motor vehicle
 5 while reading, manually writing or typing, or sending a
 6 message on an electronic wireless communications device;
 7 providing an effective date.

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

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 11 Section 1. Section 316.304, Florida Statutes, is amended
 12 to read:

13 316.304 Use of listening or communications devices;
 14 restrictions ~~Wearing of headsets.--~~

15 (1) (a) No person shall operate a vehicle while wearing a
 16 headset, headphone, or other listening device, other than a
 17 hearing aid or instrument for the improvement of defective human
 18 hearing.

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

20 1. ~~(a)~~ Any law enforcement officer equipped with any
 21 communications ~~communication~~ device necessary in performing his
 22 or her assigned duties or to any emergency vehicle operator
 23 equipped with any ear protection device.

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

26 3. ~~(c)~~ Any person operating a motorcycle who is using a
 27 headset that is installed in a helmet and worn so as to prevent

28 | the speakers from making direct contact with the user's ears so
 29 | that the user can hear surrounding sounds.

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

33 | 5.~~(e)~~ Any person using a headset in conjunction with
 34 | communicating with the central base operation that only provides
 35 | sound through one ear and allows surrounding sounds to be heard
 36 | with the other ear.

37 | (c)~~(3)~~ The Department of Highway Safety and Motor Vehicles
 38 | shall promulgate, by administrative rule, standards and
 39 | specifications for headset equipment the use of which is
 40 | permitted under this subsection ~~section~~. The department shall
 41 | inspect and review all such devices submitted to it and shall
 42 | publish a list by name and type of approved equipment.

43 | (2) (a) No person shall operate a moving motor vehicle
 44 | while reading, manually writing or typing, or sending a message
 45 | on an electronic wireless communications device.

46 | (b) This subsection does not apply to a person operating
 47 | an authorized emergency vehicle or using an electronic wireless
 48 | communications device to:

- 49 | 1. Report illegal activity;
- 50 | 2. Summon medical or other emergency help; or
- 51 | 3. Prevent injury to a person or property.

52 | (3)~~(4)~~ A violation of this section is a noncriminal
 53 | traffic infraction, punishable as a nonmoving violation as
 54 | provided in chapter 318.

55 | Section 2. This act shall take effect October 1, 2009.