

By Senator Sobel

31-00441-09

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1                   A bill to be entitled  
2           An act relating to teen drivers; amending s. 322.05,  
3           F.S.; revising the age by which a person may receive a  
4           driver's license or driver's learner's license;  
5           requiring that a person younger than a certain age  
6           provide proof of completing a driver's education  
7           course that includes a minimum of 10 hours of driving  
8           instruction provided by a state-licensed driver's  
9           education school before receiving a license; amending  
10          s. 322.16, F.S.; restricting the number of passengers  
11          permitted in a motor vehicle operated by a person  
12          younger than a certain age unless the person is  
13          accompanied by a parent or guardian; providing  
14          exceptions; providing for penalties; amending s.  
15          322.1615, F.S.; conforming provisions to changes made  
16          by the act; reenacting s. 318.14(1), F.S., relating to  
17          noncriminal traffic infractions, to incorporate  
18          amendments to s. 322.16, F.S., in a reference thereto;  
19          providing effective dates.  
20

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

23           Section 1. Subsections (1), (2), (3), (4), and (7) of  
24           section 322.05, Florida Statutes, are amended to read:

25           322.05 Persons not to be licensed.—The department may not  
26           issue a license:

27           (1) To a person who has not attained 17 ~~is under the age of~~  
28           ~~16~~ years of age, except that the department may issue a  
29           learner's driver's license to a person who has attained 16 ~~is at~~

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30 ~~least 15~~ years of age and who meets the requirements of ss.

31 322.091 and 322.1615 and of any other applicable law or rule.

32 (2) To a person who has attained 17 ~~is at least 16~~ years of  
33 age but has not attained ~~is under~~ 18 years of age unless the  
34 person meets the requirements of s. 322.091 and holds a valid:

35 (a) Learner's driver's license for at least 12 months, with  
36 no moving traffic convictions, before applying for a license;

37 (b) Learner's driver's license for at least 12 months and  
38 who has a moving traffic conviction but elects to attend a  
39 traffic driving school for which adjudication must be withheld  
40 pursuant to s. 318.14; or

41 (c) License that was issued in another state or in a  
42 foreign jurisdiction and that would not be subject to suspension  
43 or revocation under the laws of this state.

44 (3) To a person who has attained 17 ~~is at least 16~~ years of  
45 age but has not attained ~~who is under~~ 18 years of age, unless:

46 (a) The person provides proof of successfully completing a  
47 driver's education course that includes a minimum of 10 hours of  
48 driving instruction provided by a state-licensed driver's  
49 education school; and

50 (b) The parent, guardian, or other responsible adult  
51 meeting the requirements of s. 322.09 certifies that he or she,  
52 or another licensed driver 21 years of age or older, has  
53 accompanied the applicant for a total of not less than 50 hours'  
54 behind-the-wheel experience, of which not less than 10 hours  
55 must be at night. This paragraph ~~subsection~~ is not intended to  
56 create a private cause of action as a result of the  
57 certification. The certification is inadmissible for any purpose  
58 in any civil proceeding.

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59 (4) Except as provided by this subsection, to any person,  
60 as a Class A licensee, Class B licensee, or Class C licensee,  
61 who has not attained ~~is under the age of~~ 18 years of age.

62 (7) To any person who is a ~~an~~ habitual drunkard, or is a ~~an~~  
63 habitual user of narcotic drugs, or is a ~~an~~ habitual user of any  
64 other drug to a degree which renders him or her incapable of  
65 safely driving a motor vehicle.

66 Section 2. Effective October 1, 2009, subsections (2), (3),  
67 and (6) of section 322.16, Florida Statutes, are amended to  
68 read:

69 322.16 License restrictions.—

70 (2) A person who holds a driver's license and who has not  
71 attained 18 ~~is under 17~~ years of age, when operating a motor  
72 vehicle after 11 p.m. and before 6 a.m., must be accompanied by  
73 a driver who holds a valid license to operate the type of  
74 vehicle being operated and is at least 21 years of age unless  
75 that person is driving directly to or from work.

76 (3) (a) During the first 6 months after the date of  
77 receiving a license, a person who has not attained 18 years of  
78 age may not operate a motor vehicle containing more than one  
79 passenger unless the person is accompanied by his or her parent  
80 or guardian.

81 (b) This subsection does not apply:

82 1. To any passenger or passengers who are siblings or  
83 children of the driver, whether related by whole or half blood,  
84 by affinity, or by adoption; or

85 2. If the motor vehicle is being used for agricultural  
86 purposes. ~~A person who holds a driver's license who is 17 years~~  
87 ~~of age, when operating a motor vehicle after 1 a.m. and before 5~~

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88 ~~a.m., must be accompanied by a driver who holds a valid license~~  
89 ~~to operate the type of vehicle being operated, and is at least~~  
90 ~~21 years of age unless that person is driving directly to or~~  
91 ~~from work.~~

92 (6) Any person who operates a motor vehicle in violation of  
93 the restrictions imposed in subsection (2) or subsection (3)  
94 commits a noncriminal traffic infraction punishable as will be  
95 charged with a moving violation as provided in and fined in  
96 accordance with chapter 318.

97 Section 3. Subsection (1) of section 322.1615, Florida  
98 Statutes, is amended to read:

99 322.1615 Learner's driver's license.—

100 (1) The department may issue a learner's driver's license  
101 to a person who is at least 16 ~~15~~ years of age and who:

102 (a) Has passed the written examination for a learner's  
103 driver's license;

104 (b) Has passed the vision and hearing examination  
105 administered under s. 322.12;

106 (c) Has completed the traffic law and substance abuse  
107 education course prescribed in s. 322.095; and

108 (d) Meets all other requirements set forth in law and by  
109 rule of the department.

110 Section 4. Effective October 1, 2009, for the purpose of  
111 incorporating the amendments made by this act to section 322.16,  
112 Florida Statutes, in a reference thereto, subsection (1) of  
113 section 318.14, Florida Statutes, is reenacted to read:

114 318.14 Noncriminal traffic infractions; exception;  
115 procedures.—

116 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any

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117 person cited for a violation of chapter 316, s. 320.0605, s.  
118 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or  
119 (3), s. 322.161(5), s. 322.19, or s. 1006.66(3) is charged with  
120 a noncriminal infraction and must be cited for such an  
121 infraction and cited to appear before an official. If another  
122 person dies as a result of the noncriminal infraction, the  
123 person cited may be required to perform 120 community service  
124 hours under s. 316.027(4), in addition to any other penalties.

125 Section 5. Except as otherwise expressly provided in this  
126 act, this act shall take effect July 1, 2009.