

1 A bill to be entitled
 2 An act relating to school bus safety; providing a short
 3 title; designating Drowsy Driving Prevention Week;
 4 encouraging the Department of Highway Safety and Motor
 5 Vehicles and the Department of Transportation to educate
 6 the law enforcement community and the public about the
 7 relationship between fatigue and driving performance;
 8 creating s. 316.6152, F.S.; providing definitions;
 9 restricting use of mobile telecommunications devices by
 10 school bus drivers; providing penalties; providing
 11 effective dates.

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

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 15 Section 1. This act may be cited as the "Ronshay Dugans
 16 Act."

17 Section 2. (1) The first week of September is designated
 18 as "Drowsy Driving Prevention Week" in this state.

19 (2) During Drowsy Driving Prevention Week, the Department
 20 of Highway Safety and Motor Vehicles and the Department of
 21 Transportation are encouraged to educate the law enforcement
 22 community and the public about the relationship between fatigue
 23 and performance and the research showing fatigue to be as much
 24 of an impairment as alcohol and as dangerous behind the wheel.

25 Section 3. Effective October 1, 2009, section 316.6152,
 26 Florida Statutes, is created to read:

27 316.6152 School bus driver; use of mobile
 28 telecommunications device.--

CODING: Words **stricken** are deletions; words **underlined** are additions.

29 (1) For purposes of this section:

30 (a) "Commercial mobile radio service" has the same meaning
 31 as in 47 C.F.R. s. 20.3.

32 (b) "Mobile telecommunications device" means a wireless
 33 telephone or other device used to access the services of a
 34 commercial mobile radio service for the purpose of sending or
 35 receiving voice, text, or other data, including, but not limited
 36 to, computer data, electronic mail, electronic messages, games,
 37 music, pictures, text, or video. The term "mobile
 38 telecommunications device" includes, but is not limited to, a
 39 cellular telephone, cellular telephone accessory device,
 40 computer, game machine, personal digital assistant, and text
 41 messaging device but does not include a pager as defined in 47
 42 C.F.R. s. 22.99.

43 (2) (a) A person who is driving or in actual physical
 44 control of a public or nonpublic school bus shall not use any
 45 mobile telecommunications device.

46 (b) This subsection does not apply:

47 1. When the school bus is stopped and the engine is not
 48 running or when the school bus is stopped completely outside the
 49 normal flow of traffic; or

50 2. When the person who is driving or in actual physical
 51 control of the school bus is using the device to contact one of
 52 the following regarding an emergency situation:

- 53 a. A school administrator.
- 54 b. A law enforcement agency.
- 55 c. A firefighting service.
- 56 d. An emergency communications E911 system service.

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57 | e. A hospital or emergency rescue service.

58 | (3) A person who violates paragraph (2) (a) commits a
59 | misdemeanor of the second degree, punishable as provided in s.
60 | 775.082 or s. 775.083.

61 | Section 4. Except as otherwise expressly provided in this
62 | act, this act shall take effect upon becoming a law.