

By Senator Gaetz

4-00512-09

2009484\_\_

1                   A bill to be entitled  
2           An act relating to operators of motor vehicles  
3           involved in multiple crashes; amending s. 322.0261,  
4           F.S.; requiring that the Department of Highway Safety  
5           and Motor Vehicles screen crash reports to identify a  
6           third crash by the same operator within a specified  
7           period after the driver's first crash; requiring a  
8           driver who is convicted of or who pleads nolo  
9           contendere to a traffic offense giving rise to three  
10          or more crashes within a specified period to attend a  
11          department-approved driver improvement course in order  
12          to maintain his or her driving privileges; describing  
13          the content of the driving course; requiring  
14          successful completion of a behind-the-wheel  
15          examination; requiring that the department cancel an  
16          operator's driver's license if the operator fails to  
17          complete the course within a specified time; providing  
18          an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. Section 322.0261, Florida Statutes, is amended  
23           to read:

24           322.0261 Driver improvement course; requirement to maintain  
25           driving privileges; failure to complete; department approval of  
26           course.—

27           (1) The department shall screen crash reports received  
28           under s. 316.066 or s. 324.051 to identify crashes involving the  
29           following:

4-00512-09

2009484

30 (a) A crash involving death or a bodily injury requiring  
31 transport to a medical facility; ~~or~~

32 (b) A second crash by the same operator within the previous  
33 2-year period involving property damage in an apparent amount of  
34 at least \$500; ~~or~~

35 (c) A third crash by the same operator within 36 months  
36 after the first crash.

37 (2) With respect to an operator convicted of, or who  
38 pleaded nolo contendere to, a traffic offense giving rise to a  
39 crash identified in paragraph (1) (a) or paragraph (1) (b)  
40 ~~pursuant to subsection (1)~~, the department shall require that  
41 the operator, in addition to other applicable penalties, attend  
42 a department-approved driver improvement course in order to  
43 maintain driving privileges. If the operator fails to complete  
44 the course within 90 days after ~~of~~ receiving notice from the  
45 department, the operator's driver's license shall be canceled by  
46 the department until the course is successfully completed.

47 (3) With respect to an operator convicted of, or who  
48 pleaded nolo contendere to, a traffic offense giving rise to a  
49 crash identified in paragraph (1) (c), the department shall  
50 require that the operator, in addition to other applicable  
51 penalties, attend a department-approved driver improvement  
52 course in order to maintain his or her driving privileges. The  
53 course must include behind-the-wheel instruction and an  
54 assessment of the operator's ability to safely operate a motor  
55 vehicle. Successful completion of a behind-the-wheel examination  
56 is required in order to receive completion credit for the  
57 course. If the operator fails to complete the course within 90  
58 days after receiving notice from the department, the operator's

4-00512-09

2009484

59 driver's license shall be canceled by the department until the  
60 course is successfully completed.

61 (4)~~(3)~~ The department shall identify any operator convicted  
62 of, or who pleaded nolo contendere to, a second violation of s.  
63 316.074(1) or s. 316.075(1)(c)1., which violation occurred  
64 within 12 months after the first violation, and shall require  
65 that operator, in addition to other applicable penalties, to  
66 attend a department-approved driver improvement course in order  
67 to maintain driving privileges. If the operator fails to  
68 complete the course within 90 days after receiving notice from  
69 the department, the operator's driver license shall be canceled  
70 by the department until the course is successfully completed.

71 (5)~~(4)~~ In determining whether to approve a driver  
72 improvement course for the purposes of this section, the  
73 department shall consider course content designed to promote  
74 safety, driver awareness, crash avoidance techniques, and other  
75 factors or criteria to improve driver performance from a safety  
76 viewpoint.

77 Section 2. This act shall take effect July 1, 2009.