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2009

1 A bill to be entitled
 2 An act relating to driver license restrictions; amending
 3 s. 322.16, F.S.; restricting the number of certain
 4 passengers permitted in a vehicle operated by a person
 5 under a certain age; providing exceptions; providing for
 6 secondary enforcement; providing penalties; amending s.
 7 318.14, F.S.; providing citation procedures for violation
 8 of such restrictions; providing an effective date.

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

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 12 Section 1. Subsections (4), (5), and (6) of section
 13 322.16, Florida Statutes, are amended and renumbered as
 14 subsections (5), (6), and (7), respectively, and a new
 15 subsection (4) is added to that section, to read:

16 322.16 License restrictions.--

17 (4) (a) During the first 6 months after the date of his or
 18 her licensure, a person who has not attained 18 years of age
 19 shall not operate a motor vehicle with any passenger in the
 20 vehicle who has not attained 18 years of age. Thereafter, until
 21 attaining 18 years of age, such person shall not operate a motor
 22 vehicle with more than three passengers in the vehicle who have
 23 not attained 18 years of age. This subsection does not apply to
 24 any passenger or passengers who are siblings or children of the
 25 driver, whether related by whole or half blood, by affinity, or
 26 by adoption.

27 (b) Enforcement of this subsection by state or local law
 28 enforcement agencies must be accomplished only as a secondary

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29 action when a driver of a motor vehicle has been detained for a
 30 suspected violation of another section of this chapter, chapter
 31 316, or chapter 320.

32 (5)~~(4)~~ The department may, upon receiving satisfactory
 33 evidence of any violation of the restriction upon such a
 34 license, except a violation of paragraph (1)(d), subsection (2),
 35 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
 36 license, but the licensee is entitled to a hearing as upon a
 37 suspension or revocation under this chapter.

38 (6)~~(5)~~ It is a misdemeanor of the second degree,
 39 punishable as provided in s. 775.082 or s. 775.083, for any
 40 person to operate a motor vehicle in any manner in violation of
 41 the restrictions imposed in a license issued to him or her
 42 except for a violation of paragraph (1)(d), subsection (2), ~~or~~
 43 subsection (3), or subsection (4).

44 (7)~~(6)~~ Any person who operates a motor vehicle in
 45 violation of the restrictions imposed in subsection (2), ~~or~~
 46 subsection (3), or subsection (4) commits a noncriminal traffic
 47 infraction, punishable as will be charged with a moving
 48 violation as provided in and fined in accordance with chapter
 49 318.

50 Section 2. Subsection (1) of section 318.14, Florida
 51 Statutes, is amended to read:

52 318.14 Noncriminal traffic infractions; exception;
 53 procedures.--

54 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
 55 person cited for a violation of chapter 316, s. 320.0605, s.
 56 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~

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57 | (3), or (4), s. 322.161(5), s. 322.19, or s. 1006.66(3) is
58 | charged with a noncriminal infraction and must be cited for such
59 | an infraction and cited to appear before an official. If another
60 | person dies as a result of the noncriminal infraction, the
61 | person cited may be required to perform 120 community service
62 | hours under s. 316.027(4), in addition to any other penalties.

63 | Section 3. This act shall take effect October 1, 2009.