

By Senator Smith

29-00900-10

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

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

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

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

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

27           Section 3. Effective October 1, 2010, section 316.6152,  
28 Florida Statutes, is created to read:

29           316.6152 School bus driver; use of mobile

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30 telecommunications device.—

31 (1) For purposes of this section:

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

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

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

47 (b) This subsection does not apply:

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

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

54 a. A school administrator.

55 b. A law enforcement agency.

56 c. A firefighting service.

57 d. An emergency communications E911 system service.

58 e. A hospital or emergency rescue service.

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59           (3) A person who violates paragraph (2)(a) commits a  
60 misdemeanor of the second degree, punishable as provided in s.  
61 775.082 or s. 775.083.

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