

By the Committee on Transportation; and Senator Baker

596-03646-10

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1 A bill to be entitled

2 An act relating to motor vehicle operators; amending  
3 s. 316.304, F.S.; prohibiting a person younger than 18  
4 years of age from writing or sending a text message on  
5 an electronic communications device while operating a  
6 motor vehicle; providing for enforcement; providing  
7 exceptions; providing penalties; providing an  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Section 316.304, Florida Statutes, is amended to  
13 read:

14 316.304 Using listening or communications devices ~~Wearing~~  
15 ~~of headsets.~~

16 (1) (a) ~~A~~ ~~no~~ person may not ~~shall~~ operate a vehicle while  
17 wearing a headset, headphone, or other listening device, other  
18 than a hearing aid or instrument for the improvement of  
19 defective human hearing.

20 (b)-(2) This subsection ~~section~~ does not apply to:

21 1.(a) Any law enforcement officer equipped with any  
22 communication device necessary in performing his or her assigned  
23 duties or to any emergency vehicle operator equipped with any  
24 ear protection device.

25 2.(b) Any applicant for a license to operate a motorcycle  
26 while taking the examination required by s. 322.12(5).

27 3.(c) Any person operating a motorcycle who is using a  
28 headset that is installed in a helmet and worn so as to prevent  
29 the speakers from making direct contact with the user's ears so

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30 that the user can hear surrounding sounds.

31 ~~4.(d)~~ Any person using a headset in conjunction with a  
32 cellular telephone that ~~only~~ provides sound through only one ear  
33 and allows surrounding sounds to be heard with the other ear.

34 ~~5.(e)~~ Any person using a headset in conjunction with  
35 communicating with the central base operation that ~~only~~ provides  
36 sound through only one ear and allows surrounding sounds to be  
37 heard with the other ear.

38 ~~(c)(3)~~ The Department of Highway Safety and Motor Vehicles  
39 shall adopt ~~promulgate,~~ by ~~administrative rule,~~ standards and  
40 specifications for headset equipment the use of which is  
41 permitted under this subsection ~~section~~. The department shall  
42 inspect and review all such devices submitted to it and shall  
43 publish a list by name and type of approved equipment.

44 ~~(d)(4)~~ A violation of this subsection ~~section~~ is a  
45 noncriminal traffic infraction, punishable as a nonmoving  
46 violation as provided in chapter 318.

47 (2)(a) A person younger than 18 years of age may not  
48 operate a motor vehicle while using an electronic communications  
49 device in order to write or send text-based communications,  
50 including text messages, instant messages, or electronic mail.

51 (b) It is not a violation of this subsection to read,  
52 select, or enter a telephone number or name in an electronic  
53 communications device in order to make or receive a telephone  
54 call.

55 (c) This subsection does not apply to a person who writes a  
56 text message on an electronic communications device in order to:

- 57 1. Report illegal activity;  
58 2. Summon medical or other emergency help; or

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59       3. Prevent injury or damage to a person or property.

60       (d) A violation of this subsection is a noncriminal traffic

61 infraction, punishable as a moving violation as provided in

62 chapter 318.

63       Section 2. This act shall take effect July 1, 2010.