

1 A bill to be entitled
 2 An act relating to use of an electronic wireless
 3 communications device while driving; amending s. 316.304,
 4 F.S.; prohibiting the operation of a moving motor vehicle
 5 while reading, manually writing or typing, or sending a
 6 message on an electronic wireless communications device;
 7 providing exceptions; providing penalties; providing an
 8 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. Section 316.304, Florida Statutes, is amended
 13 to read:

14 316.304 Use of listening or communications devices;
 15 restrictions ~~Wearing of headsets.--~~

16 (1) (a) No person shall operate a vehicle while wearing a
 17 headset, headphone, or other listening device, other than a
 18 hearing aid or instrument for the improvement of defective human
 19 hearing.

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

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

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29 the speakers from making direct contact with the user's ears so
 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 one ear and
 33 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 one ear and allows surrounding sounds to be heard
 37 with the other ear.

38 (c)~~(3)~~ The Department of Highway Safety and Motor Vehicles
 39 shall 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 (2) (a) No person shall operate a moving motor vehicle
 45 while reading, manually writing or typing, or sending a message
 46 on an electronic wireless communications device.

47 (b) This subsection does not apply to a person operating
 48 an authorized emergency vehicle or using an electronic wireless
 49 communications device to:

- 50 1. Report illegal activity;
- 51 2. Summon medical or other emergency help; or
- 52 3. Prevent injury to a person or property.

53 (3)~~(4)~~ A violation of this section is a noncriminal
 54 traffic infraction, punishable as a nonmoving violation as
 55 provided in chapter 318.

56 Section 2. This act shall take effect October 1, 2010.