

By Senator Detert

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

47 (b) This subsection does not apply to a person operating an
48 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 traffic
54 infraction, punishable as a nonmoving violation as provided in
55 chapter 318.

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