

By Senator Bennett

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1 A bill to be entitled
2 An act relating to motor vehicles; creating the
3 "Highway Safety Act"; providing legislative intent
4 relating to road rage and aggressive careless driving;
5 amending s. 316.003, F.S.; defining the term "road
6 rage"; amending s. 316.083, F.S.; requiring an
7 operator of a motor vehicle to yield the left lane
8 when being overtaken on a multilane highway; providing
9 exceptions; amending s. 316.1923, F.S.; revising the
10 number of specified acts necessary to qualify as an
11 aggressive careless driver; providing specified
12 punishments for aggressive careless driving;
13 specifying the allocation of moneys received from the
14 increased fine imposed for aggressive careless
15 driving; amending s. 318.19, F.S.; providing that a
16 second or subsequent infraction as an aggressive
17 careless driver requires attendance at a mandatory
18 hearing; providing for the disposition of the
19 increased penalties; requiring the Department of
20 Highway Safety and Motor Vehicles to provide
21 information about the Highway Safety Act in driver's
22 license educational materials; reenacting s.
23 316.650(1)(a), F.S., relating to traffic citations, to
24 incorporate the amendments made to s. 316.1923, F.S.,
25 in a reference thereto; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. This act may be cited as the "Highway Safety

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30 Act."

31 Section 2. The Legislature finds that road rage and
32 aggressive careless driving are a growing threat to the health,
33 safety, and welfare of the public. The intent of the Legislature
34 is to reduce road rage and aggressive careless driving, reduce
35 the incidence of drivers' interfering with the movement of
36 traffic, minimize crashes, and promote the orderly, free flow of
37 traffic on the roads and highways of the state.

38 Section 3. Subsection (86) is added to section 316.003,
39 Florida Statutes, to read:

40 316.003 Definitions.—The following words and phrases, when
41 used in this chapter, shall have the meanings respectively
42 ascribed to them in this section, except where the context
43 otherwise requires:

44 (86) ROAD RAGE.—The act of a driver or passenger to
45 intentionally or unintentionally, due to a loss of emotional
46 control, injure or kill another driver, passenger, or
47 pedestrian, or to attempt or threaten to injure or kill another
48 driver, passenger, or pedestrian.

49 Section 4. Present subsection (3) of section 316.083,
50 Florida Statutes, is redesignated as subsection (4), and a new
51 subsection (3) is added to that section, to read:

52 316.083 Overtaking and passing a vehicle.—The following
53 rules shall govern the overtaking and passing of vehicles
54 proceeding in the same direction, subject to those limitations,
55 exceptions, and special rules hereinafter stated:

56 (3) (a) On roads, streets, or highways having two or more
57 lanes that allow movement in the same direction, a driver may
58 not continue to operate a motor vehicle in the furthestmost left-

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59 hand lane if the driver knows, or reasonably should know, that
 60 he or she is being overtaken in that lane from the rear by a
 61 motor vehicle traveling at a higher rate of speed.

62 (b) Paragraph (a) does not apply to a driver operating a
 63 motor vehicle in the furthestmost left-hand lane if:

64 1. The driver is driving the legal speed limit and is not
 65 impeding the flow of traffic in the furthestmost left-hand lane;

66 2. The driver is in the process of overtaking a slower
 67 motor vehicle in the adjacent right-hand lane for the purpose of
 68 passing the slower moving vehicle so that the driver may move to
 69 the adjacent right-hand lane;

70 3. Conditions make the flow of traffic substantially the
 71 same in all lanes or preclude the driver from moving to the
 72 adjacent right-hand lane;

73 4. The driver's movement to the adjacent right-hand lane
 74 could endanger the driver or other drivers;

75 5. The driver is directed by a law enforcement officer,
 76 road sign, or road crew to remain in the furthestmost left-hand
 77 lane; or

78 6. The driver is preparing to make a left turn.

79 (c) A driver who violates s. 316.183 and this subsection
 80 simultaneously shall receive a uniform traffic citation solely
 81 under s. 316.183.

82 Section 5. Section 316.1923, Florida Statutes, is amended
 83 to read:

84 316.1923 Aggressive careless driving.-

85 (1) "Aggressive careless driving" means committing three
 86 ~~two~~ or more of the following acts simultaneously or in
 87 succession:

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88 (a)~~(1)~~ Exceeding the posted speed as defined in s.
89 322.27(3)(d)5.b.

90 (b)~~(2)~~ Unsafely or improperly changing lanes as defined in
91 s. 316.085.

92 (c)~~(3)~~ Following another vehicle too closely as defined in
93 s. 316.0895(1).

94 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
95 316.079, s. 316.0815, or s. 316.123.

96 (e)~~(5)~~ Improperly passing or failing to yield to overtaking
97 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

98 (f)~~(6)~~ Violating traffic control and signal devices as
99 defined in ss. 316.074 and 316.075.

100 (2) Any person convicted of aggressive careless driving
101 shall be cited for a moving violation and punished as provided
102 in chapter 318, and by the accumulation of points as provided in
103 s. 322.27, for each act of aggressive careless driving.

104 (3) In addition to any fine or points administered under
105 subsection (2), a person convicted of aggressive careless
106 driving shall also pay:

107 (a) Upon a first violation, a fine of \$100.

108 (b) Upon a second or subsequent conviction, a fine of not
109 less than \$250 but not more than \$500 and be subject to a
110 mandatory hearing under s. 318.19.

111 (4) Of the moneys received from the increased fine imposed
112 by subsection (3), \$200,000 in the first year after this act
113 takes effect and \$50,000 in the second and third years shall be
114 remitted to the Department of Highway Safety and Motor Vehicles
115 to offset the cost of providing educational materials related to
116 this act. Any additional moneys shall be remitted to the

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117 Department of Revenue and deposited into the Department of
118 Health Administrative Trust Fund to provide financial support to
119 verified trauma centers to ensure the availability and
120 accessibility of trauma services throughout the state. Funds
121 deposited into the Administrative Trust Fund under this section
122 shall be allocated as follows:

123 (a) Twenty-five percent shall be allocated equally among
124 all Level I, Level II, and pediatric trauma centers in
125 recognition of readiness costs for maintaining trauma services.

126 (b) Twenty-five percent shall be allocated among Level I,
127 Level II, and pediatric trauma centers based on each center's
128 relative volume of trauma cases as reported in the Department of
129 Health Trauma Registry.

130 (c) Twenty-five percent shall be transferred to the
131 Emergency Medical Services Trust Fund and used by the department
132 for making matching grants to emergency medical services
133 organizations as defined in s. 401.107.

134 (d) Twenty-five percent shall be transferred to the
135 Emergency Medical Services Trust Fund and made available to
136 rural emergency medical services as defined in s. 401.107, and
137 shall be used solely to improve and expand prehospital emergency
138 medical services in this state. Additionally, these moneys may
139 be used for the improvement, expansion, or continuation of
140 services provided.

141 Section 6. Section 318.19, Florida Statutes, is amended to
142 read:

143 318.19 Infractions requiring a mandatory hearing.—Any
144 person cited for the infractions listed in this section shall
145 not have the provisions of s. 318.14(2), (4), and (9) available

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146 to him or her but must appear before the designated official at
147 the time and location of the scheduled hearing:

148 (1) Any infraction which results in a crash that causes the
149 death of another;

150 (2) Any infraction which results in a crash that causes
151 "serious bodily injury" of another as defined in s. 316.1933(1);

152 (3) Any infraction of s. 316.172(1)(b);

153 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

154 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
155 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

156 (6) A second or subsequent infraction of s. 316.1923(1).

157 Section 7. The Department of Highway Safety and Motor
158 Vehicles shall provide information about the Highway Safety Act
159 in all newly printed driver's license educational materials
160 after October 1, 2010.

161 Section 8. For the purpose of incorporating the amendments
162 made by this act to section 316.1923, Florida Statutes, in a
163 reference thereto, paragraph (a) of subsection (1) of section
164 316.650, Florida Statutes, is reenacted to read:

165 316.650 Traffic citations.—

166 (1)(a) The department shall prepare and supply to every
167 traffic enforcement agency in this state an appropriate form
168 traffic citation that contains a notice to appear, is issued in
169 prenumbered books, meets the requirements of this chapter or any
170 laws of this state regulating traffic, and is consistent with
171 the state traffic court rules and the procedures established by
172 the department. The form shall include a box that is to be
173 checked by the law enforcement officer when the officer believes
174 that the traffic violation or crash was due to aggressive

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175 careless driving as defined in s. 316.1923. The form shall also
176 include a box that is to be checked by the law enforcement
177 officer when the officer writes a uniform traffic citation for a
178 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
179 the driver failing to stop at a traffic signal.

180 Section 9. This act shall take effect July 1, 2010.