

By the Committee on Health Regulation; and Senator Bennett

588-03760-10

2010482c1

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 requiring the Department of Highway Safety and Motor
6 Vehicles to provide information about the Highway
7 Safety Act in driver's license educational materials;
8 amending s. 316.003, F.S.; defining the term "road
9 rage"; amending s. 316.083, F.S.; requiring an
10 operator of a motor vehicle to yield the left lane
11 when being overtaken on a multilane highway; providing
12 exceptions; amending s. 316.1923, F.S.; revising the
13 number of specified acts necessary to qualify as an
14 aggressive careless driver; providing specified
15 punishments for aggressive careless driving;
16 specifying the allocation of moneys received from the
17 increased fine imposed for aggressive careless
18 driving; reenacting s. 316.650(1)(a), F.S., relating
19 to traffic citations, to incorporate the amendments
20 made to s. 316.1923, F.S., in a reference thereto;
21 amending s. 318.1451, F.S.; requiring driver
22 improvement schools to collect a fee from certain
23 persons taking a basic driver improvement course;
24 providing for such fees to be used to provide signage
25 and educational materials relating to the act;
26 amending s. 318.19, F.S.; providing that a second or
27 subsequent infraction as an aggressive careless driver
28 requires attendance at a mandatory hearing; providing
29 for the disposition of the increased penalties;

588-03760-10

2010482c1

30 amending s. 320.697, F.S.; authorizing actions for
31 civil damages against motor vehicle dealers; amending
32 s. 322.05, F.S.; requiring certain persons under 18
33 years of age to complete a basic driver improvement
34 course before being issued a driver's license;
35 providing an exception; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. This act may be cited as the "Highway Safety
40 Act."

41 Section 2. The Legislature finds that road rage and
42 aggressive careless driving are a growing threat to the health,
43 safety, and welfare of the public. The intent of the Legislature
44 is to reduce road rage and aggressive careless driving, reduce
45 the incidence of drivers' interfering with the movement of
46 traffic, minimize crashes, and promote the orderly, free flow of
47 traffic on the roads and highways of the state.

48 Section 3. The Department of Highway Safety and Motor
49 Vehicles shall provide information about the Highway Safety Act
50 in all newly printed driver's license educational materials
51 after October 1, 2010.

52 Section 4. Subsection (86) is added to section 316.003,
53 Florida Statutes, to read:

54 316.003 Definitions.—The following words and phrases, when
55 used in this chapter, shall have the meanings respectively
56 ascribed to them in this section, except where the context
57 otherwise requires:

58 (86) ROAD RAGE.—The act of a driver or passenger to

588-03760-10

2010482c1

59 intentionally or unintentionally, due to a loss of emotional
60 control, injure or kill another driver, passenger, or
61 pedestrian, or to attempt or threaten to injure or kill another
62 driver, passenger, or pedestrian.

63 Section 5. Present subsection (3) of section 316.083,
64 Florida Statutes, is redesignated as subsection (4), and a new
65 subsection (3) is added to that section, to read:

66 316.083 Overtaking and passing a vehicle.—The following
67 rules shall govern the overtaking and passing of vehicles
68 proceeding in the same direction, subject to those limitations,
69 exceptions, and special rules hereinafter stated:

70 (3) (a) On roads, streets, or highways having two or more
71 lanes that allow movement in the same direction, a driver may
72 not continue to operate a motor vehicle in the furthestmost left-
73 hand lane if the driver knows, or reasonably should know, that
74 he or she is being overtaken in that lane from the rear by a
75 motor vehicle traveling at a higher rate of speed.

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

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

80 2. The driver is in the process of overtaking a slower
81 motor vehicle in the adjacent right-hand lane for the purpose of
82 passing the slower moving vehicle so that the driver may move to
83 the adjacent right-hand lane;

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

87 4. The driver's movement to the adjacent right-hand lane

588-03760-10

2010482c1

88 could endanger the driver or other drivers;

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

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

93 (c) A driver who violates s. 316.183 and this subsection
94 simultaneously shall receive a uniform traffic citation solely
95 under s. 316.183.

96 Section 6. Section 316.1923, Florida Statutes, is amended
97 to read:

98 316.1923 Aggressive careless driving.-

99 (1) "Aggressive careless driving" means committing three
100 ~~two~~ or more of the following acts simultaneously or in
101 succession:

102 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
103 322.27(3)(d)5.b.

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

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

108 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.
109 316.079, s. 316.0815, or s. 316.123.

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

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

114 (2) Any person convicted of aggressive careless driving
115 shall be cited for a moving violation and punished as provided
116 in chapter 318, and by the accumulation of points as provided in

588-03760-10

2010482c1

117 s. 322.27, for each act of aggressive careless driving.

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

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

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

125 (4) The clerk of the court shall remit the moneys collected
126 from the increased fine imposed by subsection (3) to the
127 Department of Revenue for deposit into the Department of Health
128 Administrative Trust Fund. Of the funds deposited into the
129 Department of Health Administrative Trust Fund, \$200,000 in the
130 first year after this act takes effect, and \$50,000 in the
131 second and third years, shall be transferred to the Department
132 of Highway Safety and Motor Vehicles General Revenue Fund to
133 offset the cost of providing educational materials related to
134 this act. All other funds deposited into the Administrative
135 Trust Fund under this section shall be used to provide financial
136 support to verified trauma centers to ensure the availability
137 and accessibility of trauma services throughout the state and
138 shall be allocated as follows:

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

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

588-03760-10

2010482c1

146 (c) Twenty-five percent shall be transferred to the
147 Emergency Medical Services Trust Fund and used by the Department
148 of Health for making matching grants to emergency medical
149 services organizations as defined in s. 401.107.

150 (d) Twenty-five percent shall be transferred to the
151 Emergency Medical Services Trust Fund and made available to
152 rural emergency medical services as defined in s. 401.107, and
153 shall be used solely to improve and expand prehospital emergency
154 medical services in this state. Additionally, these moneys may
155 be used for the improvement, expansion, or continuation of
156 services provided.

157 Section 7. For the purpose of incorporating the amendments
158 made by this act to section 316.1923, Florida Statutes, in a
159 reference thereto, paragraph (a) of subsection (1) of section
160 316.650, Florida Statutes, is reenacted to read:

161 316.650 Traffic citations.—

162 (1)(a) The department shall prepare and supply to every
163 traffic enforcement agency in this state an appropriate form
164 traffic citation that contains a notice to appear, is issued in
165 prenumbered books, meets the requirements of this chapter or any
166 laws of this state regulating traffic, and is consistent with
167 the state traffic court rules and the procedures established by
168 the department. The form shall include a box that is to be
169 checked by the law enforcement officer when the officer believes
170 that the traffic violation or crash was due to aggressive
171 careless driving as defined in s. 316.1923. The form shall also
172 include a box that is to be checked by the law enforcement
173 officer when the officer writes a uniform traffic citation for a
174 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of

588-03760-10

2010482c1

175 the driver failing to stop at a traffic signal.

176 Section 8. Subsection (4) of section 318.1451, Florida
177 Statutes, is amended to read:

178 318.1451 Driver improvement schools.—

179 (4) (a) In addition to a regular course fee, an assessment
180 fee in the amount of \$2.50 shall be collected by the school from
181 each person who elects to attend a course, as it relates to ss.
182 318.14(9), 322.0261, 322.291, and 627.06501, which shall be
183 remitted to the Department of Highway Safety and Motor Vehicles
184 and deposited in the Highway Safety Operating Trust Fund to
185 administer this program and to fund the general operations of
186 the department.

187 (b) In addition to a regular course fee, an assessment fee
188 in the amount of \$2.50 shall be collected by the school from
189 each person who attends a course, as it relates to 322.05(3),
190 which shall be remitted to the Department of Highway Safety and
191 Motor Vehicles and deposited in the Highway Safety Operating
192 Trust Fund to fund the signage and educational requirements of
193 section 3 of this act.

194 Section 9. Section 318.19, Florida Statutes, is amended to
195 read:

196 318.19 Infractions requiring a mandatory hearing.—Any
197 person cited for the infractions listed in this section shall
198 not have the provisions of s. 318.14(2), (4), and (9) available
199 to him or her but must appear before the designated official at
200 the time and location of the scheduled hearing:

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

203 (2) Any infraction which results in a crash that causes

588-03760-10

2010482c1

204 "serious bodily injury" of another as defined in s. 316.1933(1);
205 (3) Any infraction of s. 316.172(1)(b);
206 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
207 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
208 316.189 of exceeding the speed limit by 30 m.p.h. or more; or
209 (6) A second or subsequent infraction of s. 316.1923(1).

210 Section 10. Section 320.697, Florida Statutes, is amended
211 to read:

212 320.697 Civil damages.—Any person who has suffered
213 pecuniary loss or who has been otherwise adversely affected
214 because of a violation by a licensee or motor vehicle dealer of
215 ss. 320.60-320.70, notwithstanding the existence of any other
216 remedies under ss. 320.60-320.70, has a cause of action against
217 the licensee or motor vehicle dealer for damages and may recover
218 actual damages therefor in any court of competent jurisdiction
219 ~~in an amount equal to 3 times the pecuniary loss~~, together with
220 costs and a reasonable attorney's fee to be assessed by the
221 court. Upon a prima facie showing by the person bringing the
222 action that such a violation by the licensee or motor vehicle
223 dealer has occurred, the burden of proof shall then be upon the
224 licensee or motor vehicle dealer to prove that such violation or
225 unfair practice did not occur.

226 Section 11. Subsection (3) of section 322.05, Florida
227 Statutes, is amended to read:

228 322.05 Persons not to be licensed.—The department may not
229 issue a license:

230 (3) To a person who is at least 16 years of age but who is
231 under 18 years of age, unless:

232 (a) The person provides proof of successfully completing a

588-03760-10

2010482c1

233 basic driver improvement course that meets the requirements of
234 s. 318.1451 within 3 months before the date the person applied
235 for licensure; and

236 (b) The parent, guardian, or other responsible adult
237 meeting the requirements of s. 322.09 certifies that he or she,
238 or another licensed driver 21 years of age or older, has
239 accompanied the applicant for a total of not less than 50 hours'
240 behind-the-wheel experience, of which not less than 10 hours
241 must be at night. This paragraph ~~subsection~~ is not intended to
242 create a private cause of action as a result of the
243 certification. The certification is inadmissible for any purpose
244 in any civil proceeding.

245
246 Paragraph (a) does not apply to a person who has been licensed
247 in any other jurisdiction or who has satisfactorily completed a
248 Department of Education driver's education course offered
249 pursuant to s. 1003.48.

250 Section 12. This act shall take effect October 1, 2010.