

By Senator Gelber

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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; creating s.
4 316.3035, F.S.; prohibiting a person younger than 18
5 years of age from operating a motor vehicle while
6 using a wireless communications device or telephone;
7 providing exceptions; providing penalties; amending s.
8 322.27, F.S.; providing for the assessment of points
9 under the driver's license point system for certain
10 violations; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 316.3035, Florida Statutes, is created
15 to read:

16 316.3035 Wireless communications devices prohibited;
17 persons under 18.—

18 (1) (a) A person younger than 18 years of age may not
19 operate a motor vehicle while using a wireless communications
20 device or telephone in any manner.

21 (b) This subsection does not apply to a person using an
22 electronic wireless communications device to:

- 23 1. Report illegal activity;
24 2. Summon medical or other emergency help; or
25 3. Prevent injury to a person or property.

26 (2) A person who violates this section:

27 (a) Shall have one point assessed against his or her
28 driver's license pursuant to s. 322.27; and

29 (b)1. If that person holds a learner's driver's license

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30 issued under s. 322.1615, he or she may not be issued a driver's
31 license until he or she attains 18 years of age; or

32 2. If that person holds a Class E driver's license, for a
33 period of 3 months he or she may operate a motor vehicle only
34 under the restrictions that apply to the holder of a learner's
35 driver's license issued under s. 322.1615, except when traveling
36 to or from school or such person's place of employment.

37 Section 2. Paragraph (d) of subsection (3) of section
38 322.27, Florida Statutes, is amended to read:

39 322.27 Authority of department to suspend or revoke
40 license.—

41 (3) There is established a point system for evaluation of
42 convictions of violations of motor vehicle laws or ordinances,
43 and violations of applicable provisions of s. 403.413(6) (b) when
44 such violations involve the use of motor vehicles, for the
45 determination of the continuing qualification of any person to
46 operate a motor vehicle. The department is authorized to suspend
47 the license of any person upon showing of its records or other
48 good and sufficient evidence that the licensee has been
49 convicted of violation of motor vehicle laws or ordinances, or
50 applicable provisions of s. 403.413(6) (b), amounting to 12 or
51 more points as determined by the point system. The suspension
52 shall be for a period of not more than 1 year.

53 (d) The point system shall have as its basic element a
54 graduated scale of points assigning relative values to
55 convictions of the following violations:

- 56 1. Reckless driving, willful and wanton—4 points.
57 2. Leaving the scene of a crash resulting in property
58 damage of more than \$50—6 points.

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- 59 3. Unlawful speed resulting in a crash-6 points.
- 60 4. Passing a stopped school bus-4 points.
- 61 5. Unlawful speed:
- 62 a. Not in excess of 15 miles per hour of lawful or posted
- 63 speed-3 points.
- 64 b. In excess of 15 miles per hour of lawful or posted
- 65 speed-4 points.
- 66 6. A violation of a traffic control signal device as
- 67 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
- 68 7. All other moving violations (including parking on a
- 69 highway outside the limits of a municipality)-3 points. However,
- 70 no points shall be imposed for a violation of s. 316.0741 or s.
- 71 316.2065(12).
- 72 8. Any moving violation covered above, excluding unlawful
- 73 speed, resulting in a crash-4 points.
- 74 9. Any conviction under s. 403.413(6)(b)-3 points.
- 75 10. Any conviction under s. 316.0775(2)-4 points.
- 76 11. Any conviction under s. 316.3035-1 point.
- 77 Section 3. This act shall take effect October 1, 2010.