

By the Committee on Transportation; and Senator Gelber

596-04808-10

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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; providing a short  
4           title; creating s. 316.3035, F.S.; prohibiting a  
5           person younger than 18 years of age from operating a  
6           motor vehicle while using a wireless communications  
7           device or telephone; providing exceptions; providing  
8           for enforcement as a secondary action; providing  
9           penalties; amending s. 322.27, F.S.; providing for the  
10          suspension of a person's driver's license for a  
11          violation of s. 316.3035, F.S.; providing an effective  
12          date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. This act may be cited as the "You Talk, You Walk  
17 Act."

18           Section 2. Section 316.3035, Florida Statutes, is created  
19 to read:

20           316.3035 Wireless communications devices prohibited;  
21 persons under 18.-

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

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

- 27           1. Report illegal activity;  
28           2. Summon medical or other emergency help; or  
29           3. Prevent injury to a person or property.

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30       (2) Enforcement of this section by state or local law  
31 enforcement agencies must be accomplished only as a secondary  
32 action when an operator of a motor vehicle has been detained for  
33 a suspected violation of another provision of this chapter,  
34 chapter 320, or chapter 322.

35       (3) A person who violates this section commits a  
36 noncriminal traffic infraction, punishable as a nonmoving  
37 violation as provided in chapter 318, and shall have his or her  
38 driver's license suspended for 30 days as set forth in s.  
39 322.27.

40       Section 3. Subsection (1) of section 322.27, Florida  
41 Statutes, is amended to read:

42       322.27 Authority of department to suspend or revoke  
43 license.—

44       (1) Notwithstanding any provisions to the contrary in  
45 chapter 120, the department is hereby authorized to suspend the  
46 license of any person without preliminary hearing upon a showing  
47 of its records or other sufficient evidence that the licensee:

48       (a) Has committed an offense for which mandatory revocation  
49 of license is required upon conviction. A law enforcement agency  
50 must provide information to the department within 24 hours after  
51 any traffic fatality or when the law enforcement agency  
52 initiates action pursuant to s. 316.1933;

53       (b) Has been convicted of a violation of any traffic law  
54 which resulted in a crash that caused the death or personal  
55 injury of another or property damage in excess of \$500;

56       (c) Is incompetent to drive a motor vehicle;

57       (d) Has permitted an unlawful or fraudulent use of such  
58 license or has knowingly been a party to the obtaining of a

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59 license by fraud or misrepresentation or to display, or  
60 represent as one's own, any driver's license not issued him or  
61 her. Provided, however, no provision of this section shall be  
62 construed to include the provisions of s. 322.32(1);

63 (e) Has committed an offense in another state which if  
64 committed in this state would be grounds for suspension or  
65 revocation; ~~or~~

66 (f) Has committed a second or subsequent violation of s.  
67 316.172(1) within a 5-year period of any previous violation; or

68 (g) Has committed a violation of s. 316.3035. The person  
69 shall have his or her driver's license suspended for 30 days.

70 Section 4. This act shall take effect October 1, 2010.