

1 A bill to be entitled
 2 An act relating to driver's license restrictions; amending
 3 s. 322.16, F.S.; restricting the number of passengers
 4 under the age of 18 permitted in a vehicle operated by a
 5 person under the age of 18 unless accompanied by a driver
 6 at least 21 years of age; providing exceptions; providing
 7 for secondary enforcement; providing penalties; providing
 8 for applicability; amending s. 318.14, F.S.; providing
 9 citation procedures for a violation of such restrictions;
 10 providing an effective date.

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

13
 14 Section 1. Present subsections (4), (5), and (6) of
 15 section 322.16, Florida Statutes, are renumbered as subsections
 16 (5), (6), and (7), respectively, and amended, and a new
 17 subsection (4) is added to that section, to read:

18 322.16 License restrictions.—
 19 (4) (a) During the first 6 months after the date of his or
 20 her licensure, a person who has not attained 18 years of age may
 21 not operate a motor vehicle while a passenger is in the vehicle
 22 who has not attained 18 years of age unless accompanied by a
 23 driver who holds a valid license to operate the type of vehicle
 24 being operated and who is at least 21 years of age. Thereafter,
 25 until attaining 18 years of age, such person may not operate a
 26 motor vehicle while more than three passengers are in the
 27 vehicle who have not attained 18 years of age. This subsection
 28 does not apply to passengers who are siblings or children of the

29 driver, whether related by whole or half blood, by affinity, or
 30 by adoption.

31 (b) State and local law enforcement agencies shall enforce
 32 this subsection only as a secondary action when the driver of a
 33 motor vehicle has been detained for a suspected violation of
 34 another section of this chapter, chapter 316, or chapter 320.

35 (c) This subsection applies to any person younger than 18
 36 years of age who is issued a driver's license on or after
 37 October 1, 2010.

38 (d) This subsection does not apply to a minor whose
 39 disability of nonage has been removed pursuant to s. 743.01.

40 (5)(4) The department may, upon receiving satisfactory
 41 evidence of any violation of the restriction upon such a
 42 license, except a violation of paragraph (1)(d), subsection (2),
 43 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
 44 license, but the licensee is entitled to a hearing as upon a
 45 suspension or revocation under this chapter.

46 (6)(5) It is a misdemeanor of the second degree,
 47 punishable as provided in s. 775.082 or s. 775.083, for any
 48 person to operate a motor vehicle in any manner in violation of
 49 the restrictions imposed in a license issued to him or her
 50 except for a violation of paragraph (1)(d), subsection (2), ~~or~~
 51 subsection (3), or subsection (4).

52 (7)(6) Any person who operates a motor vehicle in
 53 violation of the restrictions imposed in subsection (2), ~~or~~
 54 subsection (3), or subsection (4) commits a noncriminal traffic
 55 infraction, punishable as will be charged with a moving
 56 violation as provided in and fined in accordance with chapter

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57 318.

58 Section 2. Subsection (1) of section 318.14, Florida
 59 Statutes, is amended to read:

60 318.14 Noncriminal traffic infractions; exception;
 61 procedures.—

62 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
 63 person cited for a violation of chapter 316, s. 320.0605, s.
 64 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~
 65 (3), or (4), s. 322.161(5), s. 322.19, or s. 1006.66(3) is
 66 charged with a noncriminal infraction and must be cited for such
 67 an infraction and cited to appear before an official. If another
 68 person dies as a result of the noncriminal infraction, the
 69 person cited may be required to perform 120 community service
 70 hours under s. 316.027(4), in addition to any other penalties.

71 Section 3. This act shall take effect October 1, 2010.