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

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. This act may be cited as the "Highway Safety
 28 Act."

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

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

38 316.003 Definitions.—The following words and phrases, when
 39 used in this chapter, shall have the meanings respectively
 40 ascribed to them in this section, except where the context
 41 otherwise requires:

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

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

50 316.083 Overtaking and passing a vehicle.—The following
 51 rules shall govern the overtaking and passing of vehicles
 52 proceeding in the same direction, subject to those limitations,
 53 exceptions, and special rules hereinafter stated:

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

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

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

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

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

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

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

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

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

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

80 Section 5. Section 316.1923, Florida Statutes, is amended
 81 to read:

82 316.1923 Aggressive careless driving.—

83 (1) "Aggressive careless driving" means committing three
 84 ~~two~~ or more of the following acts simultaneously or in

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85 succession:

86 (a)~~(1)~~ Exceeding the posted speed as defined in s.
87 322.27(3)(d)5.b.

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

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

92 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
93 316.079, s. 316.0815, or s. 316.123.

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

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

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

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

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

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

110 (4) Of the moneys received from the increased fine imposed
111 by subsection (3), \$200,000 in the first year after this act
112 takes effect and \$50,000 in the second and third years shall be

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113 remitted to the Department of Highway Safety and Motor Vehicles
114 to offset the cost of providing educational materials related to
115 this act. Any additional moneys shall be remitted to the
116 Department of Revenue and deposited into the Department of
117 Health Administrative Trust Fund to provide financial support to
118 verified trauma centers to ensure the availability and
119 accessibility of trauma services throughout the state. Funds
120 deposited into the Administrative Trust Fund under this section
121 shall be allocated as follows:

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

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

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

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

140 Section 6. Section 318.19, Florida Statutes, is amended to

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141 read:

142 318.19 Infractions requiring a mandatory hearing.—Any
 143 person cited for the infractions listed in this section shall
 144 not have the provisions of s. 318.14(2), (4), and (9) available
 145 to him or her but must appear before the designated official at
 146 the time and location of the scheduled hearing:

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

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

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

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

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

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

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

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

164 316.650 Traffic citations.—

165 (1)(a) The department shall prepare and supply to every
 166 traffic enforcement agency in this state an appropriate form
 167 traffic citation that contains a notice to appear, is issued in
 168 prenumbered books, meets the requirements of this chapter or any

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169 | laws of this state regulating traffic, and is consistent with
170 | the state traffic court rules and the procedures established by
171 | the department. The form shall include a box that is to be
172 | checked by the law enforcement officer when the officer believes
173 | that the traffic violation or crash was due to aggressive
174 | careless driving as defined in s. 316.1923. The form shall also
175 | include a box that is to be checked by the law enforcement
176 | officer when the officer writes a uniform traffic citation for a
177 | violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
178 | the driver failing to stop at a traffic signal.

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