

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          318.1451, F.S.; requiring driver improvement schools to  
15          collect a fee from certain persons taking a basic driver  
16          improvement course; providing for such fees to be used to  
17          provide educational materials relating to this act;  
18          amending s. 318.19, F.S.; providing that a second or  
19          subsequent infraction as an aggressive careless driver  
20          requires attendance at a mandatory hearing; providing for  
21          the disposition of the increased penalties; amending s.  
22          322.025, F.S.; requiring the Department of Highway Safety  
23          and Motor Vehicles to provide information about the  
24          Highway Safety Act in driver's license educational  
25          materials; amending s. 322.05, F.S.; requiring a person  
26          who is at least 16 but less than 19 years of age to  
27          complete a basic driver improvement course and complete 50  
28          hours of behind-the-wheel experience before being issued a

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29 driver's license; reenacting s. 316.650(1)(a), F.S.,  
 30 relating to traffic citations, to incorporate the  
 31 amendments made to s. 316.1923, F.S., in a reference  
 32 thereto; providing an effective date.

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

36 Section 1. This act may be cited as the "Highway Safety  
 37 Act."

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

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

47 316.003 Definitions.—The following words and phrases, when  
 48 used in this chapter, shall have the meanings respectively  
 49 ascribed to them in this section, except where the context  
 50 otherwise requires:

51 (86) ROAD RAGE.—The act of a driver or passenger to  
 52 intentionally or unintentionally, due to a loss of emotional  
 53 control, injure or kill another driver, passenger, or  
 54 pedestrian, or to attempt or threaten to injure or kill another  
 55 driver, passenger, or pedestrian.

56 Section 4. Subsection (3) of section 316.083, Florida

57 Statutes, is renumbered as subsection (4), and a new subsection  
 58 (3) is added to that section to read:

59 316.083 Overtaking and passing a vehicle.—The following  
 60 rules shall govern the overtaking and passing of vehicles  
 61 proceeding in the same direction, subject to those limitations,  
 62 exceptions, and special rules hereinafter stated:

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

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

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

73 2. The driver is in the process of overtaking a slower  
 74 motor vehicle in the adjacent right-hand lane for the purpose of  
 75 passing the slower moving vehicle so that the driver may move to  
 76 the adjacent right-hand lane;

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

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

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

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

86           (c) A driver who violates s. 316.183 and this subsection  
 87 simultaneously shall receive a uniform traffic citation solely  
 88 under s. 316.183.

89           Section 5. Section 316.1923, Florida Statutes, is amended  
 90 to read:

91           316.1923 Aggressive careless driving.—

92           (1) "Aggressive careless driving" means committing three  
 93 ~~two~~ or more of the following acts simultaneously or in  
 94 succession:

95           (a) ~~(1)~~ Exceeding the posted speed as defined in s.  
 96 322.27(3)(d)5.b.

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

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

101           (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.  
 102 316.079, s. 316.0815, or s. 316.123.

103           (e) ~~(5)~~ Improperly passing or failing to yield to  
 104 overtaking vehicles as defined in s. 316.083, s. 316.084, or s.  
 105 316.085.

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

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

112           (3) In addition to any fine or points administered under

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113 subsection (2), a person convicted of aggressive careless  
114 driving shall also pay:

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

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

119 (4) The clerk of the court shall remit the moneys  
120 collected from the increased fine imposed by subsection (3) to  
121 the Department of Revenue for deposit into the Department of  
122 Health Administrative Trust Fund. Of the funds deposited into  
123 the Department of Health Administrative Trust Fund, \$200,000 in  
124 the 2010-2011 fiscal year and \$50,000 in the 2011-2012 and 2012-  
125 2013 fiscal years shall be transferred to the Department of  
126 Highway Safety and Motor Vehicles and deposited in the Highway  
127 Safety Operating Trust Fund to offset the cost of providing  
128 information about the Highway Safety Act in driver's license  
129 educational materials as required under s. 322.025. All other  
130 funds deposited into the Department of Health Administrative  
131 Trust Fund under this section shall be used to provide financial  
132 support to verified trauma centers to ensure the availability  
133 and accessibility of trauma services throughout the state and  
134 shall be allocated as follows:

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

138 (b) Twenty-five percent shall be allocated among Level I,  
139 Level II, and pediatric trauma centers based on each center's  
140 relative volume of trauma cases as reported in the Department of

141 Health Trauma Registry.

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

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

153 Section 6. Subsection (4) of section 318.1451, Florida  
 154 Statutes, is amended to read:

155 318.1451 Driver improvement schools.—

156 (4) (a) In addition to a regular course fee, an assessment  
 157 fee in the amount of \$2.50 shall be collected by the school from  
 158 each person who elects to attend a course, as it relates to ss.  
 159 318.14(9), 322.0261, 322.291, and 627.06501, which shall be  
 160 remitted to the Department of Highway Safety and Motor Vehicles  
 161 and deposited in the Highway Safety Operating Trust Fund to  
 162 administer this program and to fund the general operations of  
 163 the department.

164 (b) In addition to a regular course fee, an assessment fee  
 165 in the amount of \$2.50 shall be collected by the school from  
 166 each person who attends a course, as it relates to s. 322.05(3),  
 167 which shall be remitted to the Department of Highway Safety and  
 168 Motor Vehicles and deposited in the Highway Safety Operating

169 Trust Fund to fund the provision of information about the  
 170 Highway Safety Act in driver's license educational materials as  
 171 required under s. 322.025.

172 Section 7. Section 318.19, Florida Statutes, is amended to  
 173 read:

174 318.19 Infractions requiring a mandatory hearing.—Any  
 175 person cited for the infractions listed in this section shall  
 176 not have the provisions of s. 318.14(2), (4), and (9) available  
 177 to him or her but must appear before the designated official at  
 178 the time and location of the scheduled hearing:

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

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

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

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

185 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 186 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

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

188 Section 8. Section 322.025, Florida Statutes, is amended  
 189 to read:

190 322.025 Driver improvement.—The department may implement  
 191 programs to improve the driving ability of the drivers of this  
 192 state. Such programs may include, but shall not be limited to,  
 193 safety awareness campaigns, driver training, and licensing  
 194 improvement. Motorcycle driver improvement programs implemented  
 195 pursuant to this section or s. 322.0255 may be funded by the  
 196 motorcycle safety education fee collected pursuant to s.

197 320.08(1)(c), which shall be deposited in the Highway Safety  
 198 Operating Trust Fund. The department shall provide information  
 199 about the Highway Safety Act in all newly printed driver's  
 200 license educational materials after October 1, 2010.

201 Section 9. Subsection (3) of section 322.05, Florida  
 202 Statutes, is amended to read:

203 322.05 Persons not to be licensed.—The department may not  
 204 issue a license:

205 (3) To a person who is at least 16 years of age but who  
 206 has not attained 19 ~~is under 18~~ years of age, unless:

207 (a) The person provides proof of successfully completing a  
 208 basic driver improvement course that meets the requirements of  
 209 s. 318.1451 within 3 months before the date the person applied  
 210 for licensure; and

211 (b) The parent, guardian, or other responsible adult  
 212 meeting the requirements of s. 322.09 certifies that he or she,  
 213 or another licensed driver 21 years of age or older, has  
 214 accompanied the applicant for a total of not less than 50 hours'  
 215 behind-the-wheel experience, of which not less than 10 hours  
 216 must be at night. This paragraph ~~subsection~~ is not intended to  
 217 create a private cause of action as a result of the  
 218 certification. The certification is inadmissible for any purpose  
 219 in any civil proceeding.

220  
 221 Paragraph (a) does not apply to a person who has been licensed  
 222 in any other jurisdiction or who has satisfactorily completed a  
 223 Department of Education driver education course offered pursuant  
 224 to s. 1003.48.



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225 Section 10. For the purpose of incorporating the  
226 amendments made by this act to section 316.1923, Florida  
227 Statutes, in a reference thereto, paragraph (a) of subsection  
228 (1) of section 316.650, Florida Statutes, is reenacted to read:  
229 316.650 Traffic citations.—

230 (1)(a) The department shall prepare and supply to every  
231 traffic enforcement agency in this state an appropriate form  
232 traffic citation that contains a notice to appear, is issued in  
233 prenumbered books, meets the requirements of this chapter or any  
234 laws of this state regulating traffic, and is consistent with  
235 the state traffic court rules and the procedures established by  
236 the department. The form shall include a box that is to be  
237 checked by the law enforcement officer when the officer believes  
238 that the traffic violation or crash was due to aggressive  
239 careless driving as defined in s. 316.1923. The form shall also  
240 include a box that is to be checked by the law enforcement  
241 officer when the officer writes a uniform traffic citation for a  
242 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of  
243 the driver failing to stop at a traffic signal.

244 Section 11. This act shall take effect July 1, 2010.