

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; requiring the
 17 Department of Highway Safety and Motor Vehicles to provide
 18 information about the Highway Safety Act in driver's
 19 license educational materials; reenacting s.
 20 316.650(1)(a), F.S., relating to traffic citations, to
 21 incorporate the amendments made to s. 316.1923, F.S., in a
 22 reference thereto; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

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

28 Section 2. The Legislature finds that road rage and

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

35 Section 3. Subsection (89) is added to section 316.003,
 36 Florida Statutes, to read:

37 316.003 Definitions.—The following words and phrases, when
 38 used in this chapter, shall have the meanings respectively
 39 ascribed to them in this section, except where the context
 40 otherwise requires:

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

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

49 316.083 Overtaking and passing a vehicle.—The following
 50 rules shall govern the overtaking and passing of vehicles
 51 proceeding in the same direction, subject to those limitations,
 52 exceptions, and special rules hereinafter stated:

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

57 he or she is being overtaken in that lane from the rear by a
 58 motor vehicle traveling at a higher rate of speed.

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

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

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

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

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

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

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

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

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

81 316.1923 Aggressive careless driving.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

139 Section 6. Section 318.19, Florida Statutes, is amended to
140 read:

141 318.19 Infractions requiring a mandatory hearing.—Any
 142 person cited for the infractions listed in this section shall
 143 not have the provisions of s. 318.14(2), (4), and (9) available
 144 to him or her but must appear before the designated official at
 145 the time and location of the scheduled hearing:

- 146 (1) Any infraction which results in a crash that causes
- 147 the death of another;
- 148 (2) Any infraction which results in a crash that causes
- 149 "serious bodily injury" of another as defined in s. 316.1933(1);
- 150 (3) Any infraction of s. 316.172(1)(b);
- 151 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
- 152 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
- 153 316.189 of exceeding the speed limit by 30 m.p.h. or more; or
- 154 (6) A second or subsequent infraction of s. 316.1923(1).

155 Section 7. The Department of Highway Safety and Motor
 156 Vehicles shall provide information about the Highway Safety Act
 157 in all driver's license educational materials newly printed on
 158 or after October 1, 2011.

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

163 316.650 Traffic citations.—

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

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

178 Section 9. This act shall take effect July 1, 2011.