

By Senator Bennett

21-00325-11

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

83 316.1923 Aggressive careless driving.-

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

87 (a) ~~(1)~~ Exceeding the posted speed as defined in s.

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88 322.27(3)(d)5.b.

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

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

93 ~~(d)(4)~~ Failing to yield the right-of-way as defined in s.  
94 316.079, s. 316.0815, or s. 316.123.

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

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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  
121 subsection 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  
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

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146 the time and location of the scheduled hearing:

147 (1) Any infraction which results in a crash that causes the  
148 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~~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 driver's license educational materials newly printed on  
159 or after October 1, 2011.

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  
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

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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, 2011.