

By the Committee on Transportation; and Senator Bennett

596-01798-11

2011244c1

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."

596-01798-11

2011244c1

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

596-01798-11

2011244c1

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.

596-01798-11

2011244c1

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) The clerk of the court shall remit the moneys collected
111 from the increased fine imposed by subsection (3) to the
112 Department of Revenue for deposit into the Department of Health
113 Administrative Trust Fund. Of the funds deposited into the
114 Department of Health Administrative Trust Fund, \$200,000 in the
115 first year after this act takes effect, and \$50,000 in the
116 second and third years, shall be transferred into the Highway

596-01798-11

2011244c1

117 Safety Operating Trust Fund to offset the cost of providing
118 educational materials related to this act. Funds deposited into
119 the Department of Health 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:

596-01798-11

2011244c1

146 (1) Any infraction which results in a crash that causes the
147 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
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

596-01798-11

2011244c1

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.