

HB 643

2011

1 A bill to be entitled  
 2 An act relating to motor vehicles; amending s. 316.3045,  
 3 F.S.; revising penalties for unlawful operation of a  
 4 soundmaking device in a motor vehicle; providing that such  
 5 operation is a moving violation which includes the  
 6 assessment of points against the driver's license;  
 7 amending s. 318.18, F.S.; providing increased penalties  
 8 for repeat violations within a certain time period;  
 9 providing an effective date.

10

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

12

13 Section 1. Section 316.3045, Florida Statutes, is amended  
 14 to read:

15 316.3045 Operation of radios or other mechanical  
 16 soundmaking devices or instruments in vehicles; exemptions.—

17 (1) It is unlawful for any person operating or occupying a  
 18 motor vehicle on a street or highway to operate or amplify the  
 19 sound produced by a radio, tape player, or other mechanical  
 20 soundmaking device or instrument from within the motor vehicle  
 21 so that the sound is:

22 (a) Plainly audible at a distance of 25 feet or more from  
 23 the motor vehicle; or

24 (b) Louder than necessary for the convenient hearing by  
 25 persons inside the vehicle in areas adjoining churches, schools,  
 26 or hospitals.

27 (2) The provisions of this section do ~~shall~~ not apply to  
 28 any law enforcement motor vehicle equipped with any

29 | communication device necessary in the performance of law  
 30 | enforcement duties or to any emergency vehicle equipped with any  
 31 | communication device necessary in the performance of any  
 32 | emergency procedures.

33 | (3) The provisions of this section do not apply to motor  
 34 | vehicles used for business or political purposes, which in the  
 35 | normal course of conducting such business use soundmaking  
 36 | devices. The provisions of this subsection shall not be deemed  
 37 | to prevent local authorities, with respect to streets and  
 38 | highways under their jurisdiction and within the reasonable  
 39 | exercise of the police power, from regulating the time and  
 40 | manner in which such business may be operated.

41 | (4) The provisions of this section do not apply to the  
 42 | noise made by a horn or other warning device required or  
 43 | permitted by s. 316.271. The Department of Highway Safety and  
 44 | Motor Vehicles shall promulgate rules defining "plainly audible"  
 45 | and establish standards regarding how sound should be measured  
 46 | by law enforcement personnel who enforce the provisions of this  
 47 | section.

48 | (5) A violation of this section is a noncriminal traffic  
 49 | infraction, punishable as a moving ~~nonmoving~~ violation as  
 50 | provided in chapter 318.

51 | Section 2. Subsection (22) is added to section 318.18,  
 52 | Florida Statutes, to read:

53 | 318.18 Amount of penalties.—The penalties required for a  
 54 | noncriminal disposition pursuant to s. 318.14 or a criminal  
 55 | offense listed in s. 318.17 are as follows:

HB 643

2011

56 | (22) (a) One hundred twenty dollars for a second violation  
57 | of s. 316.3045 within a 12-month period.

58 | (b) One hundred eighty dollars for a third or subsequent  
59 | violation of s. 316.3045 within a 12-month period.

60 | Section 3. This act shall take effect July 1, 2011.