

HB 833

2011

1                   A bill to be entitled  
2           An act relating to traffic safety; creating the Minor  
3           Traffic Safety Act; amending s. 316.0075, F.S.;  
4           prohibiting the use of handheld cellular telephones and  
5           other electronic communications devices by drivers under  
6           18 years of age and persons driving school buses;  
7           providing exceptions; providing penalties; amending s.  
8           318.14, F.S.; providing citation procedures for  
9           violations; amending s. 322.08, F.S.; providing for a  
10          voluntary checkoff on driver's license applications to  
11          permit contributions to the AAA Foundation for Traffic  
12          Safety; providing that such contributions are not  
13          considered income of a revenue nature for purposes of a  
14          service charge; creating s. 322.144, F.S.; requiring the  
15          Department of Highway Safety and Motor Vehicles to issue a  
16          distinctive placard when issuing or reissuing a driver's  
17          license to a person under a certain age; requiring such  
18          person to display the placard at all times while operating  
19          a motor vehicle; providing penalties; amending s. 322.16,  
20          F.S.; restricting the number of certain passengers  
21          permitted in a vehicle operated by a person under a  
22          certain age; providing for exceptions; providing  
23          penalties; providing an effective date.

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

26  
27           Section 1. This act may be cited as the "Minor Traffic  
28 Safety Act."

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29 Section 2. Section 316.0075, Florida Statutes, is amended  
 30 to read:

31 316.0075 Operator use of commercial mobile radio services  
 32 and electronic communications devices.—

33 (1) Regulation of operator or passenger use of commercial  
 34 mobile radio services and other electronic communications  
 35 devices in a motor vehicle is expressly preempted to the state.

36 (2) (a) A person who has not attained 18 years of age and  
 37 is driving or in actual physical control of a motor vehicle on  
 38 the roads of this state may not use any type of hand-held  
 39 cellular telephone or other hand-held electronic communications  
 40 device.

41 (b) A person who is driving or in actual physical control  
 42 of a school bus transporting any student to a public or private  
 43 school on the roads of this state may not use any type of hand-  
 44 held cellular telephone or other hand-held electronic  
 45 communications device.

46 (c) This subsection does not apply:

47 1. To a device that is designed for hands-free use and the  
 48 person is using it in that manner.

49 2. When the motor vehicle is stopped and the engine is not  
 50 running.

51 (d) A violation of this subsection is a noncriminal  
 52 traffic infraction, punishable as a nonmoving violation as  
 53 provided in chapter 318.

54 Section 3. Subsection (1) of section 318.14, Florida  
 55 Statutes, is amended to read:

56 318.14 Noncriminal traffic infractions; exception;

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57 | procedures.—

58 |       (1) Except as provided in ss. 318.17 and 320.07(3)(c), any  
59 | person cited for a violation of chapter 316, s. 320.0605, s.  
60 | 320.07(3)(a) or (b), s. 322.065, s. 322.144(2), s. 322.15(1), s.  
61 | 322.16(2), ~~or (3)~~, or (4), s. 322.1615, s. 322.19, or s.  
62 | 1006.66(3) is charged with a noncriminal infraction and must be  
63 | cited for such an infraction and cited to appear before an  
64 | official. If another person dies as a result of the noncriminal  
65 | infraction, the person cited may be required to perform 120  
66 | community service hours under s. 316.027(4), in addition to any  
67 | other penalties.

68 |       Section 4. Subsection (7) of section 322.08, Florida  
69 | Statutes, is amended to read:

70 |       322.08 Application for license; requirements for license  
71 | and identification card forms.—

72 |       (7) The application form for an original, renewal, or  
73 | replacement driver's license or identification card shall  
74 | include language permitting the following:

75 |       (a) A voluntary contribution of \$1 per applicant, which  
76 | contribution shall be deposited into the Health Care Trust Fund  
77 | for organ and tissue donor education and for maintaining the  
78 | organ and tissue donor registry.

79 |       (b) A voluntary contribution of \$1 per applicant, which  
80 | contribution shall be distributed to the Florida Council of the  
81 | Blind.

82 |       (c) A voluntary contribution of \$2 per applicant, which  
83 | shall be distributed to the Hearing Research Institute,  
84 | Incorporated.

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85 (d) A voluntary contribution of \$1 per applicant, which  
86 shall be distributed to the Juvenile Diabetes Foundation  
87 International.

88 (e) A voluntary contribution of \$1 per applicant, which  
89 shall be distributed to the Children's Hearing Help Fund.

90 (f) A voluntary contribution of \$1 per applicant, which  
91 shall be distributed to Family First, a nonprofit organization.

92 (g) A voluntary contribution of \$1 per applicant to Stop  
93 Heart Disease, which shall be distributed to the Florida Heart  
94 Research Institute, a nonprofit organization.

95 (h) A voluntary contribution of \$1 per applicant to Senior  
96 Vision Services, which shall be distributed to the Florida  
97 Association of Agencies Serving the Blind, Inc., a not-for-  
98 profit organization.

99 (i) A voluntary contribution of \$1 per applicant for  
100 services for persons with developmental disabilities, which  
101 shall be distributed to The Arc of Florida.

102 (j) A voluntary contribution of \$1 to the Ronald McDonald  
103 House, which shall be distributed each month to Ronald McDonald  
104 House Charities of Tampa Bay, Inc.

105 (k) Notwithstanding s. 322.081, a voluntary contribution  
106 of \$1 per applicant, which shall be distributed to the League  
107 Against Cancer/La Liga Contra el Cancer, a not-for-profit  
108 organization.

109 (l) A voluntary contribution of \$1 per applicant to  
110 Prevent Child Sexual Abuse, which shall be distributed to  
111 Lauren's Kids, Inc., a nonprofit organization.

112 (m) A voluntary contribution of \$1 per applicant, which

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113 shall be distributed to Prevent Blindness Florida, a not-for-  
114 profit organization, to prevent blindness and preserve the sight  
115 of the residents of this state.

116 (n) Notwithstanding s. 322.081, a voluntary contribution  
117 of \$1 per applicant to the state homes for veterans, to be  
118 distributed on a quarterly basis by the department to the State  
119 Homes for Veterans Trust Fund, which is administered by the  
120 Department of Veterans' Affairs.

121 (o) A voluntary contribution of \$1 per applicant, which  
122 shall be distributed to the AAA Foundation for Traffic Safety, a  
123 nonprofit organization.

124

125 A statement providing an explanation of the purpose of the trust  
126 funds shall also be included. For the purpose of applying the  
127 service charge provided in s. 215.20, contributions received  
128 under paragraphs (b) - ~~(o) - (n)~~ are not income of a revenue nature.

129 Section 5. Section 322.144, Florida Statutes, is created  
130 to read:

131 322.144 Identifying placards for minors.-

132 (1) When the department issues or reissues a license for  
133 the operation of motor vehicles to a person who has not attained  
134 18 years of age, the department shall also issue to the person a  
135 placard that can be placed in a motor vehicle so as to be  
136 visible from the front and rear of the vehicle. Each side of the  
137 placard shall have markings or color which shall be obviously  
138 separate and distinct from all other placards issued by the  
139 department and shall bear a warning that the person must display  
140 the placard at all times while operating a motor vehicle.

141 (2) A driver who has not attained 18 years of age must  
 142 display the placard issued under this section at all times while  
 143 operating a motor vehicle. The placard must be displayed so as  
 144 to be visible from the front and rear of the vehicle.

145 (3) A person who violates subsection (2) commits a  
 146 noncriminal traffic infraction, punishable as a nonmoving  
 147 violation as provided in chapter 318.

148 Section 6. Subsections (4), (5), and (6) of section  
 149 322.16, Florida Statutes, are amended and renumbered as  
 150 subsections (5), (6), and (7), respectively, and a new  
 151 subsection (4) is added to said section, to read:

152 322.16 License restrictions.—

153 (4) A person who holds a driver's license who is under 18  
 154 years of age may not operate a motor vehicle with more than one  
 155 passenger in the vehicle who is under 18 years of age, unless  
 156 any additional passenger or passengers under 18 years of age are  
 157 siblings or children of the driver, whether related by the whole  
 158 or half blood, by affinity, or by adoption.

159 ~~(5)(4)~~ The department may, upon receiving satisfactory  
 160 evidence of any violation of the restriction upon such a  
 161 license, except a violation of paragraph (1)(d), subsection (2),  
 162 ~~or~~ subsection (3), or subsection (4), suspend or revoke the  
 163 license, but the licensee is entitled to a hearing as upon a  
 164 suspension or revocation under this chapter.

165 ~~(6)(5)~~ It is a misdemeanor of the second degree,  
 166 punishable as provided in s. 775.082 or s. 775.083, for any  
 167 person to operate a motor vehicle in any manner in violation of  
 168 the restrictions imposed under paragraph (1)(c).

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169        (7)~~(6)~~ Any person who operates a motor vehicle in  
170 violation of the restrictions imposed under paragraph (1)(a),  
171 paragraph (1)(b), subsection (2), ~~or~~ subsection (3), or  
172 subsection (4) commits a noncriminal traffic infraction,  
173 punishable as will be charged with a moving violation as  
174 provided in and fined in accordance with chapter 318.

175            Section 7. This act shall take effect October 1, 2011.