

By Senator Oelrich

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

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 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

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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 adopt ~~promulgate~~ rules defining "plainly
45 audible" and establish standards regarding how sound should be
46 measured by law enforcement personnel who enforce the provisions
47 of this 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:

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

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59 violation of s. 316.3045 within a 12-month period.

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