

By the Committee on Transportation; and Senator Oelrich

596-02263-11

2011886c1

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 a second or subsequent violation is a
6 moving violation and includes the assessment of points
7 against the driver's license; amending s. 318.18,
8 F.S.; providing increased penalties for repeat
9 violations within a certain time period; providing an
10 effective date.

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

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

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

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

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

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

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

596-02263-11

2011886c1

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

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

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

49 (5) A first violation of this section is a noncriminal
50 traffic infraction, punishable as a nonmoving violation as
51 provided in chapter 318. A second or subsequent violation of
52 this section is a noncriminal traffic infraction punishable as a
53 moving violation as provided in chapter 318.

54 Section 2. Subsection (22) is added to section 318.18,
55 Florida Statutes, to read:

56 318.18 Amount of penalties.—The penalties required for a
57 noncriminal disposition pursuant to s. 318.14 or a criminal
58 offense listed in s. 318.17 are as follows:

596-02263-11

2011886c1

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

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

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