

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, including
13 imposition of an increased fine; amending s. 318.121,
14 F.S.; revising the preemption of additional fees,
15 fines, surcharges, and court costs to allow imposition
16 of the increased fine for aggressive careless driving;
17 amending s. 318.18, F.S.; specifying the amount of the
18 fine and the allocation of moneys received from the
19 increased fine imposed for aggressive careless
20 driving; amending s. 318.19, F.S.; providing that a
21 second or subsequent infraction as an aggressive
22 careless driver requires attendance at a mandatory
23 hearing; requiring the Department of Highway Safety
24 and Motor Vehicles to provide information about the
25 Highway Safety Act in driver's license educational
26 materials; reenacting s. 316.650(1)(a), F.S., relating
27 to traffic citations, to incorporate the amendments
28 made to s. 316.1923, F.S., in a reference thereto;

29 providing an effective date.

30

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

32

33 Section 1. This act may be cited as the "Highway Safety
 34 Act."

35 Section 2. The Legislature finds that road rage and
 36 aggressive careless driving are a growing threat to the health,
 37 safety, and welfare of the public. The intent of the Legislature
 38 is to reduce road rage and aggressive careless driving, reduce
 39 the incidence of drivers' interfering with the movement of
 40 traffic, minimize crashes, and promote the orderly, free flow of
 41 traffic on the roads and highways of the state.

42 Section 3. Subsection (89) is added to section 316.003,
 43 Florida Statutes, to read:

44 316.003 Definitions.—The following words and phrases, when
 45 used in this chapter, shall have the meanings respectively
 46 ascribed to them in this section, except where the context
 47 otherwise requires:

48 (89) ROAD RAGE.—The act of a driver or passenger to
 49 intentionally or unintentionally, due to a loss of emotional
 50 control, injure or kill another driver, passenger, or
 51 pedestrian, or to attempt or threaten to injure or kill another
 52 driver, passenger, or pedestrian.

53 Section 4. Present subsection (3) of section 316.083,
 54 Florida Statutes, is redesignated as subsection (4), and a new
 55 subsection (3) is added to that section, to read:

56 316.083 Overtaking and passing a vehicle.—The following

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57 | rules shall govern the overtaking and passing of vehicles
58 | proceeding in the same direction, subject to those limitations,
59 | exceptions, and special rules hereinafter stated:

60 | (3) (a) On roads, streets, or highways having two or more
61 | lanes that allow movement in the same direction, a driver may
62 | not continue to operate a motor vehicle in the furthestmost left-
63 | hand lane if the driver knows, or reasonably should know, that
64 | he or she is being overtaken in that lane from the rear by a
65 | motor vehicle traveling at a higher rate of speed.

66 | (b) Paragraph (a) does not apply to a driver operating a
67 | motor vehicle in the furthestmost left-hand lane if:

68 | 1. The driver is driving the legal speed limit and is not
69 | impeding the flow of traffic in the furthestmost left-hand lane;

70 | 2. The driver is in the process of overtaking a slower
71 | motor vehicle in the adjacent right-hand lane for the purpose of
72 | passing the slower moving vehicle so that the driver may move to
73 | the adjacent right-hand lane;

74 | 3. Conditions make the flow of traffic substantially the
75 | same in all lanes or preclude the driver from moving to the
76 | adjacent right-hand lane;

77 | 4. The driver's movement to the adjacent right-hand lane
78 | could endanger the driver or other drivers;

79 | 5. The driver is directed by a law enforcement officer,
80 | road sign, or road crew to remain in the furthestmost left-hand
81 | lane; or

82 | 6. The driver is preparing to make a left turn.

83 | (c) A driver who violates s. 316.183 and this subsection
84 | simultaneously shall receive a uniform traffic citation solely

85 under s. 316.183.

86 Section 5. Section 316.1923, Florida Statutes, is amended
87 to read:

88 316.1923 Aggressive careless driving.—

89 (1) "Aggressive careless driving" means committing three
90 ~~two~~ or more of the following acts simultaneously or in
91 succession:

92 (a)~~(1)~~ Exceeding the posted speed as defined in s.
93 322.27(3)(d)5.b.

94 (b)~~(2)~~ Unsafely or improperly changing lanes as defined in
95 s. 316.085.

96 (c)~~(3)~~ Following another vehicle too closely as defined in
97 s. 316.0895(1).

98 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
99 316.079, s. 316.0815, or s. 316.123.

100 (e)~~(5)~~ Improperly passing or failing to yield to
101 overtaking vehicles as defined in s. 316.083, s. 316.084, or s.
102 316.085.

103 (f)~~(6)~~ Violating traffic control and signal devices as
104 defined in ss. 316.074 and 316.075.

105 (2) Any person convicted of aggressive careless driving
106 shall be cited for a moving violation and punished as provided
107 in chapter 318, and by the accumulation of points as provided in
108 s. 322.27, for each act of aggressive careless driving.

109 Section 6. Section 318.121, Florida Statutes, is amended
110 to read

111 318.121 Preemption of additional fees, fines, surcharges,
112 and costs.—Notwithstanding any general or special law, or

113 municipal or county ordinance, additional fees, fines,
 114 surcharges, or costs other than the additional fees, fines,
 115 court costs, and surcharges assessed under s. 318.18(11), (13),
 116 (18), ~~and (19)~~, and (22) may not be added to the civil traffic
 117 penalties assessed in this chapter.

118 Section 7. Subsection (22) is added to section 318.18,
 119 Florida Statutes, to read:

120 318.18 Amount of penalties.—The penalties required for a
 121 noncriminal disposition pursuant to s. 318.14 or a criminal
 122 offense listed in s. 318.17 are as follows:

123 (22) (a) In addition to any penalties or points imposed
 124 under s. 316.1923, a person convicted of aggressive careless
 125 driving shall also pay:

126 1. Upon a first violation, a fine of \$100.

127 2. Upon a second or subsequent conviction, a fine of not
 128 less than \$250 but not more than \$500 and be subject to a
 129 mandatory hearing under s. 318.19.

130 (b) The clerk of the court shall remit the moneys
 131 collected from the increased fine imposed by this subsection to
 132 the Department of Revenue for deposit into the Department of
 133 Health Administrative Trust Fund. Of the funds deposited into
 134 the Department of Health Administrative Trust Fund, \$200,000 in
 135 the first year after October 1, 2012, and \$50,000 in the second
 136 and third years, shall be transferred into the Highway Safety
 137 Operating Trust Fund to offset the cost of providing educational
 138 materials related to this act. Funds deposited into the
 139 Department of Health Administrative Trust Fund under this
 140 subsection shall be allocated as follows:

141 1. Twenty-five percent shall be allocated equally among
 142 all Level I, Level II, and pediatric trauma centers in
 143 recognition of readiness costs for maintaining trauma services.

144 2. Twenty-five percent shall be allocated among Level I,
 145 Level II, and pediatric trauma centers based on each center's
 146 relative volume of trauma cases as reported in the Department of
 147 Health Trauma Registry.

148 3. Twenty-five percent shall be transferred to the
 149 Emergency Medical Services Trust Fund and used by the department
 150 for making matching grants to emergency medical services
 151 organizations as defined in s. 401.107.

152 4. Twenty-five percent shall be transferred to the
 153 Emergency Medical Services Trust Fund and made available to
 154 rural emergency medical services as defined in s. 401.107, and
 155 shall be used solely to improve and expand prehospital emergency
 156 medical services in this state. Additionally, these moneys may
 157 be used for the improvement, expansion, or continuation of
 158 services provided.

159 Section 8. Section 318.19, Florida Statutes, is amended to
 160 read:

161 318.19 Infractions requiring a mandatory hearing.—Any
 162 person cited for the infractions listed in this section shall
 163 not have the provisions of s. 318.14(2), (4), and (9) available
 164 to him or her but must appear before the designated official at
 165 the time and location of the scheduled hearing:

166 (1) Any infraction which results in a crash that causes
 167 the death of another;

168 (2) Any infraction which results in a crash that causes

169 "serious bodily injury" of another as defined in s. 316.1933(1);
 170 (3) Any infraction of s. 316.172(1)(b);
 171 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
 172 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 173 316.189 of exceeding the speed limit by 30 m.p.h. or more; or.
 174 (6) A second or subsequent infraction of s. 316.1923(1).

175 Section 9. The Department of Highway Safety and Motor
 176 Vehicles shall provide information about the Highway Safety Act
 177 in all driver's license educational materials newly printed on
 178 or after October 1, 2012.

179 Section 10. For the purpose of incorporating the
 180 amendments made by this act to section 316.1923, Florida
 181 Statutes, in a reference thereto, paragraph (a) of subsection
 182 (1) of section 316.650, Florida Statutes, is reenacted to read:
 183 316.650 Traffic citations.—

184 (1)(a) The department shall prepare and supply to every
 185 traffic enforcement agency in this state an appropriate form
 186 traffic citation that contains a notice to appear, is issued in
 187 prenumbered books, meets the requirements of this chapter or any
 188 laws of this state regulating traffic, and is consistent with
 189 the state traffic court rules and the procedures established by
 190 the department. The form shall include a box that is to be
 191 checked by the law enforcement officer when the officer believes
 192 that the traffic violation or crash was due to aggressive
 193 careless driving as defined in s. 316.1923. The form shall also
 194 include a box that is to be checked by the law enforcement
 195 officer when the officer writes a uniform traffic citation for a
 196 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of

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197 | the driver failing to stop at a traffic signal.

198 | Section 11. This act shall take effect October 1, 2012.