

By the Committee on Transportation; and Senator Bennett

596-00974-12

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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.

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

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

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

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

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

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

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

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations,

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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:

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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 overtaking  
101 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

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

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

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

110 318.121 Preemption of additional fees, fines, surcharges,  
111 and costs.—Notwithstanding any general or special law, or  
112 municipal or county ordinance, additional fees, fines,  
113 surcharges, or costs other than the additional fees, fines,  
114 court costs, and surcharges assessed under s. 318.18(11), (13),  
115 (18), ~~and~~ (19), and (22) may not be added to the civil traffic  
116 penalties assessed in this chapter.

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

119 318.18 Amount of penalties.—The penalties required for a  
120 noncriminal disposition pursuant to s. 318.14 or a criminal  
121 offense listed in s. 318.17 are as follows:

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

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

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

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

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

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

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146 Health Trauma Registry.

147 3. Twenty-five percent shall be used by the department for  
148 making matching grants to emergency medical services  
149 organizations as defined in s. 401.107.

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

156 Section 8. Section 318.19, Florida Statutes, is amended to  
157 read:

158 318.19 Infractions requiring a mandatory hearing.—Any  
159 person cited for the infractions listed in this section shall  
160 not have the provisions of s. 318.14(2), (4), and (9) available  
161 to him or her but must appear before the designated official at  
162 the time and location of the scheduled hearing:

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

165 (2) Any infraction which results in a crash that causes  
166 “serious bodily injury” of another as defined in s. 316.1933(1);

167 (3) Any infraction of s. 316.172(1)(b);

168 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

169 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
170 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~.

171 (6) A second or subsequent infraction of s. 316.1923(1).

172 Section 9. The Department of Highway Safety and Motor  
173 Vehicles shall provide information about the Highway Safety Act  
174 in all driver’s license educational materials newly printed on

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175 or after October 1, 2012.

176 Section 10. For the purpose of incorporating the amendments  
177 made by this act to section 316.1923, Florida Statutes, in a  
178 reference thereto, paragraph (a) of subsection (1) of section  
179 316.650, Florida Statutes, is reenacted to read:

180 316.650 Traffic citations.—

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

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