

By the Committee on Judiciary; and Senator Simpson

590-04351-13

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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 provisions relating to the  
4 operation of radios or other soundmaking devices in  
5 vehicles; deleting a standard for determining  
6 prohibited sound levels; deleting an exception for  
7 vehicles operated for business or political purposes;  
8 authorizing local authorities to regulate the place  
9 where such soundmaking devices may be operated;  
10 providing an 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) A ~~It is unlawful for any person who operates or~~  
19 occupies ~~operating or occupying~~ a motor vehicle on a street or  
20 highway may not ~~to~~ operate or amplify the sound produced by a  
21 radio, tape player, or other mechanical soundmaking device or  
22 instrument from within the motor vehicle 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 does ~~shall~~ not apply to  
29 any law enforcement motor vehicle equipped with any

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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 section subsection does shall~~  
38 ~~not be deemed to~~ prevent local authorities, with respect to  
39 streets and highways under their jurisdiction and within the  
40 reasonable exercise of the police power, from regulating the  
41 time, place, and manner in which a device or instrument  
42 described in subsection (1) ~~such business~~ may be operated.

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

50 (5) A violation of this section is a noncriminal traffic  
51 infraction, punishable as a nonmoving violation as provided in  
52 chapter 318.

53 Section 2. This act shall take effect July 1, 2013.