

A bill to be entitled

An act relating to traffic offenses; creating s. 318.195, F.S.; providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes the death of, a vulnerable road user; requiring that the person pay a specified fine, serve a minimum period of house arrest, and attend a driver improvement course; requiring that the court revoke the person's driver license for a minimum specified period; defining the term "vulnerable road user"; providing that the act does not prohibit the person from being charged with, convicted of, or punished for any other violation of law; providing an effective date.

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

Section 1. Section 318.195, Florida Statutes, is created to read:

318.195 Enhanced penalties for moving violations causing injury or death.—

(1) A person who commits a moving violation that causes serious bodily injury, as defined in s. 316.1933, to a vulnerable road user commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and, upon conviction, shall pay a fine of not less than \$1,500, serve a

27 minimum of 30 days of house arrest, and attend a driver
 28 improvement course. The court shall also revoke the person's
 29 driver license for at least 30 days.

30 (2) A person who commits a moving violation that causes
 31 the death of a vulnerable road user commits a misdemeanor of the
 32 first degree, punishable as provided in s. 775.082 or s.
 33 775.083, and, upon conviction, shall pay a fine of not less than
 34 \$5,000, serve a minimum of 180 days of house arrest, and, in
 35 lieu of the requirements of s. 322.0261, attend an advanced
 36 driver improvement course. The court shall also revoke the
 37 person's driver license for at least 1 year.

38 (3) As used in this section, the term "vulnerable road
 39 user" means:

40 (a) A pedestrian, including a person actually engaged in
 41 work upon a highway, or in work upon utility facilities along a
 42 highway, or engaged in the provision of emergency services
 43 within the right-of-way;

44 (b) A person operating a bicycle, motorcycle, scooter, or
 45 moped lawfully on the roadway;

46 (c) A person riding an animal; or

47 (d) A person lawfully operating any of the following on a
 48 public right-of-way, crosswalk, or shoulder of the roadway:

49 1. A farm tractor or similar vehicle designed primarily
 50 for farm use;

51 2. A skateboard, roller skates, or in-line skates;

52 3. A horse-drawn carriage;

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53 4. An electric personal assistive mobility device; or

54 5. A wheelchair.

55 (4) This section does not prohibit a person from being
56 charged with, convicted of, or punished for any other violation
57 of law.

58 Section 2. This act shall take effect July 1, 2014.