

By Senator Evers

2-00157B-14

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1 A bill to be entitled
2 An act relating to traffic offenses; creating s.
3 318.195, F.S.; providing criminal penalties for a
4 person who commits a moving violation that causes
5 serious bodily injury to, or causes the death of, a
6 vulnerable road user; requiring that the person pay a
7 specified fine, serve a minimum period of house
8 arrest, and attend a driver improvement course;
9 requiring that the court revoke the person's driver
10 license for a minimum specified period; defining the
11 term "vulnerable road user"; providing that the act
12 does not prohibit the person from being charged with,
13 convicted of, or punished for any other violation of
14 law; providing an effective date.

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

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

20 318.195 Enhanced penalties for moving violations causing
21 injury or death.-

22 (1) A person who commits a moving violation that causes
23 serious bodily injury, as defined in s. 316.1933, to a
24 vulnerable road user commits a misdemeanor of the second degree,
25 punishable as provided in s. 775.082 or s. 775.083, and, upon
26 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.

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30 (2) A person who commits a moving violation that causes the
31 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 engaged in work upon a
41 highway, or in work upon utility facilities along a highway, or
42 engaged in the provision of emergency services within the right-
43 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 for
50 farm use;

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

52 3. A horse-drawn carriage;

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.