

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Passidomo offered the following:

3
 4 **Amendment (with title amendment)**
 5 Remove everything after the enacting clause and insert:
 6 WHEREAS the Legislature recognizes that we all must "share
 7 the road"; and
 8 WHEREAS there are laws in place, like those at ss. 316.2065
 9 and 316.2068, that require certain vulnerable road users to
 10 follow safe practices when operating on the roadways of the
 11 state; and;
 12 WHEREAS there are laws in place that similarly require
 13 persons who operate a vehicle on the highways of the state to
 14 operate the vehicle in a safe manner; and
 15 WHEREAS it is the intent of the Legislature to amend the
 16 State Uniform Traffic Control laws to protect vulnerable road

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17 users while balancing their rights against the rights of those
18 who choose to travel by motor vehicles; NOW THEREFORE

19
20 Be It Enacted by the Legislature of the State of Florida:

21 Section 1. Subsections (94) and (95) are added to section
22 316.003, Florida Statutes, to read:

23 316.003 Definitions.-The following words and phrases, when
24 used in this chapter, shall have the same meanings respectively
25 ascribed to them in this section, except where the context
26 otherwise requires:

27 (94) BODILY INJURY.-Except as to any statute referring to
28 the term "serious bodily injury," the term "bodily injury" means
29 an injury to a human being consisting of a broken bone, a torn
30 ligament, a concussion, a laceration requiring stitches, or any
31 other physical injury that results in impairment of the function
32 of a bodily member, organ, or mental faculty.

33 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE
34 USER.-

35 (a) A pedestrian, including a person actually engaged in
36 work upon a highway, work upon utility facilities along a
37 highway, or the provision of emergency services within the
38 right-of-way;

39 (b) A person operating, or who is a passenger on, a
40 bicycle, motorcycle, scooter, or moped lawfully on the roadway;

41 (c) A person riding an animal; or

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42 (d) A person lawfully operating on a public roadway,
43 crosswalk, or shoulder of the roadway:

44 1. A farm tractor or similar vehicle designed primarily
45 for farm use;

46 2. A horse-drawn carriage;

47 3. An electric personal assistive mobility device; or

48 4. A wheelchair.

49 Section 2. Section 316.0275, Florida Statutes, is created
50 to read:

51 316.0275 Noncriminal traffic infractions leading to
52 serious bodily injury or death; reclassification.-

53 (1) Notwithstanding any other provision of law, if an
54 individual commits and is convicted of a noncriminal traffic
55 infraction under this chapter which causes serious bodily injury
56 or death to a person and, within 5 years after that violation,
57 commits and is convicted of another noncriminal traffic
58 infraction under this chapter which causes serious bodily injury
59 or death to a person, the second such violation shall be
60 reclassified as a misdemeanor of the first degree, punishable as
61 provided in s. 775.082 or s. 775.083, and the individual's
62 driver license shall be suspended for 3 months. At the end of
63 the suspension, the driver must apply for a new drivers' license
64 and pass all required exams pursuant to s. 322.08, and pay all
65 required fees for such license. During the 3 month suspension,
66 a driver may apply for a hardship waiver under s. 322.27.

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67 (2) As used in this section only, the term "serious bodily
68 injury" means an injury to a person, excluding an injury to the
69 at-fault driver, which consists of a physical condition that
70 creates a substantial risk of death, serious personal
71 disfigurement, or protracted loss or impairment of the function
72 of any bodily member or organ.

73 Section 3. Section 316.083, Florida Statutes, is amended
74 to read:

75 316.083 Overtaking and passing a vehicle.-The following
76 provisions ~~rules shall~~ govern the overtaking and passing of
77 vehicle proceeding in the same direction, ~~subject to those~~
78 ~~limitations, exceptions, and special rules hereinafter stated:~~

79 (1) The driver of a vehicle overtaking another vehicle
80 proceeding in the same direction shall give an appropriate
81 signal as provided for in s. 316.156, shall pass to the left
82 thereof at a safe distance, and shall not again drive to the
83 right side of the roadway until safely clear of the overtaken
84 vehicle.

85 (2) The driver of a motor vehicle overtaking a person
86 operating a bicycle or other vulnerable user of a public roadway
87 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
88 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance
89 of not less than 3 feet between any part of or attachment to the
90 motor vehicle, anything extending from the motor vehicle, and
91 any trailer or other thing being towed by the motor vehicle and

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92 the bicycle, the person operating the bicycle, or other
93 vulnerable user ~~nonmotorized vehicle~~.

94 ~~(3)(2)~~—Except when overtaking and passing on the right is
95 permitted, the driver of an overtaken vehicle shall give way to
96 the right in favor of the overtaking vehicle, on audible signal
97 or upon the visible blinking of the headlamps of the overtaking
98 vehicle if such overtaking is being attempted at nighttime, and
99 shall not increase the speed of his or her vehicle until
100 completely passed by the overtaking vehicle.

101 ~~(4)(3)~~—A violation of this section is a noncriminal
102 traffic infraction, punishable as a moving violation as provided
103 in chapter 318. If a violation of this section contributed to
104 the bodily injury of a vulnerable user of a public roadway, the
105 law enforcement officer issuing the citation for the violation
106 shall note such information on the citation.

107 Section 4. Subsection (3) of section 316.0875, Florida
108 Statutes, is amended to read:

109 316.0875 No-passing zones.—

110 (3) This section does not apply to a person who safely and
111 briefly drives to the left of the center of the highway only to
112 the extent necessary to:

113 (a) Avoid ~~When an obstruction; exists making it necessary~~
114 ~~to drive to the left of the center of the highway, nor~~

115 (b) Turn ~~To the driver of a vehicle turning left into or~~
116 ~~from an alley, private road, or driveway; or~~

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117 (c) Comply with the requirements regarding a safe distance
118 to pass a vulnerable road user, as required by s. 316.083(2).

119 Section 5. Section 316.1925, Florida Statutes, is amended
120 to read:

121 316.1925 Careless Driving.-

122 (1) A ~~Any~~ person operating a vehicle upon the streets or
123 highways within the state shall drive the same in a careful and
124 prudent manner, having regard for the width, grade, curves,
125 corners, traffic, and all other attendant circumstances, so as
126 not to endanger the life, limb, or property of any person. A
127 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
128 ~~constitute~~ careless driving and ~~a violation of this section.~~

129 ~~(2) Any person who violates this section shall be cited~~
130 ~~for a moving violation, punishable as provided in chapter 318.~~

131 (2) If a violation under subsection (1) contributed to the
132 bodily injury of a vulnerable user of a public roadway, the law
133 enforcement officer issuing the citation for the violation shall
134 note such information on the citation.

135 Section 6. Section 318.142, Florida Statutes, is created
136 to read:

137 318.142 Infractions contributing to bodily injury of a
138 vulnerable user of a public roadway.-In addition to any other
139 penalty imposed for a violation under s. 316.083 or s. 316.1925,
140 if the violation contributed to the bodily injury of a
141 vulnerable user of a public roadway as defined in s. 316.003,

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142 the designated official may impose a fine of not more than
143 \$2,000.

144 Section 7. Section 318.19, Florida Statutes, is amended to
145 read:

146 318.19 Infractions requiring a mandatory hearing.-Any
147 person cited for the infractions listed in this section shall
148 not have the provisions of s. 318.14(2), (4), and (9) available
149 to him or her but must appear before the designated official at
150 the time and location of the scheduled hearing:

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

153 (2) Any infraction which results in a crash that causes
154 "serious bodily injury" of another as defined in s. 316.1933(1);

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

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

157 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
158 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

159 (6) Any infraction of s. 316.083 or s. 316.1925 which
160 contributes to bodily injury of a vulnerable user of a public
161 roadway as defined in s. 316.003.

162 Section 8. This act shall take effect July 1, 2015.

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165 **T I T L E A M E N D M E N T**

166 Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 231 (2015)

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167 An act relating to transportation; providing legislative intent;
168 amending s. 316.003, F.S.; providing definitions; creating s.
169 316.0275, F.S.; providing criminal penalties for certain
170 noncriminal traffic infractions that cause serious bodily injury
171 or death to a person; amending s. 316.083, F.S.; revising
172 provisions relating to the passing of a vehicle; amending s.
173 316.0875, F.S.; revising exceptions to provisions for no-passing
174 zones; amending s. 316.1925, F.S.; revising provisions relating
175 to careless driving; creating s. 318.142, F.S.; providing
176 penalties for specified infractions contributing to bodily
177 injury of a vulnerable user; amending s. 318.19, F.S.; requiring
178 a hearing for specified offenses; providing an effective date.

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