

1 A bill to be entitled

2 An act relating to transportation; amending s.
3 316.003, F.S.; providing definitions; amending s.
4 316.083, F.S.; revising provisions relating to the
5 passing of a vehicle; creating s. 316.0833, F.S.;
6 prohibiting passing and turning in front of a
7 vulnerable user in an unsafe manner; providing
8 penalties; amending s. 316.0875, F.S.; revising
9 exceptions to provisions for designated no-passing
10 zones; creating s. 316.1921, F.S.; prohibiting
11 harassing, taunting, or throwing object at person
12 riding a bicycle; providing penalties; amending s.
13 316.1925, F.S.; revising provisions relating to
14 careless driving; amending s. 316.2065, F.S.; revising
15 the definition of the term "substandard-width lane";
16 creating s. 318.142, F.S.; providing penalties for
17 specified infractions contributing to bodily injury of
18 a vulnerable user; amending s. 318.19, F.S.; requiring
19 a hearing for specified offenses; amending s. 322.095,
20 F.S.; requiring traffic law and substance abuse
21 education courses to include instruction on traffic
22 laws relating to rights and safety of vulnerable
23 users; amending s. 322.12, F.S.; requiring driver
24 license examinations to include a test of the
25 applicant's knowledge of traffic laws relating to
26 rights and safety of vulnerable users; amending s.

27 1003.48, F.S.; requiring driver education courses
 28 offered by a school district to include certain
 29 instruction; providing severability; providing an
 30 effective date.

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

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 34 Section 1. Subsections (94) and (95) are added to section
 35 316.003, Florida Statutes, to read:

36 316.003 Definitions.—The following words and phrases, when
 37 used in this chapter, shall have the meanings respectively
 38 ascribed to them in this section, except where the context
 39 otherwise requires:

40 (94) BODILY INJURY.—

41 (a) A cut, abrasion, bruise, burn, or disfigurement;

42 (b) Physical pain;

43 (c) Illness;

44 (d) Impairment of the function of a bodily member, organ,
 45 or mental faculty; or

46 (e) Any other injury to the body, no matter how temporary.

47 (95) VULNERABLE USER OF A PUBLIC RIGHT-OF-WAY OR

48 VULNERABLE USER.—

49 (a) A pedestrian, including a person actually engaged in
 50 work upon a highway, work upon utility facilities along a
 51 highway, or the provision of emergency services within the
 52 right-of-way;

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

55 (c) A person riding an animal; or

56 (d) A person lawfully operating on a public right-of-way,
 57 crosswalk, or shoulder of the roadway:

58 1. A farm tractor or similar vehicle designed primarily
 59 for farm use;

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

61 3. A horse-drawn carriage;

62 4. An electric personal assistive mobility device; or

63 5. A wheelchair.

64 Section 2. Section 316.083, Florida Statutes, is amended
 65 to read:

66 316.083 Overtaking and passing a vehicle.—The following
 67 provisions ~~rules shall~~ govern the overtaking and passing of
 68 vehicles proceeding in the same direction, ~~subject to those~~
 69 ~~limitations, exceptions, and special rules hereinafter stated:~~

70 (1) The driver of a vehicle overtaking another vehicle
 71 proceeding in the same direction shall give an appropriate
 72 signal as provided for in s. 316.156, shall pass to the left
 73 thereof at a safe distance, and shall not again drive to the
 74 right side of the roadway until safely clear of the overtaken
 75 vehicle.

76 (2) The driver of a motor vehicle overtaking a person
 77 operating a bicycle or other vulnerable user of a public right-
 78 of-way ~~nonmotorized vehicle~~ must pass the person operating the

79 bicycle or other vulnerable user ~~nonmotorized vehicle~~ at a safe
 80 distance of not less than 3 feet between any part of or
 81 attachment to the motor vehicle, any thing extending from the
 82 motor vehicle, and any trailer or other thing being towed by the
 83 motor vehicle and the bicycle, the person operating the bicycle,
 84 or other vulnerable user ~~nonmotorized vehicle~~.

85 ~~(3)(2)~~ Except when overtaking and passing on the right is
 86 permitted, the driver of an overtaken vehicle shall give way to
 87 the right in favor of the overtaking vehicle, on audible signal
 88 or upon the visible blinking of the headlamps of the overtaking
 89 vehicle if such overtaking is being attempted at nighttime, and
 90 shall not increase the speed of his or her vehicle until
 91 completely passed by the overtaking vehicle.

92 ~~(4)(3)~~ A violation of this section is a noncriminal
 93 traffic infraction, punishable as a moving violation as provided
 94 in chapter 318. If a violation of this section contributed to
 95 the bodily injury of a vulnerable user of a public right-of-way,
 96 the law enforcement officer issuing the citation for the
 97 violation shall note such information on the citation.

98 Section 3. Section 316.0833, Florida Statutes, is created
 99 to read:

100 316.0833 Right turn when passing vulnerable user.—

101 (1) A person operating a vehicle who overtakes and passes
 102 a vulnerable user of a public right-of-way proceeding in the
 103 same direction may not make a right turn at an intersection or
 104 into a private road or driveway unless the turn can be made at a

105 safe distance from the vulnerable user with reasonable safety
 106 and will not impede the travel of the vulnerable user.

107 (2) A violation of subsection (1) is a noncriminal traffic
 108 infraction, punishable as a moving violation as provided in
 109 chapter 318. If a violation of subsection (1) contributed to the
 110 bodily injury of a vulnerable user of a public right-of-way, the
 111 law enforcement officer issuing the citation for the violation
 112 shall note such information on the citation.

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

115 316.0875 No-passing zones.—

116 (3) This section does not apply:

117 (a) When an obstruction exists making it necessary to
 118 drive to the left of the center of the highway; ~~or~~

119 (b) To the driver of a vehicle turning left into or from
 120 an alley, private road, or driveway; or

121 (c) When the driver of a motor vehicle is required to
 122 cross pavement striping indicating a no-passing zone when
 123 passing a vulnerable user of a public right-of-way in order to
 124 provide at least 3 feet between the motor vehicle and the
 125 vulnerable user.

126 Section 5. Section 316.1921, Florida Statutes, is created
 127 to read:

128 316.1921 Harassing, taunting, or throwing object at person
 129 riding a bicycle.—It is unlawful to harass, taunt, or
 130 maliciously throw an object at or in the direction of a person

131 riding a bicycle. A person who violates this section commits a
 132 misdemeanor of the first degree, punishable by a fine of at
 133 least \$250 or by imprisonment of not more than 30 days, or both.

134 Section 6. Section 316.1925, Florida Statutes, is amended
 135 to read:

136 316.1925 Careless driving.—

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

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

146 (2) If a violation under this section contributed to the
 147 bodily injury of a vulnerable user of a public right-of-way, the
 148 law enforcement officer issuing the citation for the violation
 149 shall note such information on the citation.

150 Section 7. Paragraph (a) of subsection (5) of section
 151 316.2065, Florida Statutes, is amended to read:

152 316.2065 Bicycle regulations.—

153 (5) (a) Any person operating a bicycle upon a roadway at
 154 less than the normal speed of traffic at the time and place and
 155 under the conditions then existing shall ride in the lane marked
 156 for bicycle use or, if no lane is marked for bicycle use, as

157 close as practicable to the right-hand curb or edge of the
 158 roadway except under any of the following situations:

159 1. When overtaking and passing another bicycle or vehicle
 160 proceeding in the same direction.

161 2. When preparing for a left turn at an intersection or
 162 into a private road or driveway.

163 3. When reasonably necessary to avoid any condition or
 164 potential conflict, including, but not limited to, a fixed or
 165 moving object, parked or moving vehicle, bicycle, pedestrian,
 166 animal, surface hazard, turn lane, or substandard-width lane,
 167 which makes it unsafe to continue along the right-hand curb or
 168 edge or within a bicycle lane. For the purposes of this
 169 subsection, a "substandard-width lane" is a lane that is less
 170 than 14 feet wide which is not adjacent to a bicycle lane that
 171 is at least 5 feet wide ~~too narrow for a bicycle and another~~
 172 ~~vehicle to travel safely side by side within the lane.~~

173 Section 8. Section 318.142, Florida Statutes, is created
 174 to read:

175 318.142 Infractions contributing to bodily injury of a
 176 vulnerable user of a public right-of-way.-

177 (1)(a) In addition to any other penalty imposed for a
 178 violation under s. 316.083, s. 316.0833, or s. 316.1925, if the
 179 violation contributed to the bodily injury of a vulnerable user
 180 of a public right-of-way as defined in s. 316.003, the
 181 designated official shall impose a fine of not more than \$2,000
 182 and the department shall suspend the offender's driving

183 privileges for 6 months.

184 (b) Imposition of the penalties under paragraph (a) shall
 185 be delayed upon the condition that, within 1 year after the date
 186 of sentencing, the offender complete a traffic safety course
 187 approved by the department and perform at least 100 but not more
 188 than 200 hours of community service, which must include
 189 activities related to driver improvement and public education on
 190 traffic safety. The designated official may grant an extension
 191 of the 1-year period for good cause shown.

192 (2) (a) If the offender successfully completes the
 193 requirements under paragraph (1) (b) within the time allowed, the
 194 penalties under paragraph (1) (a) shall be vacated.

195 (b) If the offender does not successfully complete the
 196 requirements under paragraph (1) (b) within the time allowed, the
 197 penalties under paragraph (1) (a) shall be imposed.

198 Section 9. Section 318.19, Florida Statutes, is amended to
 199 read:

200 318.19 Infractions requiring a mandatory hearing.—Any
 201 person cited for the infractions listed in this section shall
 202 not have the provisions of s. 318.14(2), (4), and (9) available
 203 to him or her but must appear before the designated official at
 204 the time and location of the scheduled hearing:

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

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

- 209 (3) Any infraction of s. 316.172(1)(b);
 210 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
 211 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 212 316.189 of exceeding the speed limit by 30 m.p.h. or more; or
 213 (6) Any infraction of s. 316.083, s. 316.0833, or s.
 214 316.1925 which contributes to bodily injury of a vulnerable user
 215 of a public right-of-way as defined in s. 316.003.

216 Section 10. Paragraph (b) of subsection (2) of section
 217 322.095, Florida Statutes, is amended to read:

218 322.095 Traffic law and substance abuse education program
 219 for driver license applicants.—

220 (2) The Department of Highway Safety and Motor Vehicles
 221 must approve traffic law and substance abuse education courses,
 222 including courses that use communications technology as the
 223 delivery method.

224 (b) Each course provider seeking approval of a traffic law
 225 and substance abuse education course must submit:

226 1. Proof of ownership, copyright, or written permission
 227 from the course owner to use the course in the state.

228 2. The curriculum for the courses which must promote
 229 motorcyclist, bicyclist, and pedestrian safety and provide
 230 instruction on traffic laws relating to the rights and safety of
 231 vulnerable users of public rights-of-way as defined in s.

232 316.003; the physiological and psychological consequences of the
 233 abuse of alcohol and other drugs; the societal and economic
 234 costs of alcohol and drug abuse; the effects of alcohol and drug

235 abuse on the driver of a motor vehicle; the laws of this state
236 relating to the operation of a motor vehicle; the risk factors
237 involved in driver attitude and irresponsible driver behaviors,
238 such as speeding, reckless driving, and running red lights and
239 stop signs; and the results of the use of electronic devices
240 while driving.

241 Section 11. Subsections (3) and (4) of section 322.12,
242 Florida Statutes, are amended to read:

243 322.12 Examination of applicants.—

244 (3) For an applicant for a Class E driver license, such
245 examination shall include a test of the applicant's eyesight
246 given by the driver license examiner designated by the
247 department or by a licensed ophthalmologist, optometrist, or
248 physician and a test of the applicant's hearing given by a
249 driver license examiner or a licensed physician. The examination
250 shall also include a test of the applicant's ability to read and
251 understand highway signs regulating, warning, and directing
252 traffic; his or her knowledge of the traffic laws of this state,
253 including laws regulating driving under the influence of alcohol
254 or controlled substances, driving with an unlawful blood-alcohol
255 level, and driving while intoxicated; and his or her knowledge
256 of the effects of alcohol and controlled substances upon persons
257 and the dangers of driving a motor vehicle while under the
258 influence of alcohol or controlled substances and shall include
259 an actual demonstration of ability to exercise ordinary and
260 reasonable control in the operation of a motor vehicle.

261 Examination under this subsection testing the applicant's
262 knowledge of traffic laws must include laws relating to the
263 rights and safety of vulnerable users of public rights-of-way as
264 defined in s. 316.003.

265 (4) The examination for an applicant for a commercial
266 driver license shall include a test of the applicant's eyesight
267 given by a driver license examiner designated by the department
268 or by a licensed ophthalmologist, optometrist, or physician and
269 a test of the applicant's hearing given by a driver license
270 examiner or a licensed physician. The examination shall also
271 include a test of the applicant's ability to read and understand
272 highway signs regulating, warning, and directing traffic; his or
273 her knowledge of the traffic laws of this state pertaining to
274 the class of motor vehicle which he or she is applying to be
275 licensed to operate, including laws regulating driving under the
276 influence of alcohol or controlled substances, driving with an
277 unlawful blood-alcohol level, and driving while intoxicated; his
278 or her knowledge of the effects of alcohol and controlled
279 substances and the dangers of driving a motor vehicle after
280 having consumed alcohol or controlled substances; and his or her
281 knowledge of any special skills, requirements, or precautions
282 necessary for the safe operation of the class of vehicle which
283 he or she is applying to be licensed to operate. In addition,
284 the examination shall include an actual demonstration of the
285 applicant's ability to exercise ordinary and reasonable control
286 in the safe operation of a motor vehicle or combination of

287 vehicles of the type covered by the license classification which
 288 the applicant is seeking, including an examination of the
 289 applicant's ability to perform an inspection of his or her
 290 vehicle.

291 (a) The portion of the examination which tests an
 292 applicant's safe driving ability shall be administered by the
 293 department or by an entity authorized by the department to
 294 administer such examination, pursuant to s. 322.56. Such
 295 examination shall be administered at a location approved by the
 296 department.

297 (b) A person who seeks to retain a hazardous-materials
 298 endorsement must, upon renewal, pass the test for such
 299 endorsement as specified in s. 322.57(1)(e), if the person has
 300 not taken and passed the hazardous-materials test within 2 years
 301 preceding his or her application for a commercial driver license
 302 in this state.

303 (c) Examination under this subsection testing the
 304 applicant's knowledge of traffic laws must include laws relating
 305 to the rights and safety of vulnerable users of public rights-
 306 of-way as defined in s. 316.003.

307 Section 12. Subsection (6) is added to section 1003.48,
 308 Florida Statutes, to read:

309 1003.48 Instruction in operation of motor vehicles.—

310 (6) In addition to the lawful and safe operation of a
 311 motor vehicle, a course offered under this section shall include
 312 instruction on traffic laws relating to the rights and safety of

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313 vulnerable users of public rights-of-way as defined in s.
314 316.003.

315 Section 13. If any provision of this act or its
316 application to any person or circumstance is held invalid, the
317 invalidity does not affect other provisions or applications of
318 this act which can be given effect without the invalid provision
319 or application, and, to this end, the provisions of this act are
320 severable.

321 Section 14. This act shall take effect July 1, 2015.