

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; providing
 20 severability; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Subsections (94) and (95) are added to section
 25 316.003, Florida Statutes, to read:

26 316.003 Definitions.—The following words and phrases, when

27 | used in this chapter, shall have the meanings respectively
 28 | ascribed to them in this section, except where the context
 29 | otherwise requires:

30 | (94) BODILY INJURY.—

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

32 | (b) Physical pain;

33 | (c) Illness;

34 | (d) Impairment of the function of a bodily member, organ,
 35 | or mental faculty; or

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

37 | (95) VULNERABLE USER OF A PUBLIC RIGHT-OF-WAY OR
 38 | VULNERABLE USER.—

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

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

45 | (c) A person riding an animal; or

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

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

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

51 | 3. A horse-drawn carriage;

52 | 4. An electric personal assistive mobility device; or

53 5. A wheelchair.

54 Section 2. Section 316.083, Florida Statutes, is amended
55 to read:

56 316.083 Overtaking and passing a vehicle.—The following
57 provisions ~~rules shall~~ govern the overtaking and passing of
58 vehicles proceeding in the same direction, ~~subject to those~~
59 ~~limitations, exceptions, and special rules hereinafter stated:~~

60 (1) The driver of a vehicle overtaking another vehicle
61 proceeding in the same direction shall give an appropriate
62 signal as provided for in s. 316.156, shall pass to the left
63 thereof at a safe distance, and shall not again drive to the
64 right side of the roadway until safely clear of the overtaken
65 vehicle.

66 (2) The driver of a motor vehicle overtaking a person
67 operating a bicycle or other vulnerable user of a public right-
68 of-way nonmotorized vehicle must pass the person operating the
69 bicycle or other vulnerable user nonmotorized vehicle at a safe
70 distance of not less than 3 feet between any part of or
71 attachment to the motor vehicle, any thing extending from the
72 motor vehicle, and any trailer or other thing being towed by the
73 motor vehicle and the bicycle, the person operating the bicycle,
74 or other vulnerable user nonmotorized vehicle.

75 (3) ~~(2)~~ Except when overtaking and passing on the right is
76 permitted, the driver of an overtaken vehicle shall give way to
77 the right in favor of the overtaking vehicle, on audible signal
78 or upon the visible blinking of the headlamps of the overtaking

79 vehicle if such overtaking is being attempted at nighttime, and
80 shall not increase the speed of his or her vehicle until
81 completely passed by the overtaking vehicle.

82 ~~(4)(3)~~ A violation of this section is a noncriminal
83 traffic infraction, punishable as a moving violation as provided
84 in chapter 318. If a violation of this section contributed to
85 the bodily injury of a vulnerable user of a public right-of-way,
86 the law enforcement officer issuing the citation for the
87 violation shall note such information on the citation.

88 Section 3. Section 316.0833, Florida Statutes, is created
89 to read:

90 316.0833 Right turn when passing vulnerable user.—

91 (1) A person operating a vehicle who overtakes and passes
92 a vulnerable user of a public right-of-way proceeding in the
93 same direction may not make a right turn at an intersection or
94 into a private road or driveway unless the turn can be made at a
95 safe distance from the vulnerable user with reasonable safety
96 and will not impede the travel of the vulnerable user.

97 (2) A violation of subsection (1) is a noncriminal traffic
98 infraction, punishable as a moving violation as provided in
99 chapter 318. If a violation of subsection (1) contributed to the
100 bodily injury of a vulnerable user of a public right-of-way, the
101 law enforcement officer issuing the citation for the violation
102 shall note such information on the citation.

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

105 316.0875 No-passing zones.—

106 (3) This section does not apply:

107 (a) When an obstruction exists making it necessary to
 108 drive to the left of the center of the highway; ~~nor~~

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

111 (c) When the driver of a motor vehicle is required to
 112 cross pavement striping indicating a no-passing zone when
 113 passing a vulnerable user of a public right-of-way in order to
 114 provide at least 3 feet between the motor vehicle and the
 115 vulnerable user.

116 Section 5. Section 316.1921, Florida Statutes, is created
 117 to read:

118 316.1921 Harassing, taunting, or throwing object at person
 119 riding a bicycle.—It is unlawful to harass, taunt, or
 120 maliciously throw an object at or in the direction of a person
 121 riding a bicycle. A person who violates this section commits a
 122 misdemeanor of the first degree, punishable by a fine of at
 123 least \$250 or by imprisonment of not more than 30 days, or both.

124 Section 6. Section 316.1925, Florida Statutes, is amended
 125 to read:

126 316.1925 Careless driving.—

127 (1) A ~~Any~~ person operating a vehicle upon the streets or
 128 highways within the state shall drive the same in a careful and
 129 prudent manner, having regard for the width, grade, curves,
 130 corners, traffic, and all other attendant circumstances, so as

131 not to endanger the life, limb, or property of any person. A
 132 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
 133 ~~constitute~~ careless driving and ~~a violation of this section.~~

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

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

140 Section 7. Paragraph (a) of subsection (5) of section
 141 316.2065, Florida Statutes, is amended to read:

142 316.2065 Bicycle regulations.—

143 (5) (a) Any person operating a bicycle upon a roadway at
 144 less than the normal speed of traffic at the time and place and
 145 under the conditions then existing shall ride in the lane marked
 146 for bicycle use or, if no lane is marked for bicycle use, as
 147 close as practicable to the right-hand curb or edge of the
 148 roadway except under any of the following situations:

149 1. When overtaking and passing another bicycle or vehicle
 150 proceeding in the same direction.

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

153 3. When reasonably necessary to avoid any condition or
 154 potential conflict, including, but not limited to, a fixed or
 155 moving object, parked or moving vehicle, bicycle, pedestrian,
 156 animal, surface hazard, turn lane, or substandard-width lane,

157 | which makes it unsafe to continue along the right-hand curb or
 158 | edge or within a bicycle lane. For the purposes of this
 159 | subsection, a "substandard-width lane" is a lane that is less
 160 | than 14 feet wide which is not adjacent to a bicycle lane that
 161 | is at least 5 feet wide ~~too narrow for a bicycle and another~~
 162 | ~~vehicle to travel safely side by side within the lane.~~

163 | Section 8. Section 318.142, Florida Statutes, is created
 164 | to read:

165 | 318.142 Infractions contributing to bodily injury of a
 166 | vulnerable user of a public right-of-way.--In addition to any
 167 | other penalty imposed for a violation under s. 316.083, s.
 168 | 316.0833, or s. 316.1925, if the violation contributed to the
 169 | bodily injury of a vulnerable user of a public right-of-way as
 170 | defined in s. 316.003, the designated official shall impose a
 171 | fine of not more than \$2,000.

172 | Section 9. Section 318.19, Florida Statutes, is amended to
 173 | read:

174 | 318.19 Infractions requiring a mandatory hearing.--Any
 175 | person cited for the infractions listed in this section shall
 176 | not have the provisions of s. 318.14(2), (4), and (9) available
 177 | to him or her but must appear before the designated official at
 178 | the time and location of the scheduled hearing:

179 | (1) Any infraction which results in a crash that causes
 180 | the death of another;

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

- 183 (3) Any infraction of s. 316.172(1)(b);
- 184 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
- 185 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
- 186 316.189 of exceeding the speed limit by 30 m.p.h. or more; or
- 187 (6) Any infraction of s. 316.083, s. 316.0833, or s.
- 188 316.1925 which contributes to bodily injury of a vulnerable user
- 189 of a public right-of-way as defined in s. 316.003.

190 Section 10. If any provision of this act or its

191 application to any person or circumstance is held invalid, the

192 invalidity does not affect other provisions or applications of

193 this act which can be given effect without the invalid provision

194 or application, and, to this end, the provisions of this act are

195 severable.

196 Section 11. This act shall take effect July 1, 2015.