

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.003, F.S.; providing definitions; creating s.
4 316.0275, F.S.; providing criminal penalties for
5 certain noncriminal traffic infractions that cause
6 serious bodily injury or death to a person; amending
7 s. 316.083, F.S.; revising provisions relating to the
8 passing of a vehicle; creating s. 316.0833, F.S.;
9 prohibiting passing and turning in front of a
10 vulnerable user in an unsafe manner; providing
11 penalties; amending s. 316.0875, F.S.; revising
12 exceptions to provisions for designated no-passing
13 zones; creating s. 316.1921, F.S.; prohibiting
14 harassing, taunting, or throwing object at person
15 riding a bicycle; providing penalties; amending s.
16 316.1925, F.S.; revising provisions relating to
17 careless driving; creating s. 318.142, F.S.; providing
18 penalties for specified infractions contributing to
19 bodily injury of a vulnerable user; amending s.
20 318.19, F.S.; requiring a hearing for specified
21 offenses; amending s. 322.26, F.S.; providing
22 mandatory revocation of license for a conviction under
23 specified provisions; providing severability;
24 providing an effective date.

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

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

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

(94) BODILY INJURY.—

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

(b) Physical pain;

(c) Illness;

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

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

(95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE USER.—

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

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

(c) A person riding an animal; or

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

1. A farm tractor or similar vehicle designed primarily

53 | for farm use;

54 | 2. A horse-drawn carriage;

55 | 3. An electric personal assistive mobility device; or

56 | 4. A wheelchair.

57 | Section 2. Section 316.0275, Florida Statutes, is created
58 | to read:

59 | 316.0275 Noncriminal traffic infractions leading to
60 | serious bodily injury or death; reclassification.-

61 | (1) Notwithstanding any other provision of law, if an
62 | individual commits a noncriminal traffic infraction under this
63 | chapter which causes serious bodily injury or death to a person
64 | and, within 5 years after that violation, commits another
65 | noncriminal traffic infraction under this chapter which causes
66 | serious bodily injury or death to a person, the second such
67 | violation shall be reclassified as a misdemeanor of the first
68 | degree, punishable as provided in s. 775.082 or s. 775.083, and
69 | the individual's driver license shall be revoked pursuant to s.
70 | 322.26(10).

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

77 | Section 3. Section 316.083, Florida Statutes, is amended
78 | to read:

79 316.083 Overtaking and passing a vehicle.—The following
 80 provisions ~~rules shall~~ govern the overtaking and passing of
 81 vehicles proceeding in the same direction, ~~subject to those~~
 82 ~~limitations, exceptions, and special rules hereinafter stated:~~

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

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

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

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

111 Section 4. Section 316.0833, Florida Statutes, is created
 112 to read:

113 316.0833 Turning when passing vulnerable user.-

114 (1) A person operating a vehicle who overtakes and passes
 115 a vulnerable user of a public roadway proceeding in the same
 116 direction may not make a right or left turn at an intersection
 117 or into a private road or driveway unless the turn can be made
 118 at a safe distance from the vulnerable user with reasonable
 119 safety and will not impede the travel of the vulnerable user.

120 (2) A violation of subsection (1) is a noncriminal traffic
 121 infraction, punishable as a moving violation as provided in
 122 chapter 318. If a violation of subsection (1) contributed to the
 123 bodily injury of a vulnerable user of a public roadway, the law
 124 enforcement officer issuing the citation for the violation shall
 125 note such information on the citation.

126 Section 5. Subsection (3) of section 316.0875, Florida
 127 Statutes, is amended to read:

128 316.0875 No-passing zones.-

129 (3) This section does not apply:

130 (a) When an obstruction exists making it necessary to

131 drive to the left of the center of the highway; ~~nor~~

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

134 (c) When the driver of a motor vehicle is required to
 135 cross pavement striping indicating a no-passing zone when
 136 passing a vulnerable user of a public roadway in order to
 137 provide at least 3 feet between the motor vehicle and the
 138 vulnerable user.

139 Section 6. Section 316.1921, Florida Statutes, is created
 140 to read:

141 316.1921 Harassing, taunting, or throwing object at person
 142 riding a bicycle.-It is unlawful to harass, taunt, or
 143 maliciously throw an object at or in the direction of a person
 144 riding a bicycle. A person who violates this section commits a
 145 misdemeanor of the first degree, punishable by a fine of at
 146 least \$250 or by imprisonment of not more than 30 days, or both.

147 Section 7. Section 316.1925, Florida Statutes, is amended
 148 to read:

149 316.1925 Careless driving.-

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

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

159 (2) If a violation under this section contributed to the
 160 bodily injury of a vulnerable user of a public roadway, the law
 161 enforcement officer issuing the citation for the violation shall
 162 note such information on the citation.

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 roadway.—In addition to any other
 167 penalty imposed for a violation under s. 316.083, s. 316.0833,
 168 or s. 316.1925, if the violation contributed to the bodily
 169 injury of a vulnerable user of a public roadway as defined in s.
 170 316.003, the designated official shall impose a fine of not more
 171 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 roadway as defined in s. 316.003.

190 Section 10. Subsection (10) is added to section 322.26,

191 Florida Statutes, to read:

192 322.26 Mandatory revocation of license by department.—The

193 department shall forthwith revoke the license or driving

194 privilege of any person upon receiving a record of such person's

195 conviction of any of the following offenses:

196 (10) A violation under s. 316.0275.

197 Section 11. If any provision of this act or its

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

199 invalidity does not affect other provisions or applications of

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

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

202 severable.

203 Section 12. This act shall take effect July 1, 2015.