

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; defining
7 the term "serious bodily injury"; amending s. 316.083,
8 F.S.; revising provisions relating to the passing of a
9 vehicle; directing a law enforcement officer issuing a
10 citation for specified violations to note certain
11 information on the citation; amending s. 316.0875,
12 F.S.; revising exceptions to provisions for designated
13 no-passing zones; amending s. 316.1925, F.S.; revising
14 provisions relating to careless driving; directing a
15 law enforcement officer issuing a citation for
16 specified violations to note certain information on
17 the citation; 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; providing an effective date.

22
23 WHEREAS, the Legislature recognizes that everyone must
24 share the road, and

25 WHEREAS, there are laws in place, such as ss. 316.2065 and
26 316.2068, Florida Statutes, that require certain vulnerable road

27 users to follow safe practices when operating on the roadways of
 28 the state, and

29 WHEREAS, there are laws in place that similarly require
 30 persons who operate a vehicle on the highways of the state to
 31 operate the vehicle in a safe manner, and

32 WHEREAS, it is the intent of the Legislature to amend the
 33 Florida Uniform Traffic Control laws to protect vulnerable road
 34 users while balancing their rights against the rights of those
 35 who choose to travel by motor vehicle, NOW, THEREFORE,

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

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 39 Section 1. Subsections (94) and (95) are added to section
 40 316.003, Florida Statutes, to read:

41 316.003 Definitions.—The following words and phrases, when
 42 used in this chapter, shall have the meanings respectively
 43 ascribed to them in this section, except where the context
 44 otherwise requires:

45 (94) BODILY INJURY.—Except for purposes of any statute
 46 referring to the term "serious bodily injury," the term "bodily
 47 injury" means an injury to a human being consisting of a broken
 48 bone, a torn ligament, a concussion, a laceration requiring
 49 stitches, or any other physical injury that results in
 50 impairment of the function of a bodily member, organ, or mental
 51 faculty.

52 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE

53 USER.—

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

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

60 (c) A person riding an animal; or

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

63 1. A farm tractor or similar vehicle designed primarily
 64 for farm use;

65 2. A horse-drawn carriage;

66 3. An electric personal assistive mobility device; or

67 4. A wheelchair.

68 Section 2. Section 316.0275, Florida Statutes, is created
 69 to read:

70 316.0275 Noncriminal traffic infractions leading to
 71 serious bodily injury or death; reclassification.—

72 (1) Notwithstanding any other provision of law, if an
 73 individual commits and is convicted of a noncriminal traffic
 74 infraction under this chapter which causes serious bodily injury
 75 or death to a person and, within 5 years after that violation,
 76 commits and is convicted of another noncriminal traffic
 77 infraction under this chapter which causes serious bodily injury
 78 or death to a person, the second such violation shall be

79 reclassified as a misdemeanor of the first degree, punishable as
80 provided in s. 775.082 or s. 775.083, and the individual's
81 driver license shall be suspended for 3 months. At the end of
82 the suspension, the driver must apply for a new driver license
83 and pass all required examinations pursuant to s. 322.08, and
84 pay all required fees for such license. During the 3 month
85 suspension, a driver may apply for a hardship waiver under s.
86 322.27.

87 (2) As used in this section only, the term "serious bodily
88 injury" means an injury to a person, excluding an injury to the
89 at-fault driver, which consists of a physical condition that
90 creates a substantial risk of death, serious personal
91 disfigurement, or protracted loss or impairment of the function
92 of any bodily member or organ.

93 Section 3. Section 316.083, Florida Statutes, is amended
94 to read:

95 316.083 Overtaking and passing a vehicle.—The following
96 provisions ~~rules shall~~ govern the overtaking and passing of a
97 vehicle ~~vehicles~~ proceeding in the same direction, ~~subject to~~
98 ~~those limitations, exceptions, and special rules hereinafter~~
99 ~~stated:~~

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

105 vehicle.

106 (2) The driver of a motor vehicle overtaking a person
 107 operating a bicycle or other vulnerable user of a public roadway
 108 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
 109 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance
 110 of not less than 3 feet between any part of or attachment to the
 111 motor vehicle, anything extending from the motor vehicle, and
 112 any trailer or other thing being towed by the motor vehicle and
 113 the bicycle, the person operating the bicycle, or other
 114 vulnerable user ~~nonmotorized vehicle~~.

115 (2) ~~(3)~~ Except when overtaking and passing on the right is
 116 permitted, the driver of an overtaken vehicle shall give way to
 117 the right in favor of the overtaking vehicle, on audible signal
 118 or upon the visible blinking of the headlamps of the overtaking
 119 vehicle if such overtaking is being attempted at nighttime, and
 120 shall not increase the speed of his or her vehicle until
 121 completely passed by the overtaking vehicle.

122 (3) ~~(4)~~ A violation of this section is a noncriminal
 123 traffic infraction, punishable as a moving violation as provided
 124 in chapter 318. If a violation of this section contributed to
 125 the bodily injury of a vulnerable user of a public roadway, the
 126 law enforcement officer issuing the citation for the violation
 127 shall note such information on the citation.

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

130 316.0875 No-passing zones.—

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

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

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

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

140 Section 5. Section 316.1925, Florida Statutes, is amended
 141 to read:

142 316.1925 Careless driving.—

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

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

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

156 Section 6. Section 318.142, Florida Statutes, is created

157 to read:

158 318.142 Infractions contributing to bodily injury of a
 159 vulnerable user of a public roadway.—In addition to any other
 160 penalty imposed for a violation under s. 316.083 or s. 316.1925,
 161 if the violation contributed to the bodily injury of a
 162 vulnerable user of a public roadway as defined in s. 316.003,
 163 the designated official may impose a fine of not more than
 164 \$2,000.

165 Section 7. Section 318.19, Florida Statutes, is amended to
 166 read:

167 318.19 Infractions requiring a mandatory hearing.—Any
 168 person cited for the infractions listed in this section shall
 169 not have the provisions of s. 318.14(2), (4), and (9) available
 170 to him or her but must appear before the designated official at
 171 the time and location of the scheduled hearing:

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

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

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

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

178 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 179 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

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

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