

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Beshears offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsections (94) and (95) are added to section
6 316.003, Florida Statutes, to read:

7 316.003 Definitions.—The following words and phrases, when
8 used in this chapter, shall have the meanings respectively
9 ascribed to them in this section, except where the context
10 otherwise requires:

11 (94) BODILY INJURY.—Except for purposes of any statute
12 referring to the term "serious bodily injury," the term "bodily
13 injury" means an injury to a human being consisting of a broken
14 bone, a torn ligament, a concussion, a laceration requiring

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15 stitches, or any other physical injury that results in
16 impairment of the function of a bodily member, organ, or mental
17 faculty.

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

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

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

26 (c) A person riding an animal; or

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

29 1. A farm tractor or similar vehicle designed primarily
30 for farm use;

31 2. A horse-drawn carriage;

32 3. An electric personal assistive mobility device; or

33 4. A wheelchair.

34 Section 2. Section 316.0275, Florida Statutes, is created
35 to read:

36 316.0275 Noncriminal traffic infractions leading to
37 serious bodily injury or death; suspension.—

38 (1) Notwithstanding any other provision of law, if an
39 individual is convicted of a noncriminal traffic infraction
40 under this chapter which causes serious bodily injury or death

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41 to a person and, within 5 years after that violation, is
42 convicted of another noncriminal traffic infraction under this
43 chapter which causes serious bodily injury or death to a person,
44 the individual's driver license may be suspended by the court
45 for 3 to 5 years pursuant to the court's authority in s.
46 316.655(2).

47 (2) As used in this section only, the term "serious bodily
48 injury" means an injury to a person, excluding an injury to the
49 at-fault driver, which consists of a physical condition that
50 creates a substantial risk of death, serious personal
51 disfigurement, or protracted loss or impairment of the function
52 of any bodily member or organ.

53 Section 3. Section 316.083, Florida Statutes, is amended
54 to read:

55 316.083 Overtaking and passing a vehicle.—The following
56 provisions ~~rules shall~~ govern the overtaking and passing of a
57 vehicle ~~vehicles~~ proceeding in the same direction, ~~subject to~~
58 ~~those limitations, exceptions, and special rules hereinafter~~
59 ~~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

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67 operating a bicycle or other vulnerable user of a public roadway
68 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
69 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance
70 of not less than 3 feet between any part of or attachment to the
71 motor vehicle, anything extending from the motor vehicle, and
72 any trailer or other thing being towed by the motor vehicle and
73 the bicycle, the person operating the bicycle, or other
74 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 roadway, the
86 law enforcement officer issuing the citation for the violation
87 shall note such information on the citation.

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

90 316.0875 No-passing zones.—

91 (3) This section does not apply to a person who safely and
92 briefly drives to the left of the center of the highway only to

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93 the extent necessary to:

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

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

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

100 Section 5. Section 316.1925, Florida Statutes, is amended
101 to read:

102 316.1925 Careless driving.—

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

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

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

116 Section 6. Section 318.142, Florida Statutes, is created
117 to read:

118 318.142 Infractions contributing to bodily injury of a

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119 vulnerable user of a public roadway.-In addition to any other
120 penalty imposed for a violation under s. 316.083 or s. 316.1925,
121 if the violation contributed to the bodily injury of a
122 vulnerable user of a public roadway as defined in s. 316.003,
123 the designated official may impose a fine of not more than
124 \$2,000.

125 Section 7. Section 318.19, Florida Statutes, is amended to
126 read:

127 318.19 Infractions requiring a mandatory hearing.-Any
128 person cited for the infractions listed in this section shall
129 not have the provisions of s. 318.14(2), (4), and (9) available
130 to him or her but must appear before the designated official at
131 the time and location of the scheduled hearing:

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

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

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

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

138 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
139 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

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

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

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to transportation; amending s.
316.003, F.S.; providing definitions; creating s.
316.0275, F.S.; providing for suspension of a driver
license for certain noncriminal traffic infractions
that cause serious bodily injury or death to a person;
defining the term "serious bodily injury"; amending s.
316.083, F.S.; revising provisions relating to the
passing of a vehicle; directing a law enforcement
officer issuing a citation for specified violations to
note certain information on the citation; amending s.
316.0875, F.S.; revising exceptions to provisions for
designated no-passing zones; amending s. 316.1925,
F.S.; revising provisions relating to careless
driving; directing a law enforcement officer issuing a
citation for specified violations to note certain
information on the citation; creating s. 318.142,
F.S.; providing penalties for specified infractions
contributing to bodily injury of a vulnerable user;
amending s. 318.19, F.S.; requiring a hearing for
specified offenses; providing an effective date.

WHEREAS, the Legislature recognizes that everyone must

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171 share the road, and

172 WHEREAS, there are laws in place, such as ss. 316.2065 and
173 316.2068, Florida Statutes, that require certain vulnerable road
174 users to follow safe practices when operating on the roadways of
175 the state, and

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

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

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