

By Senator Altman

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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 an object at a person  
12      riding a bicycle; providing criminal penalties;  
13      amending s. 316.1925, F.S.; revising provisions  
14      relating to careless driving; amending s. 316.2065,  
15      F.S.; revising the definition of the term  
16      "substandard-width lane"; creating s. 318.142, F.S.;  
17      providing penalties for specified infractions  
18      contributing to bodily injury of a vulnerable user;  
19      amending s. 318.19, F.S.; requiring a hearing for  
20      specified offenses; amending s. 322.095, F.S.;  
21      requiring traffic law and substance abuse education  
22      courses to include instruction on traffic laws  
23      relating to rights and safety of vulnerable users;  
24      amending s. 322.12, F.S.; requiring driver license  
25      examinations to include a test of the applicant's  
26      knowledge of traffic laws relating to rights and  
27      safety of vulnerable users; amending s. 1003.48, F.S.;  
28      requiring driver education courses offered by a school  
29      district to include certain instruction; providing

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30 severability; providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
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 VULNERABLE  
48 USER.—

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

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59 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 to  
65 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, anything extending from the  
82 motor vehicle, and any trailer or other item 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

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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 traffic  
93 infraction, punishable as a moving violation as provided in  
94 chapter 318. If a violation of this section contributed to the  
95 bodily injury of a vulnerable user of a public right-of-way, the  
96 law enforcement officer issuing the citation for the violation  
97 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 a  
102 vulnerable user of a public right-of-way proceeding in the same  
103 direction may not make a right turn at an intersection or into a  
104 private road or driveway unless the turn can be made at a safe  
105 distance from the vulnerable user with reasonable safety and  
106 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:

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

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

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

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

127       316.1921 Harassing, taunting, or throwing an object at a  
128 person riding a bicycle.—It is unlawful to harass, taunt, or  
129 maliciously throw an object at or in the direction of a person  
130 riding a bicycle. A person who violates this section commits a  
131 misdemeanor of the first degree, punishable by a fine of at  
132 least \$250 or by imprisonment of not more than 30 days, or both.

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

135       316.1925 Careless driving.—

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

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

145       (2) If a violation under this section contributed to the

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146 bodily injury of a vulnerable user of a public right-of-way, the  
147 law enforcement officer issuing the citation for the violation  
148 shall note such information on the citation.

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

151 316.2065 Bicycle regulations.—

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

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

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

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

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

174 318.142 Infractions contributing to bodily injury of a

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175 vulnerable user of a public right-of-way.-

176 (1) (a) In addition to any other penalty imposed for a  
177 violation under s. 316.083, s. 316.0833, or s. 316.1925, if the  
178 violation contributed to the bodily injury of a vulnerable user  
179 of a public right-of-way as defined in s. 316.003, the  
180 designated official shall impose a fine of not more than \$2,000  
181 and the department shall suspend the offender's driving  
182 privileges for 6 months.

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

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

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

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

199 318.19 Infractions requiring a mandatory hearing.—Any  
200 person cited for the infractions listed in this section shall  
201 not have the provisions of s. 318.14(2), (4), and (9) available  
202 to him or her but must appear before the designated official at  
203 the time and location of the scheduled hearing:

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

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

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

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

210 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
211 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

212 (6) Any infraction of s. 316.083, s. 316.0833, or s.  
213 316.1925 which contributes to the bodily injury of a vulnerable  
214 user of a public right-of-way as defined in s. 316.003.

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

217 322.095 Traffic law and substance abuse education program  
218 for driver license applicants.—

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

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

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

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

231 316.003; the physiological and psychological consequences of the  
232 abuse of alcohol and other drugs; the societal and economic

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

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

242 322.12 Examination of applicants.—

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

260 Examination under this subsection testing the applicant's  
261 knowledge of traffic laws must include laws relating to the

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262 rights and safety of vulnerable users of public rights-of-way as  
263 defined in s. 316.003.

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

290 (a) The portion of the examination which tests an

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

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

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

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

308 1003.48 Instruction in operation of motor vehicles.—

309 (6) In addition to the lawful and safe operation of a motor  
310 vehicle, a course offered under this section shall include  
311 instruction on traffic laws relating to the rights and safety of  
312 vulnerable users of public rights-of-way as defined in s.  
313 316.003.

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

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Section 14. This act shall take effect October 1, 2015.