

By the Committee on Transportation; and Senator Altman

596-02941-15

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1 A bill to be entitled
2 An act relating to traffic safety; amending s.
3 316.003, F.S.; providing definitions; amending s.
4 316.027, F.S.; redefining the term "vulnerable user";
5 deleting obsolete provisions; creating s. 316.0275,
6 F.S.; providing criminal penalties for certain
7 noncriminal traffic infractions that cause serious
8 bodily injury or death to a person; defining the term
9 "serious bodily injury"; amending s. 316.083, F.S.;
10 revising provisions relating to the passing of a
11 vehicle; creating s. 316.0833, F.S.; prohibiting
12 passing and turning in front of a vulnerable user in
13 an unsafe manner; providing penalties; amending s.
14 316.0875, F.S.; revising exceptions to provisions for
15 designated no-passing zones; creating s. 316.1921,
16 F.S.; prohibiting harassing, taunting, or throwing an
17 object at a person riding a bicycle; providing fines
18 and penalties; amending s. 316.1925, F.S.; revising
19 provisions relating to careless driving; creating s.
20 318.142, F.S.; providing fines and penalties for
21 specified infractions contributing to bodily injury of
22 a vulnerable user; amending s. 318.19, F.S.; requiring
23 a hearing for specified offenses; amending s.
24 322.0261, F.S.; conforming a cross-reference; amending
25 s. 322.26, F.S.; providing mandatory revocation of
26 license for a specified conviction; providing an
27 effective date.

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29 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 for farm use;

2. A horse-drawn carriage;

3. An electric personal assistive mobility device; or

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59 4. A wheelchair.

60 Section 2. Paragraph (b) of subsection (1) of section
61 316.027, Florida Statutes, is amended to read:

62 316.027 Crash involving death or personal injuries.—

63 (1) As used in this section, the term:

64 (b) "Vulnerable ~~road~~ user" has the same meaning as in s.
65 316.003 means:

66 ~~1. A pedestrian, including a person actually engaged in~~
67 ~~work upon a highway, or in work upon utility facilities along a~~
68 ~~highway, or engaged in the provision of emergency services~~
69 ~~within the right-of-way;~~

70 ~~2. A person operating a bicycle, motorcycle, scooter, or~~
71 ~~moped lawfully on the roadway;~~

72 ~~3. A person riding an animal; or~~

73 ~~4. A person lawfully operating on a public right-of-way,~~
74 ~~crosswalk, or shoulder of the roadway;~~

75 ~~a. A farm tractor or similar vehicle designed primarily for~~
76 ~~farm use;~~

77 ~~b. A skateboard, roller skates, or in-line skates;~~

78 ~~e. A horse-drawn carriage;~~

79 ~~d. An electric personal assistive mobility device; or~~

80 ~~e. A wheelchair.~~

81 Section 3. Section 316.0275, Florida Statutes, is created
82 to read:

83 316.0275 Noncriminal traffic infractions leading to serious
84 bodily injury or death; reclassification.—

85 (1) Notwithstanding any other provision of law, if an
86 individual commits a noncriminal traffic infraction under this
87 chapter which causes serious bodily injury or death to a person

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88 and, within 5 years after that violation, commits another
89 noncriminal traffic infraction under this chapter which causes
90 serious bodily injury or death to a person, the second such
91 violation shall be reclassified as a misdemeanor of the first
92 degree, punishable as provided in s. 775.082 or s. 775.083, and
93 the individual will have his or her license revoked under s.
94 322.26(10).

95 (2) As used in this section, the term "serious bodily
96 injury" means an injury to a person, excluding the at-fault
97 driver, which consists of a physical condition that creates a
98 substantial risk of death, serious personal disfigurement, or
99 protracted loss or impairment of the function of any bodily
100 member or organ.

101 Section 4. Section 316.083, Florida Statutes, is amended to
102 read:

103 316.083 Overtaking and passing a vehicle.—The following
104 provisions ~~rules shall~~ govern the overtaking and passing of
105 vehicles proceeding in the same direction, ~~subject to those~~
106 ~~limitations, exceptions, and special rules hereinafter stated:~~

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

113 (2) The driver of a motor vehicle overtaking a person
114 operating a bicycle or other vulnerable user of a public roadway
115 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
116 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance

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117 of not less than 3 feet between any part of or attachment to the
118 motor vehicle, any thing extending from the motor vehicle, any
119 trailer or other thing being towed by the motor vehicle and the
120 bicycle, the person operating the bicycle, or other vulnerable
121 user ~~nonmotorized vehicle.~~

122 ~~(3)(2)~~ Except when overtaking and passing on the right is
123 permitted, the driver of an overtaken vehicle shall give way to
124 the right in favor of the overtaking vehicle, on audible signal
125 or upon the visible blinking of the headlamps of the overtaking
126 vehicle if such overtaking is being attempted at nighttime, and
127 shall not increase the speed of his or her vehicle until
128 completely passed by the overtaking vehicle.

129 ~~(4)(3)~~ A violation of this section is a noncriminal traffic
130 infraction, punishable as a moving violation as provided in
131 chapter 318. If a violation of this section contributed to the
132 bodily injury of a vulnerable user of a public roadway, the law
133 enforcement officer issuing the citation for the violation shall
134 note such information on the citation.

135 Section 5. Section 316.0833, Florida Statutes, is created
136 to read:

137 316.0833 Turning when passing vulnerable user.-

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

144 (2) A violation of subsection (1) is a noncriminal traffic
145 infraction, punishable as a moving violation as provided in

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146 chapter 318. If a violation of subsection (1) contributed to the
147 bodily injury of a vulnerable user of a public roadway, the law
148 enforcement officer issuing the citation for the violation shall
149 note such information on the citation.

150 Section 6. Subsection (3) of section 316.0875, Florida
151 Statutes, is amended to read:

152 316.0875 No-passing zones.—

153 (3) This section does not apply:

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

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

158 (c) When the driver of a motor vehicle is required to cross
159 pavement striping indicating a no-passing zone when passing a
160 vulnerable user of a public roadway in order to provide at least
161 3 feet between the motor vehicle and the vulnerable user.

162 Section 7. Section 316.1921, Florida Statutes, is created
163 to read:

164 316.1921 Harassing, taunting, or throwing object at person
165 riding a bicycle.—It is unlawful to harass, taunt, or
166 maliciously throw an object at or in the direction of a person
167 riding a bicycle. A person who violates this section commits a
168 misdemeanor of the first degree, punishable by a fine of at
169 least \$250 or by imprisonment of not more than 30 days, or both.

170 Section 8. Section 316.1925, Florida Statutes, is amended
171 to read:

172 316.1925 Careless driving.—

173 (1) A ~~Any~~ person operating a vehicle upon the streets or
174 highways within the state shall drive the same in a careful and

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175 prudent manner, having regard for the width, grade, curves,
176 corners, traffic, and all other attendant circumstances, so as
177 not to endanger the life, limb, or property of any person. A
178 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
179 ~~constitute~~ careless driving and ~~a violation of this section.~~

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

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

186 Section 9. Section 318.142, Florida Statutes, is created to
187 read:

188 318.142 Infractions contributing to bodily injury of a
189 vulnerable user of a public roadway.—In addition to any other
190 penalty imposed for a violation under s. 316.083, s. 316.0833,
191 or s. 316.1925, if the violation contributed to the bodily
192 injury of a vulnerable user of a public roadway as defined in s.
193 316.003, the designated official shall impose a fine of not more
194 than \$2,000.

195 Section 10. Section 318.19, Florida Statutes, is amended to
196 read:

197 318.19 Infractions requiring a mandatory hearing.—Any
198 person cited for the infractions listed in this section shall
199 not have the provisions of s. 318.14(2), (4), and (9) available
200 to him or her but must appear before the designated official at
201 the time and location of the scheduled hearing:

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

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204 (2) Any infraction which results in a crash that causes
 205 "serious bodily injury" of another as defined in s. 316.1933(1);
 206 (3) Any infraction of s. 316.172(1)(b);
 207 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
 208 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 209 316.189 of exceeding the speed limit by 30 m.p.h. or more; or
 210 (6) Any infraction of s. 316.083, s. 316.0833, or s.
 211 316.1925 which contributes to bodily injury of a vulnerable user
 212 of a public roadway as defined in s. 316.003.

213 Section 11. Subsection (2) of section 322.0261, Florida
 214 Statutes, is amended to read:

215 322.0261 Driver improvement course; requirement to maintain
 216 driving privileges; failure to complete; department approval of
 217 course.—

218 (2) With respect to an operator convicted of, or who
 219 pleaded nolo contendere to, a traffic offense giving rise to a
 220 crash identified in paragraph (1)(a) or paragraph (1)(b), the
 221 department shall require that the operator, in addition to other
 222 applicable penalties, attend a department-approved driver
 223 improvement course in order to maintain his or her driving
 224 privileges. The department shall include in the course
 225 curriculum instruction specifically addressing the rights of
 226 vulnerable ~~road~~ users as defined in s. 316.003 ~~s. 316.027~~
 227 relative to vehicles on the roadway. If the operator fails to
 228 complete the course within 90 days after receiving notice from
 229 the department, the operator's driver license shall be canceled
 230 by the department until the course is successfully completed.

231 Section 12. Subsection (10) is added to section 322.26,
 232 Florida Statutes, to read:

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233 322.26 Mandatory revocation of license by department.—The
234 department shall forthwith revoke the license or driving
235 privilege of any person upon receiving a record of such person's
236 conviction of any of the following offenses:

237 (10) A violation of s. 316.0275.

238 Section 13. This act shall take effect October 1, 2015.

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