

By Senator Altman

16-00087-16

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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; amending s. 316.083,
6 F.S.; revising provisions relating to the passing of a
7 vehicle; creating s. 316.0833, F.S.; prohibiting
8 passing and turning in front of a vulnerable user in
9 an unsafe manner; providing penalties; amending s.
10 316.0875, F.S.; revising exceptions to provisions for
11 designated no-passing zones; amending s. 316.1925,
12 F.S.; revising provisions relating to careless
13 driving; creating s. 318.142, F.S.; providing fines
14 and penalties for specified infractions contributing
15 to bodily injury of a vulnerable user; amending s.
16 318.19, F.S.; requiring a hearing for specified
17 offenses; amending s. 322.0261, F.S.; conforming a
18 cross-reference; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsections (94) and (95) are added to section
23 316.003, Florida Statutes, to read:

24 316.003 Definitions.—The following words and phrases, when
25 used in this chapter, shall have the meanings respectively
26 ascribed to them in this section, except where the context
27 otherwise requires:

28 (94) BODILY INJURY.—

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

16-00087-16

2016332__

- 30 (b) Physical pain;
- 31 (c) Illness;
- 32 (d) Impairment of the function of a bodily member, organ,
- 33 or mental faculty; or
- 34 (e) Any other injury to the body, no matter how temporary.
- 35 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE
- 36 USER.—
- 37 (a) A pedestrian, including a person actually engaged in
- 38 work upon a highway, work upon utility facilities along a
- 39 highway, or the provision of emergency services within the
- 40 right-of-way;
- 41 (b) A person operating, or who is a passenger on, a
- 42 bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- 43 (c) A person riding an animal; or
- 44 (d) A person lawfully operating on a public roadway,
- 45 crosswalk, or shoulder of the roadway:
- 46 1. A farm tractor or similar vehicle designed primarily for
- 47 farm use;
- 48 2. A horse-drawn carriage;
- 49 3. An electric personal assistive mobility device; or
- 50 4. A wheelchair.

51 Section 2. Paragraph (b) of subsection (1) of section
 52 316.027, Florida Statutes, is amended to read:

53 316.027 Crash involving death or personal injuries.—

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

55 (b) "Vulnerable ~~road~~ user" has the same meaning as in s.
 56 316.003 means:

57 ~~1. A pedestrian, including a person actually engaged in~~
 58 ~~work upon a highway, or in work upon utility facilities along a~~

16-00087-16

2016332__

59 highway, or engaged in the provision of emergency services
60 within the right of way;

61 2. A person operating a bicycle, motorcycle, scooter, or
62 moped lawfully on the roadway;

63 3. A person riding an animal; or

64 4. A person lawfully operating on a public right of way,
65 crosswalk, or shoulder of the roadway:

66 a. A farm tractor or similar vehicle designed primarily for
67 farm use;

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

69 c. A horse drawn carriage;

70 d. An electric personal assistive mobility device; or

71 e. A wheelchair.

72 Section 3. Section 316.083, Florida Statutes, is amended to
73 read:

74 316.083 Overtaking and passing a vehicle.—The following
75 provisions ~~rules shall~~ govern the overtaking and passing of
76 vehicles proceeding in the same direction, ~~subject to those~~
77 ~~limitations, exceptions, and special rules hereinafter stated:~~

78 (1) The driver of a vehicle overtaking another vehicle
79 proceeding in the same direction shall give an appropriate
80 signal as provided for in s. 316.156, shall pass to the left
81 thereof at a safe distance, and may ~~shall~~ not again drive to the
82 right side of the roadway until safely clear of the overtaken
83 vehicle.

84 (2) The driver of a motor vehicle overtaking a person
85 operating a bicycle or other vulnerable user of a public roadway
86 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
87 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance

16-00087-16

2016332__

88 of not less than 3 feet between any part of or attachment to the
89 motor vehicle, anything extending from the motor vehicle, any
90 trailer or other thing being towed by the motor vehicle and the
91 bicycle, the person operating the bicycle, or other vulnerable
92 user nonmotorized vehicle.

93 ~~(3)~~ ~~(2)~~ Except when overtaking and passing on the right is
94 permitted, the driver of an overtaken vehicle shall give way to
95 the right in favor of the overtaking vehicle, on audible signal
96 or upon the visible blinking of the headlamps of the overtaking
97 vehicle if such overtaking is being attempted at nighttime, and
98 may shall not increase the speed of his or her vehicle until
99 completely passed by the overtaking vehicle.

100 ~~(4)~~ ~~(3)~~ A violation of this section is a noncriminal traffic
101 infraction, punishable as a moving violation as provided in
102 chapter 318. If a violation of this section contributed to the
103 bodily injury of a vulnerable user of a public roadway, the law
104 enforcement officer issuing the citation for the violation shall
105 note such information on the citation.

106 Section 4. Section 316.0833, Florida Statutes, is created
107 to read:

108 316.0833 Turning when passing vulnerable user.-

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

116 (2) A violation of subsection (1) is a noncriminal traffic

16-00087-16

2016332__

117 infraction, punishable as a moving violation as provided in
118 chapter 318. If a violation of subsection (1) contributed to the
119 bodily injury of a vulnerable user of a public roadway, the law
120 enforcement officer issuing the citation for the violation shall
121 note such information on the citation.

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

124 316.0875 No-passing zones.—

125 (3) This section does not apply:

126 (a) When an obstruction exists making it necessary to drive
127 to the left of the center of the highway;~~or~~

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

130 (c) When the driver of a motor vehicle is required to cross
131 pavement striping indicating a no-passing zone when passing a
132 vulnerable user of a public roadway in order to provide at least
133 3 feet between the motor vehicle and the vulnerable user.

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

136 316.1925 Careless driving.—

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

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

16-00087-16

2016332__

146 (2) If a violation under this section 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 7. Section 318.142, Florida Statutes, is created to
151 read:

152 318.142 Infractions contributing to bodily injury of a
153 vulnerable user of a public roadway.—In addition to any other
154 penalty imposed for a violation under s. 316.083, s. 316.0833,
155 or s. 316.1925, if the violation contributed to the bodily
156 injury of a vulnerable user of a public roadway as defined in s.
157 316.003, the designated official shall impose a fine of not more
158 than \$2,000.

159 Section 8. Section 318.19, Florida Statutes, is amended to
160 read:

161 318.19 Infractions requiring a mandatory hearing.—Any
162 person cited for the infractions listed in this section may
163 ~~shall~~ not have the provisions of s. 318.14(2), (4), and (9)
164 available to him or her but must appear before the designated
165 official at the time and location of the scheduled hearing:

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

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

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

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

172 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
173 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

174 (6) Any infraction of s. 316.083, s. 316.0833, or s.

16-00087-16

2016332__

175 316.1925 which contributes to bodily injury of a vulnerable user
176 of a public roadway as defined in s. 316.003.

177 Section 9. Subsection (2) of section 322.0261, Florida
178 Statutes, is amended to read:

179 322.0261 Driver improvement course; requirement to maintain
180 driving privileges; failure to complete; department approval of
181 course.-

182 (2) With respect to an operator convicted of, or who
183 pleaded nolo contendere to, a traffic offense giving rise to a
184 crash identified in paragraph (1)(a) or paragraph (1)(b), the
185 department shall require that the operator, in addition to other
186 applicable penalties, attend a department-approved driver
187 improvement course in order to maintain his or her driving
188 privileges. The department shall include in the course
189 curriculum instruction specifically addressing the rights of
190 vulnerable ~~road~~ users as defined in s. 316.003 ~~s. 316.027~~
191 relative to vehicles on the roadway. If the operator fails to
192 complete the course within 90 days after receiving notice from
193 the department, the operator's driver license shall be canceled
194 by the department until the course is successfully completed.

195 Section 10. This act shall take effect October 1, 2016.