

HB 1239

2017

1 A bill to be entitled
2 An act relating to school bus safety; providing a
3 short title; amending s. 316.027, F.S.; providing
4 mandatory noncriminal penalties for certain violations
5 resulting in serious bodily injury to or death of
6 another person; amending s. 318.18, F.S.; requiring a
7 fine and driver license suspension for such a
8 violation; amending s. 322.27, F.S.; requiring
9 imposition of points against a driver license for such
10 a violation; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. This act may be cited as the "Cameron Mayhew
15 Act."

16 Section 2. Subsection (4) of section 316.027, Florida
17 Statutes, is amended to read:

18 316.027 Crash involving death or personal injuries.—

19 (4) (a) In addition to any other civil, criminal, or
20 administrative penalty imposed, a person whose commission of a
21 noncriminal traffic infraction or a violation of this chapter or
22 s. 1006.66 causes or results in the death of another person may
23 be required by the court to serve 120 community service hours in
24 a trauma center or hospital that regularly receives victims of
25 vehicle accidents, under the supervision of a registered nurse,

26 | an emergency room physician, or an emergency medical technician
27 | pursuant to a voluntary community service program operated by
28 | the trauma center or hospital.

29 | (b) Notwithstanding paragraph (a), in addition to any
30 | other civil, criminal, or administrative penalty imposed, a
31 | person whose commission of a violation of s. 316.172(1)(a) or
32 | (b) causes or results in serious bodily injury to or death of
33 | another person shall be required by the court to:

34 | 1. Serve 120 community service hours in a trauma center or
35 | hospital that regularly receives victims of vehicle accidents,
36 | under the supervision of a registered nurse, an emergency room
37 | physician, or an emergency medical technician pursuant to a
38 | voluntary community service program operated by the trauma
39 | center or hospital.

40 | 2. Participate in a victim's impact panel session in a
41 | judicial circuit if such a panel exists, or if such a panel does
42 | not exist, attend a department-approved driver improvement
43 | course relating to the rights of vulnerable road users relative
44 | to vehicles on the roadway as provided in s. 322.0261(2).

45 | Section 3. Paragraph (d) is added to subsection (5) of
46 | section 318.18, Florida Statutes, to read:

47 | 318.18 Amount of penalties.—The penalties required for a
48 | noncriminal disposition pursuant to s. 318.14 or a criminal
49 | offense listed in s. 318.17 are as follows:

50 | (5)

51 (d) Notwithstanding any other provision of law to the
52 contrary, \$1,500 for a violation of s. 316.172(1)(a) or (b) that
53 causes or results in serious bodily injury to or death of
54 another. The person may enter into a payment plan with the clerk
55 of court pursuant to s. 28.246. In addition to this penalty, the
56 department shall suspend the driver license of the person for
57 not less than 1 year.

58 Section 4. Paragraph (d) of subsection (3) of section
59 322.27, Florida Statutes, is amended to read:

60 322.27 Authority of department to suspend or revoke driver
61 license or identification card.-

62 (3) There is established a point system for evaluation of
63 convictions of violations of motor vehicle laws or ordinances,
64 and violations of applicable provisions of s. 403.413(6)(b) when
65 such violations involve the use of motor vehicles, for the
66 determination of the continuing qualification of any person to
67 operate a motor vehicle. The department is authorized to suspend
68 the license of any person upon showing of its records or other
69 good and sufficient evidence that the licensee has been
70 convicted of violation of motor vehicle laws or ordinances, or
71 applicable provisions of s. 403.413(6)(b), amounting to 12 or
72 more points as determined by the point system. The suspension
73 shall be for a period of not more than 1 year.

74 (d) The point system shall have as its basic element a
75 graduated scale of points assigning relative values to

76 | convictions of the following violations:

77 | 1. Reckless driving, willful and wanton—4 points.

78 | 2. Leaving the scene of a crash resulting in property

79 | damage of more than \$50—6 points.

80 | 3. Unlawful speed, or unlawful use of a wireless

81 | communications device, resulting in a crash—6 points.

82 | 4. Passing a stopped school bus:

83 | a. Not causing or resulting in serious bodily injury to or

84 | death of another—4 points.

85 | b. Causing or resulting in serious bodily injury to or

86 | death of another—6 points.

87 | 5. Unlawful speed:

88 | a. Not in excess of 15 miles per hour of lawful or posted

89 | speed—3 points.

90 | b. In excess of 15 miles per hour of lawful or posted

91 | speed—4 points.

92 | 6. A violation of a traffic control signal device as

93 | provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

94 | However, no points shall be imposed for a violation of s.

95 | 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

96 | stop at a traffic signal and when enforced by a traffic

97 | infraction enforcement officer. In addition, a violation of s.

98 | 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

99 | stop at a traffic signal and when enforced by a traffic

100 | infraction enforcement officer may not be used for purposes of

101 setting motor vehicle insurance rates.

102 7. All other moving violations (including parking on a
103 highway outside the limits of a municipality)—3 points. However,
104 no points shall be imposed for a violation of s. 316.0741 or s.
105 316.2065(11); and points shall be imposed for a violation of s.
106 316.1001 only when imposed by the court after a hearing pursuant
107 to s. 318.14(5).

108 8. Any moving violation covered in this paragraph,
109 excluding unlawful speed and unlawful use of a wireless
110 communications device, resulting in a crash—4 points.

111 9. Any conviction under s. 403.413(6)(b)—3 points.

112 10. Any conviction under s. 316.0775(2)—4 points.

113 11. A moving violation covered in this paragraph which is
114 committed in conjunction with the unlawful use of a wireless
115 communications device within a school safety zone—2 points, in
116 addition to the points assigned for the moving violation.

117 Section 5. This act shall take effect July 1, 2017.