

By Senator Baxley

12-00486-19

2019158__

1 A bill to be entitled
2 An act relating to traffic offenses; creating s.
3 318.195, F.S.; providing a short title; providing
4 criminal penalties for a person who commits a moving
5 violation that causes serious bodily injury to, or
6 causes the death of, a vulnerable road user; requiring
7 that the person pay a specified fine, serve a minimum
8 period of house arrest, and attend a driver
9 improvement course; requiring that the court revoke
10 the person's driver license for a minimum specified
11 period; defining the term "vulnerable road user";
12 providing that the act does not prohibit the person
13 from being charged with, convicted of, or punished for
14 any other violation of law; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 318.195, Florida Statutes, is created to
20 read:

21 318.195 Enhanced penalties for moving violations causing
22 injury or death.-

23 (1) This section may be cited as the "Vulnerable Road User
24 Act."

25 (2) A person who commits a moving violation that causes
26 serious bodily injury, as defined in s. 316.1933, to a
27 vulnerable road user commits a misdemeanor of the second degree,
28 punishable as provided in s. 775.082 or s. 775.083, and, upon
29 conviction, shall pay a fine of not less than \$1,500, serve a

12-00486-19

2019158__

30 minimum of 30 days of house arrest, and attend a department-
31 approved driver improvement course relating to the rights of
32 vulnerable road users relative to vehicles on the roadway as
33 provided in s. 322.0261(2). The court shall also revoke the
34 person's driver license for at least 30 days.

35 (3) A person who commits a moving violation that causes the
36 death of a vulnerable road user commits a misdemeanor of the
37 first degree, punishable as provided in s. 775.082 or s.
38 775.083, and, upon conviction, shall pay a fine of not less than
39 \$5,000, serve a minimum of 180 days of house arrest, and attend
40 a department-approved driver improvement course relating to the
41 rights of vulnerable road users relative to vehicles on the
42 roadway as provided in s. 322.0261(2). The court shall also
43 revoke the person's driver license for at least 1 year.

44 (4) As used in this section, the term "vulnerable road
45 user" means any of the following:

46 (a) A pedestrian, including a person actually engaged in
47 work upon a highway, or in work upon utility facilities along a
48 highway, or engaged in the provision of emergency services
49 within the right-of-way.

50 (b) A person lawfully operating a bicycle, motorcycle,
51 scooter, or moped on the roadway.

52 (c) A person riding an animal.

53 (d) A person lawfully operating any of the following on a
54 public right-of-way, crosswalk, or shoulder of the roadway:

55 1. A farm tractor or similar vehicle designed primarily for
56 farm use.

57 2. A skateboard, roller skates, or in-line skates.

58 3. A horse-drawn carriage.

12-00486-19

2019158__

59 4. An electric personal assistive mobility device.

60 5. A wheelchair.

61 (5) This section does not prohibit a person from being
62 charged with, convicted of, or punished for any other violation
63 of law.

64 Section 2. This act shall take effect July 1, 2019.