

By Senator Altman

24-00532-12

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1 A bill to be entitled
2 An act relating to motor vehicles; providing a short
3 title; creating s. 316.3035, F.S.; prohibiting a
4 person younger than 18 years of age from operating a
5 motor vehicle while using a wireless communications
6 device or telephone; providing exceptions; providing
7 for enforcement as a secondary action; providing a
8 penalty; amending s. 318.14, F.S.; providing
9 procedures for a citation issued following a violation
10 of certain restrictions, to conform to changes made by
11 the act; amending s. 318.1451, F.S.; requiring that
12 the course content of driver improvement schools
13 include awareness training about using certain
14 electronic devices while driving; authorizing the
15 Department of Highway Safety and Motor Vehicles to
16 update course content requirements; amending s.
17 320.02, F.S.; providing for a voluntary check-off on
18 motor vehicle registration forms to make a
19 contribution to the Auto Club South Traffic Safety
20 Foundation; amending s. 322.0261, F.S.; requiring
21 course content of driver improvement schools to
22 include awareness training about using certain
23 electronic devices while driving; authorizing the
24 department to update course content requirements;
25 amending s. 322.08, F.S.; providing for a voluntary
26 check-off on the driver license application forms to
27 make a contribution to the Auto Club South Traffic
28 Safety Foundation; amending s. 322.095, F.S.;
29 requiring traffic law and substance abuse education

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30 program content to include awareness of using certain
31 electronic devices while driving; authorizing the
32 department to update course content requirements;
33 amending s. 322.16, F.S.; restricting the number of
34 passengers under the age of 18 permitted in a vehicle
35 operated by a person under the age of 18 unless
36 accompanied by a driver at least 21 years of age;
37 providing exceptions; providing for secondary
38 enforcement; providing penalties; providing for
39 applicability; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. This act may be cited as the "Minor Traffic
44 Safety Act."

45 Section 2. Section 316.3035, Florida Statutes, is created
46 to read:

47 316.3035 Wireless communications devices prohibited;
48 persons under 18.-

49 (1) (a) A person younger than 18 years of age may not
50 operate a motor vehicle while using a wireless communications
51 device or telephone in any manner.

52 (b) This subsection does not apply to a person using a
53 wireless communications device to:

- 54 1. Report illegal activity;
55 2. Summon medical or other emergency help; or
56 3. Prevent injury to a person or damage to property.

57 (2) Enforcement of this section by state or local law
58 enforcement agencies must be accomplished only as a secondary

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59 action when an operator of a motor vehicle has been detained for
60 a suspected violation of another provision of this chapter,
61 chapter 320, or chapter 322.

62 (3) A person who violates this section commits a
63 noncriminal traffic infraction, punishable as a nonmoving
64 violation as provided in chapter 318, and shall have his or her
65 driver license suspended for 30 days as set forth in s. 322.27.

66 Section 3. Subsection (1) of section 318.14, Florida
67 Statutes, is amended to read:

68 318.14 Noncriminal traffic infractions; exception;
69 procedures.—

70 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
71 person cited for a violation of chapter 316, s. 320.0605, s.
72 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~
73 (3), or (4), s. 322.1615, s. 322.19, or s. 1006.66(3) is charged
74 with a noncriminal infraction and must be cited for such an
75 infraction and cited to appear before an official. If another
76 person dies as a result of the noncriminal infraction, the
77 person cited may be required to perform 120 community service
78 hours under s. 316.027(4), in addition to any other penalties.

79 Section 4. Paragraph (a) of subsection (2) of section
80 318.1451, Florida Statutes, is amended to read:

81 318.1451 Driver improvement schools.—

82 (2)(a) In determining whether to approve the courses
83 referenced in this section, the department shall consider course
84 content designed to promote safety, driver awareness, crash
85 avoidance techniques, awareness of the risks associated with
86 using handheld electronic communication devices while operating
87 a motor vehicle, and other factors or criteria to improve driver

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88 performance from a safety viewpoint. The department is
89 authorized to require that course curricula be updated to meet
90 evolving driver-safety issues.

91 Section 5. Paragraph (o) is added to subsection (15) of
92 section 320.02, Florida Statutes, to read:

93 320.02 Registration required; application for registration;
94 forms.—

95 (15)

96 (o) Notwithstanding s. 26 of chapter 2010-223, Laws of
97 Florida, the application form for motor vehicle registration and
98 renewal registration must include a provision permitting a
99 voluntary contribution of \$1 or more per applicant, to be
100 distributed to the Auto Club South Traffic Safety Foundation, a
101 nonprofit organization. Funds received by the foundation shall
102 be used to improve traffic safety culture in communities through
103 effective outreach, education, and activities that will save
104 lives, reduce injuries, and prevent crashes. The foundation must
105 comply with s. 320.023.

106
107 For the purpose of applying the service charge provided in s.
108 215.20, contributions received under this subsection are not
109 income of a revenue nature.

110 Section 6. Subsection (5) of section 322.0261, Florida
111 Statutes, is amended to read:

112 322.0261 Driver improvement course; requirement to maintain
113 driving privileges; failure to complete; department approval of
114 course.—

115 (5) In determining whether to approve a driver improvement
116 course for the purposes of this section, the department shall

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117 consider course content designed to promote safety, driver
118 awareness, crash avoidance techniques, awareness of the risks
119 associated with using handheld electronic communication devices
120 while operating a motor vehicle, and other factors or criteria
121 to improve driver performance from a safety viewpoint. The
122 department is authorized to require that course curricula be
123 updated to meet evolving driver safety issues.

124 Section 7. Subsection (7) of section 322.08, Florida
125 Statutes, is amended to read:

126 322.08 Application for license; requirements for license
127 and identification card forms.—

128 (7) The application form for an original, renewal, or
129 replacement driver ~~driver's~~ license or identification card shall
130 include language permitting the following:

131 (a) A voluntary contribution of \$1 per applicant, which
132 contribution shall be deposited into the Health Care Trust Fund
133 for organ and tissue donor education and for maintaining the
134 organ and tissue donor registry.

135 (b) A voluntary contribution of \$1 per applicant, which
136 contribution shall be distributed to the Florida Council of the
137 Blind.

138 (c) A voluntary contribution of \$2 per applicant, which
139 shall be distributed to the Hearing Research Institute,
140 Incorporated.

141 (d) A voluntary contribution of \$1 per applicant, which
142 shall be distributed to the Juvenile Diabetes Foundation
143 International.

144 (e) A voluntary contribution of \$1 per applicant, which
145 shall be distributed to the Children's Hearing Help Fund.

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146 (f) A voluntary contribution of \$1 per applicant, which
147 shall be distributed to Family First, a nonprofit organization.

148 (g) A voluntary contribution of \$1 per applicant to Stop
149 Heart Disease, which shall be distributed to the Florida Heart
150 Research Institute, a nonprofit organization.

151 (h) A voluntary contribution of \$1 per applicant to Senior
152 Vision Services, which shall be distributed to the Florida
153 Association of Agencies Serving the Blind, Inc., a not-for-
154 profit organization.

155 (i) A voluntary contribution of \$1 per applicant for
156 services for persons with developmental disabilities, which
157 shall be distributed to The Arc of Florida.

158 (j) A voluntary contribution of \$1 to the Ronald McDonald
159 House, which shall be distributed each month to Ronald McDonald
160 House Charities of Tampa Bay, Inc.

161 (k) Notwithstanding s. 322.081, a voluntary contribution of
162 \$1 per applicant, which shall be distributed to the League
163 Against Cancer/La Liga Contra el Cancer, a not-for-profit
164 organization.

165 (l) A voluntary contribution of \$1 per applicant to Prevent
166 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
167 Inc., a nonprofit organization.

168 (m) A voluntary contribution of \$1 per applicant, which
169 shall be distributed to Prevent Blindness Florida, a not-for-
170 profit organization, to prevent blindness and preserve the sight
171 of the residents of this state.

172 (n) Notwithstanding s. 322.081, a voluntary contribution of
173 \$1 per applicant to the state homes for veterans, to be
174 distributed on a quarterly basis by the department to the State

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175 Homes for Veterans Trust Fund, which is administered by the
176 Department of Veterans' Affairs.

177 (o) A voluntary contribution of \$1 per applicant to the
178 Disabled American Veterans, Department of Florida, which shall
179 be distributed quarterly to Disabled American Veterans,
180 Department of Florida, a nonprofit organization.

181 (p) Notwithstanding s. 26 of chapter 2010-223, Laws of
182 Florida, a voluntary contribution of \$1 or more per applicant to
183 the Auto Club South Traffic Safety Foundation, a nonprofit
184 organization. Funds received by the foundation shall be used to
185 improve traffic safety culture in communities through effective
186 outreach, education, and activities that will save lives, reduce
187 injuries, and prevent crashes. The foundation must comply with
188 s. 322.081.

189
190 A statement providing an explanation of the purpose of the trust
191 funds shall also be included. For the purpose of applying the
192 service charge provided in s. 215.20, contributions received
193 under paragraphs (b)-(p) ~~(b)-(e)~~ are not income of a revenue
194 nature.

195 Section 8. Subsection (1) of section 322.095, Florida
196 Statutes, is amended to read:

197 322.095 Traffic law and substance abuse education program
198 for driver's license applicants.—

199 (1) The Department of Highway Safety and Motor Vehicles
200 must approve traffic law and substance abuse education courses
201 that must be completed by applicants for a Florida driver
202 ~~driver's~~ license. The curricula for the courses must provide
203 instruction on the physiological and psychological consequences

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204 of the abuse of alcohol and other drugs, the societal and
205 economic costs of alcohol and drug abuse, the effects of alcohol
206 and drug abuse on the driver of a motor vehicle, awareness of
207 the risks associated with using handheld electronic
208 communication devices while operating a motor vehicle, and the
209 laws of this state relating to the operation of a motor vehicle.
210 All instructors teaching the courses shall be certified by the
211 department. The department is authorized to require that course
212 curricula be updated to meet evolving driver safety issues.

213 Section 9. Present subsections (4), (5), and (6) of section
214 322.16, Florida Statutes, are renumbered as subsections (5),
215 (6), and (7), respectively, and amended, and a new subsection
216 (4) is added to that section, to read:

217 322.16 License restrictions.—

218 (4) (a) A person who has not attained 18 years of age may
219 not operate a motor vehicle while more than three passengers are
220 in the vehicle who have not attained 18 years of age unless
221 accompanied by a driver who holds a valid license to operate the
222 type of vehicle being operated and who is at least 21 years of
223 age. This subsection does not apply to passengers who are
224 siblings or children of the driver, whether related by whole or
225 half blood, by affinity, or by adoption.

226 (b) State and local law enforcement agencies shall enforce
227 this subsection only as a secondary action when the driver of a
228 motor vehicle has been detained for a suspected violation of
229 another section of this chapter, chapter 316, or chapter 320.

230 (c) This subsection applies to any person younger than 18
231 years of age who is issued a driver license on or after October
232 1, 2012.

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233 (5)~~(4)~~ The department may, upon receiving satisfactory
234 evidence of any violation of the restriction upon such a
235 license, except a violation of paragraph (1)(d), subsection (2),
236 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
237 license, but the licensee is entitled to a hearing as upon a
238 suspension or revocation under this chapter.

239 (6)~~(5)~~ It is a misdemeanor of the second degree, punishable
240 as provided in s. 775.082 or s. 775.083, for any person to
241 operate a motor vehicle in any manner in violation of the
242 restrictions imposed under paragraph (1)(c).

243 (7)~~(6)~~ Any person who operates a motor vehicle in violation
244 of the restrictions imposed under paragraph (1)(a), paragraph
245 (1)(b), subsection (2), ~~or~~ subsection (3), or subsection (4)
246 will be charged with a moving violation and fined in accordance
247 with chapter 318.

248 Section 10. This act shall take effect July 1, 2012.