By Senator Bullard

39-1617-05 See HB

A bill to be entitled 2 An act relating to driver license restrictions; amending s. 322.16, F.S.; restricting the 3 4 number of certain passengers permitted in a 5 vehicle operated by a person under a certain 6 age; providing for exceptions; providing 7 penalties; amending s. 318.14, F.S.; providing citation procedures for violation of said 8 restrictions; amending s. 322.05, F.S.; 9 10 providing for application of said restrictions to requirements for issuance of driver 11 12 licenses; providing an effective date. 13 Be It Enacted by the Legislature of the State of Florida: 14 15 Section 1. Subsections (4), (5), and (6) of section 16 17 322.16, Florida Statutes, are amended and renumbered as 18 subsections (5), (6), and (7), respectively, and a new subsection (4) is added to that section, to read: 19 322.16 License restrictions.--20 (4) A person who holds a driver's license who is under 2.1 22 18 years of age shall not operate a motor vehicle with more 23 than one passenger in the vehicle who is under 18 years of age, unless any additional passenger or passengers under 18 2.4 years of age are siblings or children of the driver, whether 25 26 related by the whole or half blood, by affinity, or by 27 adoption. 28 (5) (4) The department may, upon receiving satisfactory 29 evidence of any violation of the restriction upon such a license, except a violation of paragraph (1)(d), subsection 30 (2), or subsection (3), or subsection (4), suspend or revoke

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the license, but the licensee is entitled to a hearing as upon 2 a suspension or revocation under this chapter. (6)(5) It is a misdemeanor of the second degree, 3 punishable as provided in s. 775.082 or s. 775.083, for any 4 person to operate a motor vehicle in any manner in violation 5 of the restrictions imposed in a license issued to him or her 7 except for a violation of paragraph (1)(d), subsection (2), or 8 subsection (3), or subsection (4). 9 (7) (6) Any person who operates a motor vehicle in violation of the restrictions imposed in subsection (2), or 10 subsection (3), or subsection (4) commits a noncriminal 11 12 traffic infraction, punishable as will be charged with a 13 moving violation as provided in and fined in accordance with chapter 318. 14 Section 2. Subsection (1) of section 318.14, Florida 15 16 Statutes, is amended to read: 17 318.14 Noncriminal traffic infractions; exception; 18 procedures.--19 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any person cited for a violation of chapter 316, s. 320.0605, 20 21 s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 22 322.16(2), or (3), or (4), s. 322.161(5), s. 322.19, or s. 23 1006.66(3) is charged with a noncriminal infraction and must be cited for such an infraction and cited to appear before an 2.4 official. If another person dies as a result of the 2.5 26 noncriminal infraction, the person cited may be required to 27 perform 120 community service hours under s. 316.027(4), in 2.8 addition to any other penalties. Section 3. Subsection (4) of section 322.05, Florida 29 30 Statutes, is amended to read:

322.05 Persons not to be licensed.--The department may not issue a license: (4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, Class C licensee, or Class D licensee, who is under the age of 18 years of age. A person age 16 or 17 years of age who applies for a Class D driver's license is subject to all the requirements and provisions of paragraphs (2)(a) and (b) and ss. 322.09 and 322.16(2), and (3), and (4). The department may require of any such applicant for a Class D driver's license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper. Section 4. This act shall take effect October 1, 2005.